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**Sanctions or targeted restrictive measures?: The United States and European Union 'sanctions' on Zimbabwe, 2001 to 2010.**

**Abstract**

*This paper examines the debate over the origins, nature and impact of the 'sanctions' imposed by the United States (US) and the European Union (EU) on President Robert Mugabe and individuals in the inner-circles of his ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), for allegedly contributing to the undermining of democratic processes and institutions in the country by electoral fraud, human rights abuses and bad governance. ZANU-PF depicts the 'sanctions' a result of the US and EU anger over Zimbabwe's Fast Track Land Reform Programme that was initiated by the government in 2000 which saw white farmers losing their farms. The party also accuse the former opposition political party, the Movement for Democratic Change (MDC-T) led by Prime Minister Morgan Tsvangirai for calling for the imposition and renewal of the US and EU 'sanctions' in order to gain political mileage by bringing economic hardships so that people would remove it from power through the ballot box or violence. The paper argues that far from being a tool to force ZANU-PF to reform, the 'sanctions' have been seen to be crippling the economy and hurting the innocent civilians. Contrary to these assertions, MDC-T denies instigating the imposition of 'targeted restrictive measures' on ZANU-PF individuals. MDC-T maintains that the matter is a bilateral foreign policy issue between Zimbabwe, the US and EU, and it does not have power to influence these countries remove the 'targeted restrictive measures'. The paper argues that the 'sanctions' made the country's political crisis more complex and had the inadvertent effect of providing ZANU-PF with ready-made excuses for the country's economic failure and its refusal to implement democratic reforms. The paper makes wide ranging use of newspaper evidence, parliamentary debates and oral evidence.*

**Introduction**

Sanctions imposed on society can either be comprehensive or targeted. Comprehensive sanctions are indiscriminately imposed on the whole society and usually include arms embargoes, trade restrictions, goods boycott, financial restrictions and travel bans. Targeted sanctions are narrowly imposed on the elites or leaders of a misbehaving government by denying them access to lucrative international business ventures, financial restrictions and travel bans, thereby exempting vulnerable populations and reform constituencies. Zimbabwe has been under United States and the European Union "sanctions" since 2001 and 2002 respectively. There have been debates over nature and impact of these sanctions.

ZANU PF views the sanctions as punishment embarking on the land reform programme to empower the black majority by taking land from the white minority who owned large tracks of land while the indigenous people lived on barren land in communal areas. ZANU PF argues that the sanctions on Zimbabwe are illegal, comprehensive and responsible for economic problems and deterioration of living standards for the majority of the Zimbabwean people. ZANU PF contends that US and EU sanctions are undoubtedly a neo-colonial coercive measure against Zimbabweans which is meant to destroy their confidence in a party that safeguards their interests thereby effecting a regime change by replacing it with the MDC-T.<sup>1</sup> The MDC-T regards the sanctions as “targeted restrictive measures” or “smart sanctions” which were put on President Mugabe and his cronies in ZANU PF and government for failing to meet international standards of a civilised nation by violating democratic principles and human rights. This paper argues that although some of the sanctions imposed on Zimbabwe by the US and the European Union are targeted they also affect the general populace and they complicated the country’s political landscape. Basing on Zimbabwean experiences this study argues that targeted sanctions have many limitations in that they often fail to “target” and yield the expected results.

### **A Theoretical Overview of the US and EU Sanctions on Zimbabwe**

In this study two broad theories have been identified and can be used to examine the origins nature and impact of US and EU sanctions on Zimbabwe. The first theory argues that sanctions are a tool for developed countries to continue their dominance of developing countries. A study has established that of the 71 incidents of sanctions applied between the 1970s and 1980s, 49 cases of 69 per cent involved developed countries placing sanctions on less developed countries.<sup>2</sup> The use of sanctions is generally regarded as political because they are allegedly used to influence how other governments behave both domestically and internationally, and sometimes to effect regime changes.<sup>3</sup> In this theory sanctions are regarded as an instrument

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<sup>1</sup> MDC is an abbreviation for Movement for Democratic Change. The MDC was formed in 1999 and was led by Morgan Tsvangirai. It became the strongest opposition party which threatened to remove President Mugabe and his ZANU PF party from power. The party divided into two in 2005. The larger and most influential faction which is led by Morgan Tsvangirai was renamed MDC-Tsvangirai and in short MDC-T. The other smaller faction retained the name MDC and it has shifted its goalposts on the sanctions debate, siding and opposing both ZANU PF and MDC-T depending on the political context. The real debate on sanctions is therefore between ZANU PF and MDC-T. For the purpose of this paper and to avoid confusion the united MDC before 2005 and the faction now led by Tsvangirai will be referred to as MDC-T. The two MDCs formed a coalition government with ZANU PF in February 2009 and Morgan Tsvangirai became the Prime Minister.

<sup>2</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 51.

<sup>3</sup> Ibid, p. 50.

of mass pauperisation and terror.<sup>4</sup> The wisdom underlying the imposition of sanctions is the assumption that economic pain creates political gain: the greater the economic hardship caused by sanctions, the higher the probability of political compliance by government authorities in the targeted regime.<sup>5</sup>

In Zimbabwe, from the ZANU PF perspective sanctions are deployed as part of the overall US policy to objectionable actions of foreign governments.<sup>6</sup> In conjunction with diplomacy and other measures, sanctions seek change the behaviour of the target country, and deter other countries from resorting to similar actions in future.<sup>7</sup> The ruling party ZANU PF argues that when the United Kingdom, the EU and the US realised that they could not take over power in Zimbabwe through the MDC-T as they thought, they decided with MDC-T's complicity, to put the country under sanctions.<sup>8</sup> ZANU PF argues the reason for imposing sanctions by the West is that the economic hardships imposed upon the citizenry of target nations will result in citizens' dissatisfaction with the government.<sup>9</sup> This view espouses that ultimately, the citizenry shall either put enough pressure on their government to alter its policies in accordance with the demands of the sender state or the government will be ousted via the ballot box or if need be, the bullet.<sup>10</sup> This will ultimately result in regime changes and the setting up of client states. To ZANU PF this was the reason why the MDC politicians were calling for sanctions so that they will manipulate people to achieve personal political gains. This theory views sanctions as political-economic double edged sword that the western countries use to exterminate political regimes in developing countries.<sup>11</sup> ZANU PF argues that the imposition of sanctions on Zimbabwe presents a new dimension to US and EU's post liberation neo colonial agenda in Africa, seeking to set up client states.<sup>12</sup>

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<sup>4</sup> Tichaona Zindoga, "Sanctions detract from free and fair elections" in The Herald, 10 December 2009, p. 8.

