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And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe

Jan Grebe

Abstract: Targeted sanctions have been extensively used by states throughout history to achieve political objectives. This article examines the European Union's and United States' targeted sanctions against the Zimbabwean regime, which have been in place for several years. The central thesis of the article is that the sanctions are not effective and thus have failed to achieve the political objectives of both the European Union and the United States. Numerous violations of the travel ban and the financial restrictions have undermined the general effectiveness of the sanctions. A detailed analysis of each individual measure empirically supports the argument that the ineffectiveness of the sanctions has negatively influenced the achievement of the political objectives. In addition, by taking a closer look at Risa Brooks' theory and discussing it in regards to the Zimbabwean sanctions, attention is drawn to the question of how to target authoritarian regimes.

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Keywords: Zimbabwe, European Union, United States, sanctions

Jan Grebe (M.A.) studied political science and sociology, as well as economic and social history at Aachen University. He is a researcher and project leader at the Bonn International Center for Conversion (BICC). His research interests are military expenditure, arms transfer, targeted sanctions and the relationship between militarization and development. He is also working on his PhD on militarization and regional security cooperation in Africa.

This paper addresses the important question of sanction effectiveness, which admittedly has been researched extensively. However, such research has focused on comprehensive economic sanctions, defined as the application of the full arsenal of sanction measures including trade and financial sanctions as well as the “government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations (Hufbauer et al. 2007). Targeted sanctions, defined as the selective use of sanction measures with the intention to minimize unintended negative humanitarian impact by specifically targeting single persons, have been the primary interest of most academic research in the past fifteen years (Cortright and Lopez 2002), but the question of effectiveness has rarely been addressed (Portela 2008). Additionally, the question of how targeted sanctions work against authoritarian regimes has been hardly touched upon, with the exception of Brooks (2002). While Brooks does present a new way to approach the effectiveness of sanctions, she neglects to study the characteristics of individual regimes. Looking at the Zimbabwean case this question should be discussed again.

The Zimbabwean crisis is approaching its tenth anniversary. The past decade has been marked by a decline in democracy,¹ massive human rights abuses, economic breakdown and the presence of the military complex in the political state apparatus.² Even though there are slight glimmers of hope that the unity government will bring about positive changes, the humanitarian, economic and political situations remain bleak. The causes of the Zimbabwean crisis, the role of Robert Mugabe and other political figures in Zimbabwe, as well as the economic and the humanitarian situations have been discussed widely. In this paper, a description of the crisis in Zimbabwe is limited to the important events with regard to the targeted sanctions. Al-

1 Although formally there are independent courts and a parliament in Zimbabwe, these seem to be only partially functional. During the past ten years one can clearly observe a strong tendency of the ruling Zimbabwe African National Union–Patriotic Front (ZANU–PF) to increase its totalitarian traits to maintain power. This is shown by the general behaviour of forced mobilisation (mandatory participation in the military) as well as the political will, which is not created in a competitive environment but rather imposed on the people by the political leadership. Having said that, there is great potential within Zimbabwe to wheel around and get back on the track to democracy. Currently, Zimbabwe can be best described as a hybrid state, with incorporated formal democratic procedure but at the same time with strong autocratic tendencies such as the military being outside parliamentary control.

2 Noted by Martin Rupiya (2004): “The current crisis in Zimbabwe is characterised by the reciprocal phenomena of the politicisation of military and the militarisation of politics.” This militarization became obvious before the 2002 presidential elections, when senior military officers stated that they would only accept a president with “liberation credentials”. The presence of the military in politics can be seen as a counterweight to the influence of the political opposition.

though the role of Western states has been the subject of public debate and scientific research, the issue of targeted sanctions has received little by way of attention other than ad hoc statements and premature conclusions—except in some scientific assessments (Eriksson 2007).

It should be noted that sanctions are still in place today, although only the period from the beginning of the sanctions regime in 2002 until September 2008 will be examined. This paper analyses the specific case of Zimbabwe and empirically examines the sanctions enacted by the European Union and the United States against Robert Mugabe's regime. Although the political discussion on the sanctions as well as the legal implementation processes of sanctions are important to consider and will be touched upon, they are not the primary focus of this paper. This paper argues that in the case of Zimbabwe, not only did targeted sanctions fail to achieve political objectives, but they also failed to fulfil a secondary objective of sending a clear message of disapproval of Mugabe's authoritarian regime. Putting pressure on regime members, and by doing so causing policies or behaviours to change, has been achieved only in very limited cases. Arguably, Brooks' theory that targeted sanctions rather than comprehensive economic sanctions work best against authoritarian regimes is reasonable. The Zimbabwean case, however, shows that targeted sanctions are far from successful. The case shows that the theory is insufficiently refined and needs to be revised in order to apply to specific authoritarian regime types. However, identifying specific authoritarian regime types should be part of a larger study.

This paper first briefly reviews the Zimbabwean crisis and the EU and US positions towards the Zimbabwean government in the first two years of the crisis, which will provide an analytical basis for the assessment of the effectiveness of the sanctions. A clear understanding of the political objectives—primary and secondary—as well as of the sanctions' objectives are important for the detailed research into EU and US sanctions undertaken in this paper. Second, an evaluation of the methodology used and of the empirical findings will be offered, the latter of which will be structured by each individual sanction measure. Finally, using Brooks' study as a theoretical framework, arguments about how targeted sanctions work against authoritarian regimes will be presented. To conclude, I shall make specific comments on the Zimbabwean case, in addition to discussing the potential for future research regarding the use of targeted sanctions against authoritarian regimes.³

3 I would like to thank the two anonymous reviewers for their critical and helpful comments.

The Zimbabwean Crisis and the Implementation of Sanctions

The Zimbabwean Crisis

The root causes of the current crisis in Zimbabwe are not new; indeed, they are systemic and have been evident throughout the first 20 years of independence. It soon became clear that Robert Mugabe was dedicated to his own ideology, which is dominated by authoritarian belief and the specific Zimbabwe African National Union–Patriotic Front (ZANU-PF) command structure, which focuses on delegitimizing individualism and political opposition (Mair 2002). As Operation Gukuruhundi erupted during the 1980s, in which an estimated 20,000 people lost their lives, people in the Zimbabwe African People’s Union (ZAPU)-dominated Matabeleland region were confronted with the enforcement of Mugabe’s ZANU-PF ideology.⁴ With the unity accord in 1987 that forced the ZAPU to join the ZANU-PF, Mugabe’s party reached its objective of establishing a *de facto* one-party state. These ideological behavioural patterns, which are mainly focused on maintaining and extending political power, dominate all actions by Mugabe’s regime throughout the current crisis (Chikuhwa 2004).

