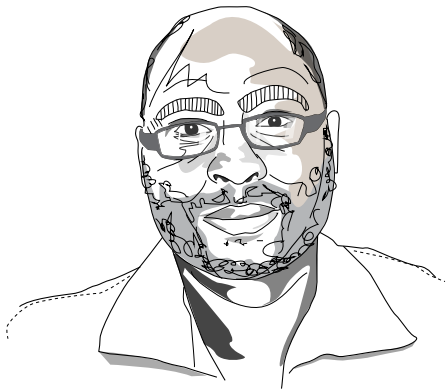


## Sanctions:

In aid of transition or an  
obstacle to democracy?

*Ozias Tungwarara*

There has been a lot of debate about whether the sanctions that were imposed on Zimbabwe and some of its leaders by members of the international community should be retained or removed. Questions have been raised about whether sanctions are a useful and justified way to respond to Zimbabwe's problems and whether, in light of the Global Political Agreement (GPA), they should now be axed.



**Ozias Tungwarara** is a lawyer by training with specialization in human rights, governance and democracy building issues. He is the director of the Africa Governance Monitoring and Advocacy Project (AfriMAP), a project of the Open Society Foundations (OSF). His work involves collaboration with national, regional and international actors to advocate for policy reforms in areas such as rule of law and access to justice, democratization and citizen participation, and effective public services delivery.

This article examines the manner in which these debates have influenced the engagement of different actors on the Zimbabwean question and whether the removal or maintenance of sanctions will aid Zimbabwe's democratic transition. The article concludes that, while targeted sanctions in the form of travel bans may have sent a clear message that the flagrant flouting of human rights and other international laws by the Zimbabwean government would not be tolerated, retaining them after the signing of the GPA in 2008 may have provided President Robert Mugabe with an escape route from meeting obligations under the agreement – but that removing them now would be counter-productive.

## SANCTIONS AND THE GPA

The original rationale advanced for imposing sanctions on Zimbabwe is that they would alter the unacceptable behaviour of the government and those that presided over abuses. By limiting access to economic resources for elite members of the regime, sanctions would also limit their capacity to sustain repression against their own people.

A variety of sanctions and punitive measures have been imposed on Zimbabwe, including: the enactment of the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) of 2001 by the United States Congress; the suspension of budgetary support previously pro-

vided to the government by the European Union (EU); the imposition of visa bans and asset freezes by the US, EU, Canada, New Zealand, and Australia on influential individuals associated with the government and the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF); and, the prohibition of military support and technical assistance that could enhance the government's repressive capacity.

ZIDERA empowers the US to veto Zimbabwe's applications to multilateral lending agencies, such as the International Monetary Fund (IMF), the World Bank (WB) and the African Development Bank (ADB), for finance, credit facilities, loan rescheduling and international debt cancellation. ZIDERA also permits travel bans and asset freezes to be imposed on individuals, who are regarded as being responsible for human rights abuses and undermining the rule of law. The EU initially imposed visa bans and asset freezes – officially referred to as 'targeted measures' – on almost 200 pro-ZANU-PF individuals, including senior political, military and business figures and even six journalists. Thirty five people were removed from this list in February 2011 but the sanctions on the others – as well as a number of companies – were extended for another year.

In Article 4, the GPA deals with 'sanctions and measures' imposed by some sections of the international community. The parties all agreed:

- to endorse the Southern African Development Community (SADC) resolution on sanctions concerning Zimbabwe;
- that all forms of measures and sanctions against Zimbabwe be lifted in order to facilitate a sustainable solution to the challenges that are currently facing Zimbabwe; and,
- to commit themselves to working together in re-engaging the international community with a view to bringing to an end the country's international isolation.

SADC and the African Union (AU) have both called for the removal of sanctions and restrictive measures against Zimbabwe in order to give the GPA a chance. The two Movement for Democratic Change (MDC) formations have also been publicly advocating for the removal of sanctions, although there are allegations that in private they prefer that targeted measures be retained in order

to reign in ZANU-PF hardliners. Meanwhile, ZANU-PF asserts that sanctions are intended to turn Zimbabwean citizens against the government in order to effect regime change and has taken the position that it will not meet any further GPA obligations until sanctions are lifted. Addressing the ZANU-PF Congress in December 2010, Mugabe urged the promulgation of a law that makes it a treasonable offence to call for sanctions against the country. Currently, there is a ZANU-PF-led campaign to obtain two million signatures on a petition calling for the removal of sanctions.

