

11 November 2012

Racial Discrimination in Zimbabwe: A systematic program of abuse

"Our party must continue to strike fear in the heart of the white man, they must tremble.... The white man is not indigenous to Africa. Africa is for Africans.... The white man is part of "an evil alliance."

President Mugabe, speaking at the ZANU PF Congress in December 2000



Commercial farmer Terry Ford
Murdered on Gowrie farm, Norton, in March 2002

"The only language that the mabhunu (white man) will understand is the language of the gun. The more you kill, the nearer you get to your objective."
President Mugabe, 14 June 1986

White farmers are *"hard-hearted, you would think they were Jews"*.
President Mugabe, 1992

"They (white farmers) will not be treated like special creatures. Why should they be treated as if they are next to God? If anything, they are next to he who commands evil and resides in [the] inferno."
President Mugabe, 2001

"Whites are not human beings"
Vice-President Joseph Msika, August 2001

"Yes there are hardships but if they (white industrialists) leave, it's a good thing, because we will take over the companies. To those of you who support whites, we say down with you."
President Mugabe, Bulawayo, September 2001

PRESIDENT MUGABE'S RUTHLESS STRATEGIES TO RETAIN POWER

Historical Context

Robert Mugabe rose to prominence in 1976 during the liberation war when Rhodesia's neighbours, Zambia, Mozambique, Angola and Botswana, known as the front-line states, agitated for unity between the ZANLA¹ and ZIPRA² forces, urging that they be united as the Zimbabwe People's Army (ZIPA). This took place under the leadership of Rex Nhongo (the late General Solomon Mujuru). When Mozambican President Samora Machel insisted on the appointment of a ZANU leader in the number two position, Robert Mugabe was finally agreed upon, despite Machel's reservations and the fact that Mugabe was not well known at the time.

Machel's reservations proved to be valid. Mugabe wasted little time in dissolving ZIPA and abolishing all the joint organisations between the liberation movements. "Gradually," explained Wilfred Mhanda, a senior ZANLA commander, in an interview in 2001, "we realised that we had made a terrible mistake. I now greatly regret it, as do the other members of the Zimbabwe Liberators' Platform. He was arrogant, paranoid, secretive and only interested in power. And he didn't want unity at all since he was scared that (Joshua) Nkomo, as the senior African nationalist, would take over a united movement."³

In his book, *Dzino – Memories of a Freedom Fighter*, Mhanda noted that soon after Mugabe's appointment, they got some revealing glimpses of his personality. "Cunning and clever" ... he was stoking the fires behind the scenes and using (Edgar) Tekere as a pawn to test the waters."⁴

In an interview in August 2011 with Short Wave Radio Africa, Mhanda described Mugabe as "... intolerant of divergent views, he is single-minded, he is preoccupied about his position of power. He's more interested in securing his power than anything else, that for him is the *raison d'être*, it's the over-riding consideration..."

After the British-mediated Geneva conference (October-December 1976), Mugabe persuaded Machel – who had finally been reconciled to his being ZANU leader - to arrest approximately 600 fighters and the 50 top commanders, whom he knew were critical of him, (including Mhanda). He claimed this was necessary to head off military rebellion. They were incarcerated for six months in a filthy, lice-infested jail and were effectively starved.⁵

Without blankets in winter, many fell ill with fevers – conditions which Mhanda described in an interview with South Africa's Helen Suzman Foundation as being virtually identical to those on slave ships. Afterwards they spent two years in a former Portuguese military camp before their release, which was part of the independence deal.⁶

¹ Zimbabwe National Liberation Army, the military wing of the Zimbabwe African National Union (ZANU)

² Zimbabwe People's Revolutionary Army, the military wing of the Zimbabwe African People's Union (ZAPU)

³ R.W. Johnson, "How Mugabe Came to Power", London Review of Books, 2001:

http://www.lrb.co.uk/v23/n04/print/john01_.html

⁴ Wilfred Mhanda, "Memories of a Freedom Fighter", Weaver Press, pg 139, ©Wilfred Mhanda 2011

⁵ Helen Suzman Foundation interview, "Wilfred Mhanda, former freedom fighter," Focus issue 20, Dec 2000:

<http://www.hsf.org.za/resource-centre/focus/issues-11-20/issue-20-fourth-quarter-2000/interview-wilfred-mhanda-former-freedom-fighter>

⁶ Helen Suzman Foundation interview, "Wilfred Mhanda, former freedom fighter," Focus issue 20, Dec 2000:

Calls for Negotiations to End the War

“By 1979, the guerrilla war had spread to every rural area of Rhodesia. Main roads and railways were under frequent attack.... As the war intensified, Britain launched one last initiative to find a solution, calling for negotiations at a conference to be held in London....

Once again Mugabe saw no need to attend. (But) yet again (he) faced the wrath of African presidents. Both President Samora Machel and President Kenneth Kaunda insisted that so damaging were Rhodesian raids on guerrilla bases and supply lines in Mozambique and Zambia that they could no longer afford to support the war effort. Machel ... was blunt: If Mugabe refused to go to London and explore negotiations, then he would close down the liberation war. Mugabe was furious (but) gave in and arrived in London in September 1979.”⁷

“Although Mugabe balked at accepting the ceasefire arrangements of the Lancaster House Agreement, an envoy from Machel told him “Mozambique would make no more sacrifices for a war that could be won at the conference table.”⁸

“Mugabe was resentful about the outcome of the conference. ‘As I signed this document, I was not a happy man at all. I felt we had been cheated to some extent, that we had agreed to a deal which would to some extent rob us of victory we hoped we would achieve in the field.’”⁹

“In Mozambique, shortly before Mugabe’s return to Salisbury, Machel had intervened to warn ZANU against fighting the election on a revolutionary platform. Machel himself was still struggling to overcome the massive disruption caused in Mozambique at independence in 1975 by the exodus of whites fleeing from the Marxist regime he had instituted. Addressing members of ZANU’s central committee, Machel was blunt. ‘Don’t play make-believe Marxist games when you get home,’ he said. ‘You will face ruin if you force the whites there into precipitate flight.’”¹⁰

Consequently, Mugabe’s manifesto was stripped of all reference to Marxism and revolution:

‘ZANU wishes to give the fullest assurance to the white community, the Asian and coloured communities that a ZANU government can never in principle or in social or government practice, discriminate against them. Racism, whether practised by whites or blacks, is anathema to the humanitarian philosophy of ZANU. It is as primitive a dogma as tribalism or regionalism. Zimbabwe cannot just be a country of blacks. It is and should remain our country, all of us together’.

<http://www.hsf.org.za/resource-centre/focus/issues-11-20/issue-20-fourth-quarter-2000/interview-wilfred-mhanda-former-freedom-fighter>

⁷ “Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe” by Martin Meredith, 2002:

<http://jonathanball.bookslive.co.za/blog/2008/02/28/merediths-mugabe-puts-a-despot-under-scrutiny/>

⁸ “Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe” by Martin Meredith, 2002:

<http://jonathanball.bookslive.co.za/blog/2008/02/28/merediths-mugabe-puts-a-despot-under-scrutiny/>

⁹ “Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe” by Martin Meredith, 2002:

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¹⁰ “Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe” by Martin Meredith, 2002:

<http://jonathanball.bookslive.co.za/blog/2008/02/28/merediths-mugabe-puts-a-despot-under-scrutiny/>

The Election Results - March 4, 1980

March 4, 1980: "That evening, Mugabe appeared on television.... (and) called for stability, national unity and law and order; promised that pensions would be guaranteed; and pledged that private property would be protected.