<sup>5</sup> Crisford Chogugudza, Open Forum, "The Long Story of Zim sanctions" in The Financial Gazette, September 10-16 2009, p. 8.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Golden Guvamatanga, "Origins of Zim sanctions" in The Herald, Tuesday 13 October 2009, p. 4.

<sup>9</sup> Garikai Chenga, "Sanctions: Neither smart nor targeted" in The Herald, Friday 6 March 2009, p. 6.

<sup>10</sup> Garikai Chenga, "Sanctions: Neither smart nor targeted", p. 6.

<sup>11</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001, p. 6121.

<sup>12</sup> By a Special Correspondent, "EU/US sanctions: An impediment to GPA" in The Herald, Thursday 9 2009, p. 11.

The second theory, which has been used by the MDC-T, US and EU to justify sanctions imposed on Zimbabwe, regards sanctions as a means of checking state delinquency in order to enforce collective security. According to Joseph Kurebwa a delinquent state threatens international security either through acts of aggression or by creating domestic conditions that are conducive for international anarchy.<sup>13</sup> Sanctions theorists perceive the responsibility for restraining the target state in collective terms, since it threatens world order. The use of sanctions is regarded as better option than military coercion.<sup>14</sup> US and EU sanctions on Zimbabwe are regarded as measures to persuade the Zimbabwean government to meet international standards in observing democratic principles and respect the rule of law. During the House of Assembly debates over the origins of sanctions in March 2001 MDC-T legislator Tendai Biti asserted that under such circumstances where a country like Zimbabwe, through its own actions, disrespects the provisions of the institutions such as the United Nations Human Rights Charter, instruments of the Organisation of African Union (OAU), ignores its very Constitution and its own laws, then that country does not deserve to be treated as part of the international community.<sup>15</sup> Biti insisted that Western countries wanted to impose smart sanctions on Zimbabwe because the ZANU PF government was oppressing its own people.<sup>16</sup> In this case the MDC-T believes targeted sanctions were imposed on ZANU PF decision-making elites because they failed to address the question of the rule of law and good governance.

In the second sanctions theory, David Cortright and George A. Lopez, argues that sanctions are best understood as instruments of persuasion rather than punishment. In establishing a framework for bargaining, sanctions effectiveness derives not from the severity of economic damage, but from the ability to isolate an abusive regime or to encourage dialogue and negotiation.<sup>17</sup> Thus in this theory sanctions must not have a devastating humanitarian impact but they only need to cause sufficient hardship and discomfort to motivate the targeted regime to enter into a bargaining process.

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<sup>13</sup> Joseph Kurebwa, "The Politics of Multilateral Economic Sanctions on Rhodesia (Zimbabwe) during the Unilateral Declaration of Independence Period, 1965 to 1979." (A Thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy in Social Studies, Department of Political and Administrative Studies, Faculty of Social Studies, University of Zimbabwe), p. 3.

<sup>14</sup> Joseph Kurebwa, "The Politics of Multilateral Economic Sanctions on Rhodesia (Zimbabwe) during the Unilateral Declaration of Independence Period, 1965 to 1979.", p. 3.

<sup>15</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6142-3.

<sup>16</sup> Ibid, p. 6142-3.

<sup>17</sup> David Cortright and George A. Lopez, "Introduction: Assessing Smart Sanctions: Lessons from the 1990s" in David Cortright and George A. Lopez (eds), Smart Sanctions: Targeting Economic Statecraft (Rowman and Littlefield Publishers, Maryland, 2002), p. 16.

However the history of sanctions has demonstrated that sanctions have serious shortcomings as an instrument of maintaining order in the world system. In most circumstances sanctions evolve into a protracted and costly low-intensive campaign whose impact is serious attrition on the economies of both the imposer state and the targeted state.<sup>18</sup> Studies indicate that sanctions were only 30-percent successful between 1945 and 1989 as they harm interests other than those of the intended target.<sup>19</sup> Even targeted sanctions have a humanitarian cost as they inevitably cause social pain.<sup>20</sup> This brings back to the fore the contention that the use of punitive economic sanctions by the big powers, tends to hurt ordinary citizens, as in the case of Zimbabwe, sparing more the ruling elite for whom they are intended.<sup>21</sup> Boutros Boutros-Ghali said the use of sanctions raises ethical issues concerning the suffering they inflict on innocent victims and questions as to whether inflicting such suffering on innocent persons is a legitimate means of bringing pressure to bear on political leaders.<sup>22</sup> In addition sanctions have a severe effect on neighbours or major economic partners of targeted states. ZANU PF argues that the entire Southern Africa Development Community (SADC) region is now feeling the pinch from sanctions imposed on Zimbabwe because of its centrality to regional trade and integration.<sup>23</sup> Though subject to further scrutiny, ZANU PF asserts that the presence of about three million of Zimbabweans in South Africa has resulted in a strain in the public services of that country hence the interest of South African government in seeking a lasting political solution in Zimbabwe.

