

Targeting the Leadership of Zimbabwe:

A Path to Democracy and Normalization?

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Targeting the Leadership of Zimbabwe:

A Path to Democracy and Normalization?¹

*By Mikael Eriksson
December 2007*

This report is based on a set of interviews and observations from a research mission undertaken in Harare, Zimbabwe in September 2006. As part of a broader dissertation project conducted at the European University Institute in Florence, Italy, this field trip to Zimbabwe was designed to study the impact of targeted sanctions.² Of particular concern was the impact of the travel bans and assets freeze measures on targeted individuals applied by the European Union (EU). Other sanctions measures in place, such as the arms embargo or other indirect trade restrictions, are omitted in this study. A set of interviews were conducted with different members of the civil society (both national and international); key representatives of the government of Zimbabwe; political parties (ZANU-PF and MDC factions), foreign embassy re-

¹ Valuable comments were given by Professor Peter Wallensteen (Department of Peace and Conflict Research, Uppsala University). Comments were also generously offered by some members of SAHRIT.

² The current research project emerged out of two wider research projects titled “The Stockholm Process on the Implementation of Targeted Sanctions”, SPITS, and the “European Targeted Sanctions Project”, established at the Department of Peace and Conflict Research, Uppsala University, Sweden. Some initial findings have been presented to the 2006 conference of The Swedish Network of Peace, Conflict and Development Research, ‘Globalization and Peace building’, in Uppsala Sweden 6-8 November 2006.

representatives, as well as researchers.³ All interviews had an open-ended character with guiding questions. Anonymity was granted to those interviewed.⁴ Additionally information public reports, news-articles and monthly bulletins covering African and Zimbabwean issues were used (also news articles from state owed papers) in order to include government perceptions.

The Human Rights Trust of Southern Africa (SAHRIT) was instrumental in facilitating contacts during the mission, while the Nordic Africa Institute, Uppsala Sweden was supportive in awarding me a travel grant. Hence, both institutions deserve special thanks. It should be noted that some interviews that were made with particular targeted entities of sanctions have been left out here, and will be incorporated in the PhD thesis.

Summary and Recommendations are included in the final section of the Report.

³ Some of the agencies and institutes visited were: The Human Rights Trust of Southern Africa (SAHRIT), Swedish Embassy, U.K. Embassy, U.S. Embassy, EC Delegation, United Nations Development Program (UNDP), Women and Law in Southern Africa (WOLA), National Association of Non-Governmental Organisations (NANGO), Members of the House and the Senate of the parliament of Zimbabwe, Cabinet advisory associates, Movement for Democratic Change (MDC), ZANU-PF, and USAID. Note however that due to anonymity the full list cannot be disclosed. Moreover, some of the individuals interviewed did not speak in their official capacity but as private individuals.

⁴ No interviews were recorded, but typed immediately once held.

Foreword

Targeted sanctions on the Zimbabwean leadership have been in place for six years and it is now pertinent to ask what impact the measure has generated with regard to the objectives set out in the EU sanctions regime. While the broader aim of the targeted sanctions is to engage the target state and its leadership in a dialogue based on concerns raised by the sender (EU), the puzzle here is to understand what this strategy has achieved. What is of particular interest here is to understand how those targeted with sanctions themselves perceive restrictive measures? While some investigations suggest that sanctions are personal, other suggest that sanctions are directed at the change of politics and not of individuals.⁵ Moreover, what is interesting is what *type* of impact sanctions generate. Recent investigations suggest that EU sanctions are useful, but are not much more than annoyances,⁶ and that they have only been symbolic.⁷ Thus, do sanctions really matter?

There are currently several imposers of sanctions, e.g. the European Union, the United States, Australia and New Zealand. While issues of concern for the sanctions imposer may differ slightly from one another, all refer to the government of Zimbabwe's failure to conduct free and fair elections, and its failure to protect human rights. Here, I will concentrate my attention on EU's sanctions, as they have been generally neglected in the literature.

In the broader context, targeted sanctions are strategic instruments that have been developed over the last two decades to send a signal of disapproval to key entities that do not comply with UN decisions. The logic of targeted sanctions is quite simple, that is, to put pressure on key decision-makers, in their official capacity, normally the ruling elite

⁵ International Crisis Group states that: "Western diplomats properly insist that EU and U.S. targeted sanctions are directed at the change of policies, not of individuals...". *International Crisis Group* 5 March 2007, p. 16.

⁶ International Crisis Group sometimes concludes that sanctions are working, while at other times saying that it is more of symbolic character *International Crisis Group*, August 2006, and *International Crisis Group* 5 March 2007.

⁷ International Crisis Group states: Western sanctions-mainly targeting just over 200 members of the leadership with travel bans and assets freezes – have proven largely symbolic...". *International Crisis Group* 18 September 2007.

of a country, while at the same time protecting the broader population. The processes of speeding up the development of the ‘smart-sanctions’ instrument largely was a result of negative effects of the comprehensive sanctions on Iraq. The rationale of this instrument is to single out and stigmatize those individuals that are directly, or indirectly, responsible for the political and economic crisis in the target state.

Targeted sanctions generally appear in different forms, depending on the political environment they are meant to operate in. Some of the restrictive measure include: diplomatic sanctions, bans on trading in rough diamonds (e.g. the Kimberly process), bans on trading in timber, sports exchange, arms embargos, travel restrictions, financial sanctions, and aviation bans. Often, targeted sanctions are of a gradual nature. This means that they are tightened over time if the political behaviour of the target does not change. Furthermore, a targeted sanction is an instrument that is employed globally. Although it may seem that African nations have been mostly targeted (e.g. Angola, Ivory Cost, Liberia, and Zimbabwe), this is not in fact the case, since such countries like Austria, Belarus, Burma/Myanmar, Transdniestria (renegade state of Moldova), and North Korea have also had targeted sanctions applied to them by the UN and/or EU.

In this report some key elements of the sanctions dynamics in Zimbabwe will be made. The main objective is to discuss various aspects of sanctions efficacy and impact. Underlying this puzzle is whether ordinary Zimbabweans, as a result of the targeted sanctions, are likely to end up enduring a better life (i.e. under a better democratic and human rights culture). Firstly, an overview of the crisis in Zimbabwe will be introduced; secondly, a historical background will be made so as to provide for the post-independence history leading up to the current crisis. Following this section, a discussion on the dynamics of EU’s sanctions lists as well as the Zimbabwean government’s reaction to it will be made. Towards the end, an analysis of the role of the travel bans and frozen assets measure will be conducted. Finally, the report will present strategies for further dialogue and isolation.

I. The Current Situation

The current situation in Zimbabwe is marked by rapid political and economic decline.⁸ This is a view that prevails among most ordinary citizens of Zimbabwe. However, if one belongs to the economic and political elite, i.e. the upper social strata of Harare, this view might not be shared. On the contrary, in the central business district of Harare, streets are clean, shopping-windows are stuffed with attractive goods, and citizens are well dressed. A further testimony to the apparent affluence of central Harare are the numbers of new luxury cars to be seen driving around. In central Harare one could imagine that there is no crisis at all. But sadly, this is only a façade neatly arranged, and sustained by the economic and political elite. A better representation of the current situation, in the larger part of the country, is found in the southern and western suburbs of Harare. Here, sanitary conditions have collapsed, there is no proper food and clean water is lacking.⁹ Those corners of the streets that were once usually crowded with street vendors are now hidden behind walls, into designated areas. Street farming is also a common and clear indication on the state of crisis.¹⁰ Much of this is likely the results of failed government plans and international hesitation to support government policies.¹¹ Today it is generally accepted that Zimbabwe is in a state of crisis, something that is also acknowledged by most official representatives of the government. Consider for instance the following figures:

- Since 1999 the GDP has dropped by almost 40 per cent;

⁸ For instance, *Freedom House* notes that Zimbabwe is falling into the category of worlds most repressive regimes.

⁹ In fact, the *Financial Gazette* report that a massive water crisis is looming in the entire Harare area, as the Zimbabwe National Water Authority is urgently in need of funding (*The Financial Gazette*, September 2006).

¹⁰ For a more detailed analysis of the Urban Socio-economic scene, see Kamete, 2002.

¹¹ *The Financial Gazette* (September 2006), quoting a senior International Monetary Fund official, forecast that the inflation for 2007 could be as high as 4000 per cent.

- Since 2000 about 250 000 farm workers and 3500 white commercial farmers have been evicted for the purpose of re-distributing land;
- The inflation is currently reaching above 15 000 per cent;¹²
- During the 2005/2006 season about 3 million people are dependent on food aid;
- There are currently 1.8 million people HIV infected in Zimbabwe;
- An estimated 3 million people have emigrated from Zimbabwe;
- In 2002, an estimated 80% of the population lives below the poverty line;
- WHO estimates that the life expectancy in 2005 is about 36 years;
- The unemployment rate is estimated to be 70%.¹³

However, while these figures offer a vivid account of the decline suffered in Zimbabwe, different actors have different views of what the crisis in Zimbabwe is all about. While the internal opposition and parts of the civil society (i.e. certain segments of the NGO community) may point at increasing repression, strangulation of human rights, election frauds, collapse of the social fabric and social services, the government point at massive economic decline due to sanctions.¹⁴

¹² Based on estimated (unofficial figures from the Central Statistics office). In March 2007, the inflation hit 2,200%.

¹³ Figure taken from International Labour Organisation (ILO). The *International Crisis Group* however held in June 2006 that this figure were more than 85%.

¹⁴ This was the most widely held view among government officials.

2. The Historical Legacy: Lancaster House Agreement and the Land Reform Problem

Modern Zimbabwe was born out of a colonized society heavily affected by apartheid under the white minority rule led by Ian Smith, the first prime minister of Rhodesia.¹⁵ The Smith regime attempted to sustain an apartheid-like system for several years, while enduring isolation from the international community and national guerilla warfare, the regime could never have lasted for long. The outcome of the elections held in February 1980 marked a determination among the Zimbabwean people to start a new era beyond the influence of the white ruling class and the former colonial power. Together with his national party ZANU-PF, Mr. Robert Mugabe was seen at the time as the unifier and liberator, the ideal person to lead the free country into the future. During the first free election, the ZANU-PF won 62% of the votes, with a 91% turn out.¹⁶ By the time of independence in March, the economy of Zimbabwe was one of the most advanced in Africa.¹⁷

After initially having some years of stability and forward looking policies, by the early 1990s social and economic difficulties started to emerge in Zimbabwe. One such cause was the Economic Structural Adjustment Programs (ESAP), which were introduced to Zimbabwe by international financial institutions. Many of its liberal policies had a tremendous effect on a society, which still had a relatively primeval economy. As was noted by one interviewee; “the ESAP was particularly bad from the point of view that those institutions that advocated the liberal policies never really had a dialogue with the people of Zimbabwe”. While the aim of the policies underlying the economic reform was to create employment, competitiveness and budget stability, it turned out quite the opposite: it increased poverty, inequality and domestic instability, while setting about a slowly growing economic decline.

¹⁵ A good introduction to Ian Smith’s political life as well as a modern historical account of Zimbabwe, see: Smith, Ian Douglas. *Bitter Harvest: The Great Betrayal and the Dreadful Aftermath* (Blake Publishing: London, 1981).

¹⁶ Good 2002: 10

¹⁷ *ibid.* p. 7.

With lowering living standards, and a generally worsening economic situation, different groups, especially the trade unions, raised their concerns. Some of these were manifested through street protests and public meetings against the government. The real phase of government challenge came however towards the end of the 90's, when the ZANU-PF government faced opposition by the newly formed opposition political party Movement for Democratic Change (MDC).

Although, the economic policies of the government was at the heart of concern of the opposition, there were also other issues looming, especially the question over the future of the Zimbabwean constitution. While some corners of Zimbabwean society believed that the *Lancaster House Agreement*, that ended the white minority rule in Zimbabwe, was the first Zimbabwean constitution, others regarded it only as a starting document providing for a ceasefire at the time it was signed (embedding a commitment for future negotiations concerning the political settlement of Zimbabwe). Thus, there was, since independence, a steadily increasing concern over the future of the constitution. In addition, there were also two other issues of concern: the power of the presidential office, and the unsolved question of land reform. Of these two, the land reform was perhaps the most urgent one as it had an immediate effect on the economy.

In principle, the government had promised to give back land to the black population, which in their view had been stolen by the whites. Once in power, the ZANU-PF had promised to implement the land-resettlement program. Based on an interview with a senior inner-circle ZANU-PF official, a brief summary of what the land reform was all about is made below.