*'There is no intention on our part to use our majority to victimise the minority. We will ensure there is a place for everyone in this country.... Let us deepen our sense of belonging and engender a common interest that knows no race, colour or creed.'*¹¹

Independence Speech - April 17, 1980

In a conciliatory speech made on April 17, 1980 - the eve of independence, President Mugabe said:

"Our new nation requires of every one of us to be a new man, with a new mind, a new heart and a new spirit. Our new mind must have a new vision and our new hearts a new love that spurns hate, and a new spirit that must unite and not divide."

He went on to urge that all Zimbabweans embrace this new ethos towards a peaceful and successful nation, cemented in love and forgiveness. He held such forgiveness as a high priority, stating:

"If yesterday I fought as an enemy, today you have become a friend and ally with the same national interest, loyalty, rights and duties as myself."

"The wrongs of the past must now stand forgiven and forgotten. If ever we look to the past, let us do so for the lesson the past has taught us, namely that oppression and racism are inequities that must never again find scope in our political and social system. It could never be a correct justification that because whites oppressed us yesterday when they had power, the blacks must oppress them today because they have power."

*"An evil remains an evil whether practiced by white against black or by black against white. Our majority rule could easily turn into inhuman rule if we oppressed, persecuted or harassed those who do not look or think like the majority of us...."*¹²

The Crime of Opposing Mugabe

"The callousness that Mugabe displayed against ZIPA for no other crime than speaking their minds resurfaced after independence during the Gukurahundi period (1982-7) in his quest to destroy ZAPU, and more than two decades later when he faced a stiff challenge in the form of a new vibrant opposition party, the Movement for Democratic Change," wrote Mhanda in his book.

"This lesson should not be lost on anyone. Robert Mugabe has always been intolerant of divergent views and will brook no opposition. He has always been single-minded in his pursuit of power and will, in that regard, deal decisively with any obstacle, real or perceived."¹³

¹¹ "Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe" by Martin Meredith, 2002, Page 13:

<http://jonathanball.bookslive.co.za/blog/2008/02/28/merediths-mugabe-puts-a-despot-under-scrutiny/>

¹² Independence Day speech, 17 April, 1980: SW Radio Africa, <http://www.swradioafrica.com/mugabes-independence-day-speech>

¹³ Wilfred Mhanda, "Memories of a Freedom Fighter", Weaver Press, pg 181, ©Wilfred Mhanda 2011

Gukurahundi – 1892-1987

Gukurahundi, a Shona word which means "the early rain which washes away the chaff before the spring rains", refers to the brutal massacres carried out by President Mugabe's North Korean-trained 5th Brigade in the predominantly Ndebele regions of Zimbabwe, most of which were supporters of Joshua Nkomo, the leader of ZAPU. About 20 000 people from Matabeleland and the Midlands died in horrific ways or disappeared in the conflict. Some of the bodies were thrown down disused mine shafts and have never been found. The violence ended after ZANU and ZAPU reached a unity agreement on 22 December 1987 that merged the two parties to form one party known as ZANU PF.

"History is littered with events that clearly show Robert Mugabe was always a dictator, mind, body and soul," wrote Lance Guma of SW Radio Africa in a 2009 article titled, "*Gukurahundi Massacres: Lessons Drenched in Blood*". "Since assuming the captaincy of the Zimbabwean ship in April 1980, he has never tolerated opposition to his rule in whatever form. Political scientists contend he set sail well but somehow lost the compass midway hence the current sinking ship. Events however, tell a different story,"¹⁴

"If the world is surprised at Mugabe's behaviour it is because it failed to understand his intolerance from the word go. Mugabe is as predictable as the rising sun and none know this more than those who have borne the brunt of his brute," Guma warned.¹⁵

In September 2010, the Gukurahundi massacres were classified as a genocide by the internationally recognised group Genocide Watch.

The Language of Racism

The language of racism has been used relentlessly by President Robert Mugabe, his ZANU PF government ministers, officials and ZANU PF groupings over many years and has now become endemic. Faced with rapidly waning popularity from the mid 1990s as discontent over the government's manifest corruption and inefficiency spread, President Mugabe has continuously sought scapegoats, lashing out at white people and then with increasing vitriol at the newly formed opposition Movement for Democratic Change (MDC) party led by trade unionist Morgan Tsvangirai.

The Rise and Threat of the Movement for Democratic Change

When the MDC was formed in September 1999, it represented the first real threat challenge to President Mugabe's power entrenched through fear since the Gukurahundi massacres.

"By 2000," wrote author and journalist Martin Meredith in his book, "*Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe*", "Zimbabweans were generally worse off than they had been at independence: average wages were lower, unemployment had trebled, public services were crumbling and life expectancy was falling."¹⁶

¹⁴ Lance Guma, "Gukurahundi Massacres: Lessons Drenched in Blood", SW Radio Africa, 12 Nov 2009: <http://www.newzimbabwe.com/pages/gukgenocide11.12299.html>

¹⁵ Lance Guma, "Gukurahundi Massacres: Lessons Drenched in Blood", SW Radio Africa, 12 Nov 2009: <http://www.newzimbabwe.com/pages/gukgenocide11.12299.html>

¹⁶ "Robert Mugabe: Power, Plunder and Tyranny in Zimbabwe" by Martin Meredith, 2002: <http://jonathanball.bookslive.co.za/blog/2008/02/28/merediths-mugabe-puts-a-despot-under-scrutiny/>

The MDC was increasingly viewed by both blacks and whites as an alternative to Mugabe and ZANU PF after three decades in power. This called for a combined strategy, so while Mugabe continued to accuse whites of being racists, he accused MDC leader Morgan Tsvangirai of being a “*stooge of the whites*”. He also derisively dubbed Tsvangirai “*a white man masquerading as a black*” and “*a tea boy for his white boss*”.

As opposition to his rule mounted, Mugabe proclaimed his determination to stay in power whatever the cost at a state banquet in 2000. “*I do not want to be overthrown and I will try to overthrow those who want to overthrow me,*” he said.

“... He claimed his ‘revolution’ was under attack from his old enemies: the whites, the British and the West. It was the whites who were responsible for Zimbabwe’s economic plight, he told a party congress. ‘*They are trying to sabotage the economy in their fight against the government*’. He urged supporters to ‘*strike fear into the hearts of the white man, our real enemy*,’” wrote Meredith.

Constitutional Referendum Defeat - February 2000

In February 2000, President Mugabe lost a referendum that would have further entrenched his power. It would also have empowered the government to seize farms owned by white commercial farmers, without compensation, and transfer them to black farm owners as part of a scheme of “land reform”. The defeat was unexpected and was taken as a personal rebuff for President Robert Mugabe and a political triumph for the newly formed opposition MDC.