Important as the ideology of African nationalism⁵ is for Mugabe’s ZANU-PF, there are a number of other systemic factors that exacerbated the crisis outbreak early on. In the 1990s the International Monetary Fund (IMF) entered Zimbabwe, and structural adjustment programmes (SAPs) were introduced that would limit the balance of payment deficit, limit the inflation rate and bring macro-economic stability to the country (Bond 1998). However, economic growth stagnated and the unemployment rate increased sharply due to the SAPs, whose introduction was the result of a discourse within Zimbabwe between the government and business and industry representatives. As a result, the economic and social situations became even direr as the government was no longer in a position to provide extensive social services. Joblessness and hopelessness were extremely det-

4 The ZANU-PF ideology is clearly based upon socialist views, which coloured Zimbabwean politics throughout the 1980s. The ZANU-PF ideology is marked by the features of general African nationalism: intolerance of pluralism, dissent and differences of opinions; a tendency towards authoritarianism; and militarized command structures.

5 African nationalism in this context is understood as the general approach to mobilise people en masse regardless of their class or ethnicity to fight against colonialism and for human rights and democracy. Mugabe has accomplished this by mobilising peasants, workers, women and the bourgeoisie (Ndlovu-Gatsheni 2003).

perimental to the regime's stability and its ability to maintain political power (Blair 2003).

At the same time, political apathy spread throughout Zimbabwe, which was reflected in low voter turnout throughout the 1990s. The result was a boom in civil society groups in the absence of a strong opposition party as the economic and social situation deteriorated rapidly (Laakso 2003). The regime's stability was threatened, and Mugabe went on to pay significant pensions to war veterans so as to gain their loyalty. These payments had a severely negative effect on the stability of the currency and are reflected in today's suspension of the Zimbabwe dollar as the main currency (Norman 2004).

At all times, the overall objective of Mugabe's regime has been to maintain power at any cost. The late 1990s also saw the rise of the opposition party Movement for Democratic Change (MDC), which increased popular participation opportunities and provided political competition that had stagnated throughout the 1990s (Mair 2002).

Developments since 2000

The negative attitude of the Zimbabwean people towards constitutional reform⁶ led to the initial outbreak of the current political and economic crisis in February 2000. Mugabe's failure to successfully implement his changes to the constitution, which would have enabled his government to finally redistribute the white-owned farmland, was followed by mass farm invasions led by war veterans and ZANU-PF youth groups, starting soon after the dismissal of the constitutional referendum, and heralded a violent period that still persists today.

The MDC gained 57 out of 120 seats in the 2000 parliamentary elections. Despite widespread intimidation and violence on the part of the ZANU-PF, their de facto one-party state ended, and the MDC entered parliament challenging the ZANU-PF's majority.⁷ The 2002 presidential and

6 The aim of the government was to make a "home-grown" constitution after 20 years of the Lancaster House Constitution. The Constitutional Commission failed to respect the will of the people in the draft and even incorporated new suggestions to increase presidential power. The land reform was a key part of the draft, which included a clause that enables the government to acquire land without paying compensation. At the end, Mugabe was not successful in passing his intended constitutional reform.

7 The MDC was not the first opposition party to enter parliament; however, since the establishment of a de facto one-party state, the entry of the MDC into parliament was the first time the power of the ZANU-PF was actually challenged. The successes of the Zimbabwe Unity Movement (ZUM) in the 1990s showed that

the 2005 parliamentary elections followed the same pattern: intimidation, violence, and the use of food as a political weapon as well as the abduction of opposition party members by the ZANU-PF and its affiliated youth gangs. These elections emphasised to an even greater extent the split between the ZANU-PF and the MDC and complicated a political solution (Schwersensky and Traub-Merz 2005).

The crisis worsened in March 2008, when the presidential elections were held in a tense atmosphere, an atmosphere characterized by severe economic meltdown, hyperinflation and mass political violence, as well as by a massive emigration of Zimbabweans. Election results were very close and led to a run-off election at the end of June 2008. Before this could take place, opposition leader Morgan Tsvangirai withdrew his candidature in protest of the unfair elections and political violence, which was claiming lives. Mugabe declared victory in an election that actually never took place in an environment that could not be considered democratic.

The following months were marked by negotiations between Mugabe and Tsvangirai. In February 2009 the two party leaders—including the MDC faction lead by Arthur Mutambara—finally reached an agreement and formed a unity government under the Global Political Agreement.⁸ Whether this unity government is a success or a failure remains to be seen, especially after it came under severe pressure with the intermediate disengagement of Tsvangirai from the unity government in October 2009 to express his frustration about Mugabe's behaviour. Currently, the government has been restored and Tsvangirai has again taken over as Prime Minister.

The course of the crisis shows similarities to earlier crises in Zimbabwe's short period of independence. Political violence as a means to maintain political power is one of the key characteristics.

Foreign Response

As the crisis erupted in 2000, neither the European Union nor the United States were prepared for the developments, and the two entities reacted differently from one another. The EU tried to gain political influence through

there was an opposition in Zimbabwe that was willing to challenge the ZANU-PF monopoly. More than 15 per cent of voters voted for ZUM in the 1995 election. This result showed the diminishing popularity of President Mugabe (Makumbe/Compagnon 2004). However, Zimbabwe's majority voting system let the ZUM gain only two seats in parliament.