### **Debates over the origins of US and EU sanctions on Zimbabwe.**

ZANU PF argues that the imposition of the sanctions against Zimbabwe was a result of the West's anger over the Fast Track Land Reform Programme that President Mugabe initiated in 2000.<sup>24</sup> The party argues that the West never accepted the

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<sup>18</sup> Joseph Kurebwa, "The Politics of Multilateral Economic Sanctions on Rhodesia (Zimbabwe) during the Unilateral Declaration of Independence Period, 1965 to 1979.", p. 3.

<sup>19</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 51.

<sup>20</sup> David Cortright and George A. Lopez, "Introduction: Assessing Smart Sanctions: Lessons from the 1990s", p. 6.

<sup>21</sup> By a Special Correspondent, "EU/US sanctions: An impediment to GPA" in The Herald, Thursday 9 April 2009, p. 11.

<sup>22</sup> Crisford Chogugudza, Open Forum, "The Long Story of Zim sanctions", p. 8.

<sup>23</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 51.

<sup>24</sup> Golden Guvamatanga, "Origins of Zim sanctions" in The Herald, Tuesday, 13 October 2009, p. 4.

reality that Zimbabwe had its real indigenous owners who needed the land which had been taken during colonial rule which commenced in the 1890s. One ZANU PF legislator Reuben Marumahoko said sanctions were imposed to assist the MDC-T to get into power so that those farms that have been taken over for resettlement will be given back to the Whites.<sup>25</sup> Marumahoko also said the MDC President Morgan Tsvangirai has been on record for globetrotting tarnishing the country's image and urging SADC and Western European countries to isolate Zimbabwe and withhold support for programmes aimed at resuscitating the country's economy.<sup>26</sup> With such arguments ZANU PF blames the MDC-T for the imposition of sanctions on Zimbabwe.

ZANU PF accuses the US and EU of meddling into Zimbabwe's internal affairs and totally disregards the MDC-T's view that sanctions were imposed because of bad governance and failure to follow democratic principles. ZANU PF Senator Aguy Clement M. Senator Georgios argued that although Zimbabwean democracy is not perfect it is a deception to say that sanctions were imposed because of Zimbabwe's failure to follow democratic principles. Georgios echoed ZANU PF's sentiments when he said Zimbabwe needs time and space to fashion, style, model and develop its own political systems as with all other nations and must not accept to be cajoled into readily accepting other nations' prescriptions.<sup>27</sup> According to ZANU PF sanctions were tightened and renewed because President Robert Mugabe had openly criticized American and European neo-colonialism on third world countries in Africa and Latin America. ZANU PF maintains that sanctions were renewed on Zimbabwe because in the eyes of the US presidency President Robert Mugabe present, in the words of George W Bush, and repeated by Barack Obama, "the most serious threat" to US foreign policy and core values.<sup>28</sup> Thus sanctions are viewed by ZANU PF as a tool to influence Zimbabwean politics and to effect regime change.

ZANU PF argues that sanctions were also unfairly imposed on Zimbabwe because of its participation in the 1998 Democratic Republic of Congo war in which Zimbabwe supported the Laurent Kabila government which was attacked by Rwandan and

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<sup>25</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6174. For example a ZANU PF legislator Tongesai Shadreck Chipanga accused MDC-T President Morgan Tsvangirai of going to Germany Government encouraging it not to enter into bilateral dealings with the government of Zimbabwe. He said this is as good as saying impose sanctions on.

<sup>26</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6124.

<sup>27</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 55. Clement M. Senator Georgios is the leading proponent of the anti-sanctions drive in the Zimbabwe Senate.

<sup>28</sup> By a Special Correspondent, "EU/US sanctions: An impediment to GPA", p. 11.

Ugandan rebel troops. Saviour Kasukuwere is one of the ZANU PF legislators who debated heavily in the House of Assembly arguing that Zimbabwe's participation in the 1998 DRC war was mentioned in the US's Zimbabwe Democracy Bill as another justification for imposing sanctions. He argued that this was surprising because Zimbabwe was helping in a political process to bring peace to DRC and this was supposed to be applauded because people in DRC could have been subjected to genocide like what happened in Rwanda where the whole world was just observing and doing nothing while up to two million people were being wiped out in 1994.<sup>29</sup> In general ZANU PF argues that Zimbabwe must not be castigated and put under sanctions by the US because it had fulfilled its moral obligation of saving innocent lives in the DRC crisis. According to ZANU PF contrary to such castigations by the US, France and Belgium applauded Zimbabwe because it intervened in DRC in time and saved lives.<sup>30</sup> ZANU PF is therefore of the notion that the US government was struggling to find justifications to impose sanctions on Zimbabwe.

On the other side of the debate the MDC, US and EU argues that "restrictive measures" and not sanctions were imposed on few individuals in the top structures of ZANU PF and President Mugabe's government who were violating democratic principles and the rule of law in the country. When President George W Bush appeared before the American people to announce that he had signed into American Public Law, the Zimbabwe Democracy and Economic Recovery Act on December 21 2001, he stated that, "...the provisions of this important legislation will support the people of Zimbabwe in their struggle to effect peaceful democratic change, achieve economic growth, and restore the rule of law."<sup>31</sup> Thus there was the moral and political justification for the sanctions legislation. The reasons used by the US and the EU to justify the imposition and renewal of sanctions on Zimbabwe includes the following: violation of human rights, white farm invasions, alleged election fraud, destruction of tens of thousands of low-income homes known as Operation *Murambatsvina* (Clean-up), and the harassment of opposition activists.<sup>32</sup> Currently the US and the EU justified the renewal of sanctions because of the alleged refusal by President Mugabe and ZANU-PF to fully implement the provisions of the Global Political Agreement (GPA) which led to the formation of the inclusive government in 2009. From this perspective sanctions were imposed on ZANU PF are regarded as a tool to persuade it to reform and not a punishment.

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<sup>29</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6151.

<sup>30</sup> Ibid, p. 6175.

<sup>31</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 46.