Mugabe realised that dictatorship and the rule by fear had to be re-established if the opposition was to be stamped out. The racial program against the whites that immediately unfolded was a vital component of this strategy.

A ZANU PF MP said in the wake of the rejection of the Government proposed constitution in the referendum in 2000:

“Let me assure you whites here, that once you support MDC, ZANU is not going to treat you as business people, but as politicians. Then if you are treated as politicians, it is like signing your own death warrants. The political storm will not spare you. Let you be informed that our reserve force, the war veterans, will be set on you.”

Roy Bennett, the MDC’s exiled treasurer-general, says the reasons for the invasion of white commercial farms were two-fold:

1. *First of all it was an electoral gimmick. ZANU PF hoped that a free-for-all on white farms would help it recover some lost support.*
2. *Secondly, some of the MDC’s key support structures were on white farms.... A very large proportion of the million-strong white farm workforce were anti-ZANU PF and were working with their employers. This rural constituency threatened not only to make inroads into ZANU PF’s traditional rural support base but it was merging with the MDC’s strong urban labour structures in what was looking to be a powerful and well-balanced opposition.*

*ZANU decided that it had to break these linkages. The white farmers had to be disrupted or driven off the land and their workers scattered.*¹⁷

Within days, Mugabe sent gangs of party activists, so-called 'war veterans' - although most were too young to have participated in the struggle for independence – to rural areas to violently seize control of white-owned commercial farms.

"All black opponents he denounced as mere dupes of the whites, and he gave 'war veterans' licence to attack and terrorise opposition supporters at will," wrote Meredith.

At the beginning of 2000, white commercial farmers owned approximately 18 percent of the land in the country. This percentage had dropped from approximately 30 percent at independence in 1980. All land transfers up to that time had been undertaken legally – either with "black" people or with Government purchasing the properties. In 2000, after the violent land invasions, the "transfer" of land took place without any legal process or compensation being paid.

Enemies of the State

The day after Zimbabwe's 20th anniversary of independence (April 14, 2000), the Guardian newspaper (UK) reported on the escalating farm violence:

"President Mugabe branded Zimbabwe's white farmers '*enemies of the state*' yesterday, inflaming an increasingly volatile situation that saw the second murder of a white farmer and attacks on opposition supporters."¹⁸

"As further violence engulfed the nation ... a white farmer was killed by supporters of Mr Mugabe, a black foreman was reported to have been killed, another farmer was beaten and abducted and scores of civilians were intimidated by government agents.

"Mr Mugabe used the anniversary to announce on state television and radio: '*Our present state of mind is that you [white farmers] are now our enemies because you have really behaved as enemies of Zimbabwe.... "Until the whites transform positively and really show that they are allies who are prepared to live side by side with us, we will consider them as enemies,*' Mugabe warned."¹⁹

¹⁷ Roy Bennett speech, "Smoke and Mirrors: Another Look at Politics and Ethnicity in Zimbabwe", speech at Rhodes House, Oxford, 29 May 2012:

http://files.rhodes.ghethifi.com/Speech_by_Roy_Bennett_Oxford_University_29_May_2012.pdf

¹⁸ The Guardian, "Mugabe stokes the fires of resentment", 19 April 2000:

<http://www.guardian.co.uk/world/2000/apr/19/zimbabwe.garyyounge1>

¹⁹ The Chronicle, 19 April 2000: <http://www.hrforumzim.org/reports/special-reports/their-words-condemn>



Commercial Farmer Iain Kay was attacked and severely injured on his Marondera farm in April 2000.

In December 2000, Mugabe told the ZANU PF congress that the white commercial farmers had “*declared war*” on the people of Zimbabwe. He said that the white man was “*not indigenous*” to Africa and was part of an “*evil alliance*”.

After a meeting in March 2001, the Conference of Religious Superiors of the Catholic Church in Zimbabwe noted, ‘This is no longer a free country.... People now live in abject fear of violence, crime and threats. The Rule of Law is no longer respected; terror and intimidation go unpunished.’

Four months later, in July 2001, Minister of Justice Legal and Parliamentary Affairs Patrick Chinamasa told concerned church leaders at the Victoria Falls, “*Violence is a necessary tool for a successful land reform programme.*”

“During a rally in Bulawayo the following month, the late Joseph Msika, the Vice-President, took racist rhetoric to a new level,” wrote The Telegraph in Msika’s obituary. “Mugabe would routinely refer to white Zimbabweans as ‘*greedy exploiters*’. But Msika bluntly declared: ‘*Whites are not human beings*,’” The Telegraph said.²⁰

Television footage the same month recorded Philip Chiyangwa, the former ZANU PF MP for Chinhoyi, inciting party youths on commercial farms in his constituency. Shot by ZTV, and screened on BBC Channel 4, he told the youths: “*If you get hold of MDC supporters, beat them until they are dead. Burn their farms and their workers’ houses, then run away fast and we will then blame the burning of the workers’ houses on the whites. Report to the police, because they are ours.*”

In September 2001, speaking at a textile company in Bulawayo, owned by a prominent Jewish family, President Mugabe said: “*Jews in South Africa, working in cahoots with their colleagues here, want our textile and clothing factories to close down.*” When these remarks drew accusations of anti-Semitism, he refused to apologise.²¹

In an impromptu speech in the Bulawayo city centre during the same visit, President Mugabe urged people to back his bid to seize white-owned land and declared: “*Yes, there are hardships, but if they*

²⁰ The Telegraph, “Joseph Msika”, 5 Aug 2009: <http://www.telegraph.co.uk/news/obituaries/politics-obituaries/5978861/Joseph-Msika.html>

²¹ Zimbabwe Human Rights NGO Forum, “Their Words Condemn Them”, May 2007, Page 25: <http://www.hrforumzim.org/reports/special-reports/their-words-condemn/>

(white industrialists) leave, it's a good thing, because we will take over the companies. To those of you who support whites, we say down with you."²²

Continually angered by British Prime Minister Tony Blair, President Mugabe said, "He (Tony Blair) is arrogant - he thinks by virtue of his being white, by virtue of his being the prime minister of Great Britain, he can dictate to us."

Combined onslaught on white farmers and the Movement for Democratic Change (MDC)

In October 2001, while Philip Chiyangwa, former ZANU PF MP for Chinhoyi, and Local Government Minister Ignatius Chombo were addressing a meeting of farmers in Banket, Chiyangwa said: "... Anyone who supports the MDC will be eliminated."

"The campaign of intimidation spread to factories, businesses and offices; even embassies and aid agencies whom Mugabe accused of supporting the opposition were caught up in the mayhem," Meredith said.

Mugabe used the resulting white exodus to his advantage at a rally in March 2002, stating: "All of you gathered here can see that whites want us to be their slaves and they are now closing shops and factories to throw you blacks into the streets so that you can turn against the government."

He blamed his government's failures on white farmers and the white population in general.

Since the violent farm invasions of 2000, which targeted white farmers their families and their farm workers, the State propaganda machine – combined with ZANU PF indoctrination campaigns have impacted significantly on the white population. The fallout for the entire country has been devastating.