“It was thanks to the British Prime minister Margaret Thatcher, by her help to establish the Lancaster House meeting that the Rhodesian question could finally be solved after many years of civil war. In terms of politics, the conservative Tories were more the implementers while Labour put human flesh to their policies. Labour built the welfare state, while the Tories put out a post-war vision for the society. The conservatives knew how to deal with colonialism, which the Labour party did not. The Lancaster House Agreement called upon all stake holders, it even made us, the guerrilla, to come to the negotiation table. Thatcher and Mugabe were very close. During the negotiations, the UK promised

to give financial help to the Zimbabwe government so that land could be bought from the commercial farmers on a 'willing seller - willing buyer - principle'. In 1981 a new land reform policy was enacted, which granted government power to expropriate certain sectors. "Thatcher sent us money every month, while we surveyed the land and planned for which farms to buy. In fact, we even got more money than we could handle. At the time the UK even said we were very *slow* in our land re-distribution. Hence, as part of an agreement, John Mayor - once in office - made sure to send us five land experts to help us speed up the process. In fact, in 1988 there was an international conference on land reform which got the support from all around the world. Thus the Lancaster House agreement was much an issue of land.¹⁸ The question of redistribution of land has been part of the problem in Zimbabwe for many years, but had remained unsolved.¹⁹ Even during the struggle for liberation, and the years to come after the unjust land situation against the black majority was still an underlying cause of frustration. The constitution also introduces the clause that the colonial power should pay for the land reform.

According to the UK however, an evaluation of the land resettlement program in 1988 (after having spend £ 47 million for land reform, £20 million on land resettlement, and £27 million in the form of budgetary support between 1980-1988), suggested further measures to improve the UK funded programme, but the UK Overseas Development Administration (ODA) never got a reply. Moreover, the UK supported the 1998 land conference which agreed on principles such as transparency,

¹⁸ Note, that the position of the government of UK is that there was no provision in the Lancaster House Agreement of 1979 to establish a specific fund to support land reform.

¹⁹ The land question issue is something that the EU indirectly recognises to be one of the more important issues underlying the current crisis. In the ACP-EU joint Parliamentary Assembly Resolution on Zimbabwe adopted on 12 October 2000, it is stated among other things that: "...the land question remains a central element of economic restructuring, democratisation and decolonisation and that of uncertainty and contestation and the land question has contributed to food insecurity, withdrawal of investment and donor support and unemployment" (ACP-EU joint Parliamentary Assembly Resolution on Zimbabwe).

respect for the rule of law, poverty reduction, etc., but was interrupted by the illegal farm occupations in the subsequent year.²⁰

After several difficulties including complicated economic, administrative, legal, and demographic challenges, the Zimbabwe government in the 1990s increased its efforts to start nationalising farms. The white community, which were the target of the land re-distribution policy staged protests against the government which soon had international repercussions (as will be shown). One reason for this action was to counter the growing criticism of the opposition, by demonstrating the government's ability to distribute land to the poorer communities of the black population. Also, the War Veterans, an important and core interest group of Mugabe's rule, had at this time begun augmenting their concerns and demands for lack of economic support and compensation. This partly had to do with the fact that money in the War Veteran Fund had began drying out of money. Thus, for Mugabe this meant taking every chance to bring in further money into the state budget had to be taken, regardless with the impact of possible inflation. The option would be to endure severe political damage from an important constituency. Farmland thus was crucial.

Another important aspect that complicated the land re-distribution program by the Zimbabwean government was Prime Minister Tony Blair's and the Labour party's decision to revise Britain's policy towards Zimbabwe. Behind this new position was a distrustful view within the Labour government of the existing Tory policy on Zimbabwe that had been in place since the Lancaster House Agreement. It was believed that much of the land compensation had been made to wealthy landowners in Zimbabwe which generally had close connections to wealthy interests in the UK, and which traditionally stood closer to the Conservatives. For instance, as has been noted by Good (2002): "With financial aid from various countries, including 44 million pounds from Britain, the government acquired 3.8 million hectares, on which 71,000 families were resettled during the years 1980-99".²¹ The definite change of attitude however, came with a letter written by Secretary Claire Short in

²⁰ Official policy on Zimbabwe: "Zimbabwe: UK Approach to Land Reform", www.fco.gov.uk, 1997-10-16.

²¹ Good 2002: 12

November 1997, stating that Britain was no longer prepared to continue to subsidize the land reform initiative held by the Zimbabwean government. As an inner-circle interviewee of ZANU-PF notes: “This was indeed a very clumsy policy of UK. This letter became the breaking point between our two countries. During a Commonwealth meeting in Edinburgh, Mugabe demanded an explanation from Tony Blair asking if Claire Short’s letter was the position of the British government. The response was that Prime Minister Blair indeed stood by his Secretary. This led Mugabe to see red and also marked the beginning of the personal animosity between Mugabe and Blair”.

Twenty years after independence and facing increasing domestic opposition, President Mugabe allowed a referendum in 2000 to deal with the criticism facing the government. The aim was to speed up the land redistribution program which was marked by corruption and inefficiency.²² Besides safeguarding and strengthening the presidential power through constitutional amendments to make sure a steadfast ZANU-PF policy, Mugabe proposed a compulsory acquisition of land without reimbursement. Thus, on the 14th of February 2000, a referendum was held on a new constitution. Both the strengthening of the presidential role and the idea of a land-reform fast track was on the agenda. However, as noted by one interviewee, to the surprise of the government: “the people of Zimbabwe voted against the proposed constitution with 55% against while 45% were in favour of it. This outcome signalled a much stronger opposition to the sitting government than had previously been witnessed”. Stunned by the election outcome, but clear on the policy of the government, President Mugabe, rather than accepting election result, opted to continue even more vigorously to appeal to the people on the need to pursue the land re-distribution.

Increase in violence

The period following the referendum could be seen as the starting point of the modern crisis in Zimbabwe. The mismanagement of the implementation of the land reform, the attack on the producing community (and their response), the reluctance of foreign investors to invest as

²² Good (2002) notes that much of the land that had so far been re-distributed had gone to public servants and politicians, rather than to landless people. Good, 2002: 13.

well as a mismanagement of the few available resources contributed to the increase of violence. Trying to explain the election loss, one interviewee says: “the Zimbabwean government tried to find scapegoats by suggesting that the civil society was galvanized with white commercial farmers and with foreign governments to undermine government policies”. According to the same interviewee (holding a key position within ZANU-PF) “The revised position on behalf of UK on the land issue was a broken promise” and “In case the UK does not want to be supportive, as they initially had promised in the Lancaster House Agreement, then we will do the land reform by our self”.

Immediately, after the referendum was held, the first farm forays begun. Following the hardening of the rhetoric by the government, landless people, ZANU-PF supporters and the *War Veterans* took action by starting to occupy land owed by white commercial farmers.²³ Initially, the land occupations that followed were not made with the consent of Mugabe and the Zimbabwean government, the same interviewee notes. In fact; “Mugabe was initially surprised by the actions taken by the War Veterans, but then after considering their claims, accepted their actions by saying: let the veterans do what they want”. In the following days larger and more violent farm occupations took place. In a court ruling on April 18, 2000, the land invasions were declared illegal, and soon after, the Supreme Court also called the invasions illegal. In fact, initial court rulings called upon the police to remove the settlers, but the government did not act as effectively on these rulings as they perhaps should have. Instead, as was explained by one interviewee, there was an increased level of blame of sitting judges.²⁴ The police, on their part, claimed that their hands were tied by government decisions (as underlined by an interviewee there were about 25 000 active police officers and 40 000 military personnel that could be used by the government). Rather than condemning the illegal occupations and trying to settle the matter in a judicial and civilized way, the government

²³ The war veterans being the core mass taking part in the liberation struggle during the pre-independence era.

²⁴ The legal system became very entrenched regarding the subject of land re-distribution, starting to tackle complaints with a selective application of the rule of law, notes one interview.

called the invaders ‘Hungry Peaceful Demonstrators’, thus providing them with legitimacy and upsetting the white farmer community even more.²⁵ This attitude was held by the government to **gain back support** after the loss in the referendum and in order to safeguard the political base. The political attitude of Mugabe raised concerns in several democratic countries which had previously granted President Mugabe with credibility. Instead of taking the opportunity of addressing the land question in an unpretentious way, Mugabe, in their view, had dealt with it in a rather hostile way, pitting white people against black people, over the question of the right to land. As Good notes; “Starting just days after the referendum, compelling evidence existed of the state’s direct involvement in the invasions; government vehicles being used to transport occupiers to the farms; the engagement of CIO, army, and ruling party officials in the campaign; and reports of daily stipends paid to the occupiers”.²⁶

Another interviewee from the human rights community notes that: “The land issue was mistreated both by the UK as well as the government of Zimbabwe. The UK should have made the entire situation a Zimbabwe human rights issue, not a land issue. Mugabe was given the opportunity to treat the land reform issue as a racial issue between blacks and whites, or simply colonised vs. former coloniser”.

The unfolding killing and looting of private properties sent international shockwaves. In particular, these events were shocking for the British government. Not only were there diplomatic condemnations, but also reservations among financial institutes on continued support for Zimbabwe. Given the political and economic turmoil, by 2000, there was a steady moving economic decline in the country.²⁷ On top of this were also the **parliamentary elections in 2000, of which MDC got 57 of the 120 contested seats.**²⁸ The political strength of the MDC in the

²⁵ The ensuing crisis with farm invasions was not the only issue though. War-veterans and Zanu-PF supporters also encountered industries, by storming into some of them and demanding an immediate increase of salary.

²⁶ Good 2002: 14.

²⁷ Good notes that in 2001, the Consumer Council of Zimbabwe found that 74 per cent of the population could not afford basic necessities (Good 2002: 16).

²⁸ For more specific election results, see Kamete 2002.

parliamentary election was the first serious litmus test for the upcoming presidential election to be held in early March 2002.

Today, it is generally seen that the entire land exercise was badly managed and crossed a line that the UK could not accept.²⁹ What the measures taken in Zimbabwe had meant, was that it had given a green light to “throw out the whites”. For the UK, this was a very bad signal, as noted by one interviewee: “Because it raised the question what if the events in Zimbabwe could encourage similar events, elsewhere”. Thus, the UK wanted to send a general message, so that political leaders in other former colonies, thinking of going the same way, would think twice. Therefore sanctions also came into place for these reasons, thus making Zimbabwe a statutory example. What is interesting as well is the view given by a close aide of Mugabe: “I believe that Robert Mugabe has one public view and one private view on this matter. The public view is that the land question was a success. The private view was that it was an economic disaster. Robert Mugabe needs to understand that he has to prevail. He will never be able to take the UK to the negotiation table. He must accept the situation. He needs to work hard on the ground to regain the lost image”.

Whichever view point is taken on the source of the crisis, it is very liable that the current crisis is a result of many different factors of immediate, intermediate and of a long-term character. For instance, some of the *immediate* causes for the current situation are: record high inflation; economic mismanagement; high levels of informal market activities; a general lack of resources and a general bad policy management on behalf of the government. Some *intermediate* causes are unsound national economic planning and failed government policies, such as ‘Operation Marambatsvina (i.e. operation clean-up, or operation restore order)³⁰; Operation Maguta (i.e. governments plan to put the agricul-

²⁹ For a good and detailed overview over the land reform question in Zimbabwe, see Herbst 1990.

³⁰ Keesing’s, on basis of an Amnesty International report, report that about 92’460 homes had been destroyed under operation Marambatsvina. In June 2006, after much open criticism of these actions, ‘Operation Garikai/Hlalani Kuhle’, “better life”, was executed to provide better housing facilities for those that had their home destroyed. Keesing’s Record of World Events, vol. 52, September 2006 (Internet version), p. 47447.

tural sector into military hands for increased production efficiency); election cheating and high levels of corruption, etc. The third type, and perhaps best explained as *long term* causes, could be a growing culture of violence, disrespect for human rights, and the effects of the colonial legacy, etc. It is apparent that no single factor alone could explain the current problems.

3. Introducing Targeted Sanctions

Targeted sanctions, or restrictive measures as they are officially called, were imposed on the government of Zimbabwe on February 18, 2002. They came ahead of the presidential election held in the country on March 9 to 11, 2002. This decision came after European capitals, on the basis of the EU observer teams report, lead by ambassador Pierre Schori, concluded that the elections to be held in Zimbabwe could not be considered free and fair given the political situation that characterized that time.