8 The Global Political Agreement (GPA) was signed between Robert Mugabe (ZANU-PF), Arthur Mutambara (MDC-M) and Morgan Tsvangirai (MDC-T). Major results include a power-sharing deal and the commitment to settle the crisis and end the political violence.

the Cotonou Agreement. It tried to use Article 96 of the Agreement to hold a special consultation with the Zimbabwean government in order to remedy the breakdown of the rule of law and the poor human rights situation. These consultations were aimed at ending all politically motivated violence, granting unlimited access to neutral election observers, protecting the right to freedom of the press, guaranteeing an independent judiciary and ending all illegal land invasions.⁹ From the beginning of the consultation until the actual implementation of targeted sanctions, the process was dominated by a “political and diplomatic tug-of-war” (Weiland 2003) and it put the EU in a position where it would have to act. In the run up to the 2002 parliamentary elections, the head of the EU election-observer mission, Pierre Schori, was denied entry into the country. This incident led to the initial implementation of targeted sanctions by the EU against Mugabe and twenty other regime members (Stübiger 2007).

The US responded differently: Instead of putting pressure on the Zimbabwean regime they acted mainly through the 2001-enacted Zimbabwe Democracy and Economic Recovery Act (ZDERA). The US administration designed ZDERA to assist Zimbabwe in democratic transition and to revitalize the collapsed economy. However, ZDERA encouraged the US president to implement travel bans and financial restrictions against persons conducting widespread political violence. While ZDERA must not be understood as a sanction law *per se*, it followed the carrot-and-stick approach that offered financial benefits on the one side but clearly considered the implementation of targeted sanctions on the other. Cancellation of debt, or any other kind of financial assistance through the multilateral financial institutions, was prohibited until the Zimbabwean president signed a certification that showed crucial improvements in basic human needs, and that the Zimbabwean government was able to meet good governance criteria.¹⁰ While critics raised concerns that these conditions constituted comprehensive economic sanctions (because of the restriction in the act to vote for humanitarian assistance) (Makaye and Munhande 2008), it is important to note that the World Bank and the International Monetary Fund at this stage had already suspended cooperation (ICG 2002b).

South Africa, as a key neighbouring country, acted through the *quiet diplomacy* effort by then-President Thabo Mbeki. While this effort was in-

9 European Commission: Communication from the Commission on the opening of consultations with Zimbabwe pursuant to Article 96 of the Cotonou Agreement, COM (2001) 623, 26.10.2001, Brussels.

10 Zimbabwe Democracy and Economic Recovery Act, Public Law 107-99-Dec. 21, 2001, online: <<http://www.coherentbabble.com/signingstatements/PublicLaws/S494PL107-99.pdf>> (accessed 10 May 2009).

tended to keep a communication channel open with Robert Mugabe, it failed to provide a quick solution. Mbeki was thereafter consistently criticised for his passiveness and was called on to give up his approach (Adelmann 2004).

The Effectiveness of EU and US Targeted Sanctions

General Remarks on Sanction Effectiveness and the Method Used

The effectiveness of sanctions has been an issue for quite some time in academic research and has been debated extensively in the last two decades (Hufbauer et al. 2007; Mack and Khan 2000; Elliot 1995; Pape 1997; Portela 2008). Generally, the effectiveness of sanctions has been discussed in the context of sanction effects and sanction success. There are not just methodological challenges in measuring sanction effectiveness, but also some debates about definitions and the right criteria to measure effectiveness (Pape 1997; Elliot 1998; Pape 1998). The general reason for the overwhelmingly negative assessment of sanction effectiveness is the limiting of sanction measurement to one objective while other secondary or even tertiary objectives are often neglected. Here, sanction effectiveness should be understood as the level of success of a specific sanction measure for a given political objective. Broader and more detailed assessments of sanctions are needed in order to judge general effectiveness. Sanctions should be understood to be effective if they “prompt significant concessions or movement in the target’s policy positions” (Brooks 2002: 8). Furthermore they should be understood as partially effective if they achieve any secondary objectives. Therefore, “success” or “failure” are not useful categories to capture the complex picture of the influence of sanctions on the political and personal behaviour of leaders in targeted countries. There is rather a need for a detailed assessment of how (mode of operation) sanctions influence who (targeted person) in what actions (political, economic or social).

Assessing the effectiveness of targeted sanctions requires a two-level approach. It is important to measure the success of the primary objectives but also to keep track of any secondary objectives. In this context, Level I is assessing the political objectives (e.g. establish human rights, democratization, regime change) formulated by official documents, and to examine whether these have been achieved by the sanction measures. To make an assessment of Level I, Level II measures the specific result of each individ-

ual sanction measure (e.g. assets freeze, travel ban) and the potential influence on the general effectiveness regarding the primary objectives (Brzoska 2009). Level II is an empirical analysis of whether sanctions have been successfully implemented or if continuous violations impair their success. *Politiķziel* (political objective) is synonymous with Level I, *Sanktionsziel* (sanction objective) corresponds with Level II (Brzoska 2005). The two-level approach helps to solve the methodological problems of classifying positive status as “success” and negative status as “failure” (Portela 2008). Individual measures can be classified as successful on Level II but could have no effect on achieving objectives on Level I. Additional analysis would then need to address the question of why the successful technical implementation of sanction measures failed to achieve Level I success.

EU Sanctions against Zimbabwe

Prior to the 2002 presidential elections in Zimbabwe, the EU member states felt impelled to act and therefore implemented a travel ban and financial restrictions against twenty persons, including Mugabe. An arms embargo was also implemented to restrict any military material flowing into Zimbabwe. On the basis of the Council Common Position 2002/145/CFSP, the European Union member states implemented restrictive measures against the Zimbabwean regime on 18 February 2002. As a consequence, the EU terminated the consultations within the framework of Article 96 of the Cotonou Agreement. These measures are central to the EU sanction strategy, although such a strategy hardly exists. At first, most of the targeted persons were members of the government, though a few were members of the security forces. Nowadays, there are 203 persons listed by the EU, ranging from government members and security personal to even spouses of key government members. The sanction list additionally includes 40 entities that are known to support government actions (Common Position 2009/68/CFSP).