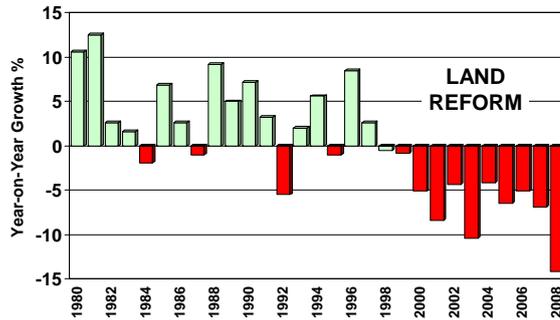
From Independence in 1980, approximately 90 percent of the white population has left Zimbabwe - many in a completely destitute state.

Of over 6,000 rural title deeds belonging to white people, fewer than 300 remain in the hands of white people. Of these almost all are in immediate jeopardy, and their occupants facing two years in jail for still being on the land. No compensation has been available for more than 99 percent of these take-overs.

The consequences of Mugabe's racial assault on white commercial farmers and property rights have impacted not only on the commercial farming sector but also on the entire agri-based economy. Unemployment has soared and food insecurity has become entrenched

²² The Star, "Mugabe slams Jews, tells whites to go", The Star, 1 Sept 2001: <http://www.hrforumzim.org/reports/special-reports/their-words-condemn/>

ZIMBABWE: GDP ANNUAL % CHANGE



Source: CSO + IMF + Robertson Forecasts

For the past 12 years, the international donor community has had to provide significant volumes of food - up to half of the population in 2002 and 2007. Health and education facilities have deteriorated, infrastructure has crumbled or collapsed and more than 25 percent of the black population is estimated to have left the country.

According to leading economic researcher John Robertson, only 850 000 people are formally employed out of a 12 million population.

THE LANGUAGE OF VIOLENCE, INTOLERANCE AND DESPOTISM IN ZIMBABWE

In a report published by the Zimbabwe Human Rights NGO Forum (ZHR Forum) on 15 May 2007 and titled *"Their Words Condemn Them: The Language of Violence, Intolerance and Despotism in Zimbabwe"*,²³ the ZHR Forum noted the following:²⁴

"Over the years, and particularly in the past seven years, leaders of the ruling party in Zimbabwe (ZANU PF) have made many statements, often at times when the ruling party has been under attack or has faced serious challenge. It has used its control over the broadcast media to disseminate a constant stream of hate speech.

"An analysis of these statements discloses the following characteristics of the ruling party:

- It is deeply antagonistic to all opposition and dissent.
- It is prepared to incite violence and vengeful action against its political opponents and critics.
- It uses virulent language to condemn its opponents and critics, not infrequently stooping to racial and ethnic abuse, and the vituperation is aimed at intimidating and silencing these persons.
- It persistently attempts to suppress the independent media.

²³ Zimbabwe Human Rights NGO Forum, "Their Words Condemn Them", May 2007:

<http://www.hrforumzim.org/reports/special-reports/their-words-condemn/>

²⁴ The Guardian, "Not a Black and White Story", 28 August 2008,

<http://www.guardian.co.uk/commentisfree/2008/aug/28/zimbabwe>

“These statements constitute various types of hate speech. They were made at times when gross human rights violations were being perpetrated. Many of the statements incited these violations or sought to justify or condone them,” the ZHR Forum said.

Violations of the Prevention of Discrimination Act

The ZHR Forum noted in its report that “It is an offence under Section 6 of the Prevention of Discrimination Act to make any statements reasonably likely to encourage discrimination against any class of persons on grounds of race or ethnic origin.”

Despite this, President has continued to use the race card to generate racial tension.

In 1992, Mugabe said that white farmers are “hard-hearted, you would think they were Jews.”

Speaking at a party held in April 2002 to celebrate his election “victory”, Mugabe said: *“This was a difficult contest (i.e. the March 2002 Presidential elections) as [Ignatius] Chombo has said. It was the Whites who made the contest difficult. The Blairs. I am sure you saw how united the Boers were in what they saw as a do-and-die situation for them. We are the government and they can do nothing...”*²⁵

Operation Murambatsvina - 2005

The Zimbabwe government has continuously demonstrated that it believes it can operate with total impunity. On 19 May 2005, for example, and with no warning, the government embarked on a cynical and devastating operation to ‘clean-up’ its cities. The widely held belief is that it was designed to destroy the opposition Movement for Democratic Change party’s urban power base.

“It was a ‘crash’ operation known as ‘Operation Murambatsvina’ which (started in Harare and) became a nationwide demolition and eviction campaign carried out by the police and the army,” said UN Envoy Anna Tibaijuka in her report of July 18, 2005.²⁶ “Popularly referred to as ‘Operation Tsunami’ because of its speed and ferocity, it resulted in the destruction of homes, business premises and vending sites.”

Tibaijuka estimated that some 700,000 people in cities across the country had lost either their homes, their source of livelihood or both. Indirectly, a further 2.4 million people were affected in varying degrees. Hundreds of thousands of (mainly poor) women, men and children, including former farm workers, were made homeless, without access to food, water and sanitation, or health care.

Zimbabwean Police Commissioner Augustine Chihuri justified the operation by saying:

“We must clean the country of the crawling mass of maggots bent on destroying the economy.”

The strategy to eliminate the white commercial farmers has many parallels.

²⁵ Source: ZBC 2 April 2002, transcribed by the Media Monitoring Project, Zimbabwe: <http://www.hrforumzim.org/reports/special-reports/their-words-condemn> or http://www.kubatana.net/docs/hr/hrf_words_condemn_them_070515.pdf

²⁶ <http://ww2.unhabitat.org/documents/ZimbabweReport.pdf>

In September 2005, four months after Operation Murambatsvina began, Didymus Mutasa, then Minister for State Security and Land Reform, said:

“Operation Murambatsvina should also be applied to farms that are still in the hands of the whites. White farmers are dirty and should be cleaned out. The government will not hesitate to take their farms to resettle the black people who failed to get land during the distribution exercise. They (whites) are similar to the filth that was in the streets before Operation Murambatsvina.

In a veiled barb against what he claims as the pro-Western stance of the MDC, Mugabe commented at the funeral of a party stalwart on 4 May 2012 that some Zimbabweans *“still think a white man is better than a black man.”*²⁷

Not a black and white story – Blessing Miles Tendi

In an article published in The Guardian Newspaper (UK) on August 28, 2008 author and journalist Blessing Miles Tendi wrote: “Despite President Mugabe’s overt racism, (his) anti-white politics has not aroused black Zimbabweans against white people.

“The only white man you can trust is a dead white man. “Our party must continue to strike fear in the heart of the white man, our real enemy.”

“Those are Robert Mugabe's words,” quoted Tendi. “They are forever etched in modern African history as indicative of the anti-white politics that took hold in Zimbabwe from 2000 onwards, when the Mugabe government proclaimed that Zimbabwe was for black Zimbabweans and Africa for black Africans.”