However, key sanctions countries maintain that the Inclusive Government (IG) ‘...will have to make significant progress before the lifting of sanctions will be considered’ (David Milliband UK’s Foreign Secretary 2008). Despite the combined efforts of the parties to the GPA and the removal of some individuals from the EU sanctions’ list, countries that imposed the sanctions steadfastly maintain that not enough reforms have been undertaken by the IG to warrant the total removal of sanctions.

## ZIMBABWE’S CRISIS

The sanctions debate needs to be considered in the context of Zimbabwe’s unique circumstances. There is no doubt that Zimbabwe has faced crises of an economic, political and social nature. What are contested are the causes. Zimbabwe experienced a precipitous economic decline in the 2000s with record breaking hyper-inflation that eventually killed off the national currency. In 2008, the country was so vulnerable that it struggled to contain a preventable cholera epidemic, which claimed the lives of around 4,000 people. In the same year, serious political violence followed the first round of presidential elections with hundreds of supporters of the then opposition MDC being attacked and killed. Due to the escalating bloodshed, the MDC leader, Morgan Tsvangirai, pulled out of the subsequent presidential run-off. While Mugabe was swiftly declared president, neither SADC nor the AU could declare that the run-off was either credible or legitimate. After grudgingly accepting that there was a crisis in Zimbabwe, the AU mandated SADC to mediate to resolve the impasse, which culminated in the three-party GPA. However, there was always scepticism about whether the GPA provided a viable framework within which to address Zimbabwe’s deep seated problems, especially given the seemingly irreconcilable perceptions of the causes of the crisis.

## DIFFERENT PERSPECTIVES

President Robert Mugabe and his ZANU-PF party have consistently maintained that the problems that Zimbabwe faces today have been authored as part of a neo-colonial and imperialist regime-change agenda. They argue that

the MDC and those calling for democratic reforms are creations of their Western masters, who want to retain control of their former colonies and maintain racist white supremacy by proxy. They further maintain that as a revolutionary nationalist party, ZANU-PF has an obligation and a responsibility to safeguard national sovereignty and integrity against imperial and neo-colonial aggression. They also contend that it is the principled stand and commitment of Mugabe and his party to correct the inequalities of the colonial past, especially the inequitable distribution of land, which has attracted the ire of some members of the international community and seen them slap Zimbabwe with punitive economic sanctions.

Those calling for democratic and political reforms, including the MDC, insist that ZANU-PF and its leadership are largely to blame for Zimbabwe’s current problems. Decades of misrule, ill advised policies, subversion of the rule of law, corruption, gross abuse of state power and violence against citizens have all combined to create a huge governance deficit, which is the root of the country’s problems. According to the MDC, the ZANU-PF government was a moribund regime, which was determined to retain power at all costs by closing down options for citizens to exercise popular control over national decision making. Contestation for political power had become meaningless since ZANU-PF manipulated electoral processes to its advantage. The constitution no longer provided sufficient checks and balances – particularly on the all-powerful presidency – to ensure that those exercising state power were accountable to the citizenry. Stripping national assets and looting the fiscus to finance an elaborate system of political patronage had become the hallmark of ZANU-PF rule. And while the MDC does not dispute the need for land redistribution, it challenged the motives and manner in which the ZANU-PF government went about it. The MDC also maintains that misguided policies – such as price controls, printing money without creating the wealth to back up the national currency and ill-advised indigenization initiatives – were the real reasons for Zimbabwe’s economic demise. Meanwhile, the blatant disregard of national and international laws protecting basic rights – such as those against torture, inhuman and degrading treatment and those guaranteeing freedoms of expression and association – prompted calls by the opposition for the isolation of the repressive ZANU-PF regime through targeted sanctions.