Official EU documents are vaguely worded when it comes to political objectives of sanctions. The EU forbears expressing clear political objectives in their official documents, but rather describes the local events and the context in which sanctions are implemented to achieve a *status quo ante*. However, clear goal-setting is vital for creating a scenario whose accomplishment leads to the end of the sanction regime. The first Common Position (2002/145/CFSP) shows that the EU is only reacting to local conditions rather than acting with a clear strategy and clear objectives. Nevertheless, some primary objectives can be identified: stopping the serious deterioration of the human rights situation; ending political violence; and curbing

restrictions on international media covering the elections. Even though the EU describes these points, it is said that

as long as the violations occur, the Council deems it necessary to introduce restrictive measures against the Government of Zimbabwe and those who bear wide responsibility for those situations (Council Common Position 2002/145/CFSP).

It neither mentions what conditions need to be created to end the sanctions, nor defines the EU's aims, which are to return to the *status quo ante*, or to make real improvements in the democratic situation in Zimbabwe. In the 2004 Common Position, the Council adjusted its position:

The objective of these restricted measures is to encourage the persons targeted to reject policies that lead to the suppression of human rights, of the freedom of expression and of good governance (Council Common Position 2004/161/CFSP).

Another indication of a primary goal—one that is very common to sanctions—is thus articulated: to change the politics and the behaviour of the targeted persons. Nevertheless, the only clear statement aiming at addressing regime change in Zimbabwe was made by then-Prime Minister of the United Kingdom Tony Blair in June 2004, and was not part of a general EU strategy:

We work closely with the MDC on the measures that we should take in respect of Zimbabwe, although I am afraid that these measures and sanctions, although we have them in place, are of limited effect on the Mugabe regime. We must be realistic about that. It is still important ... to put pressure for change on the Mugabe regime.¹¹

Considering the UK remains one of the strongest advocates for the sanctions against Zimbabwe and is one of the most active actors to that aim, this statement has even more weight.

Although common positions are vaguely worded, it is possible to identify a set of objectives as:

- improving the human rights situation
- ending political violence
- ensuring free and fair elections
- guaranteeing basic political rights.

11 UK Parliament, 14 June 2004, Column 523, online: <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040614/debtext/40614-06.htm#40614-06_spmi0> (accessed 22 July 2009).

Additionally, targeted sanctions have a secondary objective: isolating and putting psychological pressure on the regime. This objective is helpful in targeting authoritarian regimes as direct pressure is put on the regime members rather than the general population (Eriksson 2007).

Assessing Sanction Effectiveness

Even before the implementation of the targeted sanctions in 2002, the EU initiated a public debate on how to identify assets and/or bank accounts in order to implement financial sanctions. The debate itself undermined the effectiveness of the targeted sanctions: Silently freezing the assets naturally became more difficult as the public debates made targeted persons aware of the plans and they were then of course able to withdraw their assets. Generally, the discussion among European Union member states about the implementation of asset-freezing was at issue. While on the one side, the Scandinavian countries, the Netherlands and the UK wanted to act quickly to put as much pressure on the regime as possible, on the other side, France and Belgium wanted to stay engaged in the political consultations on the basis of the Cotonou Agreement. Differing positions within the EU prevented an earlier implementation of the asset-freezing, and France even extended bilateral development cooperation with Zimbabwe at the same time most of the other EU countries were drastically reducing cooperation (ICG 2002a).

Arms Embargo

In a 2002 UN report on the illegal exploitation of resources in the Democratic Republic of Congo (DRC), a reference was made to John Bredekamp, a military broker who has an investment in a company (Aviation Consultancy Services Company) that represents British Aerospace in Africa. His company delivered British Aerospace spare parts for the ZDF (Zimbabwe Defence Forces) Hawk jets in early 2002, clearly breaching EU sanctions (UN Security Council 2002). It is worth noting that by that time, the UK had already imposed an arms embargo against Mugabe's regime. Taking into account that EU arms embargoes fall within the competence of each individual member state, national legislation is vital for enforcement and monitoring arms embargoes. The violation of the arms embargo by Bredekamp's company can be seen as inefficient enforcement and monitoring.

The Stockholm International Peace Research Institute (SIPRI) lists only China and the Ukraine as Zimbabwean suppliers for heavy weapons.¹² There are accusations that China's arms delivery to Zimbabwe were trans-

12 See SIPRI Database on arms transfers, <<http://armstrade.sipri.org/>>.

ported by Avient Aviation, a UK-registered freight charter airline operating out of Zimbabwe, from Congo-Brazzaville to Zimbabwe after they had been shipped from one port to another. Although the company denies such accusations, independent verification is not possible at the moment and therefore it remains to be seen if this constitutes a violation of the arms embargo (*The Namibian* 2008). All in all, the arms embargo can be described as effective, as there is no evidence that any European country broke the sanction rules. However, this did not lead to any achievements on Level I.

Financial Sanctions

Financial sanctions seem to be one of the most effective sanction measures as this type of sanction directly affects the targeted persons. The number of targeted persons steadily increased over the sanction period from 20 persons at the beginning of the sanctions to 203 persons and 40 companies at the beginning of 2009 (Council Common Position 2009/68/CFSP). Even though experts assume that in the run up to the sanctions (because of the public debate about exactly what to do and who to sanction), a substantial amount of assets were withdrawn from Europe (*BBC News* 2002c), there are still a number of reports on successfully frozen bank accounts and assets: (a) In 2002 two bank accounts with a combined value of 76,000 GBP were frozen (*BBC News* 2002b); (b) Two years later, 29 bank accounts were frozen with assets of more than 513,000 GBP (*Zimbabwe Independent* 2004). However, and in contrast to these positive developments, there are reports that over 10 million GBP could be stored in Asian bank accounts, hence evading the EU sanctions (Eriksson 2007). *The Sunday Times* reported that the British-based Barclay's Bank provided two persons on the sanction list with bank accounts. However, the company argued that this is legal, as "the rules do not apply to its [67% Zimbabwean-owned] subsidiary because it was incorporated outside the EU" (*Sunday Times* 2008).