“Race was politicised to an unprecedented level and aggressive threats to the white community were carried out, namely the violent seizure of white-owned commercial farms. White Zimbabweans were blamed for all of Zimbabwe's problems. They were labelled racists and accused of working hand in hand with white Britain in funding and directing opposition politics in Zimbabwe

“Whites were embraced as brothers and sisters at independence in 1980 because it was politically expedient. In 2000 they were disowned as the political necessities of defeating the burgeoning opposition MDC took centre stage. Mugabe rants and raves against white people and Britain yet he professes his undying affection and respect for the British royal family. Indeed there is a lot about Mugabe that is British, from his accent to his dress code to his love for cricket. English remains Zimbabwe's national language, 28 years after colonialism.

“The contradictions are starker with regard to the majority black population, which the Mugabe government has attempted to indoctrinate with its racist politics. Anti-white politics has not aroused black Zimbabweans against white people. Even during the explosive land seizures phase, to a greater extent attacks on white Zimbabweans remained linked to state-sponsored farm invasions and official pronouncements. Spontaneous nationwide populist looting, beatings and lynching of white people never occurred. Four white MDC members were elected to parliament at the height of the farm seizures.

The Mugabe government's "hatred" of whites has not filtered down to the average black Zimbabwean. Most black Zimbabweans are aware that the root cause of Zimbabwe's problems is,

²⁷ Associated Press, “Mugabe says splits threaten ZANU PF”, 4 May 2012:
<http://www.thezimbabwemail.com/zimbabwe/11595-mugabe-says-ZANU-pf-on-the-verges-of-splits.html>

ultimately, the Mugabe government. Blaming white Zimbabweans and white Britain will never wash this charge away. Black Zimbabweans see through it...”

VICTIMISATION OF WHITE COMMERCIAL FARMERS

Sample Area: Chegutu And Kadoma Districts, Mashonaland West

Due to the acute fear levels, the lack of free flow of information and the fluidity of people being moved from one place to another on the land - and in many cases on numerous occasions - it is difficult twelve years on to get a completely accurate picture of how many white commercial farmers are left on their farms.

This document therefore focuses on Mashonaland West province and the districts of Chegutu and Kadoma, for which comprehensive information is available. In these two districts there were 390 white-owned and occupied title deeds in the large scale commercial farming sector in 2001. These farms were in an area spanning eight farmers’ associations.

In terms of a sample, it covers approximately 10 percent of the former white commercial farms in Zimbabwe and is indicative of what has happened countrywide.

From 2000, the systematic attack perpetrated by the Zimbabwe Government and agents of ZANU PF caused mayhem in the commercial farming sector. It involved violent beatings, imprisonment, abduction [even from police stations], rape and murder. White farmers were subjected to sleep deprivation for nights on end and frequently had to barricade themselves, their families and sometimes their staff inside their homes.

The onslaught also involved the complete looting of farm houses, mass-scale vandalism and extortion. The brutal and cruel treatment of livestock included denial of access to grazing, which frequently resulted in death by starvation, as well as hamstringing, mass theft and slaughter using inhumane methods that caused prolonged agony.

The attacks peaked during the election year of 2002, resulting in the farming community being whittled down from 390 white-owned farms in 2001 to 51 by 2005 in the two districts. In a period of four years, 83 percent of white farmers had been forced to flee their homes and livelihoods – none of them with an eviction order from a court or any compensation whatsoever.

It is important to note that few of these white farmers had homes elsewhere, or independent pension schemes - or other ways of making a living. In most cases, funds were reinvested in farming operations and improvements because the ultimate sale of a farm would generate more than adequate funds for retirement.

It is also noteworthy that the white commercial farmers at that time completely dedicated to farming. They were also tough and resilient. Many had survived a full-scale civil war during the 1970s, the insecurity and fallout of the Gukurahundi genocide in the 1980s, during which thousands of Ndebele people were ruthlessly killed by the Mugabe government, and two of the worst droughts in the country’s history during the 1990s. For 83 percent of them to flee their homes and their livelihoods, the racial attacks against them had to be very severe.

Black-owned commercial farms unaffected

Of the 241 'black'- owned large scale commercial farms, none were targeted for compulsory acquisition, neither were the small-scale black commercial farms in the area.

White commercial farmers barred from challenging acquisitions in court

In 2005, Chegutu commercial farmer Mike Campbell of Mount Carmel farm²⁸ lodged a case with the Zimbabwe Courts challenging, among other things, the racial nature of the attacks taking place. The election that year – which was marred by violence and alleged rigging – resulted in ZANU PF gaining a two-thirds majority in Parliament. This enabled ZANU PF to change the constitution so that a farmer could no longer challenge the acquisition of his home and livelihood in court. This ouster clause affected the white community exclusively, of which approximately 99 percent had had their farms gazetted. It included all white-owned farms in the Chegutu and Kadoma districts.

“Crime” of farming – up to two years in prison

Compounding this, a law was then passed that would make it an offence for any white farmer still in his home and/ or farming to remain on his property. The punishment for this “crime” was – and continues to be - up to two years in prison.

When Campbell was arrested and faced the possibility of a two-year prison sentence, he filed an application with the SADC Tribunal in October 2007 challenging the acquisition by the Zimbabwean government. The SADC Tribunal was both a regional and international court, and was set up through the SADC Treaty. At the Tribunal on December 13, 2007 Campbell was granted a provisional order that gave him protection and allowed him to continue farming until the main case could be heard.

On March 28, 2008 an additional 77 Zimbabwean commercial farmers were granted leave by the Tribunal to intervene. Interim relief similar to that given to Mike Campbell on December 13, 2007 was granted to 74 of the farmers since three were no longer residing on their farms. Thirteen of the farmers were from the Chegutu district.

Systematic violation of SADC Tribunal ruling

The carefully strategized 2008 election violence perpetrated by ZANU PF was also directed at the SADC-protected farmers and their workers, despite the fact that they were “protected” by an international court. The violence and looting was systematic and unrelenting. On the protected farms, farmers and farm workers were violently beaten, crops stolen and farmers’ houses were looted and ransacked.

On Mount Carmel farm, the remainder of Campbell’s prized wildlife, built up over many years and at considerable expense to reintroduce a diversity of game into the area, was killed. The slaughter included giraffe, eland, zebra, wildebeest, sable, kudu, impala, warthog, reedbuck and waterbuck. Campbell’s safari lodge, to attract local and international tourism to the area had already been burnt down in 2005.

²⁸ Mount Carmel farm was acquired by Mike Campbell after Independence in 1980 and was purchased on the open market and on a certificate of 'No Interest' by the Zimbabwean government.

Abductions and attacks

Despite being awarded SADC protection, Campbell was abducted on two occasions, both times sustaining broken bones. On the second and more violent occasion, immediately after the violence-ridden June 2008 Presidential run-off election, his attackers broke seven of his bones during a prolonged night-time torture session.



Mike Campbell (74) sustained severe head injuries after his abduction and beating

Although Campbell was eventually released and rushed to hospital by his family, he never recovered from the severity of the head injuries sustained. His neurologist reported that he had been hit over the head approximately 60 times.



Ben Freeth sustained a fractured skull and required emergency brain surgery

His son-in-law, Ben Freeth, sustained a fractured skull and broken ribs during the abduction, while Campbell's wife suffered multiple arm fractures. All were severely bruised. In addition to Freeth having to undergo brain surgery, there was a very real danger that he would lose the sight in one eye. Campbell's loyal workers were also assaulted, arrested, and tortured by police on a number of occasions.