<sup>32</sup> Crisford Chogugudza, Open Forum, "The Long Story of Zim sanctions" in The Financial Gazette, September 10-16 2009, p. 8.

When debates commenced over the origins of sanctions in the House of Assembly in 2001 MDC-T legislators like Gabriel Chaibva said the manner in which the ZANU PF government conducted its business was seen by the international community as not conforming to norms of conduct.<sup>33</sup> He said the international community had been patient for a long time and was now fed up with ZANU PF's violations of political opponents since 1985.<sup>34</sup> Another MDC-T legislator Learnmore Judah Jongwe denounced moves to impose sanctions on Zimbabwe but he denied that MDC was inviting them. He said blaming the MDC-T was always a ZANU PF strategy of trying to find a scapegoat for its fundamental short comings.<sup>35</sup> He argued that there is no evidence that has been produced in the House of Assembly or anywhere that there is a particular individual in the MDC who has spoken in favour of sanctions in any forum.<sup>36</sup> He argued that the ZANU PF government was not behaving in a manner of that befits a civilised member of the international community.<sup>37</sup> He gave example of ZANU PF misbehaviour by citing President Robert Mugabe who has at all material times been on record as saying that he does not recognise the opposition and even if they were to win elections, he will not allow them to govern.<sup>38</sup> Jongwe also cited the Justice Minister Patrick Chinamasa for openly attacking the Judiciary and threatening it with war veterans and forcing judges to resign.<sup>39</sup> The MDC-T regarded all these actions as misbehaviour in the eyes of the international community and they deserve the imposition of sanctions.

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<sup>33</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6158.

<sup>34</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6160. Mr Chaibva said it is documented in history books that in 1985 when Zimbabwe conducted its elections there were massive killings of people for example candidate for ZANU in Dzivarasekwa was murdered in broad daylight.

<sup>35</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6147. After the 2000 Parliamentary elections in which ZANU PF lost a number of seats to MDC most economic and political problems were explained by ZANU PF and state controlled media in terms of few Whites, working in cohorts with the MDC. Even fuel shortage itself, has been attributed to the MDC. ZANU PF argued once the MDC come to power, the whites have promised to pour fuel on the market so that the MDC can be seen as addressing the fuel crisis.

<sup>36</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6144.

<sup>37</sup> Ibid, p. 6145.

<sup>38</sup> Ibid, p. 6146.

<sup>39</sup> Ibid, p. 6147.

Tendai Biti argued that his party the MDC-T has never called for sanctions but he indicated that there are some ZANU PF individuals who deserved sanctions because of their irresponsible behaviour which draw the country to its knees.<sup>40</sup> Biti accused ZANU PF kidnapping and murdering people during the 2000 parliamentary elections in which ZANU PF lost a number of seats although it continued to have a majority in the House of Assembly.<sup>41</sup> Biti blamed the executive of the country for gross mismanagement, corruption and denounced the country's participation in the 1998 Democratic Republic of Congo war which allegedly resulted in economic malaise like fuel shortages, inflation, increasing national debts and general poverty.<sup>42</sup> In general MDC-T's argument was if ZANU PF was to avoid sanctions, which it invited upon itself as a government, then it must be addressing key issues around restoration of law and order, respect for the judiciary.

### **Debates over the legality of US and EU sanctions on Zimbabwe**

One of the areas which is heavily contested over the sanctions imposed on Zimbabwe by the US and EU is their legality. ZANU PF views the Western sanctions as sin, illegal, unjustified, hostile and racial.<sup>43</sup> ZANU PF argues that the sanctions are illegal because they were imposed outside ambit and mandate of the United Nations.<sup>44</sup> ZANU PF argues that Article 2 subsection (3) of the UN Charter requires states to settle their disputes amicably first by resorting to conciliation, arbitration, negotiation but despite the presence of such avenues, the western governments have decided to impose sanctions outside the ambit of UN.<sup>45</sup> When the motion to condemn and appeal for the removal of sanctions was moved in the Zimbabwe Senate on 9<sup>th</sup> August 2006 a ZANU PF senator, Tazvitya Jonathan Mapfumo said that the UN Security Council is the only organ in the world that has the mandate, power and authority to supervise, oversee international relations.<sup>46</sup> In terms of chapter 7 of the Charter of the United Nations the Security Council has the power to impose sanctions on a member state. ZANU PF argues that there is no country in the world today that can take a case for sanctions against Zimbabwe to the United Nations,

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<sup>40</sup> *Ibid*, p. 6139. ZANU PF often make it public on state controlled television ZBC TV that Tendai Biti who is now the Finance Minister was responsible for writing the names of the individuals in ZANU PF, the government, army, police, intelligence and companies which were put under sanction.

<sup>41</sup> *Ibid*, p. 6143.

<sup>42</sup> *Ibid*, p. 6140-1.

<sup>43</sup> *Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 54.*

<sup>44</sup> *Ibid*, p. 60-61.

<sup>45</sup> *Ibid*, p. 62.

<sup>46</sup> *Ibid*, p. 60.

argue it and win it because Zimbabwe is not a threat to international peace and security.<sup>47</sup> The issue of Zimbabwe sanctions has been very divisive as the United Nations Security Council permanent members are always divided on the issue. For the past couple of years, the US, France and UK have been at the forefront, calling for the imposition of mandatory comprehensive UN sanctions against Zimbabwe, a move that has suffered dismally in the hands of Russia and China with the support of South Africa who consistently vetoed the successive calls for Zimbabwe sanctions.<sup>48</sup> Thus ZANU PF argues that US and EU sanctions on Zimbabwe are illegal because they were imposed outside the ambit and mandate of the United Nations.