However, the decision to rupture the relationship was not easy for EU. It came after intense political efforts to safe-guard a political culture in Zimbabwe that would allow for free and fair elections offering assistance and support.³¹ As late as in February 2001, representatives of President Mugabe came to Brussels under a consultation process to discuss the situation in Zimbabwe.³² Based on article 96 in the Cotonou Agreement, signed in June 2000, the EU asked the government representatives to;

1. end the political violence (and the public tolerance of such violence);
2. allow the EU to be invited to monitor the election and be granted unlimited access to the upcoming election;
3. allow for the protection of the media;
4. make the legal system become more independent;
5. end the illegal occupation of land.³³

Despite this framework and the joint consultations, the political climate inside Zimbabwe never changed. The lack of political willingness by the Zimbabwean government lead the EU to set out a number

³¹ These issues deals, among other things, with the respect of human rights, democratic principles and the need for an independent legal system.

³² The Cotonou Agreement is an international treaty signed in Cotonou on June 23, 2000 defining how the EU and ACP could cooperate on political, development and trade issues.

³³ European Commission, October 26, 2001.

of conditions which the government had to meet if the election should be considered as reasonable free and fair (conditions found in the 28 January, 2002, EU Council conclusions). Unless, the conditions were met, targeted sanctions (i.e. restrictive measures) would be imposed. Hence, sanctions would be imposed if:

1. the Government of Zimbabwe prevented the deployment of an EU election observation mission starting by 3 February 2002, or if it later prevents the mission from operating effectively, or
2. the government of Zimbabwe prevents the international media from having free accesses to cover the election, or
3. there is serious deterioration on the ground, in terms of worsening of the human rights' situation or attacks on the opposition, or
4. the election is assessed as not being free and fair.

Since no change in the political situation occurred in order to meet these conditions, sanctions were imposed on the elite.

How then did the international community react to the targeted sanctions? Well, international condemnation did not wait, although this was not clear cut (included in appendix 1 are some of the immediate reactions of the international community³⁴). SADC for its part continued to back the Mugabe government immediately after the EU imposed its first round of sanctions. In several statements the SADC chair declared that the organization was in solidarity with the land reforms and that the EU would do best by dropping its sanctions.³⁵ Even today, some 6 years after the first set of sanctions, and the deepening of the crisis, SADAC leaders state that the problem in Zimbabwe is exaggerated,

³⁴ The *Africa Confidential* writes that the presidential vote has become a lesson about Africa's future and that: "Zimbabwe is a painful symbol of thwarted political ambition and dashed hopes for development. Across the continent, Africans identify with the demand for land right although they question Mugabe's arbitrary tactics. Equally they question the enthusiasm the West shows for sanction against the Mugabe regime compared to its reluctance to sanction South Africa's apartheid regime". See *Africa Confidential*, p. 3, March, 2002.

³⁵ *Angola Press Agency*, October 2002-10-04.

and that all forms of sanctions should be lifted.³⁶ The standpoint held by SADC has in fact led to an uneasy relationship with the EU.³⁷ Also divisions within the Commonwealth have become visible as a result of the Zimbabwean elections in February 2002. As different countries within the organization interpreted the election outcome differently, the response varied. For instance, some of its member states, such as Australia and New Zealand, called for a tougher line on Zimbabwe, while Nigeria and South Africa on the other hand continued to oppose sanctions. Both Nigeria and South Africa wanted to deal with Zimbabwe in terms of a constructive engagement. In mid-October 2002 however, Australia introduced its own list of 77 targets (e.g. officials and ZANU-PF members to be targeted with sanctions).³⁸ During the same month New Zealand expanded their sanctions list to cover 142 people.³⁹ The two Commonwealth countries thus signaled to the other members how serious they understood the situation to be in Zimbabwe.

The United States did not introduce sanctions until the U.S. President George W Bush, in early March 2003, decided to sign an executive order to impose economic sanctions. Measures were aimed at concentrating efforts on President Mugabe and 76 other government officials, with the intention that the leadership was “undermining democracy and using violence to stifle opposition”, and in fact posed a “threat to U.S. foreign policy interest”.⁴⁰ With the introduction of targeted sanctions, the U.S. administration ordered the freezing of the elites assets, while also barring Americans from engaging in any transactions or dealings with them. The sanctions took effect immediately. However, the measures came many months after the EU had introduced its sanctions. The reason was

³⁶ *Keesing's Record or World Event*, vol. 53, August, 2007 (Online Edition), p. 48071.

³⁷ *Agencia de Informacao de Mocambique*, 08 November 2002.

³⁸ *Reuters*, October 13, 2002.

³⁹ *BBC News* October 30, 2002.

⁴⁰ *Zimbabwe Standard*, March 10, 2002.

due to a dispute regarding Africa between the State Department and the National Security Council.⁴¹

What was then the intention of imposing the sanctions, and how were they set up? The Common Policy adopted against particular individuals of the Zimbabwean leadership aims, at least in theory, to affect the individuals in economic terms: “Funds, financial assets or economic resources of the persons listed in the Annex [referring to a list of names], who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe, will be frozen”. The policy continues: “no funds, financial assets or economic resources will be made available directly or indirectly to the persons referred to in paragraph 1”.⁴² Besides imposing an assets freeze, a travel ban (or *restrictions of admission*) was also implemented by the EU.⁴³ The travel restriction was implemented with visa bans and by a prohibition of entering or transiting via EU territory.⁴⁴

Besides putting economic pressure on the elite, the EU Council also took additional measures in the Common Position that was beyond the listing of persons. These concerned an arms embargo on all supply or sale of arms and related material to Zimbabwe among the EU member states (*ibid.*). The EU also withdrew its state-to-state financial support.

⁴¹ Through the International Public Relations Firm (read lobby firm), Zimbabwe tried to convince the EU and the UN not to impose sanctions. In Washington, for instance, a campaign was initiated to convince the black caucus in the U.S. Congress not to support sanctions on Zimbabwe (*Financial Gazette*, September 8, 2001). *International Crisis Group Report* no. 60, 2003: p. 12. Zimbabwe: Danger and Opportunity.

⁴² Council Common Position, of 18 February 2002, concerning restrictive measures on Zimbabwe.

⁴³ Note however: the period it took before the first official indication that EU would implement sanctions (28 January 2008) and the de facto implementation (18 February 2002), gave the targets plenty of time to rearrange their finances.

⁴⁴ However, there were exemptions. Listed individuals can be granted permission from the restrictions of admission, if travel is motivated by humanitarian reasons (such as for religious reasons, or for the purpose of participating in meetings arranged by international organisations, also exemptions were provided for listed so as to be able to represent the country in different forums that would enhance and strengthen the democracy, the human rights and the legal state of Zimbabwe. See the Council of the European Union, February 15, 2002).

Instead of providing millions of USD in aid, the EU redirected its support towards non-state operators.⁴⁵ This policy aggregated the financial crisis in Zimbabwe, as the state budget was not able to cover public expenses due to lack of foreign money and insecurity about future financial stability (today, in retrospect, the BNI of Zimbabwe have fallen with approximately 40% since 1999 – compared to the growth of 40 % in several other African countries in the region).⁴⁶

The policy of the EU to impose targeted sanctions, rests, as have been shown, on a longer historical fallacy by the Zimbabwe regime to steer the country to order, democracy and human rights. The triggering effect came after the government's mismanagement of the land re-distribution program and the open disregard of providing a situation that would allow for democratic elections.

3. I Introducing the First List of Targets

Looking closer at the list of persons referred to in the Common Position as of the 18th of February 2002, some preliminary observations can be made.⁴⁷ First of all, a majority of the individuals on the targeted sanctions list were government ministers (13 out of 20). There was no explicit motivation included in the Council position on why these particular individuals were chosen. This lack of a motive probably has to do with diplomatic and intelligence information, on which the decision was based (i.e. information collected by the European Heads of Missions in the region). Furthermore, there are some government members that were not put on the list, but who were part of the government at the time. The option to leave out some individuals probably had to do with the fact that the designating states may have observed frictions among certain government members, (hoping sanctions would increase

⁴⁵ *Keeping's Contemporary Archives*. "Imposition of EU sanctions". Online Edition, February, 2002.

⁴⁶ These figures are estimations (and hence not official).

⁴⁷ For the names of individuals see Appendix "A List of Persons Subjected to Restrictive Measures Under the Council of the European Union". Council Common Position on Restrictive Measures on Zimbabwe", CFSP. February 18, 2002.

these)⁴⁸. At least this would be commonsensical but this choice could also be the lack of proper information. The initial list does not include a single woman which is somewhat out of the ordinary, given that there are several women in power. A final observation to be made is that those listed that were not part of the government are mostly executives from the parliament, the military and police. There is a striking lack of family members from the circle surrounding the executives (which could have been an option for the EU if it wanted harder targeted sanctions). The Common Position also includes exemptions, under which targeted individuals may have the possibility to travel to the EU.⁴⁹ While these exemptions are used to grant some relief, there are examples of them being misused or indirectly being counterproductive to EU's sanctions. For instance, Mugabe was allowed to go to New York to attend the UN General Assembly's Special Session for Children Conference in May 2002, a route that had to go via Europe. This aroused criticism from the MDC.⁵⁰ Another noteworthy exception was confirmed by the Zimbabwean Foreign Affairs Minister, Stan Mudenge who told Zimbabwe state media that sanctions would not stop Zimbabwe leaders from carrying out diplomatic functions. According to the *Zimbabwe Independent*, Mudenge had pointed out that despite European Union's imposition of smart sanctions, the presidential party flew to New York via Paris, "...we used Paris, an EU country[sic] ... and were not hindered to use their international transit facilities". Another example was depicted in the *Zimbabwe Independent*; the spokesman for Zimbabwe's permanent mission to the UN, Emmanuel Gumbo, dismissed reports that Mugabe's movement "had been restricted in New York".⁵¹

⁴⁸ For example, the EU chose not to place the two vice presidents Simon Muzenda and Joseph Msika form the sanctions list as they were not regarded as a driving force in the confrontation with the oppositions (*News 24*, February 2002).

⁴⁹ Although the Police Commissioner Augustine Chihuri was placed on the sanctions list he could travel to Lyon to participate in an executive conference of the *Interpol*. The argument for allowing him to participate was the result of an international agreement that pre-dated the sanctions. *BBC News*, May 18, 2002.

⁵⁰ MDC Press, May 09, 2002.

⁵¹ *Zimbabwe Independent*, May, 17, 2002.

3.2 Introducing the Second List

After reaching the conclusion that the violations in Zimbabwe had not been terminated, the EU introduced a second updated list of targets on July 22, 2002.⁵² An observation to be made by this second stage of sanctions was that it opened up for two new categories. Besides members of the military, parliament, police, prison and state security, also several ZANU-PF seniors were put on the list. In addition one family member - Robert Mugabe's spouse - was added. In the end, another 50 individuals were targeted.

The aim of introducing these new groups was to target those people backing Mugabe and those who constitute the power base of the ZANU-PF. The EU doubtless saw a need for a further isolation of Zimbabwe. Secondly, while imposing the first set of measures, the Council also had a "step two" in mind as regards the first round of the sanctions list, if certain criteria were not met in a certain time period. Thirdly, the EU counter-reacted to the changing political dynamics, as it became evident that Mugabe re-composed the government, possibly as a way of circumventing the sanctions. Finally, a fourth reason could be that the EU was well prepared as to how to deal with sanctions evasion and attempted to impose swift and even tougher measures on Zimbabwe, as they realized the government was trying to evade the sanctions. In a succeeding Council Decision, an additional 7 names were added, while 2 names were removed. This revision was clearly made as a result of a government reshuffle in Zimbabwe.⁵³

With the introduction of additional names on the sanctions list, the Zimbabwean regime it seems felt stigmatized, at least judging from the immediate reaction. President Mugabe described the sanctions as "economic terrorism", and as a reaction to these political measures introduced sanctions on the opposition. For example, as the second round of sanctions were introduced, the Home Affairs minister in Zimbabwe stated that he was "actively considering a range of measures to take, which will include the withdrawal of passports and the introduction of exit and entry visas against our political opponents in the country who

⁵² Council Common Position 2002/600/CFSP.

⁵³ Council Decision 2002/754/CFSP.

campaigned for sanctions...".⁵⁴ In a press statement in early August 2002, the Secretary General of MDC stated that the primitive retaliatory threats by Mugabe to confiscate passports of senior MDC were an unconstitutional act and that it was a predictable response by the regime.⁵⁵ Sanctions thus seemed to have intensified the heat between the government and the opposition.