The causes of Zimbabwe’s crisis are obviously much more complex than these two competing narratives suggest. They include structural issues, the vagaries of an inequitable global economy and the misguided policies of international finance institutions in the 1980s and 1990s. But while acknowledging the existence of these other

contributory factors, discussion in this article will be limited to the two broad positions articulated above. The contention that Zimbabwe has been a victim of global apartheid by the West because of its courageous stand against neo-colonialism and imperialism cannot be wished away. It has found currency with sub-regional, continental and international actors. It must be acknowledged that because of double standards by the West in demanding good governance in some countries but not in others, a perception has been created that gives credence to ZANU-PF's claim that Zimbabwe is targeted for regime change because it has dared to challenge white supremacy. There are numerous countries in Africa and around the world whose governance credentials are no better than Zimbabwe's but they have not attracted the wrath of the West in the same manner that Zimbabwe has. But while this narrative might have rhetorical power, it is unacceptable to argue that because the West has not sanctioned the likes of Ethiopia, Uganda, Libya, Angola and Swaziland for abuses such as manipulating electoral processes, torture and extra-judicial killings that Zimbabwe should not be sanctioned for similar actions.

Particularly, as the EU's 2002 decision to suspend budgetary support to the Zimbabwean government was made under article 96 of the Partnership Agreement between the African, Caribbean and Pacific Group of States (ACP) and the EU signed in Cotonou in 2000. Article 9 of the Agreement provides for good – transparent and accountable – governance as a fundamental element of cooperation. If problems develop, article 96 provides for consultation between the parties in order to agree on measures to improve the governance conditions in the ACP country concerned. But if the consultations are unsuccessful, article 96 does allow for sanctions. Indeed, article 96 sanctions have been imposed on a host of other ACP countries. Therefore, it is not correct to say that this aspect of the EU sanctions was motivated by an imperialist and regime change agenda that specifically targeted Zimbabwe.

But the real question is not why the international community sanctions imposed sanctions but whether they have actually strengthened the prospects for democratisation – or simply made life worse for ordinary citizens.

## WHY SANCTIONS?

Since they were imposed, debates have raged about the impact of sanctions, particularly on the well being of Zimbabwe's economy. President Mugabe and his ZANU-PF party have vehemently argued that sanctions were the major cause of Zimbabwe's economic meltdown and resulted in the unjustified suffering of ordinary citizens. Often cited is ZIDERA's potential to

scuttle Zimbabwe's chances of accessing much needed international capital through international financial institutions. However, there is no evidence to show that the veto provided for in ZIDERA has ever been exercised in respect of an application brought by Zimbabwe. In fact, the real reason that the IMF issued a declaration of non-cooperation and suspended all technical assistance with Zimbabwe in 2002 was that Zimbabwe had not been repaying its debts to the Bretton Woods Institutions since 1999. After waiting in vain for US\$53 million in balance of payment support, Mugabe lashed out at the IMF saying, "Zimbabwe would not kneel down to pray to the IMF, to confess its sins as if it were God. For goodness sake, we are a sovereign state and we should not humiliate ourselves to that extent." (AFP 18 April 1999) And while sanctions may have curtailed Zimbabwe's ability to access international capital, there is no conclusive evidence to suggest that they were the biggest cause of that economic crisis. In fact, Zimbabwe's inconsistent policy implementation and tumultuous relationship with the Bretton Woods institutions might be a more plausible explanation for the situation.

Sanctions in the form of travel bans and asset freezes targeted at ZANU-PF functionaries and their associates as well as companies deemed to be sustaining the regime are intended to isolate and undermine the capacity of those seen as architects of repression. However, there is little evidence to suggest that these sanctions are achieving their objectives or that the behaviour of those who have condoned torture and acts of violence has been transformed by the travel bans and asset freezes. While there was a noticeable drop in levels of violence and human rights abuses in the aftermath of the GPA, there has recently been a marked resurgence of violence and acts of intimidation directed at the supporters of the MDC and pro-democracy activists. Perhaps it is because the targeted measures have not proven to be all that restrictive. There has been very little public information about the amount of frozen assets, raising the possibility that those targeted had not stashed away any significant amounts or that they may have transferred any overseas funds to safe locations before the measures came into effect. And there are still many countries where those affected can shop to their hearts content or where they can easily stash their cash.