Nevertheless, there are indications that the financial sanctions actually have effects on targeted persons. A member of the politburo explains that financial sanctions motivated him and some of his colleagues to want to see Mugabe leave office:

We have business which we worked hard over years to set up which are collapsing. It is about time we change course (ICG 2007).

While this sanction measure shows at best only limited effectiveness, there are at the same time hints of an attitude change in some areas of Zimbabwean politics. However, a proper assessment is hindered by the lack of sources and the limited access to a number of sources, as the EU Commission seldom shares its information with the general public (Eriksson 2007).

To sum up, effectiveness on Level II is very limited. Hence, the influence of financial sanctions on achieving Level I objectives leans towards nil.

Travel Ban

In contrast to the financial sanctions, monitoring travel bans is easier because this measure can be verified through different institutions. The Common Position 2002/145/2002 allows exceptions to this restrictive measure

where travel is justified on the grounds of humanitarian need, including religious obligation, or on grounds of attending meetings of international bodies or conducting political dialogue that promote democracy, human rights and the rule of law in Zimbabwe (Council Common Position 2002/145/CFSP).

It is important to consider that any violation of the travel ban is undermining the legitimacy, and hence the credibility, of the sanction regime. In May 2002, just three months after the travel ban took effect, Robert Mugabe travelled via France to the United Nations in New York (Eriksson 2007). In June 2002, Mugabe travelled to Rome to participate in a meeting of the Food and Agriculture Organization of the United Nations (FAO) (ICG 2002c). Even though these visits fall in the category of exemptions, one can assume that Mugabe used these meetings to react to the increasing isolation of his country. The above-mentioned isolation of a regime is crucial for the success of a sanction regime and it was partially achieved with the travel ban. In July 2002, Deputy Secretary for the Disabled and Disadvantaged Joshua Malinga, who is also on the sanction list, was prevented from continuing his trip to New York by British authorities in London. British officials claimed that Joshua Malinga was violating EU sanction regulations (*BBC News* 2002a). Shortly after that, in August of the same year, police commissioner Augustine Chihuri, who is on the sanction list, was granted a visa to attend an Interpol conference in Lyon (Orden 2003).

These few incidents show the difficulties in enforcing the sanctions and how the EU tried to cope with the exemptions and their interpretation. The then-chairman of the Committee for Foreign Relations in the European Parliament said:

Clearly the EU travel ban is not working very effectively. ... We don't expect Mugabe and his ministers to take the EU seriously if they can travel quite freely (*Financial Gazette* 2002).

There were two additional cases in September and November 2002, in which Belgium was in the focus of the debate on the ambiguous EU policy (*The Independent* 2002; *Reuters* 2002). That the effective implementation of the

travel ban was doubtful from its inception because of different political positions and some institutional deficits, and that it was clearly violated more than once, rightly prompts questions about its effectiveness.

In 2005, while attending the funeral of Pope John Paul II, Mugabe tried exhaustingly to meet with European leaders in another attempt to end the lasting isolation of his country (ICG 2005). This shows that the isolation was successful and had an impact on the regime.¹³

It is not only the autonomous character of the travel ban that allows many loopholes, but also the absence of coherent EU politics that leads to only a modicum of effectiveness. Admittedly, travel bans can be quite easily monitored by embassies and other institutions, but the slow decision process in the EU gives way to slow reactions to any developments in Zimbabwe including the personal restructuring of the cabinet. Beyond that, it remains unclear why the EU has not yet targeted any children of members of the Mugabe regime to put more pressure on those responsible (ICG 2007).¹⁴

Taking all the violations into consideration, the effectiveness on Level II is more than doubtful. The travel ban was regularly violated and the incoherent position of the EU and its member states make it difficult to effectively maintain the travel ban. Because the targeted persons can still travel to Asia and to Arab countries, the travel ban does not significantly contribute to the achievement of Level I objectives.

US Sanctions against Zimbabwe

Since 2001 US policies towards Zimbabwe have been mostly unchanged. The passing of ZDERA in 2001 enabled the US president to use targeted sanctions, which were finally implemented in the beginning of 2003 after other mechanisms—political consultations and democratic support—of ZDERA weren't successful. The act was integrated into US foreign policy to promote democracy and liberty around the world, either by sanctions or by economic incentives (Ploch 2009). With Executive Order 13288, then-President George W. Bush implemented financial sanctions against Robert Mugabe and 76 other government officials. In February 2002, Bush also introduced a travel ban against Mugabe and other Zimbabwean officials, as well as business people who benefited from business activity with the Zimbab-

13 There was also a case in which the travel ban affected the targeted person's personal life: Zimbabwean parliamentarians were invited to a meeting organised by UNDP. Because of the travel ban they could not fly to the intended destination. It was later discovered that this meeting would have been used by one of the parliamentarians to conduct a private meeting with one of her children (Eriksson 2007).

14 See also: *The Age*, 17 August 2007, Australia to Deport Despot's Children.

wean government (Bush 2002). By 2002, the US had already implemented an arms embargo. However, most scholars isolate March 2003 as the beginning of the US sanction regime, as the full range of targeted sanction measures were used (Gavin 2007). This shows the difficulties of pinpointing the exact beginning of a sanction regime, but it also shows the similarities to the EU sanction policy in terms of measures used to pursue the political objectives.