3.3 Introducing the Third List

The third step of a drive towards concerted targeting took place September 22, 2002, when EU introduced 16 new government members on its list, thus completing the coverage of the sitting government at the time.⁵⁶ One possible reason for adding more government members on the list was that Mugabe on the 26th of August, reshuffled his government. What is also notable is that other government connected state officials were added (see footnote in table). Two Secretaries were de-listed.

3.4 Introducing the Fourth List

During the fourth round of listing that started on 21 February 2003, the situation in Zimbabwe continued to deteriorate both economically and politically. Several reports signaled a worsening of the economy; increasing human rights abuses; and allegations of government restrictions of the free media (in late November 2002, the government expelled the last European reporter from Zimbabwe, thereby increasing its control over media coverage).

While the tensions between Zimbabwe and UK remained tense, these would peak in November when the government of Zimbabwe, determined to impose a travel ban on all UK officials, as a response to UK's imposition of a visa requirement for Zimbabwean nationals.

⁵⁴ *The Financial Gazette*, August 1, 2002.

⁵⁵ *MDC Press*, Aug 1, 2002.

⁵⁶ See *European Council*. Annex C List of Persons subjected to restrictive measures under the Commission Regulation of the European Union as of 13 September 2002.

During this episode, a diplomatic row took place over the failure to agree on new targeted sanctions on the leaders of Zimbabwe. The controversy evolved in late January, as a result of France's decision to invite President Mugabe to attend the forthcoming Franco-African summit in Paris on February 19-21, 2003. The invitation, and later attendance of Mugabe, took place despite UK's firm opposition, causing considerable strain between the two countries.⁵⁷ However, the matter was solved in a deal on February 12 when EU ambassadors agreed to extend and renew sanctions on Zimbabwe. The decision was formally taken on February 18 and the UK then lifted its objection.⁵⁸ In March, the Commonwealth decided to renew the suspension of Zimbabwe from its organization for another nine months. Finally, examining the sanctions lists, one can note, in particular, that new type of targets have been included, such as those that are supporters or carry out the policies of the government.

3. 5 Introducing the Fifth List

During the fifth round that occurred in June 13, 2005, the list was expanded to cover an additional 25 individuals.⁵⁹ This list came after the parliamentary elections held in March 2005, when ZANU-PF took 78 seats and the MDC got 41 seats. During the elections the government of Zimbabwe had limited the number of free election monitors, while not accepting observers from "unfriendly nations". Most names in this increase came under the government category, while a few other names of different categories were added. To be noted here, is that the listing of this time had almost become a routine procedure (in principle the listing came as a result of yet another government reshuffle by Mugabe). Little innovative thinking was done. Alternative listing of more family

⁵⁷ The reason for France to invite President Mugabe was that unless he attended the meeting, several other African presidents threatened to boycott the meeting.

⁵⁸ *Keesing's*, Vol. 49, February 2003, p. 45261. It was also decided that the EU-African summit to be held in Portugal April would be postponed on indefinite basis as a result of Mugabe's attendance.

⁵⁹ Council Decision 2005/444/CFSP.

members could have been made, for instance by targeting businessmen personally connected to the government.⁶⁰

3.6 Introducing the Sixth List

During the episode, starting on 29 July 2005, the list was expanded to cover an additional 25 individuals.⁶¹ Most names in this increase came under the government category, while a few other names of different categories were added. It is noteworthy that the listing of this time had almost become a routine procedure. The list was later added with another six names, mostly with policemen for their involvement in Operation Murambatsvina/operation clean-up.⁶²

3.7 Introducing the Seventh List

Sanctions on Zimbabwe were renewed on February 19, 2007.⁶³ This renewal came 12 months after the renewal of the sanctions regime in late January 2006. While the internal political situation in Zimbabwe remained the same, or in fact had worsened, the extension was not triggered by any particular event (though President Mugabe carried out a cabinet reshuffle on February 7). In total 125 names were included on the list. Mostly, the same categories of targets remained, although a slight increase of targeted ZANU-PF members. Calls are made by international campaign groups to have the Reserve Bank governor Gi-

⁶⁰ To include business sector targets has also been called for and suggested by the *International Crisis Group*: “Those who have moved their assets abroad should be targeted quickly, especially those that that have helped bankroll ZANU-PF. The individuals and directors of companies that are the chief supporters and beneficiaries of Zanu-PF rule should be the next targets. A number of companies established by ZANU-PF officials and their close associates during the last decade receive most of the government contracts, get favourable treatment for import-export arrangements...” (*International Crisis Group*: 2002, no 41, p. 13).

⁶¹ Council Decision 2005/444/CFSP.

⁶² Council Decision 2005/592/CFSP.

⁶³ Council Common Position, 2007/120/CSFP.

deon Gono to the EU sanctions list, as he allegedly contributed to the economic decline. However, his name is not included.⁶⁴

3.8 Introducing the Eighth List

Having witnessed, inter alia, the rough treatment of opposition supporters during demonstrations held in March 2007, the EU decided to include additional targets to the sanctions lists.⁶⁵ The Council Decision, notes in particular the responsibility of the police in these events.⁶⁶ Calls for including Gideon Gono increased during this episode.⁶⁷

What is particularly interesting with this list is the fact that the EU included for the first time during the sanctions regime on Zimbabwe, a detailed and explicit list of motivation for why every single target should be included in the list. This reasoning came as a result of legal developments on what rights and obligations the EU has regarding listing procedures.

⁶⁴ International Crisis Group 5 March 2007. One reason why he has not been included is that some EU actors consider him as a man that one could talk to, and therefore should be out of the list.

⁶⁵ Council Decision 2007/455/CFSP.

⁶⁶ The Regulation was later also -adopted as under Commission Regulation 2007/777. This took place on 2007-07-02.

⁶⁷ Various members of the UK parliament called for the government to include the Governor on the list. See the extensive parliament debate on Zimbabwe (and the perception of sanctions), held on 19 July, 2007. See *UK Parliament debate on Zimbabwe*.

TABLE 1. Elite targeted sanctions based on their category of professional/association representation (done by the EU).^a

Episode / Start date	Episode I 2002-02-18	Episode II 2002-07-22	Episode III 2002-09-22	Episode IV 2003-02-21	Episode V 2005-06-13	Episode VI 2005-07-29	Episode VII 2007-02-19	Episode VIII 2007-06-25
Defense/ Mil/Air	4	4	4	7	6	5	5	5
Family	-	1	1	1	1	1	1	1 ^b
Government ^c	12	37	48	53	77	77	77	82
Parliament ^d	1	1	1	1	1	1	1	1
Police	1	1	1	1	1	4	4	6
Prison	1	1	1	1	1	1	1	1
Secretary/ Political bureau	1	27	23	25	25	30	28	29
Other	-	-	-	6 ^e	8 ^f	6 ^g	8 ^h	6 ⁱ
Total	20	72	79	95	120	126	125	131

^a This table is based on all key EU Council and Commission decisions since the adoption of targeted sanctions (i.e. official documents). I have not based it on other documents (notes, evaluations, comments, statements, press-releases, minutes, reports etc.), which could work as intervening variables of sanctions impact. Nor have I based this selection upon other EU documents prescribing other types of targeted measures on Zimbabwe. Documents were downloaded from the RELEX website (Commission website on External Relations Policies). The start dates refers to date of enforcements (or sometimes date of publication).

^b Patric Zhuwao could be considered as a family member, as he is a nephew of Mugabe. However, he is listed as part of the government in his capacity of being Deputy Minister for Science and Technology.

^c Note that sometimes a Minister may be the same person as the ZANU-PF Secretary. This can alter the category slightly (i.e. in one list appear as government official and in another list as Secretary).

^d The speaker.

^e Includes Chairman of Electoral Supervisory Commission, Chair of the Media Information Commission, Registrar General, Chair of the National War Veterans Association, Health Advisor in the Office of the President, and the Chairman of the Presidential Land Review Committee.

^f	In this round, the Supreme Court Judge, the chairman of the Delimitation Committee, and the Chief Elections Officer were listed.
^g	Includes: the Chairman of the Supreme Court Judge, the Chairman of the Electoral Supervisory Commission, the Former Chairman of Electoral Supervisory Commission, the Chair of the Media Information Commission, the Registrar General, the Chief Election Officer, the Former Chair of the National War Veterans Association, were among the listed.
^h	Includes: the Chairman of the Supreme Court Judge the Delimitation committee, the Chairman of Electoral Supervisory Commission, the Former Chairman of Electoral Supervisory Commission, the Chair of the Media Information Commission, the Registrar General, Chief Election Officer, the Former Chair of the National War Veterans Association, Chairman of the Presidential Land Review Committee.
ⁱ	Ibid.

3.9 Reflections on the Events

It was clear that in the period leading up to the 2002 election the EU had to send a signal of disapproval to the Zimbabwe government concerning its attitude towards democracy, human rights and land policy. Targeted sanctions thus fitted very well. This signal was aimed at different audiences. The introduction of targeted sanctions was first of all a signal to EU's home constituencies that EU disapproved of the ruling elite's policies. However, unlike, let say Burma/Myanmar, which have democracy and human rights NGO's lobbying European capitals, the pressure to do something about Zimbabwe is not there. Targeted sanctions have begun triggering such a cause. Targeted sanctions were also a signal aimed at progressive forces inside Zimbabwe that EU has taken a political and moral standpoint which it is prepared to defend. The challenge however, as will be shown below, is to have this signal to come through. Finally, the signaling was aimed –foremost- towards the regime. That politics and the relation between them have become serious. To conclude, aside from direct impacts, targeting have filled a symbolic meaning.

What then have sanctions achieved concretely, and what have been the challenges? Having, as seen above, taking a gradual approach of stepping up the sanctions, targeted sanctions seem to yield little concrete effect on the actual situation on ground. In fact, the crisis has mounted

and the reaction against the EU (and the UK) has become more defiant. From this perspective, the EU needs to reconsider its approach towards Zimbabwe. This does not suggest giving up on the targeted isolations policy, but rather trying to ensure that the restrictive measures have more impact. To start with, one way of doing this is to find timely occasions for adjusting the policy. The 2005 election was, for example, a missed opportunity of such an occasion for EU to reconsider its sanctions. What then could be done? Judging from the examination made above, some particular aspects could be considered. First of all EU needs to coordinate more efficiently the regional and international attitude towards Zimbabwe. Today, interpretations about the sanctions and the source of this policy are too divided, leaving the regime ample space to play on this division. Secondly, EU needs to reconsider its policies with granting exemptions the elite for travel purposes. Although targets are entitled to humanitarian or representative exemptions, the history of sanctions policy is marked by situations where these are seen as a sloppy sanction implementation (or even worse, when targets make a mockery out of EU when they are being granted these exemptions). Paying further attention to this aspect will undoubtedly lead to further strengthening of sanctions legitimacy, which otherwise may be misunderstood by the international community. Thirdly, judging from the gradual listing approach and the reaction in the various episodes, it is good practice that the EU responds to events on the ground (e.g. operation Murambatsvina or the 2007 opposition demonstrations). However, it is a tendency that EU does so more of procedural matters and routines, than as a flexible response. For instance, why did the EU not respond to the sanctions counter measures that was imposed by the government of Zimbabwe towards UK officials and the Zimbabwe opposition? Finally and closely related, innovative thinking when it comes to the list is also needed. Few family members are included, as are members of the police, the War-Veterans association, etc. However, further isolation of the regime needs more innovation and less habitual practices.