SADC Tribunal protection and signing of GPA

The Global Political Agreement (GPA) was signed by Zimbabwe's three main political parties in Harare on September 15, 2008. Brokered by the Southern African Development Community (SADC), the GPA was intended to "create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation".



SADC Tribunal Ruling – November 28, 2008

Two months after the GPA was signed, the main SADC Tribunal case was won by Mike Campbell with a final and binding order that protected him and his workers on the farm.

The Tribunal's decision on November 28, 2008 addressed four main issues:²⁹

- (1) Whether the Tribunal had jurisdiction to hear the case;
- (2) Whether the plaintiffs had been denied access to domestic courts in violation of the SADC Treaty;
- (3) *Whether the Zimbabwean government had discriminated against the plaintiffs on the basis of race, and*
- (4) Whether the plaintiffs were entitled to compensation.

(1) The Tribunal held that it had jurisdiction to hear the case, because Amendment 17 had eliminated the plaintiffs' access to the domestic courts, and the plaintiffs were therefore entitled to seek remedy before the Tribunal.

(2) The Tribunal found that the plaintiffs had been deprived of their right to a fair hearing before being deprived of their rights.

(3) *On the racial discrimination issue, the Tribunal held that the actions of the Zimbabwean government constituted indirect or "de facto" discrimination because implementation of Amendment 17 affected white farmers only.*

(4) Finally, the Tribunal held that the plaintiffs were entitled to compensation for the expropriation of their lands.

²⁹ [http://en.wikipedia.org/wiki/Mike_Campbell_\(Pvt\)_Ltd_and_Others_v_Republic_of_Zimbabwe](http://en.wikipedia.org/wiki/Mike_Campbell_(Pvt)_Ltd_and_Others_v_Republic_of_Zimbabwe)

Evidence presented to the judges by Ben Freeth – extracts

It is my observation that land invasions and the subsequent acquisition of land has been done with only one criteria. That criteria relates to the colour of the farm owner's skin. I wish to back up this statement by quoting and recording some of the statements made and events that have led to the demise of the commercial farming sector in Zimbabwe.

Racial statements have been numerous from Zimbabwe's political leaders and land invaders, as recorded in media broadcasts and articles. Joseph Chinotimba, (a militant ZANU PF cadre), was quoted as "spokesman" for the "ex-combatants" in the (state-owned) Herald newspaper at the beginning of the invasions in 2000. He said *"his organisation was declaring war on any white farmer who resisted the invasions."*

The many incidents of racial abuse that we have contended with during the land invasions over the last seven years have made it abundantly clear that "resistance" means not moving off the land. It was clear from the complete absence of the censure of such statements and actions that government was fully behind such statements and actions....

In the Financial Gazette of March 16, 2000 President Mugabe was reported as saying: "The ex-fighters would be allowed to remain on the farms.... He said this *"was necessary to teach the local white community.... that the land belongs to Zimbabweans."*

The day after this, President Mugabe was reported as saying that the ex-fighters could remain on the farms, a High Court order issued on March 17, 2000 by Justice Garwe found that legally they could not remain on them. The Financial Gazette reported President Mugabe warning of *"very, very, very severe violence against the white farmers if they took action against the invaders"* (whom the court had just declared were acting illegally)....

On April 27, 2000, it was made clearer that if you had a skin that was white, whether you were a Zimbabwean or not, you had a problem. Joice Mujuru (then Minister of Water Resources and Infrastructural Development, now Vice-President of Zimbabwe), was reported in the Times of London as saying: *"They (white farmers) call themselves Zimbabweans. They are not. I am a Zimbabwean. When will you learn? Africa is for black Africans."*....

The first racial murders:

On April 15, 2000, David Stevens from Macheke was abducted from his local police station, where he had taken refuge (then tortured and shot). He became the first white farmer to be murdered by the invaders.

Three days after the murder of Dave Stevens, on April 18, 2000 (Independence Day), Martin Olds from Nyamandlovu became the second white farmer to be murdered since the Minister of Justice made his pronouncement a week earlier of the *"political decision to go back and fight."* Police had sealed off roads to the farm to stop any relief getting to him.



Martin Olds' bullet-ridden body outside his house on his Nyanandlovu farm

On May 7, 2000 Alan Dunn became the third white farmer to be killed after having been beaten to death outside his home.

The Daily News reported of the murders: "Vice President (Simon) Muzenda said that he did not regret the killings.... Yesterday the war veterans' leader, (Chenjerai Hitler) Hunzvi, brushed aside Dunn's death, saying: *"There is nothing to say. He's dead."*

It was clear that this mode of operation had always been on the cards. On June 14, 1986 at Rufaro Stadium, President Mugabe was reported as having said: *"The only language that the mabhunu (racist term for white farmer) will understand is the language of the gun. The more you kill, the nearer you get to your objective."*

On March 17, 1990 at an election rally in Masvingo, President Mugabe said: *"If the whites in Zimbabwe want to rear their ugly and terrorist head by collaborating with ZUM (a political party opposed to ZANU PF), we will chop that head off."*

Occupation of white-owned farms supported by Mugabe

On August 3, 2000 the Financial Gazette reported: "Mugabe has dismissed advice from his new cabinet to order independence war veterans off occupied white-owned farms and instead has personally assured the ex-fighter, leader Chenjerai Hunzvi, of his support of the seizures."

Amnesty for farm invasion crimes

On August 23, 2000 the Herald reported President Mugabe as saying: *"The war veterans are merely trespassing..... the country is peaceful so we can't say there is no rule of law."* Soon afterwards, an amnesty was declared by the President on all "political" crimes, including almost all officially reported crimes relating to the farm invasions.

Fear of white farmers to assert rights through courts

On September 26, 2000 the (state-owned) Herald reported: "Vice President (Joseph) Msika yesterday warned white commercial farmers over their attempts to derail the fast track land reform programme through the courts."

This and other similar statements and warnings about using the courts have led to many people being afraid to assert their rights in the courts.

The vast majority of white farmers have not tried to assert their right to protection of the law in the courts. They saw the court judgement on March 17, 2000 being ignored and countless other court orders being similarly ignored. (We have access to many affidavits on the lack of the rule of law where court orders were ignored concerning lawlessness on white-owned farms).

Illegality of farm invasions

On December 7, 2000 the Minister of Justice, Patrick Chinamasa, after the Supreme Court judgement by Judge (Anthony) Gubbay came out declaring the invasions illegal, was reported in the (State-owned) Herald as saying regarding “white judges” that *“it was foolish magnanimity on our part to have appointed these judges.”*

Intimidation of white judges

Within a couple of months, all white judges had left the Supreme Court bench. The Daily Telegraph from the UK reported: “Justice McNally, the one remaining white in the Supreme Court said after his meeting with (Justice Minister Patrick) Chinamasa: ‘We were told very nicely and politely that we should go; take our leave and go, otherwise anything can happen. It was said very frankly that they didn’t want any of us to come to any harm.’”