In an announcement in 2002, the US reacted to the actions taken to undermine Zimbabwean democracy by taking all available measures

to restrict the international travel and to suspend the entry in the United States [...] of senior members of the government of Robert Mugabe [...] who formulate, implement, or benefit from policies that undermine or injure Zimbabwe's democratic institutions or impede the transition to a multiparty democracy (Bush 2002).

In the Executive Order 13288, George W. Bush even went beyond this objective and declared:

The actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability [...] constitute an unusual and extraordinary threat to the foreign policy of the United States, and I hereby declare a national emergency to deal with that threat (Executive Order 13288 2003).

Just like the EU, the US describes the political violence, the breakdown in the rule of law, the intimidation and the political instability, and the US reacts to these developments by implementing targeted sanctions. However, just like the EU, the US also neglected to clearly formulate any sanction objectives or provide a descriptive scenario to be achieved with sanctions. The official objectives can be identified: reversing the state of affairs in Zimbabwe; reviving the democratic process; restoring the rule of law; ending politically motivated violence. However, it remained unclear how the political and economic grievances should be solved as the objectives were vaguely defined. Jendayi Fraser's 2005 statement demonstrated clear objectives and elucidated scenarios in which the sanctions could be lifted, *but* not

unless and until Zimbabwe returns to democratic free and fair elections that engender the free expression and rights of the individual" (quoted in: Makaye and Munhande 2008: 57).

Then-Secretary of State Colin Powell supported re-establishing regime stability from within Zimbabwe (*Zimbabwe Standard* 2004). However, there remain no doubts as to the position of the then-Ambassador of Zimbabwe in South Africa, Jendayi Fraser, who appealed to form a coalition of the willing to overthrow the Mugabe regime (*The Independent* 2004). This is clearly different from the EU policy, which had never publicly declared regime change to be a major objective. The financial contributions of the US—and also of the UK—to a number of non-governmental organisations clearly indicate that regime change is one of the major objectives in the policy towards Zimbabwe in which sanctions play a major role.

Britain and the United States have previously admitted to funding and working with opposition elements in Zimbabwe and some SADC [Southern African Development Community] countries to effect illegal regime change (*The Herald* 2008).

Assessing the Effectiveness

Assessing the effectiveness of US sanctions appears to be more difficult than assessing the effectiveness of EU sanctions. Information and sources are lacking, hence only qualified conclusions can be drawn. Because targeted sanctions were implemented at different times, their effectiveness was diminished. The failures in the planning process before the implementation of the financial sanctions in 2003 led to serious negative effects as assets could be moved out of Washington's reach should the freeze eventually be implemented. Alongside effectiveness, one of the most important factors is credibility, which is vital to successfully work towards an isolation of the targeted regime (Stübig 2007). Within the US sanction policy, asset-freezing does play the major role alongside arms embargoes and travel bans.

There are no reports on any arms embargo violations and therefore this sanction measure can be considered successful. However, this is only a partial conclusion as verification is hardly possible at the moment due to the lack of official documents.

Financial Sanctions

In contrast to the travel ban, the list of targeted persons of financial sanctions is publicly available. Any data on frozen assets or other successes are rarely published. Soon after the implementation of the financial sanctions it became clear that the sanctions against Zimbabwe were not at the top of the agenda at the US Office of Foreign Assets Control. It was rather the fight against al-Qaida finances that was focused on (ICG 2004). In September 2004 the United States Government Accountability Office (GAO) published

a report on the assets that had been frozen from the beginning of the sanctions up to the day of the report's publication. The GAO froze assets worth 800,000 USD in this period, almost the same amount the EU had frozen in this time period (United States Government Accountability Office 2004). Considering that the number of persons the US targeted is much higher than the number the EU targeted, the assets frozen by the US government appear to be very low in comparison.

In addition, it is worth noting that the US government did not sanction the German company Giesecke & Devrient even though it actively supported the Zimbabwean government. One possible reason for this is that the US did not want to risk sanctioning a company based in a country that is a coalition partner (*Los Angeles Times* 2008).

There is hardly any information on the success of the financial sanctions and there are almost no public reports on removed assets or sanction violations. Nevertheless, the International Crisis Group (ICG 2006) concluded that the paralysis of the activities of many parliamentarians and ZANU-PF members are the result of sanctions. The US has a long history of implementing financial sanctions and in contrast to the EU has well-established institutions to enforce and monitor the sanctions; hence there are only a few loopholes. However, assessing the effectiveness on Level II and therefore drawing conclusions on how this influenced the Level I objectives remains difficult.

Travel Ban

In the case of the travel ban, the availability of information and documents is limited. There are a number of exemptions to the travel ban, which enable targeted persons to attend any international meetings or conferences. In 2004 Mugabe used this opportunity to attack President Bush and Prime Minister Blair during his speech at the UN General Assembly (*BBC News* 2004). There is at least one report of the US travel ban being violated: In June 2006 Zimbabwe's finance minister Herbert Murerwa and the Governor of the Zimbabwe Central Bank Gideon Gono travelled to the US to meet with officials of the International Monetary Fund (IMF). According to the US sanctions, targeted persons are only allowed to travel to the United Nations (*Zimbabwe Standard* 2006a). But there seem to be different opinions about this. The US ambassador to Zimbabwe stated that travel to the IMF is allowed, as Zimbabwe is a member of this international institution. In this context he reported that the travel sanctions are a success:

“What I can tell you is that there have been numerous cases in which senior officials and members of their families have been denied visas” (*Zimbabwe Standard* 2006b).

The fact that the list of persons targeted by the travel ban is not public makes it difficult to assess the effectiveness of the sanction measures. There are some non-governmental organizations that clearly state that there have been constant violations:

Again, however, these have limited success, as banned officials regularly visit the U.S. for UN and similar international meetings (ICG 2004).

The effectiveness results are obviously mixed: Sometimes they work and sometimes the sanctions are violated. Hence, the mixed Level II results had an indifferent influence on the Level I objectives.