ZANU PF believes the sanctions imposed on Zimbabwe are part of international racism and they show the skewed nature of international relations.<sup>49</sup> ZANU PF argues that the sanctions imposed on Zimbabwe lack moral rectitude, merit, justification and legitimacy because Zimbabwe is allegedly being punished for its land redistribution programme.<sup>50</sup> To support the argument that the sanctions are racial ZANU PF argues that no western country has ever been targeted for sanctions as a means of forcing changes to its politics.<sup>51</sup> To expose the double standards practised by the big western powers ZANU PF gives examples of the former US President Ronald Reagan (1981-1989) and former British Prime Minister Margaret Hilda Thatcher (1979-1990) who vividly resisted the imposition of sanctions on apartheid-ruled South Africa on the pretext that economic sanctions will hurt the ordinary people.<sup>52</sup> Since the apartheid regime was dominated by the whites and the ZANU PF government is dominated by the blacks ZANU PF regards the imposition of sanctions on it as a matter of international racism. ZANU PF regards the imposition of sanctions on Zimbabwe as an example of an unethical and arrogant exercise or abuse of power on the weak by the strong and powerful countries.<sup>53</sup> This argument fits well in the first sanctions theory discussed above which regard

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<sup>47</sup> Ibid, p. 60.

<sup>48</sup> Crisford Chogugudza, Open Forum, "Long story of Zim sanctions", p. 8.

<sup>49</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 52.

<sup>50</sup> Ibid, p. 52. On p. 54 to show that sometimes the issue of sanctions aroused emotions in the Parliament at times Senator Georgios raised his voice saying "Hear me Prime Minister [of Britain] Tony Blair! We, the people of Zimbabwe have borne the brunt."

<sup>51</sup> Ibid, p. 52.

<sup>52</sup> Jesse Helms also criticised the US government over imposing sanctions Ian Smith's regime in Rhodesia now Zimbabwe.

<sup>53</sup> Oral interview with Phineas Chivazve Chiota, Male, ZANU PF, House of Assembly Member for Seke Constituency, Workington, 02/03/2011.

sanctions as a tool used by the developed countries to continue their dominance on the developing countries.

While President Mugabe and his ZANU PF party have described the sanctions regime as racist and illegal, the US, EU and the MDC has dismissed such comments as cynical charade meant to divert the people's attention from the real issues.<sup>54</sup> Phillip Pasirayi argues that the legality of the sanctions is defined by the sanctioning authority not by the recipient.<sup>55</sup> Pasirayi also argues that sanctions imposed on the former regime of President Mugabe are legal because they were imposed on a coterie of corrupt officials, sponsors and perpetrators of human rights abuses in Zimbabwe.<sup>56</sup> Following this line of argument sanctions on Zimbabwe are legalised on the basis that they are intended to persuade a dictatorial government to reform even though they were imposed outside the UN Security Council mandate.

The US and the EU legalised and justified the imposition of sanctions on Zimbabwe by arguing that they will assist the people of Zimbabwe to achieve peaceful economic growth, democracy and good governance.<sup>57</sup> One should notice that the moral and political justification for the sanctions legislation was "support for the people of Zimbabwe", to achieve economic growth. EU sanctions, which includes travel bans on named individuals and a freeze on their funds and assets in Europe, were incomprehensibly premised on the notion to assist the people achieve democratic governance.<sup>58</sup> Thus the sanctions are legal in the eyes and laws of the US and EU. If the legality of sanctions is determined by the sanctioners and not by the sanctionees then the US and EU sanctions on Zimbabwe are legal. However if their legality is determined by the UN and the sanctionees they are illegal.

### **Debates over the nature and impact of the US and EU sanctions on Zimbabwe**

Before going into the real debates it is necessary to outline what is actually written in the US and the EU sanctions laws concerning embargoes on Zimbabwe. Part of the United States' Zimbabwe Democracy and Economic Recovery Act (ZIDERA) states: "... the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against (1) any extension

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<sup>54</sup> Crisford Chogugudza, Open Forum, "Long story of Zim sanctions", p. 8.

<sup>55</sup> Phillip Pasirayi, "Deliver democracy to remove sanctions" in The Zimbabwe Independent, p. 1. Phillip Pasirayi is the co-ordinator of the Centre for Community Development in Zimbabwe (CCDZ)

<sup>56</sup> Ibid, p.1.

<sup>57</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 46.

<sup>58</sup> Ibid, p. 46. Senator Aguy Clement M Georgios is a leading proponent and campaigner for the removal of sanctions.

by the respective institution of any loan, credit or guarantee to the Government of Zimbabwe; or (2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.”<sup>59</sup> In this Act the term “international financial institutions” means the multilateral development banks and the International Monetary Fund (IMF). It is this part of the Act which shows that the financial restrictions on Zimbabwe are not targeted on few ZANU PF individuals but on the whole Zimbabwean society. The part of Act does not target or mention any individual but it affects the whole country and it is at this point that the whole idea of smart sanctions falls apart. The US sanctions law provides moral and financial support to the MDC-T, the private electronic and print media and their helpers in the civil society. In addition in 2003 the US put other sanctions on Zimbabwe which ban more than 250 individuals and companies from doing business with the US.<sup>60</sup> Again, the idea of targeting companies which employ innocent people, produce goods needed by the society and generate the much needed foreign currency defeats the whole idea of smart sanction.

Europe slapped targeted sanctions on government and ruling party officials in 2002, a year after the US enacted the ZIDERA.<sup>61</sup> Existing EU sanctions include an arms embargo, visa bans and asset freezes on senior government and ZANU PF officials including President Robert Mugabe.<sup>62</sup> Under the embargo, state officials are barred from travelling to the Europe unless they are on official United Nations business.<sup>63</sup> Companies associated with ZANU PF are barred from conducting business with the EU.<sup>64</sup> The EU sanctions also include media houses and journalists who are allegedly accused of helping the ZANU PF government in stifling freedom of expression in Zimbabwe.<sup>65</sup> The European Union claims that Zimbabwe was never under sanctions, but economic restrictive measures, which of course mean the same thing as

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<sup>59</sup> Vhurai Meso, Opinion, “Economic sanctions threat to unity Gvt” in The Sunday Mail, April 19-25, 2009, p. 7.