Violence on white-owned farms

At the same time, the murder of white farmers had continued. After the murder of Henry Elsworth on his farm in the Midlands, President Mugabe was reported as saying on December 14, 2000: *“The white man is not indigenous to Africa. Africa is for Africans. Zimbabwe is for Zimbabweans. Our party must continue to strike fear into the heart of the white man who is the real enemy.”*

On December 31, 2000, the Commercial Farmers’ Union (CFU) did a survey and found that among other things, 1,600 white-owned farms had been invaded and that on them there had been 17 murders; 26 rapes; 459 abductions; 424 serious assaults; 3,890 minor assaults; and 3,853 death threats.

There had also been massive production losses which would begin to tell in the state of the economy and food security in the subsequent year and beyond.

Illegal allocation of white-owned properties

Despite the Supreme Court order to stop invasions and the allocation of land by government Minister (Joseph) Made, (the Minister of Lands, Agricultural and Rural Resettlement), he was reported in the (State-owned) Herald as saying: *“We have resolved to go ahead and allocate land on all gazette (white-owned) properties even before court confirmation and we will attend to legal issues later.”*

During an Independence Day speech on April 18, 2002 President Mugabe was quoted as saying: *“These crooks (whites) we inherited as part of our population. We cannot expect them to have straightened up, to be honest people and an honest community. Yes, some of them are good people but they remain cheats, they remain dishonest.”*

Acquisition orders on white-owned farms

On May 8, 2002 Amendment 6 to the Land Acquisition Act³⁰ went through Parliament. This was due to give all farmers with Section 8 acquisition orders³¹ (these were exclusively on white-owned farms), 45 days to stop farming and a further 45 days to leave their homes. This affected approximately 60 percent of white commercial farmers in Zimbabwe.

On August 7, 2002 at the CFU annual congress, all farmers present were assured (again) by Vice President (Joseph Msika) that if they had only one farm, they would be OK...

Within three weeks of these assurances, the arrests started. White farmers – and exclusively white farmers – were arrested by police all over the country.... In Chegutu police cells, among many others, we had an 82-year-old man on crutches as well as a 72-year old sick lady whose husband died two weeks later. Upwards of one hundred white farm owners were incarcerated. All of them were kept in very poor conditions – some of them appalling.

Farmers were told by heavily armed army and police details to pack up everything they ever owned on their farms in 24 hours.

Historical background of land ownership

Before going into (the historical background of land ownership), I wish first to deal with the historical land holdings in the area where I live, and the strides that we took in trying to resolve the racial imbalances in land ownership inherited from past generations.

Between 1980 (independence) and the beginning of the land invasions in 2000, many farms were bought and sold. The government had the option to purchase land if it so wished. From 1985, a farmer could only sell if he had got a certificate of “no present interest” from the Minister responsible for Lands. From the deeds of transfer that have been listed in the government gazette, it is apparent that upwards of 70 percent of farms not already purchased could have been purchased by government if it had wished to do so.

... A large number of farms were purchased by the government for resettlement. I understand that from government figures that 3.6 million hectares was purchased on a willing seller willing buyer basis....

³⁰ The 1992 Land Acquisition Act was enacted to speed up the land reform process by removing the "willing seller, willing buyer" clause, limiting the size of farms and introducing a land tax (although the tax was never implemented.) The Act empowered the government to buy land compulsorily for redistribution, and a fair compensation was to be paid for land acquired. Landowners could challenge in court the price set by the acquiring authority.

³¹ The government first had to issue a preliminary notice of acquisition, known as a *Section 5*. This was published in the newspaper and had to be delivered to the farm as well. When that was done, the farmer had thirty days in which to object. Then the government could issue a *Section 8*, which was an acquisition order. This had to be confirmed through the administrative court, in what was known as a *Section 7*.

(Mike Campbell bought Mount Carmel farm in an open market deal with his own money and it was transferred to the company) in 1999 with full knowledge of the Zimbabwean government (and with a “Certificate of No Present Interest”)...

To then resettle former white-owned farms exclusively with people with a black coloured skin is discriminatory. We have been told that Mount Carmel farm is going to one individual who is over 80 years old and has another home, occupation and income source already. To displace us in favour of a man who is past retirement age and has no specialized knowledge of mango production or any experience in commercial agriculture, just because we have white coloured skins is surely discriminatory.

In Minister Mutasa’s answering affidavit in the Campbell case, (he said in paragraph 9): “As the law now stands, all agricultural land owners such as Applicants can apply for land and be considered without discrimination.”

To the best of our knowledge, not a single white farmer on the land today in Chegutu or Kadoma districts has ownership of his land any longer. It was all taken through Constitutional Amendment Number 17. Despite almost all white farmers having made applications to lease their land back we do not know of a single lease having been issued. We would contend that there is discrimination in the process....

Ben Freeth, 9 May 2007

SADC Tribunal ruling violated

Despite the widely acclaimed SADC Tribunal ruling, all that Campbell had built up over many years of hard work and financial struggle continued to be systematically stolen. The theft included his entire export crops – maize, sunflowers and export mangoes³², his tractors, implements, the materials and contents of his internationally accredited pack shed, his mill, the silos with their grain, diesel, fertilizer, crop chemicals, workshop equipment and household effects.

In August 2009, the Campbell and Freeth homesteads were burnt to the ground, together with various worker homes and their linen factory, a women’s upliftment project. Severely incapacitated by his injuries and distraught by his personal losses and the destruction country-wide, Campbell died in April 2011.

The signing of the GPA has not in any way lessened the systematic attack against the white farming community by the transitional government. None of the perpetrators of violence against the white farmers or their workers in the Chegutu district during the 2008 elections or thereafter have ever been convicted. These known criminals continue to roam the streets and the farms at will and continue to victimize and terrorise the vulnerable farm workers.

Of the other 13 “protected” farmers that, like Campbell, were all still farming at the time of the signing of the GPA, none are now able to farm their land in any way.³³ All have been systematically

³² Campbell’s Mount Carmel farm had 40,000 mango trees which produced crops both for the local and export markets, generating significant foreign exchange for the country

³³ The 13 farmers that were protected by the SADC Tribunal in the Chegutu district with Campbell are: Cloete, Ferreira, Visagie, Seaman, Etheredge, Eastwood [Jude], Rogers, Nicholson, Beattie J, Pasque, Nicolle, Lewis, Buitendag. None of the SADC protected are able to farm anymore and only one is still in his home – on a small peri-urban property.

stopped from farming and forced to abandon homes – not one of them with an eviction order from a court.

In the entire Chegutu and Kadoma districts, apart from a handful of white people remaining on small properties in the peri-urban areas, there are now only 10 white farm owners still in their homes. Only three of the 10 are farming productively – so the numbers of operational white-owned farms has dropped from 390 in 2001 to three today.

In a decade 380 white farmers and their families have been evicted in these two districts. This equates to 99 percent having been blocked from living in their homes and contributing to food security.

There are a further five white farmers still in their homes who are farming on a small scale. Two of the 10 are living in their houses in dire poverty, with nowhere else that they can go.³⁴ There are a further three living in town and farming their farms remotely for security reasons.³⁵ Two of the three are widows, one of whom suffered the loss of her husband when he was shot dead last year while in bed on the farm.