The Use of Targeted Sanctions against Authoritarian Regimes

Little research has been conducted on the effects of targeted sanctions on influencing leaders' incentives to change abhorrent policies and comply with senders' demands (Nossal 1999; Drezner 1999). Specific structural regime conditions, which are important for effectiveness or ineffectiveness of sanctions, have not been well studied. Generally, the assumption was that authoritarian rulers would not give in to the sanction pressure.¹⁵ However, Brooks was one of the first to draw attention to the question of how important the regime type is for the mode of operation of sanctions (Brooks 2002). She studies comprehensive economic sanctions and targeted sanctions and their use against specific types of regimes. She concludes that comprehensive economic sanctions work best against democracies, while targeted sanctions work best against authoritarian regimes. Brooks' work is essential for further analysis of different sanction types against specific regimes, as she sees the key to understanding the success of targeted sanctions as figuring out *which* type of sanction works *when* against *what* type of regime. However, the question of *what* types of regimes exist needs a more detailed assessment than just the two categories presented.

She argues that sanctions will be most effective against authoritarian regimes when they target assets and the movement of individuals. Her argument is that

15 For examples of successful cases of EU sanctions against authoritarian regimes see Clara Portela 2009.

by harming politically salient constituencies, targeted sanctions magnify leaders' incentives to concede to external demand (Brooks 2002: 40).

I believe she is right in saying that in the case of authoritarian regimes the most important factors are to isolate individuals from the access to state resources in order to stop their individual benefits, and to harm the interest of specific economic classes, which in return would put pressure on the political leadership to guarantee free business. Targeted sanctions must target specific individuals that are supportive of the regime. Therefore, a clear analysis of each individual authoritarian regime is important for their effective implementation, as the internal structure and characteristics of the regime can influence the outcome of the sanctions.

Although Brooks has done pioneering work in the area of regime analysis in connection with sanctions, analysis of the mode of operation of targeted sanctions against specific authoritarian regimes in more detail is still needed. As she analyses only two categories, she leaves out the possibility of different variations of authoritarian regimes. These specific characteristics, I would argue, are an important factor for the success or failure of targeted sanctions.

Another critical point in her study is the fact that she only focuses on UN sanctions, while in reality smaller "sanctions coalitions" can be very important. As the case of Zimbabwe shows, the sanctions are limited in their effectiveness because the regime is given opportunities to evade the sanctions by conducting trade with China and South Africa, and targeted persons even have the opportunity to evade the travel ban by travelling to Asian or Arab countries. Mandatory UN sanctions, at least in theory, are more difficult to evade, and they isolate regimes even more.

Brooks' conclusion that targeted sanctions, as opposed to comprehensive economic sanctions, work better against authoritarian regimes, with which I agree to a certain extent, leaves out a number of other factors that influence the sanctions regime and the success of each individual measure. The case of Zimbabwe has shown that after seven years of targeted sanctions, the success was very limited. Thus the case of Zimbabwe does not clearly support her argument, as targeted sanctions had not yet been successful in their application to an authoritarian regime. But, this does not mean that comprehensive economic sanctions would have worked better. An important factor to consider when applying targeted sanctions to authoritarian regimes is that the leadership can simply avoid economic pressure by shifting the hardship to the population. In this sense, targeted sanctions are more effective, as they directly target the leadership and avoid

negative humanitarian impact. There are indications¹⁶ that isolation, as a direct consequence of the sanctions, has an impact on the Zimbabwean leadership, thus showing it to be a useful tool to put pressure on the regime. In order to target authoritarian regimes effectively, one requires a sufficient analysis of the specific characteristics of the regime—an analysis that identifies the regime's weaknesses, along with potential oppositions in the leadership and possible incentives for the regime to comply with the sender's demands. The analysis should also determine how best to communicate with the regime elite.

In the case of Zimbabwe, the EU and the US chose to ignore a suggestion by the ICG to target children of regime members who study abroad. In order to strengthen the sanctions, these children should be included on the sanction list in order to hurt the regime member. As the countries that regime members' children predominantly choose to study in are the UK, the US, Australia and EU countries, this would severely affect these individuals, who, of course, profit from the regime. This measure was often recommended by the ICG, but not considered by the EU or the US. The ICG reported in 2007 that the cost for one student to study at Harvard equals that of more than 2,000 students to study in Harare (ICG 2007). Australia, which also upholds targeted sanctions against the Zimbabwean regime, actually did start to deport children of regime members in August 2007 (*The Age* 2007). This example of targeting children of regime members shows that a specific knowledge of the characteristics of each authoritarian regime is vital for the successful implementation of targeted sanctions and that the general conclusion that targeted sanctions work best against authoritarian regimes is up for debate.

The international community as a whole also struggles to find a common position towards Zimbabwe. There is a need to put more and wider pressure on Mugabe's authoritarian regime through the use of multilateral, targeted UN sanctions. During the summer of 2008 the US and the EU tried to push for a Security Council resolution to establish an international sanctions regime against Zimbabwe. Facing resistance from South Africa and China (among other states) in the Security Council, the joint US–EU effort failed as China pointed out that the sanctions would have a negative effect on the African efforts to solve the crisis in Zimbabwe. Russia voted against the resolution based on its belief that there is no mandate for the Security Council because the Zimbabwean crisis constitutes no threat to international peace and security (*The Guardian* 2008).

16 At least in one case a Zimbabwean businessman close to the regime is claiming that sanctions have a negative impact on his business (see ICG 2007: 15).