<sup>60</sup> Brian Mangwende, News Editor, “Further US sanctions detrimental to inclusive govt” in The Financial Gazette, March 12-18, 2009, p. 9.

<sup>61</sup> Stanely Kwenda, Staff Reporter, “The sanction hype and human suffering” in The Financial Gazette, 4-9 January 2008, p. 9.

<sup>62</sup> Brian Mangwende, News Editor, “Further US sanctions detrimental to inclusive govt”, p. 9.

<sup>63</sup> Ibid, p. 9.

<sup>64</sup> Stanely Kwenda, Staff Reporter, “The sanction hype and human suffering” p. 9.

<sup>65</sup> Shame Makshori, Senior Business Reporter, “Journalists join EU sanctions list” in The Financial Gazette, February 5-11 2009, p. 1. The hierarchy of the state’s information department, including former information minister Sikhanyiso Ndlovu, his deputy Bright Matonga and permanent secretary George Charamba were on the EU targeted sanctions list

sanctions to the ordinary person.<sup>66</sup> However the argument that EU sanctions are targeted does not hold much water because they also target companies and travel restrictions on senior government negatively affects government business operations and ultimately cause hardships on ordinary people who are not targeted.

ZANU PF argues that the sanctions imposed on Zimbabwe are real comprehensive economic and political sanctions because in its view ever since the inception of the land reform programme, the British government went on a wide and wild international campaign to influence western governments and institutions of finance to stop supporting Zimbabwe.<sup>67</sup> ZANU PF argues that the sanctions imposed on Zimbabwe include a range of measures taken by Britain, the US and the EU, designed to severely cripple the Zimbabwean.<sup>68</sup> ZANU PF argues that despite spirited denials by the West and MDC reality of this whole sanctions issue is that they are real and they are causing untold suffering to the people of Zimbabwe. According to ZANU PF soon after the enactment of the ZIDERA, the International Monetary Fund declared Zimbabwe ineligible to access Fund resources and suspended balance of payments support, technical assistance, voting and related rights.<sup>69</sup> Although ZANU PF has been using sanctions as a campaign strategy it is true that financial restrictions by the US and the EU negatively affects the Zimbabwean economy and cause hardships on the ordinary people.

According to ZANU PF US and EU sanctions includes putting Zimbabwe under the spotlight for the wrong reasons through the gross misrepresentation of facts on the ground by the Western media.<sup>70</sup> This is regarded as part of the US and EU's well orchestrated campaign of economic terror and suffocations aimed at achieving regime change.<sup>71</sup> Zimbabwe was portrayed by BBC, CNN, Sky and other television as a war zone and travel warnings reduced tourists thus hitting the tourism industry. ZANU PF argues that as result of negative publicity on Zimbabwe potential investors shunned the country and this affected the economy.<sup>72</sup> This suffocated the economy

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<sup>66</sup> Crisford Chogugudza, Open Forum, "The Long Story of Zim sanctions" in The Financial Gazette, September 10-16 2009, p. 8.

<sup>67</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 61.

<sup>68</sup> Garikai Chenga, "Sanctions: Nether smart nor targeted", in The Herald, Friday 6 March 2009, p. 6.

<sup>69</sup> Ibid.

<sup>70</sup> Golden Guvamatanga, "Origins of Zim sanctions" in The Herald, Tuesday 13 October 2009, p. 4.

<sup>71</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 61.

<sup>72</sup> Golden Guvamatanga, "Origins of Zim sanctions", p. 4.

of Zimbabwe by denying it potential sources foreign currency and from ZANU PF perspective this is a real sanction.<sup>73</sup> Again this is another aspect of the US and EU sanctions which defeats the whole idea of smart sanctions. Although negative publicity is aimed at the ZANU PF regime the poor performance of the tourism sector and shortage of foreign currency definitely cause economic hardships which affect every one in Zimbabwe.

The MDC-T, US and the EU maintains that the “restrictive measures” are not aimed at the general economy and do not impose an economic blockade on Zimbabwe.<sup>74</sup> The US insists the sanctions it has imposed are not meant to hurt ordinary Zimbabweans.<sup>75</sup> The US argues that Zimbabwean firms not connected to ZANU PF are free to do business with American firms and American firms are free to invest in and trade with Zimbabwe, as long as they avoid business deals with top ZANU-PF officials.<sup>76</sup> The US also argues that despite the imposition of sanctions, it still leads in the provision of humanitarian aid to Zimbabwe. For example since 2002, the US is understood to have provided more than US\$300 million of humanitarian assistance to the country.<sup>77</sup> It is on such basis that the US claims that the sanctions it imposed on Zimbabwe are targeted on a ZANU PF minority and not the whole nation.

The extent the prevailing economic crisis can be attributed to the sanctions is a topic that sparks heated debate among Zimbabweans.<sup>78</sup> President Mugabe and ZANU PF deny any responsibility for the decade of economic crisis the country has struggled under.<sup>79</sup> To ZANU PF the difficulties are all due to sanctions imposed on Zimbabwe by the European Union (EU) and the United States despite the fact that before the imposition of sanctions Zimbabwe was already facing economic problems like petrol (p. 6123) shortages, foreign currency shortages and skyrocket price increases of goods and services.<sup>80</sup> ZANU PF argues that Zimbabwean economy, if supported by

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<sup>73</sup> Parliamentary Debates, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 16, No. 3, Wednesday, 9<sup>th</sup> August, 2006, p. 61.

<sup>74</sup> Crisford Chogugudza, Open Forum, “The Long Story of Zim sanctions”, p. 8. Prime Minister Morgan Tsvangirai, during his maiden speech in Parliament, was not explicit as he referred to the sanctions as “restrictive measures”.

<sup>75</sup> Stanely Kwenda, Staff Reporter, “The sanction hype and human suffering”, p. 9

<sup>76</sup> Crisford Chogugudza, Open Forum, “The Long Story of Zim sanctions”, p. 8.