4. Current Developments

The present situation in Zimbabwe is marked by a political and economic impasse, at least judging from personal interviews with various key actors. The Zimbabwean government is not likely to change its current policy the way the European powers want, and the EU is not stepping down on restrictive measures. As long as the ZANU-PF is in control of the government and the state apparatus, it will comfortably continue with its economic and political mismanagement and decline. This also means a continuation of keeping a firm grip over the society by using the military and the police as instruments of power control. The opposition on the other hand has been weakened by the split of the MDC, the major opposing political part in Zimbabwe, into two factions (the split came after fierce internal battle on whether or not to participate in the November 2005 Senate election). While the MDC anti-senate faction, led by Morgan Tsvangirai, is considerably stronger than the smaller pro-senate faction led by Professor Mutambara, it remains to be seen how these factions could cooperate to get an upper hand over ZANU-PF. For instance, a strategy of the MDC pro-senate faction, as has been noted in an interview, has been to work harder in the African region to convince different states to lessen their support to Mugabe. Moreover, there has been a strategic alliance formation between the two factions and several other opposition groups, notably with various church groups. The purpose of the alliance is to jointly mount a credible opposition to the government. Lately though, different trade unions with the support in the region have begun staging open opposition, for instance, by conducting non-violent protests. These manifestations, however, have led to a tougher attitude towards the government on all anti-government expression (for instance lately police roadblocks are a permanent feature in the city, thus indicating that the government is prepared to take even tougher measures to prevent open opposition). Although there are anti-government protests staged every now and then, any large scale activities against the government do not seem conceivable in the near future (on March 11, 2007, a coalition under the *Save Zimbabwe Campaign* held a larger demonstration in Harare. This demonstration however, was viciously brought down, promoting

wide-spread criticism of the government's actions)⁶⁸. As one interviewee notes: "We are not likely to rise against Mugabe. We have already faced enough hardship. The previous food riots taught us some lessons, i.e. the dangers and the result of anarchy. No one wants to get back to that situation. We also saw what happened in Sierra Leone, Ivory Coast and Liberia. Also, one needs to remember that everyone is so pre-occupied with survival and food finding, hence people do not have time for rioting".

In the midst of this fast-moving negative spiral, targeted sanctions are used as a strategy to bring society democracy and normalcy. However, the strategy is not an overall success. The sanctions strategy by the EU has become a 'hostage' of its own. First of all, targeted sanctions were introduced for a given situation. It is impossible to get back to a status *ex-ante*. Thus, the early EU sanctions position was motivated for a situation that sanctions cannot undo. Secondly, the sitting government in Harare has taken EU's sanctions strategy hostage by constantly claiming that the sanctions are the result of the current crisis. As was noted by the president of ZANU: "Sanctions were imposed with the hope of making the ruling party realize its errors but this plunged our economy into a bottomless pit"⁶⁹. Furthermore, one could suggest, as some interviewees alluded to, that EU sanctions were imposed hastily and without proper analysis. But the sender may not have anticipated the political sanctions that would follow. However, if one were to compare the case of Zimbabwe to other sanctions cases, where sanctions have been imposed, it is not entirely correct to say that these sanctions were not well thought of. On the contrary, there was – at least at the time of adoption - a pretty clear strategy on how to enforce sanctions and targeted sanctions against Zimbabwe. There were also some benchmarks on what the Zimbabwean government had to do to avoid being further stung by the sanctions. The difficulty with the imposed sanctions though, is that the measures did not include the level of clarity that one could have hoped for, i.e. a step-by-step proposal on how the government of

⁶⁸ *Human Rights Watch*, vol. 19, no. 6 (a), 1997. *Bashing Dissident – Escalating Violence and State Repression in Zimbabwe* (New York, 1997).

⁶⁹ Citation taken from Khumbula 2004.

Zimbabwe could move ahead amidst the emerging political crisis. The Common Position could have provided for more exit strategies.

5. Evaluating some Key Aspects of EU Sanctions Policy

Below follows an analysis of some important dynamics of EU's current sanctions policy. These constitute only the most obvious elements regarding the difficulty of sanctions implementation.

5.1 Comprehensive or Targeted Sanctions? The Role of the Media

Currently in Harare, competing narratives are being played out. This competition between EU and the Zimbabwean government has to do with whether or not to call the measures introduced by the EU *sanctions* or *restrictive measures*. The general wording of the policy is important, as it signifies what actual policy measures are in place towards Zimbabwe.

For the sender (EU), there are targeted *restrictive measures* in place. These measures are not to be seen as sanctions in the traditional sense. In its view, the policy in place includes: travel bans, assets freeze on the leadership and an arms embargo. In addition to this view, it is argued by the EU that Europe despite its wish to isolate the regime, is providing much development money to the people of Zimbabwe. One interviewee at the EU delegation in Harare described the following:

“Article 96 in the Contonou Agreement suspends the development fund with about 108 million Euros. But we still use the fund for humanitarian purposes. There is no direct budget support to the government. It is a re-structuring of how we spend our money. We continue to support the people of Zimbabwe. For instance, there are several technical cooperation programs. Hence, there are several national cooperation programs, not only NGO cooperations. This is to encounter the argument that sanctions stopped the aid to Zimbabwe. The restrictive measures are not an argument for having budget support restrictions. For instance, if the IMF had reservations on the conduct of economic policies, they would not - in any way - have been giving budget support. Thus,

the money being spent here is just money being re-structured in terms of redistribution”.

On the other hand, there is the narrative projected by segments of the targeted individuals which asserts that there is nothing but *comprehensive sanctions* in place. In the elite’s mind, EU’s policy has nothing to do with targeting. On the contrary, it is often claimed that the comprehensive sanctions cause enormous effects on the Zimbabwean population. The vocabulary used is often time “illegal sanctions”, declared or non-declared. This view is further linked to the spill-over effect, that is, that the policy makes international investors ignore Zimbabwe, thus having a long-term effect on the population.⁷⁰ On this it is argued that several multilateral institutions are blocked from having anything to do with Zimbabwe, as both the U.S. and the UK have decisive influence in these institutions.⁷¹ The very fact that sanctions are used in the vocabulary when describing the situation in Zimbabwe, for instance by IMF or the World Bank, scare international investors commit themselves to Zimbabwe markets, which has an enormous impact on the political and budgetary situation by Harare. In the end this affects the life of ordinary Zimbabweans and poverty and continued economic decline is sadly the result. As one interviewee from the NGO community puts it: “Targeted sanctions are a total failure. They have caused hardship to ordinary people. The targeted individuals own land and have access to ordinary currency, which the poorer Zimbabweans do not have”.

The two narratives signify a discrepancy between technical vocabulary and the perception of the actual policy. What is remarkable, however, is that the targets are able to fight for its narrative in the national

⁷⁰ This view has also been supported by Professor Dzinotyiweyi, who suggested that “No investor is happy to invest in a country where there is talk of sanctions of whatever form. Likewise few tourists are attracted to visit such a country. Thus the targeted sanctions may have missed their intended target but instead help create a negative perception about the country now avoided as a destination by both investors and tourists” (Dzinotyiweyi, 2004).

⁷¹ What should be remembered is that 20% of Zimbabwe’s exports go to the UK, Italy and Germany, and that Zimbabwe’s trade surplus with EU amounts to 261 million Euros. These figures come from the EU delegation in Harare. In its EU-Zimbabwe leaflet from 2006.

media. More or less every week, the government is trying to discredit the sanctions in the national news media. Hence, one could describe the current situation as a media war.⁷²

The debate over the sanctions narrative, be they restrictive measures or comprehensive sanctions, deals primarily with the effort to convince the general population of the true aims (and causes) of the policy. However, it is an uneven cause. While the EU is trying to engage in countering the government's view of the sanctions, the Zimbabwean government has an upper hand when it comes to controlling the media. In fact, what became apparent during the research mission was that the EU had not successfully been able to convince parts of civil society of Zimbabwe. It was often time heard, in interviews with representatives of the some parts of the civil society that the economic stagnation in the country was a consequence to the use of targeted sanctions. Hence, an impression is that the civil society is more likely to buy into the government's narrative than the view manufactured by the Europeans.

Another issue strongly linked to the overall policy of sanctions, has to do with the issue of legitimacy over EU's policy. It is noteworthy that several parties both inside and outside the government raised the issue of proportionality. For instance, some government members suggested that the comprehensive economic sanctions imposed on Zimbabwe were disproportionate to what is happening on the ground. Referring to other African countries in crisis, they asked whether or not they deserved being as harshly treated as they were. For instance it was noted by one interviewee: "Why are sanctions imposed on Zimbabwe while not on other African countries where there are wars?". Another interviewee also suggested that: "The current sanctions are likely to be a smokescreen by the West. Why is the international community imposing such strong

⁷² That media is an important forum could be noted in many different ways. For instance, in the state owned *The Herald* one could read the following in the article titled 'Media warned against criticising State': "The acting minister of Information and Publicity Cde Munyaradzi Paul Mangwana has warned some sections of the media to desist from criticising the Government just to make money for their publications from negative stories. Cde Mangwana said there were some journalists who were in the habit of writing negative stories about Zimbabwe in return for dirty money" (September 18, 2006).

measures on Zimbabwe and not on other countries where the conditions are much worse?"

Whereas there were views expressed that the current targeted sanctions are not proportional to the situation in Zimbabwe, there was also the view that, as noted by human rights officers interviewed, targeted sanctions were too vague: "What criteria was used to come up with the listing of targeted individuals. If the listing was made as a consequence of the abuses made, then what are the criteria for inclusion?" Another interviewee noted the following: "Sanctions indeed have a taste of racism. Why for instance, when government already in 1998 chased away several black land owners, were no sanctions imposed? Only later when the government took over several white owned farms, did the international community care". Another argument put forward was that sanctions had not been introduced in states which had similar land re-distribution policies in place, as for instance in Namibia. "If other countries could be granted support in resettlement programs, why cannot the Zimbabwean government be allowed to do the same without being punished?"

The fact, that EU is having a hard time fighting for its 'version', is also reflected in comments made by two representatives of the human rights community, which normally would be supportive of the idea of having targeted sanctions: "Sanctions may be targeted by nature, but do they really target the individuals placed on the list, or do they have unintended impact on ordinary civilians? It is likely that sanctions may indeed affect those that are not on the list". Another interviewee notes: "Smart sanctions has worsened the livelihood of ordinary people. If you stigmatise the father you are also likely to stigmatise the son and the daughter. This is also what has happened with Zimbabwe. Furthermore, we do not believe that the targeted sanctions target those that should be targeted". And: "There are too many people in Zimbabwe that suffers and live in a climate of fear. Zimbabwe is much too isolated. To take away sanctions would probably be better than keeping them, as the general population suffers".

The rhetoric that sanctions are the root causes of the crisis in Zimbabwe is also further augmented by the government of Zimbabwe in regional forum. For instance, in the SADC sponsored talks held under

President Mbeki, the government of Zimbabwe is trying everything it can to convince all stakeholders, including the MDC, that they should openly recognize the severe and negative impacts of EU sanctions on Zimbabwe and that the crisis in Zimbabwe comes as a result of the sanctions. At the moment it seems that SADC is buying into this viewpoint in some of its economic reports.

Judging by the ongoing battle of ‘narratives’, it is quite clear that the parties are talking past one another. While the EU does not have the platform to effectively disseminate its sanctions policy, the government of Zimbabwe on the other hand do have the means, but not necessarily the sincere intent. Moreover, while the EU is engaged in trying to explicate the rationale of the restrictive measures, i.e. because of failure of democratic governance and human rights problems, the government of Zimbabwe perceives the comprehensive sanctions as yet another Rhodesia (referring to the comprehensive sanctions to Ian Smith), and by connecting the policy to the question of land rights.

Having made these observations, I now would like to focus specifically on the importance of the Zimbabwean media and how it plays into shaping a sanctions narrative. In terms of effectively enforcing targeted sanctions, media plays a particularly crucial role in explaining the purpose and objective of the sanctions measures. Implementing targeted sanctions in a country like Zimbabwe, where the government is in control of most of the larger media channels, makes EU friendly explanations very difficult. As noted, targeted sanctions become a war over public opinion. As one senior ZANU-PF official notes: “The issue of sanctions is really a matter of the media. Media is there to win the hearts and the minds of the people. This goes both for the sanctions imposer and the targeted. As long as the sanctions imposers are unable to convince their own national citizens, or the citizens of the target country, sanctions are likely to fail”.

What is currently taking place, it seems, is that the government of Zimbabwe is given free room to portray both EU and the U.S. as evil sender states, which causes harm and crisis upon the people of Zimbabwe. In the state-run Zimbabwean media, as noted, the question of sanctions is not a matter of *targeted* sanctions, but of ‘comprehensive sanctions’ in place on Zimbabwe. Today only ‘monologues’ are held by

the senders and target. In this type of environment the media becomes crucial, and especially for Zimbabwe where the media regulation is intense, this becomes highly restrictive.⁷³ Below is an overview of the media landscape in Zimbabwe.

Besides the daily TV news at eight, and the news hours on the radio, the government of Zimbabwe communicates to its people through newspapers. The control of news papers in Zimbabwe by the government is illustrated in table 2., below.