The Indigenisation Act and the pronouncements by President Mugabe and his Indigenisation Minister, Saviour Kasukuwere, supported by other senior ZANU PF officials, now threaten to do the same to the mines, businesses and private houses that also belong to “whites.”

VISIT BY UN HIGH COMMISSIONER TO ZIMBABWE – MAY 2012

During May 2012, on an official visit to Zimbabwe at the invitation of the Zimbabwe government, UN High Commissioner for Human Rights, Navi Pillay, noted that:

“More and more people across the globe are not willing any longer to defer unquestioningly to invisible forces and unaccountable institutions. They are demanding higher levels of accountability -- from their governments, from international institutions, and from the private sector. They make clear that freedom from fear and freedom from want are the principal responsibilities of governance and demand a return to the rule of law -- including in the economic sphere.

“Their quest for dignity is to make the promotion, protection and fulfilment of human rights as the central purpose of economic and political systems. The fight against discrimination and exclusion is at the core of their demands for all, including for women and groups that historically have been kept at the margins of active political and economic life,” she said.

Commenting on land reform in Zimbabwe, Ms Pillay said:

³⁴ The only 10 white farmers still in their homes outside the peri-urban area are: 1. Haritatos the ZANU PF Senator on 8800 hectares; 2. Drummond [farming “normally”]; 3. Newman [farming “normally” on a small property]; 4. Waterfalls [on a small property doing chickens but under pressure to get off]; 5. Eastwood [just farming chickens near his house and under pressure to get off with the rest of his farm being divided up since the GPA]; 6. Erasmus.L [just farming an unviable herd of cattle]. 7. Laubsher [on a small area only able to do 50 hectares of cropping]; 8. Erasmus.M [on a small property with no irrigation]. 9. Le Roux [just in his house unable to farm], 10. Van Niekerk [just in his house unable to farm].

³⁵ The 3 white farmers still farming but not living on their farms are Breitenstein, Erasmus [a widow] and Joubert [a widow whose husband was murdered on the farm in 2012].

“It is vital that such a process is carried out transparently and with clear criteria that are in full accordance with international norms and standards. The GPA contains an agreement to conduct a non-partisan land audit to establish accountability and eliminate multiple farm ownerships. There is, after all, no merit in taking sizeable quantities of land from one elite, only to give it another. Under the GPA, the parties also agreed to ensure that all eligible citizens who want to have land can do so, and that each individual will be considered without bias. I urge the Inclusive Government to take further steps to carry out these and other key reforms laid down in the GPA.”³⁶

CONCLUSION

The International Convention for the Elimination of all forms of Racial Discrimination (ICERD)

Racial discrimination in Zimbabwe at the hands of the State President and the Zimbabwe government and ZANU PF officials and groups has been widespread and has become endemic. The State propaganda machine as well as ZANU PF indoctrination campaigns over many years has brought severe consequences to the white population. Of over 6,000 rural title deeds belonging to white people, fewer than 300 remain in the hands of white people. Of these almost all are in immediate jeopardy of being taken over with their occupants facing two years in jail for still being there. No compensation has been available for over 99 percent of these take-overs.

As a result of this racial assault on property rights, unemployment has soared and food insecurity has become entrenched so that the Zimbabwean people need to be fed by the donor community every year. Health and education facilities have deteriorated significantly and approximately a quarter of the black population has left the country. From Independence in 1980 approximately 90 percent of the white population has left Zimbabwe - many in a completely destitute state.

The Indigenisation Act will lead to further suffering as the next election looms. It will be used, just like the farms, to take over industry, businesses, tourist enterprises, mines and private houses in order to reward ZANU PF militia groups and officials. This will lead to a further collapse of infrastructure and will also hit the general black population severely.

What can be done?

It is clear that the Zimbabwe courts are of no use if it means going against ZANU PF policy. Most of the judges are recipients of farms and could become recipients of businesses too. The Unity government has been completely ineffective in stopping farm take overs or trying to do anything proactive to even try to prevent them since it came into being over two years ago. It is unlikely that it will do anything effective regarding the use of the Indigenisation Act either. The international community including SADC, the AU, the EU, the UN, the BIPPA countries have, at least in the public sphere, been largely mute on the racial discrimination issue in Zimbabwe, stepping gingerly around it like people walking barefooted who see broken glass on their path.

The exception to this was the SADC Tribunal - an international court with black Judges appointed by black governments - the holy grail of an African solution to an African problem. The SADC Tribunal found in the Campbell case before a panel of five judges that the actions taken by the Zimbabwe government were discriminatory.

³⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12192&LangID=E>

In response, the Zimbabwe Government refused to accept the jurisdiction of the Tribunal. In May 2011, President Mugabe managed to get the SADC Tribunal suspended and the Judges unceremoniously evicted from office. In August 2012, the SADC heads of State and Government “resolved that a new protocol on the Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and Protocols relating to disputes between member states”.

A joint statement issued by the Southern Africa Litigation Centre, the International Commission of Jurists and the SADC Lawyers Association on August 22, 2012 read: “That decision effectively destroys an integral SADC organ... and denies the SADC people the right to approach the court for justice. It is, as Archbishop Emeritus Desmond Tutu observes, “a tragedy. It is a blow against accountable government and individual rights.”³⁷

Zimbabwe and the UN Convention on the Elimination of all forms of Racial Discrimination

Zimbabwe signed the Treaty on 13 May 1991. It bound it to allow its people full and equal enjoyment of human rights and fundamental freedoms as well as the right to property and protection before the law. It condemned racial propaganda and hate speech. Unfortunately it does not allow for individuals to activate any procedures to get the UN to ensure compliance. It needs a fellow signatory United Nations state to do this.

For more than a decade the Zimbabwe Government and ZANU PF has been allowed to get away with demonstrably defying the Treaty. No signatory state has called for an investigation. No signatory state has asked that the 18 member sitting committee of independent experts to be activated to come to Zimbabwe. No signatory state appears to care enough about racial discrimination in Zimbabwe to do anything about it. The hypocrisy of such a situation is plain to see.

What would be the benefits of a signatory state getting the UN committee to investigate under article 11 of the convention?

The committee would undoubtedly act as a deterrent for continued acts of abuse in both the land program and the indigenisation program just as the Habitat investigation acted as a deterrent to stop the further destruction of hundreds of thousands of homes by state bull dozers in 2005.

It would help protect the regions judiciary by taking the issue to an independent UN body. It would provide the West with a defence against the fantastical charges of neo colonialism when it raises concerns about racial issues.

It would provide any future democratic government support to resolve the land issue in Zimbabwe.

It would help restore much needed investor confidence in the country so that the economy of Zimbabwe could be rebuilt for the benefit of the entire nation.

ENDS

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http://www.southernafricalitigationcentre.org/news/item/Joint_Statement_of_the_International_Commission_of_Jurists_ICJ_SADC_Lawyers_Association_SADC_LA_and_Southern_Africa_Litigation_Centre_SALC_at_the_conclusion_of_the_32nd_SADC_Summit

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