<sup>77</sup> Ibid, p. 8.

<sup>78</sup> Stanely Kwenda, Staff Reporter, “The sanction hype and human suffering”, p. 9.

<sup>79</sup> Oral interview with Paul Madzore, Male, MDC-T, House of Assembly Member for Glenview South Constituency, Glenview, 24/03/2011.

<sup>80</sup> Ibid, p. 9. Also see Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6122-23

the international cooperation can sustain a reasonable standard of living for all people.<sup>81</sup> ZANU PF blamed most of Zimbabwe's economic problems on the sanctions imposed by the US and the EU. For example in 2008 the ZANU PF government reported that illegal sanctions have hit the National Railways of Zimbabwe hard as companies in the West are refusing to supply spare for its broken down equipment.<sup>82</sup> Although sanctions caused some economic problems ZANU PF exaggerated their negative effect in order to exonerate itself from the blame of being responsible for the economic doldrums.

Critics accuse President Mugabe's government of trying to hide behind the finger and using the sanctions to mask its glaring incompetence.<sup>83</sup> They said much of the suffering visiting Zimbabweans today are a result of government's policy failures and its angry-mob-economic policies. Critics cite the example of the agrarian reforms, which saw inexperienced and poorly funded black farmers replace about 3 500 white commercial farmers who were behind the regional bread basket tag earned by the country prior the emotive land reforms of 2000.<sup>84</sup> Since then, agricultural production, which anchors the country's economy, has suffered a heavy knock. The controversial price controls of July 2007 when businesses were forced to slash prices by half are yet another example of government's self inflicted economic ruin. The controls saw products disappearing from the supermarket shelves.<sup>85</sup> In short sanctions imposed on Zimbabwe are not really targeted because they also harm the ordinary people. However sanctions were and are not the major cause of economic problems but mismanagement of the ZANU PF government.

### **When elephants fight, it is the grass that suffers: The political impacts of US and EU sanctions on Zimbabwe.**

US and EU sanctions complicated the political processes in Zimbabwe. Some political commentators said extension of sanctions was unnecessary because it affected the operations of the inclusive government. They said it gave the new government, especially officials from the ZANU PF party, an excuse for failure and enhanced chances of the continuation of the pillaging of the economy by the ruling

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<sup>81</sup> Parliamentary Debates, Zimbabwe, Official Report Unrevised, Vol. 27, No. 59 Thursday 29 March, 2001. p. 6110.

<sup>82</sup> Bulawayo Bureau "Sanctions cripple NRZ ... aged rail network, human error blamed for train accidents" in The Herald, Friday 11 January 2008, p. 3.

<sup>83</sup> Oral interview with Collen Cephas Gwiyo, Male, MDC-T, House of Assembly Member, Zengeza West Constituency, Zengeza, 25/03/2011.

<sup>84</sup> Oral interview with Paul Madzore, Male, MDC-T, House of Assembly Member for Glenview South Constituency, Glenview, 24/03/2011.

<sup>85</sup> Oral interview with Margaret Matienga, Female, MDC-T, House of Assembly Member, Sunningdale Constituency, Sunningdale, 12/04/2011.

elite.<sup>86</sup> They believe the extension of sanctions is not worth it because when elephants fight, it's the grass that suffers. In the event that the inclusive government fails to deliver through incompetence and corruption they will simply blame their failure on sanctions and ordinary people will continue to suffer.<sup>87</sup> Thus sanctions in whatever form they come in targeted or comprehensive they affect the innocent civilians the most.

US and EU sanctions resulted in a very serious blame game between the ZANU PF and MDC-T. ZANU PF argues that the political battleground in Zimbabwe is not level and is in favour of the MDC-T because of the sanctions. One of the arguments put forward by ZANU PF is that sanctions detract from free and fair elections.<sup>88</sup> ZANU PF is of the opinion that people cannot freely and fairly express their will when they are under sanctions.<sup>89</sup> ZANU PF believes that it is not strategic for Zimbabwe to hold elections early under the current sanctions regime because they hope that the voters are likely to be influenced by economic hardships caused by sanctions to vote for MDC-T.<sup>90</sup> Until recently, ZANU PF had the idea that one simple but effective way to get the United States and the European Union to lift their illegal economic sanctions is to delay the holding of elections as envisaged under the Global Political Agreement until sanctions are lifted.<sup>91</sup> This is one of the ways through which ZANU PF had used sanctions to justify its positions on issues of national importance.

ZANU PF and MDC-T have been trading accusations on the sanctions since they formed a unity government in February and the disagreements are threatening to derail the full implementation of the Global Political Agreement (GPA).<sup>92</sup> Outstanding

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<sup>86</sup> Brian Mangwende, News Editor, "Further US sanctions detrimental to inclusive govt" in The Financial Gazette, March 12-18, 2009, p. 9.

<sup>87</sup> Ibid, p. 9.

<sup>88</sup> Tichaona Zindoga, "Sanctions detract from free and fair elections" in The Herald, 10 December 2009, p. 8.

<sup>89</sup> Letters, "No polls under sanctions", in The Herald, Tuesday 3 November 2009, p. 4.

<sup>90</sup> Oral Interview with Itai Dickson Mafios, Male, ZANU PF, House of Assembly Member for Mount Darwin Constituency, ZANU PF Headquarters, 13/04/2011.

<sup>91</sup> Oral interview with Shuvai Ben Mahofa, Female, ZANU PF, Former House of Assembly Member for Gutu South, Mupandawana Growth Point, 20/04/2011. Shuvai Mahofa is one of the ZANU PF members who are bitter over US and EU sanctions. She blamed sanctions for her loss of Gutu South Constituency to Eliphas Mukonoweshuro of MDC-T in the 2008 harmonised elections. She said people in Gutu South voted for the MDC-T candidate because they suffered from economic hardships caused by sanctions like food shortages and transport problems. She said people felt herself and ZANU PF were responsible for these problems.