TABLE 2. Major News Papers in Zimbabwe
Weekly papers: The Financial Gazette, The Standards and the Zimbabwe Independent (the last two belonging to the same company). These three papers are seen as “opposition papers”, although the Financial Gazette is less independent. In addition there is The Sunday Mail, The Sunday News (national news paper), and The Sunday Mirror (a weekly newspaper that is not government controlled nor controlled by opposition, but staffed by government sympathizers).
Daily papers: The Herald and The Chronicle (all national news paper). Both The Herald and The Chronicle Mail belongs to the Zimpapers to which Ministers appoints ZANU-PF sympathisers to the board. The board on their behalf then staffs the newspapers. In addition, there is the The Daily Mirror (daily) which is neither government controlled nor opposition controlled, but run by government sympathizers.

Companies normally pay most of their attention to the spread and circulation aspects of the paper (this automatically makes *The Herald* the most attractive since it is the largest daily newspaper). Companies do not necessary have to pay attention to whether newspapers are government-owned or not. Given the hegemony of the government newspapers, i.e. *The Herald*, which on a daily basis have a large impact on shaping the attitude and behaviour of the people towards the “West”,

⁷³ An example of the importance of the media is noted by Raftopoulos, who suggest that during the 2002 election, the Zimbabwean broadcasting authority (ZBC) during its total coverage of the presidential campaign, covered the ZANU-PF candidates with 94 %, while only 4 % of the attention was given to MDC (Raftopoulos 2002: 48).

it is interesting to understand what view the newspapers have on sanctions. Since this is also the official government view, this becomes particularly important.

Thus, the media is crucial for explaining the intents of the sanctions so that it is not used as a weapon against the strategy. How then is EU trying to counter Zimbabwe's view? Since the EU does not have access to the public in the same strong way as a government has finding an instrument to reach out about its own activities is very difficult. However, as was indicated by a person working for the EU delegation in Harare, there are several strategies for reaching out to the people: "For instance, the EU holds many seminars in the country. During these seminars representatives try to inform the public of our views and our strategies". There are also different support programs in the country. These, the interviewee described, are used as vehicles for promoting dialogue and to informing people about the aims of the sanctions. "In addition to the local information, the head of delegations sometimes also makes statements. During our information dissemination we like to emphasise that we don't have trade sanctions. We try to counter some of the arguments of the government. We also try to publish some news articles every now and then, although this is very difficult. We also have workshops to convey our message. We are now becoming a bit more active than before. We are trying to make this [the restrictive measures] a bit more known." The overall impression though is that these efforts need to be improved and become more vibrant since there is an unequal information battle.

5.2 The Travel Ban

Targeted travel bans sanctions is an important strategy of the EU to directly influence the behaviour of the government of Zimbabwe. The impression from interviews conducted in Harare is that targeted sanctions such as travel restrictions may have an impact.⁷⁴ The travel ban

⁷⁴ Impact could be understood in two ways. First of all impact could be understood as blocking certain people on the list to travel. Secondly, it could be understood as changing the behaviour of the listed target. In this context I mean the former.

seems especially bothersome for some of those that have a personal connection with the UK or the U.S. The travel ban has stopped several leaders from going to European capitals, which has complicated life for some of the targets. The bans have also affected some targets in their individual, as well as professional, capacity. This is to say if the intention of the travel bans were to affect government officials from undertaking shopping trips to London or New York, then these kinds of shopping trips have stopped. On the other hand, trips of this kind continue elsewhere (for instance to South Africa, Dubai, China, etc.). Thus, although travel bans are in place, shopping of 'luxury' goods and valuable tools can continue as before. As one interviewee notes: "Preventing those on the list to travel is not so efficient since there are multiple alternatives, for instance by shopping over the Internet (using a Visa card). It is easy also to shop under different names". But, trading over the Internet is not the only way. Another technique to evade the travel bans is to attend international meetings and conferences as much as possible. Being granted exemptions, as EU's Common Position provides for, the targets, may still visit countries which they in principle are not welcome to. Thus, these trips could be used for shopping in luxury goods. It could also signal an image of European sloppiness, since the ordinary man on the street does not know that there are exemptions, thus leading to the conclusion that Europe really do not care if their leaders travel or not.⁷⁵

One example of target impact is described by a diplomat recalling a situation where the UNDP had arranged a meeting to which some Zimbabwean parliamentarians had been invited. Those parliamentarians that were invited, but were found to be on the sanctions list, were not allowed by the EU to travel to the venue of the meeting. Hence, some of them got enraged (in one case, it turned out that one of the invitees had wanted to attend the meeting so that she could privately meet her children).

Another effect of the targeted sanctions, as noted by one interviewee, was that listings of official leaders united them and in a sense created

⁷⁵ It is possible to assume that Zimbabwe government officials are more willing to portray how their leaders can move around freely in European capitals, than portraying the humiliating fact that they are not welcome to European capitals.

‘a group feeling’. For example, being identified as a targeted ‘elite’, may cause them to unite for certain business activities, like a stamp of approval that they share certain values, and that they may even “be approached with business contract proposals”. Signifying the same logic, another interviewee suggested that there was even a particular word or expression for this type of group cohesion. The word is ‘laager’ and was used by the Afrikaaner in South Africa during the colonial era. It meant the way the white settlers organised their camps in a circle, like a fortress of horses, so that they could better resist attackers following them during their trips in the wilderness. The same laager mentality seems to prevail amongst the targeted. The more the leadership is targeted, the more the same individuals tend to unite and fight back on the senders of the sanctions.

To sum up, it is possible to argue that targeted sanctions matter, and that there are empirical indications that support target impact. The fact that some interviewees stated that they have been personally affected attests that sanctions if implemented precisely can affect listed individuals. In appendix 2 I have included a list of examples of alleged evasions and exemptions of the travel ban and the assets freeze. However, it is not easy to verify if travel bans alone do have an effect. But in order to have a watertight travel ban regime that makes the targeted actor completely grounded, it is required that the entire international community needs to be united. As a result, to make the travel ban more effective, one would immediately model it around UN sanctions (under chapter VII action). But if this option is not appropriate, at least there is a need to be systematic and thorough. That is, to engage as many actors as possible in the region surrounding the target to impose the same ban. This should have been the strategy for EU if it was to give the matter serious attention.

5. 3 The Assets Seizure

In terms of the assets freeze measure, little evidence was found that financial sanctions had an impact. One reason for the lack of data is that

the amounts frozen are often held protected by implementing states.⁷⁶ While figures are supposedly reported to the EU Commission, this information is seldom shared with the wider public.⁷⁷

Furthermore, as was noted by several interviewees, there are many loopholes with these targeted financial sanctions, which undermine its ability to be effective and in the long run successful. While travel bans could only be verified through embassies, passport controls and other similar checkpoints etc., the myriad of ways of transferring money in the financial system is much more difficult to monitor. To start with, targeted financial measures require financial institutions to have accurate information about the senders, such as precise names, account numbers, personal social security figures and id-numbers. But even if this were the case, assets freeze could easily be evaded for example by simply asking friends and families to conduct the financial transactions.

On the other hand the findings from the interviews with targeted persons afforded some evidence that their economic activities had been blocked. For instance, one target describes how he wanted to purchase some agricultural equipment from abroad and had to utilize particular banks for the transfer of money to the seller. His money was blocked which hindered the payment and the importation of the goods. Whether or not this was the result of EU or US financial sanctions, or any other programs for that matter, is hard to tell but it suggests that sanctions may actually effect a specific target as intended. The International Crisis

⁷⁶ It was acknowledged under a UK parliamentary debate on Zimbabwe, that the UK government was looking for assets: “We are looking into the activities of a whole series of business to see whether they are in any, accidentally or deliberately, helping members of the ZANU-PF elite to get round the ban on assets. Alongside the investigations that are already underway, we are always keen to receive any information that hon. Members might have to help us to seize the assets of those on the list”. Meg Munn, Parliamentary Undersecretary of State at the Foreign and Commonwealth Office. Citation from *UK Parliamentary debate on Zimbabwe* held on 19 July 2007.

⁷⁷ The Commission are mostly informed by member states if asset freeze takes place. Hence, the Commission may have some official figures. On the other hand, the are very reluctant to display such figures to the public.

Group reported in March 2007 that the financial sanctions were even motivating some officials to see Mugabe to leave office.⁷⁸

5.4 Summary

Reviewing some of the aspects mentioned in this section, a number of vindications can be asserted. As seen, the role of targeted sanctions appears to matter. Targets are being annoyed and upset when disturbing their daily political (-and sometimes personal) activities. However, there is a gap between the design of sanctions policies in Brussels and the local events in Harare. While the HoM's in Harare, as well as the EU delegation are making daily reports about the political dynamic inside Zimbabwe, this does not explicitly filter down into a well-functioning sanctions strategy in Brussels. The current sanctions policy, it seems, lacks proper monitoring and follow-up. There is little effort to respond to target behaviour as a result of the sanctions. In particular, as have been shown, only modest efforts are being made to engage in counter strategies regarding the Zimbabwean government's attitude towards the sanctions. It seems that both parties are talking past each other. While EU is arguing that the origin of the sanctions measures have to do with democratic governance and human rights, the Zimbabwe government points to the land question. These views need to be mitigated. Lamentably, it seems as if EU is about to lose its quest in convincing the broader population of its sanctions discourse. Unless steps are taken, it will soon reach that point.

On a broader level however, this issue has to do with the question of perception and legitimacy. Assuming that EU's targeted sanctions is a demonstration of resolve, the conveyance of such a message becomes very important. Unless the people of Zimbabwe are convinced that there is a resolve in the policy, i.e. that targeted sanctions actually stand for- and means- something, the sender's strategy will become an empty shelf and lose its authenticity. Thus, the perception of the target and the Zimbabwean population needs to be clear on what EU is trying to accomplish with its signal. In the Zimbabwean context, this means that a fight over intent and vocabulary becomes particularly importance. While the EU

⁷⁸ *International Crisis Group* 5 March 2007.

seeks to underline the ‘specificity’ of the measures, the Zimbabwean government seeks in the same token to describe the ‘comprehensiveness’ of it by arguing its effect on the broader population. Therefore, what seems to transpire, as a result of its media advantage (and sanctions interpretation advantage) is that the Zimbabwean government is given the upper hand in terms of convincing the population of the nature of the sanctions. To conclude, EU needs to pay much more attention to the role of this dynamic, and needs to create a local platform for its policies; this will enhance legitimacy. Concretely, daily bulletins from the EU delegation in Harare could be issued. With regards to travel ban and assets freeze some observations could also be made.

The current uses of targeted sanctions on Zimbabwe present several problems. One of the most worrisome signs is the reluctance of neighboring countries in the region to support the European strategy. Having neighboring countries onboard would help to enforce the effects and the impact of sanctions. Secondly, there is also the problem of absent mechanisms to monitor and effectively making sure that travel ban and assets seizure take place. The exemptions and evasions (known and unknown) also severely effect the credibility of the sanctions. This was also reflected throughout many of the interviews which were conducted. This problem could easily be overcome by having a panel of experts in the region to collect information about how Zimbabwean leaders evade travel restrictions and utilize alternative financial routes when performing economic activities, as was done for the UN financial sanctions on UNITA.⁷⁹ While most of the examples here deals with impact in terms of stopping some activities, less is known about the impact on behavioral change. So far, the only impression is that sanctions have hardened those that have been targeted rather than changing their attitudes.

⁷⁹ International Crisis Groups recommends that action could be taken by South African courts to initiate legal proceedings as to investigate assets that may have been re-allocated by the government of Zimbabwe. International Crisis Group 5 March 2007.

6. How to Tackle the Zimbabwe Regime

As have been shown, the role of targeted sanctions is a complex matter. It weaves in local political dynamic with the sender's preferences and goals into a complicated outcome. Whether or not EU's sanctions strategy in the end helps ordinary Zimbabweans is not easily answered. Short term gains have to be measured by long term achievements yet to be evaluated by historians. One thing is clear. The situation is deteriorating and the EU has not been able to 'undo', i.e. ex-ante, the actions of the Zimbabwean elite. However, EU's pressure on the elite is there and it is felt. Moreover, it should not be forgotten, although it is beyond this report, that targeted sanctions are only one strategy among several others to engage the elite in a culture of democratic- and human rights-governance. Hence, sanctions have to be evaluated from this aspect as well. Nevertheless, a question about legitimacy has surfaced. This issue has to be adhered to and adjusted, and cannot be swept away. Given the current situation, what strategies could EU pursue towards Zimbabwe in order to increase the likelihood (i.e. the conditions) for further efficiency and legitimacy? Below follows a discussion on further engagement on the one hand, and the strategy of isolation on the other.