It has been suggested in some quarters that ZANU-PF's outcry against sanctions is an indicator that they are biting. However, it is more likely that constant criticism is just a ploy to focus attention on the sanctions, which have provided a convenient opportunity for President Mugabe and ZANU-PF to avoid both their responsibilities under the GPA and also being held accountable for some of the disastrous policies that have been formulated and implemented under their watch.

## CONCLUSION

The impact of sanctions on political change is always debatable. Proponents point to the role sanctions played in ending Apartheid, while critics point to the catastrophic failure of sanctions in Iraq, where ordinary people were the only ones who suffered. The situation becomes even more complicated when sanctions do not enjoy the full support of the international community – as is the case in Zimbabwe.

There is no evidence to suggest that the behaviour of those responsible for repression in Zimbabwe has changed because of the sanctions and other measures imposed on them. However, the sanctions have certainly sent a strong signal that aiding and abetting repression will not be tolerated – and pointed the finger of blame at specific figures in the political, military and business elites. This international condemnation and the broader isolation of the ZANU-PF regime, while not comprehensive, provided the opposition with critical support in its struggle for democratic space against a dictatorial regime, which culminated in electoral victory and then the GPA.

Despite its shortcomings, there was widespread acceptance back in 2008 that the GPA represented a credible opportunity to achieve democratic transition in Zimbabwe. It was critical for the international community to win the goodwill of the regional community – and to support the ‘solution’ that all three parties had signed up to. A sure way to do that was by removing the sanctions. The risk associated with lifting the sanctions was far outweighed by the risk involved in not lifting them. Unfortunately, the opportunity was not seized. Instead, by maintaining the sanctions after the signing of the GPA and the inauguration of the IG, sanctions countries unwittingly presented Mugabe and ZANU-PF with their own opportunity – to scapegoat sanctions and use them to escape responsibility for their subsequent acts of omission and commission and for delaying key reforms outlined in the GPA.

Zimbabwe’s economic demise, which has resulted in the suffering of ordinary citizens, cannot be solely attributed to sanctions. In fact, the lion’s share of responsibility for Zimbabwe’s economic woes rests with ZANU-PF and the way it governed the country. So if the sanctions have had little impact on the economy or on specifically targeted individuals and since they are being used by ZANU-PF as a rallying cry and obstacle to further reforms, surely they should be lifted now?

Actually they shouldn’t be. They should have been removed when the GPA was signed or the coalition government established – as a public sign of support for the process. But now they must remain in place. The

recent resurgence of state sponsored violence directed at those who are perceived as political opponents of ZANU-PF demands intensified isolation of those responsible for such acts. To the extent that ZANU-PF and its backers in the security sector have consciously chosen to unleash violence against people who hold different political views and to maintain their grip on power through unconstitutional means, current sanctions need to be retained. Indeed, with violence intensifying, the international community should consider imposing an even more robust regime of targeted measures on those responsible for orchestrating it. ◊

## SANCTIONS AND PUNITIVE MEASURES

### IMPOSED ON ZIMBABWE



ENACTMENT OF THE **ZIMBABWE  
DEMOCRACY AND ECONOMIC RECOVERY  
ACT (ZIDERA) OF 2001**  
BY THE UNITED STATES CONGRESS

SUSPENSION OF **BUDGETARY SUPPORT**  
PREVIOUSLY PROVIDED  
BY THE EUROPEAN UNION

IMPOSITION OF  
**VISA BANS AND ASSET FREEZES** ON  
**INFLUENTIAL INDIVIDUALS**  
ASSOCIATED WITH **GOVERNMENT** AND  
THE RULING **ZIMBABWE AFRICAN NATIONAL  
UNION PATRIOTIC FRONT (ZANU-PF)**  
BY THE US, EU, CANADA, NEW ZEALAND, AND  
AUSTRALIA

PROHIBITION OF **MILITARY SUPPORT AND  
TECHNICAL ASSISTANCE**  
THAT COULD ENHANCE THE GOVERNMENT’S  
REPRESSIVE CAPACITY