<sup>92</sup> Vusumuzi Sifile, 'Sanctions' to stay until Zanu PF acts on GPA: MDC-T' in The Standard, December 6 to 12, 2009, p. 8.

issues in the GPA includes restoration of democratic governance, restoration of the rule of law and respect for people's freedoms, equitable power-sharing between President Mugabe and Prime Minister Tsvangirai, re-appointment of provincial governors, Reserve Bank of Zimbabwe Governor, Attorney-General, ambassadors and permanent secretaries, reform of state security sectors and the removal of sanctions.<sup>93</sup> ZANU PF has refused to fully implement the agreements in the GPA arguing that the most important outstanding issue is the lifting of sanctions imposed by the US and the EU.<sup>94</sup> It argues that the insistence by the US and EU to keep the sanctions in place has dampened wide expectations of a quick return to normalcy in Zimbabwe, ravaged by a decade long political and economic crisis.<sup>95</sup> This shows how ZANU PF has used sanctions against its major political opponents to its political advantage by slowing down the pace of democratic reforms.

On the other hand the US, EU and partly the MDC-T have insisted that the restrictive measures will not go away until the Global Political Agreement is fully implemented.<sup>96</sup> The MDC-T has persuaded ZANU PF to accept the re-appointment of permanent secretaries, Reserve Bank of Zimbabwe Governor, Attorney-General and Provincial Governors in order to get the US and EU remove the sanctions.<sup>97</sup> The sanctions issue continues to be a thorn in the inclusive government as Zanu PF says it is the MDC-T's responsibility to call for their removal, while the Prime Minister's party insists the solution lies entirely with ZANU PF changing its ways.<sup>98</sup> MDC-T argues that once the political parties outstanding issues are resolved and the rule of law is restored, there would be no need to talk about the sanctions which will automatically be removed by the US and the EU.

While the sanctions have had the unintended consequences for the ordinary people it seems they are also having an effect on the targeted people to the bone. Sanctions were never meant to impoverish the targeted individuals but mainly to embarrass and humiliate them. Eldred Masunungure asserted that ZANU PF leaders are

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<sup>93</sup> Phillip Pasirayi, Co-ordinator of the Centre for Community Development in Zimbabwe (CCDZ), Opinion, "Deliver Democracy to remove sanctions" in The Zimbabwe Independent, April 3 to 9, 2009, p. 1.

<sup>94</sup> Love Chikova, "Hands off Gono, Tomana", in The Sunday Mail, September 13-19 2009, p. 1

<sup>95</sup> By a Special Correspondent, "EU/US sanctions: An impediment to GPA" in The Herald, Thursday 9 April 2009, p. 11.

<sup>96</sup> Vusumuzi Sifile, 'Sanctions' to stay until Zanu PF acts on GPA: MDC-T', p. 8.

<sup>97</sup> Love Chikova, "Hands off Gono, Tomana", p. 1.

<sup>98</sup> Vusumuzi Sifile, 'Sanctions' to stay until Zanu PF acts on GPA: MDC-T' in The Standard, December 6 to 12, 2009, p. 8.

suffering the psychological effect of sanctions. A case in point is the 2007 EU-Africa summit, whose attendance was supposed to be automatic for a state leader like President Mugabe. He argues that to have his attendance put to debate was surely embarrassing.<sup>99</sup> In July 2009 Justice and Legal Affairs Minister Patrick Chinamasa, who is from the ZANU PF party, was detained for six hours, with immigration police grilling him over his visa at Frankfurt International Airport in Germany, culminating in his failure to attend the crucial European Union-Zimbabwe dialogue in Brussels, Belgium.<sup>100</sup> John Makumbe argues that despite hurting the ordinary person, sanctions were serving their purpose. He said the fact that President Mugabe and his ZANU PF party started talking to the MDC-T (Movement for Democratic Change) in 2008 to form the inclusive, something he vowed never to do, show the effectiveness of sanctions.<sup>101</sup> Thus although sanctions complicated Zimbabwe's political terrain and had a negative economic effect on all Zimbabweans they persuaded ZANU PF to the negotiating table which resulted in the formation of the coalition government.

## **Conclusion**

In conclusion, it is difficult to argue that the US and EU sanctions are targeted because financial restrictions and negative publicity of the country affect the country's economy in general and they have an unintended consequence on the innocent people. Thus, although sanctions are an effective tool which influence how governments behave domestically and internationally they often have a humanitarian cost to achieve the desired result. Although the rationale for the imposition of targeted sanctions was to force the ZANU PF government to reform they are achieving the opposite as they seem to be hardening the ZANU PF's position. To a larger extent the imposition US and EU sanctions on Zimbabwe was unnecessary because it gave the ZANU PF government an excuse for failure and enhanced chances of the continuation of the pillaging of the economy by the ruling elite. When ZANU PF failed to deliver before 2009 because of mismanagement incompetence, corruption and partly sanctions, they simply blamed their failure on sanctions. Sanctions, comprehensive or targeted affect the general populace of Zimbabwe. The impact of US and EU sanctions on Zimbabwe is more political and psychological than economic. ZANU PF has successfully used the sanctions against the MDC-T which is regarded as a democratic and progressive party by refusing to implement the agreements in the GPA signed in 2008 arguing that the most serious outstanding issue is the removal of US and EU sanctions.

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<sup>99</sup> Stanely Kwenda, Staff Reporter, "The sanction hype and human suffering" in The Financial Gazette, 4-9 January 2008, p. 9.

<sup>100</sup> Hebert Zharare, Deputy News Editor, "Chinamasa detained in Germany" in The Herald, Tuesday 21 July 2009, p. 1.

<sup>101</sup> Stanely Kwenda, Staff Reporter, "The sanction hype and human suffering", p. 9.

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