6. I The Dialogue Track

In terms of the way forward for Zimbabwe, dialogue is unavoidable. In fact it is a preventive strategy that could avoid future conflict. The current stalemate framed as a rift between Zimbabwe and Europe needs urgent attention which will need change and compromise in attitude. What characterises this stalemate is - as one interviewee notes - that all sides are "digging trenches". Day by day these are getting deeper. Few contacts and little dialogue exist.⁸⁰ Moreover: "Although the way forward will be complicated and difficult, those actors prepared to seek

⁸⁰ In a speech by the Swedish ambassador to Zimbabwe, Sten Rylander the need for dialogue was also underlined: "Few people would deny the acute and urgent need for dialogue both within Zimbabwe and between Zimbabwe and a large part of the international community-given the state of siege which has characterised the last few years with entrenched positions and very little in terms of interaction and dialogue" (Rylander, 2006).

a solution will qualify to the parole of who is a true statesman and who is not". The question is how this dialogue needs to be shaped. Below, I will discuss two possible types of dialogue tracks on basis of the interviews conducted: one internal and one international.

There is an urgent need for an internal dialogue between the government, the opposition and civil society. This dialogue could include the establishment of a roadmap, i.e. a new social contract that addresses the two difficult questions underlying the current crisis: constitutional reform and a new economic policy framework (the later also including a dialogue with the business community).

With regard to the constitutional issue, what is noteworthy is that already in 2004 the ZANU-PF and the MDC had an agreement on how to form a new constitution. A Member of Parliament even told that there was a draft agreement signed on what the new constitution should look like. The signatures included Patrick Chinamasa (from the ZANU-PF) and Welshman Ncube (shadow justice minister of the opposition). However, neither Mugabe nor Tsvangerai wanted to go the full length with the constitutional proposal at the time, partly because the ruling ZANU-PF was satisfied with the political situation and therefore had nothing to lose by neglecting it. Thus, in order to enable an internal dialogue, consideration should be paid to the fact that some higher officials may have economic advantages for maintaining the current crisis. Unless key senior officials in the government (and elsewhere) are convinced that an end of the current crisis is more economically rewarding than the present situation, a political change on this matter is not likely to make it to the top the agenda. Since there has been a constitution proposal more or less agreed upon, this non-signed agreement could be further worked on and pushed forward by the EU. For now parliament may serve as the best ground for this constitutional dialogue. Some critics however, would argue that parliament only serves as a 'talking forum' of which no executive actions are made. But this could easily change if the executive is prepared to take necessary responsibility and the international community supports such a strategy. Here, sanctions could work as a pressure for participation. The main purpose for having a roadmap is to reduce internal tension which is currently at its peak. Fundamental to this kind of roadmap is also ultimately to commit all

sides to free elections, preferably under the auspices of the United Nations (or any other relevant independent body).

There is also a need to have an internal dialogue that seriously tries to mitigate Zimbabwe's economic problems. Therefore, also an economic roadmap thus needs to include a dialogue with different economic stakeholders, including a dialogue with international investors. Needless to say, however, is that the economic roadmap could only be established if the government commits itself to a comprehensive political dialogue. Stabilisation programs need to be established.

However, an internal dialogue does not need to be based on high profile issues. Dialogues could also be established on other levels of the society, engaging different actors. An example of this is the ongoing discussion on the establishment of a Human Rights Commission, involving the government, civil society, opposition and churches.⁸¹ But having an internal dialogue strategy will not be a simple task; it will require commitment and trust. A notion felt when interviewing NGO representatives, is that it the dialogue that exists today is characterised by scepticism and mistrust. Simply stated, several civil society groups are happy that the government are engaging in a dialogue at all, but fears at the same time that their participation will be used as a propaganda tool. What is important then is that civil society is given sufficient support (for instance through institution building capacities of the non-governmental institutions) and that capabilities could be given through various EU instruments. To ease tension and mistrust, third party involvement like the UN, the SADC Forum, the Holy See⁸², or small states in Asia or the Nordic countries could be a valuable door opener (Sweden, Norway, Denmark and Finland have a long tradition of involvement in the country). Third parties could ease tensions by initiating; financing; channelling; and granting platforms for internal dialogue. For instance,

⁸¹ There is for instance the campaign called the Save Zimbabwean Campaign spear-headed by the Zimbabwe Christian Alliance (CA). For more on this, see for instance *The Standard* September 10, 2006.

⁸² President Mugabe is a catholic. Thus having trust in some Zimbabwean bishops, these could act as facilitators.

the UNDP has actively tried to arrange for a dialogue with some parts of the donor community, civil society and the judiciary.

Besides the internal dialogue there is also the need for an external dialogue. Although, the EU is imposing targeted measures on the government, there is still a great need for a direct exchange of views between the parties. The current relationship is not fruitful. Too much pride prevails on both sides and is likely to cement an uneasy relationship which ultimately harms the people of Zimbabwe. If there were more political will, then - for instance - an informal working committee under the auspices of DG Relex could be established in order to promote a solution to the crisis in Zimbabwe. Both actors are very dependent on each other. While the EU is primarily concerned with the human rights standards in Zimbabwe, this attention needs to be recognised by the government of Zimbabwe. Not only will this recognition of existing problems serve the relationship as such, but also serve the highest interest of the government of Zimbabwe. The EU needs to *recognise* Zimbabwe's complex colonial and post-colonial situation. Instead of dismantling a relationship, a partnership needs to be established and built. Both sides need to catch opportunities of trying to turn situations around. A concrete example of this was given by an interviewee in Harare. "In the 2002 election there were electoral problems. But if compared with the elections held in 2004 (2005), the standard and practises were much higher. The EU and the U.S. should have grasped that window of opportunity to send a positive signal. For instance, the election met most of the SADC's criteria for how to conduct the electoral standards. But what happened instead was that Europe and the U.S. went out to say that the elections were a complete fraud". This example shows that there are situations where sanctions imposers are given potential window of opportunity for changing situations into a positive spiral.

Besides an external dialogue between Zimbabwe and EU, there is also a need to increase bilateral diplomacy between the government of Zimbabwe and the government of UK. The crisis between Europe and Zimbabwe will not be solved unless these two governments have face-to-face discussions. But none of these parties shows any willingness to do this; hence outside support is needed for facilitation. The forum for this could be the so-called Mkapa process (an initiative launched by Kofi Annan in July 2006). Under the auspices of the well-trusted

former Tanzanian president, representatives of both governments now have the possibility to meet. However, the UK is not willing to grant the current crisis the status of being a bilateral issue (and therefore not likely to support this initiative as much as the government of Zimbabwe wants). Both governments need to recognise that they hold the keys to a final arrangement; that they are dependent on each other, and therefore a forum for discussion needs to be in place. Another argument for having face-to-face discussions on the most senior level is that, as noted by one interviewee with much insight into the senior cabinet said, President Mugabe may be surrounded by “Yes-Sayers” and thus the correct picture of the current crisis in Zimbabwe may not be accurately portrayed. Thus, unless seniors are directly confronted with claims and support, the overall crisis may not be solved. What is needed is that both parties identifies what is right and wrong, put aside differences, and consider what is of mutual interest, i.e. transcending their incompatibilities.

For instance, when it comes to land re-distribution, both parties need to restore what is right and establish a compensation fund on the land issue, and compensate adequately. Commercial land should be for sale, while giving the landless their share part of the land. Financing should not be considered a problem, bearing in mind the finances burden that will emerge if the crisis is not meet in the near future and could develop into a conflict (which the international community will need to share anyway). Major powers such as the UK, the US and Germany could play an important role in working out a financed resettlement plan.⁸³ Zimbabwe on its part needs to recognize that the land reforms were chaotic and wrongly planned.

To have this platform however requires benchmarks in place, so that all stakeholders know what to expect of the negotiations. Thus an EU strategy could then be to try to make the benchmarks laid down in the

⁸³ *The Standard* noted the following in a similar case: The [Namibian] Cabinet recently adopted the recommendations of a comprehensive 2004 study funded by Britain, Germany and the Untied States to resettle 6 277 families on 10.3 million hectares of land”. Thus, what is seen here is that support could well be channelled (*The Standard*, 10 September, 2006).

SADC-EU Joint Steering Committee-EU Presidency intervention on Zimbabwe more attainable.⁸⁴

Table 3. EU Benchmarks

- Cessation of all forms of political intimidation and violence and active prosecuting of perpetrators;
- Suspension of the implementation of the provisions of the Public Order and Security Act (pending its amendment) which, inter alia, is limiting drastically the freedom of association;
- Invitation to the UN High Commissioner for Human Rights to visit Zimbabwe to initiate an assessment of outstanding claims of human rights abuses;
- Freedom of mass media (withdrawal of all existing charges against journalists under the Access to Information and Protection of Privacy Act – AIPPA-). Suspension of the implementation of AIPPA, pending its amendment;
- Independence of the judiciary (immediate implementation of all court rulings);
- Land reform (end of illegal occupation; enforce all bilateral agreements on promotion and protection of investments; ensure an independent audit of the land reform);
- Food and humanitarian assistance (transparent and accurate information to donors on the food situation, removal of all legislative and administrative obstacles which prevent the private sector from playing its role, ensure that food reaches all vulnerable groups);
- Incorporate all SADC Parliamentary Forum’s electoral principles in domestic laws with a view to holding free and fair elections in the presence of impartial observers.

⁸⁴ The benchmark is a SADC/EU joint steering committee in September 2003/ Dar-E-Salaam.

From the point of view of sanctions, a justifiable argument for adopting clearer benchmarks is that these are to indicate what EU requires the Zimbabwean government to do before it could start considering lifting these sanctions. Today, the EU is not that clear in its message on what it really expects of the Zimbabwean government (besides some general provisions of democratic elections and human rights). In fact, the benchmarks adopted by the EU do not reflect accurately the dynamics on the ground today. While some representatives of the sanctions imposer is of the view that nothing needs to be done until Mugabe steps down, other are more keen to actively de-construct the benchmark, hence allowing the Zimbabwean government to better understand what to do in order to have the sanctions lifted. However, the impression given by some of the interviewees in Harare, suggests that members of the diplomatic community are very reluctant to do go into the benchmark discussion. The tactic it seems is “do not touch”⁸⁵. Moreover, some interviewees have also suggested that some EU powers need to agree on a deal on the future of Mugabe. That is, giving him assurances that he will not be brought to court after his time as President.

6.2 Setting a Tougher Tone

Several remarks made by different interviewees suggested that harder targeted sanctions will simply not do. This view seems to prevail among members of the NGOs community. For instance it was noted by one interviewee: “Nothing is likely to change as long as President Mugabe is around. One should not forget that the leadership is like a big family. Everyone has something to lose if the sitting government fall. They have married each other and have joint ventures together, etc.”. Another remark was equally pessimistic: “Introducing targeted sanctions in Zimbabwe is not about targeting specific individuals but an entire system”

Considering that there exists some stalemate or sanctions efficiency *fatigue*, lifting the current targeted sanctions however could easily be seen as surrendering. Hence, instead of becoming softer, tougher

⁸⁵ Whether this is a general principle, or just an attitude taken because of a de facto strategy of disengagement, remains unclear.

measures could be used to signal that the EU will not give in until the government has changed its behaviour. Tougher here would mean to increase the level of sanctions impact.⁸⁶ There are several ways to do this.

First of all, it is important to ensure that as many actors as possible in the international community share the responsibility of putting pressure on the Zimbabwean regime to ensure that human rights are respected. The ultimate body for doing this is the United Nations. Hence bringing the Zimbabwean question to the attention of the UN would in the long run bring about more pressure and thus more impact. For instance, the travel ban would not any longer be a concern for the EU and the U.S., but also for other states and organizations. To do this though, the EU must be prepared to face opposition from key stakeholders such as: China, Indonesia, Singapore, Russia, and Malaysia for whom there is some benefit in the government Zimbabwe's "Look East Policy. Since human rights an economically prosperous Zimbabwe would also be of value for these countries, this "Look to the UN" option would not be unattainable. The question is whether the international community has the energy to do so given the consideration of having sanctions on North Korea and Iran. But this has more to do with political will rather than capacity. To start with, the Security Council could decide on a non-binding Security Council Resolution (and then increase its pressure by adopting a chapter seven resolution in the long run). Zimbabwe could also be brought to the attention of UN's Peace Building Commission, or the UN Secretary-Generals Mediation support unit.