A serious problem that has not been touched upon in the debate about targeting authoritarian regimes is the necessary communication about the sender's intended objectives to the people of the regime being targeted. Mugabe identified this deficit in EU and US politics to his benefit, using the sanctions in his propaganda to absolve himself of having caused the economic and political crisis. The EU right from the beginning of the sanctions regime issued statements in which it stated that the sanctions were aimed at the leadership and not the general population (Embassy of Italy 2003). However, this approach failed as the EU did not explain the reasons for the sanctions, thus losing the support of the Zimbabwean people and giving Mugabe the grounds to label the sanctions racial tools targeting the general population (Eriksson 2005). Future research must address the important question of how to most effectively communicate the reasons for sanction policy to the leadership of the regime and also to the general population of the state whose regime is being targeted. Authoritarian regimes are often in the position to control the state media—as is the case in Zimbabwe; therefore, it becomes even more difficult for the sender regime to communicate its objectives. One strategy would be to work together with civil society groups so that the sender can get hold of a communication platform, to get the message to the general population. Currently, the Zimbabwean government controls this communication platform. In the case of Zimbabwe, the EU seems to understand the need to reach out to the people. The EU tries, by holding seminars in Zimbabwe, to explain the sanction objectives—especially that the sanctions are designed to avoid humanitarian impacts—to the general public in order to gain their support to put more pressure on the regime. Nevertheless, there is need for improvement and recognition of alternatives in the area of sender communication (Eriksson 2007).

Conclusion

The Zimbabwean crisis has still not been solved, although much hope was put into the government of national unity formed at the beginning of 2009. Mugabe, however, still seems to lack interest in making real progress towards a democratic and economic renewal of Zimbabwe. Tsvangirai appears to be a less powerful force in the joint government than had been expected. Numerous states and other actors called upon the EU and the US to lift their sanctions in order to help solve the political and economic crisis. Lately, SADC called upon the members of the sanction regime to lift sanctions to help the unity government. However, the EU and the US rejected this call and have maintained their sanctions and even extended them as Zimbabwe's human rights situation and democratic performance have not

improved. The EU and the US are still holding back any kind of development aid. Both stated that the resuming of development cooperation depends on political and economic reforms in Zimbabwe. Though, the EU is working towards a normalization of relations with Zimbabwe.

The empirical data shows that there are serious doubts about the effectiveness of the targeted sanctions. Nevertheless, there are also a number of reports on the successful enforcement of each individual sanction measure. However, the general effectiveness of the sanctions remains doubtful. Neither the political violence nor the intimidation could be stopped by the sanctions over the years. Nor has the human rights situation improved, and the process to democracy has also not been revitalized by any of the sanction measures. The situation in Zimbabwe remains tense: The economic breakdown has not stopped and the political crisis has not yet been solved. The primary objectives of the sanctions have not been satisfied. The political and economic situation has actually become even worse since the sanctions' implementation. Thus, broadly speaking, the targeted sanctions have not been effective.

There were also serious problems with enforcing the sanctions. The travel ban was regularly violated. Financial assets were moved out of the reach of the EU and the US even before the implementation of the measure. The arms embargo seems to be the only measure that was implemented successfully and was therefore effective. However, the political objectives of the senders remain largely unmet. Zimbabwe was able to import weapons and other military assets from countries outside the EU and the US. The numerous violations of each individual sanction measure have severely undermined the sanctions' general effectiveness.

However, there are clear indications that the sanctions were successful in a few instances as they successfully isolated members of the regime, banned members of the regime from travelling abroad, and froze assets of some officials. There is also some evidence that in a few cases sanctions led to a behavioural change of a few regime members who saw their own financial business threatened by the sanctions or were directly affected by the travel ban. Nevertheless, these few successes did not lead to achievement of any of the primary objectives. The EU and the US uphold their sanctions even today. At the same time, the Zimbabwean government is increasing its efforts to blame the sanctions for the economic breakdown and the political crisis. The regime uses the violations to publicly undermine the legitimacy of the sanctions regime. The Zimbabwean example indicates that targeted sanctions have not worked against an authoritarian regime. Too many loopholes, weak enforcement, no clear strategy and a weak communication of the political objectives have undermined their effectiveness. The relative

ineffectiveness of the sanctions against Zimbabwe means that Brooks' idea that targeted sanctions work best against authoritarian regimes could not be proven. There remain numerous issues that need consideration when targeting authoritarian regimes. In particular, assessing sanctions as a communication strategy would contribute to the general study and knowledge of targeted sanctions and needs to be part of future study of targeted sanctions. As Brooks only studies targeted sanctions with a UN mandate, targeted sanctions made by non-UN bodies against authoritarian regimes need to be assessed to identify the specific conditions under which they might be successful. In order to successfully implement sanctions, a careful assessment of the variety of groups affected by sanctions needs to be undertaken.

A critical factor of the current sanctions against Zimbabwe is the fact that they do not have a UN mandate, which clearly undermines their effectiveness as the Zimbabwean regime has certain opportunities to evade the measures. Past efforts to establish a UN sanctions regime have failed because Zimbabwe's allies vetoed a proposed resolution in the Security Council.

The EU and the US maintain their sanctions in the hope of achieving their political objectives. Whether these types of sanctions are the appropriate tools to do so remains doubtful.

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Und sie sanktionieren weiter: Zur Wirksamkeit zielgerichteter Sanktionen gegen Simbabwe

Zusammenfassung: Seit Jahrzehnten sind zielgerichtete Sanktionen ein wichtiges Instrument der internationalen Politik. Der vorliegende Artikel untersucht die von der Europäischen Union und den Vereinigten Staaten verhängten Sanktionen gegen das simbabwische Regime, die seit einigen Jahren wirksam sind. Zentrales Argument des Autors ist, dass diese Sanktionen bislang nicht effektiv waren und die damit verbundenen politischen Ziele daher nicht erreicht werden konnten. Zahlreiche Verstöße gegen das Reiseverbot und die Finanzrestriktionen haben die Wirksamkeit der Sanktionen untergraben. Eine empirische Analyse der einzelnen Sanktionsmaßnahmen unterstützt das Argument, dass die Ineffektivität der Sanktionen die Durchsetzung der politischen Ziele verhindert hat. Mit Blick auf die Theorie von Risa A. Brooks wird zudem der Frage nachgegangen, wie zielgerichtete Sanktionen gegen autoritäre Regime funktionieren können.

Schlagwörter: Zimbabwe, Europäische Union, Vereinigte Staaten, Sanktionen