Secondly, the EU could mount pressure on the Zimbabwean leadership by connecting the current targeted sanctions with the agenda of the International Criminal Court (ICC).⁸⁷ Using the ICC as a threat for further investigation on the abuse of human rights in Zimbabwe, a stronger signal could be sent on the determination and the resolve of the European governments.

⁸⁶ *The International Crisis Group* has recently suggested that targeted sanctions should be maintained, enforced, and if possible expanded (ICG August 2006: 15).

⁸⁷ The need to consider the International Criminal Court was stated, inter alia, by the former UK Minister of State, Mr. McCartney on 26 March 2007 (as noted in UK Parliamentary debate on Zimbabwe).

Thirdly, the EU and the Commonwealth could increase its pressure on South Africa to cooperate on areas of sanctions. This could also entail having South Africa implement similar restrictions such as travel bans and assets seizure. In this way, government officials could be hindered to travel outside Zimbabwe to South Africa. It could also mean that South Africa stops playing the role as a transit country. By adhering to principles of human rights, South Africa could easily make political scores. Also by securing its border crossing to Zimbabwe, it could get a better control over the dramatic increase of migration from Zimbabwe as a result of the crisis. Having a tighter border with Zimbabwe would thus benefit South Africa, while increasing the pressure on the Zimbabwe government, whose economy now depends severely on cross border smuggling in goods and money. Although President Mugabe is generally seen as a liberator and a staunch anti-coloniser, this could not serve as a political argument for the government of South Africa, especially in the light of continued abuses of the Human Rights of the people of Zimbabwean. One way for South Africa, as well as other neighbouring countries in the region is to follow declarations of for instance the African Union which have stated that human rights abuses exist in Zimbabwe.

Finally, another way or argument for taking a tougher standpoint could be by relying on the Zimbabwe Human Rights NGO forum's index of political violence.⁸⁸ The monthly index maps the number of abductions/kidnaps, assaults, attempted murders, death threats, disappearances, displacements, freedom of expression/freedom of assembly, murder, political discrimination, intimidation, property related, rape, school closure, torture, unlawful arrests, unlawful detention, on basis of reports of several hundred NGOs involved in reporting. Not only could this give us an indication on the political situation in the country, it may also help us consider if one wants to decide further sanctions. Broadly speaking, sanctions could correspond to the index level of political violence, but more specifically, the type of coercion in different areas could highlight areas where potential targets could be located (or what type of restrictive measures that would be suitable in order to deal with different types of government violence).

⁸⁸ To be located at <http://www.kubatana.net/index.htm>

7. Final Remarks and Future Prospects

Targeted sanctions have so far cornered the government of Zimbabwe politically and economically. It is no question that Mugabe and his circle feel the pressure. While putting pressure on the government is undoubtedly one aim of the sanctions, the question is whether this will, in the long run, leads to a behavioural change. A problem with cornering a government that has had a history of conducting a Marxist-Leninist guerrilla warfare, is that when it is cornered, it very much likes to fight back with all possible means, or as one interview noted “it behaves like a wounded animal”. Some observations, made in many interviews, suggested that sanctions are out dated. Basically, every day that passes with sanctions in place is only likely to increase the determination of the government in being defiant of it. Thus the frustration and the ‘laager’ mentality is likely to play out on the Zimbabwean population. Some remarks made by interviewees also focus on Mugabe himself. Mugabe, by his very own personality, is not the type of person that would easily give in if cornered. Instead he is, as one person noted, likely to fight back “as if he was a lion”. However, what needs also to be underscored is that this picture, of a cornered government and leader, is also part of the government’s propaganda and rhetoric. As was mentioned by one interviewee: “One should not forget that Zimbabwe has a very skilled diplomatic Corps., they have the entire southern region behind themselves and have also liaised themselves with parts of Asia and Parts of South Africa”. Nevertheless, it is safe to conclude that the desperation is increasing both among the ZANU-PF leaders, as well as their loyal members. This is likely to spark further violence and mistrust, both towards the opposition and against certain wings of the ZANU-PF (in the latter case, it was reported that on June 6, an alleged coup-plot had been dismantled).⁸⁹

When speaking about the current crisis in Zimbabwe, it is impossible to neglect the sour relationship between Zimbabwe and the UK. The close relationship that existed between Mugabe and the conservatives during the 1980’s is simply not there any more. In fact there is many

⁸⁹ *Keesing’s Record of World Events*, vol. 53, June 2007 (Internet version), p. 47964.

times seems to be personal animosity between Mugabe and Blair, at least from Mugabe's point of view. As quoted by one interviewee close to the president: "Mugabe wanted to talk to Blair, but Blair did not want to talk to Mugabe". A self-regulating solution to the crisis could emerge once Mugabe steps down from power and Blair steps down as Prime Minister in the UK. "All presidents and Prime Ministers like to have clear desks when they start their new work." This suggests that a new future era could be established between the two countries, setting aside differences which put tension in the whole Africa-UK (-EU) relationship. Yet, as of now, Gordon Brown has not made any major policy shifts towards Zimbabwe, other than not being willing to have the British government participate in the high level meeting between EU and Africa in Lisbon, December 2007.

What is further important is that every solution to the current crisis has to take into account the land question. The land question and the following crisis were indirectly triggered by the Zimbabwe War Veterans, while the government leaped onboard by rewarding them with support. In order to find a stable solution for the current crisis, these issues have to be dealt with. Either compensation is needed or isolation of the war veterans is required. Since they formed the core of the liberation movement, isolation is not a very likely strategy.

Regarding the land question, as one close aide of Mugabe suggested, the President needs to officially express that Zimbabwe had and continues to have difficulties with its land distribution program. The president also needs to declare that every farmer that wants to be involved in agriculture shall have the possibility to do so and that the big land owners should be compensated for giving up land to smaller land owners. The strategy is partial restoration through compensation. The compensation, furthermore, should not only be "mouth talk", as seems to be the current strategy, but a serious proposal. Rather than proposing to compensate large land owners with 10 000 USD, figures up to 300 000 USD per farm is needed (as proposed by a lawyer with inside experience of the matter). The compensation scheme needs also to be dealt with through good judicial, administrative and economic management practise. To embark on this path, however, requires strong support, especially from the international community. As noted; con-

sidering the amount of money the current crisis is costing compared to future development and restoration aid (not to forget human suffering), the financial aspect should not be the obstacle. Therefore, support is needed from international institution such as the International Monetary Fund, the World Bank and the African Bank for Reconstruction and Development.⁹⁰ Unless there is a larger economic stabilisation program in place, this strategy is not likely to succeed. Thus the National Economic Development Priority Program (NEDPP) under the National Economic Recovery Council, initiated in 2006, needs to work in tandem with these international institutions.

Still, the proposed strategy is unlikely to occur until the internal fighting in ZANU-PF over the successor post of Robert Mugabe is settled.⁹¹ There is still too much room for power struggles between different successor fractions over which future path the party should head after Mugabe leaves office. Part of the internal strife is related to the generational issue within the ZANU-PF, of which there is the old guard and the new guard, with the former still having a strong grip over power. There is only a slow promotion of new and younger party members to the more senior posts, while those that are put upwards in the hierarchy, are not given independent power.

What then about the near future? As one source close to the inner circle of Mugabe explains: "There is not yet a clear succession plan to Mugabe. If there were one, the successor should already have been noted". Without a candidate promoted as the successor, then Mugabe is likely to stay along. In fact, aged 83, Mugabe has already declared that he will participate in the 2008 presidential election. In a meeting held on July 30, 2007, the ZANU-PF called for him to be installed President for life. In an upcoming election Mugabe is likely to get many votes,

⁹⁰ Note for instance that the deputy director of IMF's Africa Department recently said that there is currently a "...substantial goodwill on the part of the international community to help Zimbabwe out of its crisis, although also noting that the government of Zimbabwe need to take the first steps"

⁹¹ *The International Crisis Group* has identified a succession battle between two wings of the senior ZANU-PF leadership, of which one faction is lead by Vice president Joyce Mujuru, and the faction lead by the former speaker of the Parliament, Emerson Mnangagwa.

no matter how dire his politics may be. As noted by an interviewee, he still enjoys a “hero’s aura” from the days of liberation.

Executive Summary: Recommendations and General Proposals

General recommendations:

To increase the determination of having an effective sanctions instrument, the EU could work more convincingly in the southern African region to influence different stakeholders to join the EU strategy on sanctions. This could mean that efforts are made to ensure that these countries do not provide platforms for sanctions evasions. For instance, persuade leaders in the region not to approve for flight routes. It is important to have constant sanctions monitoring on the ground in Zimbabwe. Given that sanctions are a daily theme in the political vocabulary of the Zimbabwean government, and in the state media, it is important that these views are monitored and countered whenever proven wrong. The EU therefore needs to streamline its daily work as to consider how the dynamics on ground affect the overall sanctions policy. For instance, the EU Presidency needs to follow up government statements and to counter them in EU bulletins in Harare. Moreover, all aspects related to sanctions need constant transmission and diffusion into the EU Council and the Commission so that they could get a better sense of how the Zimbabwean government is trying to manipulate their policy of restrictive measure to their own advantage.

Furthermore, the EU Heads of Mission in Harare should, as far as possible, have a standing sanctions monitoring item on their meeting agenda. This will give weight and pressure to EU's sanctions policy, and keep up the pressure on the regime. Similarly, the Council in Brussels should establish an informal ad hoc group to discuss sanctions dynamic on ground. Representatives from geographical desks, the Commission and the Council should inform each other on how to keep the sanctions as up to date as possible. By doing this, further pressure could be brought about, as well as the detection of possible sanctions busting related activities.

Before other restrictive measures are being implemented, serious preparation and deliberation among the EU member states is needed. Routine procedures do not work anymore. This way also greater unity

and resolve could be signaled to the targets of concern (preventing the government of Zimbabwe from playing on the split attitude among the EU member states).

In order to enforce targeted sanctions as tight as possible, EU, US, New Zealand, Australia and Japan should try to coordinate their activities in the field of targeting. All senders have a lot to learn from each other. Although sanctions legislation, implementation and monitoring processes are completely different, increased coordination is not impossible.⁹² For instance deeper exchanges could be made when it comes to issuing lists, and up-dates of lists, sharing information about how different targets and their families are linked, as well as how different targets are linked through businesses.

In order to increase the determination of having an effective sanctions instrument, the EU could work more convincingly in the southern African region to influence different stakeholders to join the EU strategy on sanctions. This could mean that efforts are made to ensure that these countries do not provide platforms for sanctions evasions. For instance, persuade leaders in the region not to approve for flight routes, financial transactions, and transits routes for travelling officials, etc. In order to achieve such goals have the EU Council send out a special representative for this particular aim. Moreover, make further use of forums such as SADC, AU the Commonwealth to coordinate sanctions activities. In particular, South Africa plays an important role in this context due to its political and economic influence in the region.

The SADC process is a good platform for further negotiations between the government and the opposition. It needs strong backing. However, the SADC process cannot run hostage to sanctions rhetoric. For instance, SADC's reports on the economic and political situation in Zimbabwe should not become a weapon in the Zimbabwean government's oratory (i.e. that sanctions are the root causes for the crisis). The EU needs to work with SADC so that the latter's conclusions reflect accuracy and

⁹² *The International Crisis Group* has also underlined this: "The U.S., EU and Commonwealth have maintained sanctions against Zimbabwe, but their endeavour has been somewhat haphazard, and there has not been sufficient attempt to develop a coordinated international response to the deteriorating situation" (*International Crisis Group*, June 2006).

transparency. Evaluations and analysis of its reports therefore have to be meticulously scrutinized.

In order to have stronger sanctions impact, the Zimbabwean civil society needs better education on the logic of targeted sanctions. At the moment parts of the civil society it seems is buying into the government propaganda. Hence, having some workshops or seminars to address the issue could function as a healthy injection in the otherwise so closed debate on sanctions. In principle, the civil society should be given a greater voice in the upcoming 2008 elections.

Targeting:

If the EU wants to have a stronger sanctions impact, proper assessment is needed (for instance by the UNDP). Several European officials in Harare have expressed an interest in trying to assess how EU's sanctions measures hit the regime. An independent assessment could also help EU in its attempts to convince the population that the current crisis in the country is the result of bad policy planning and mismanagement of the government, and not due to sanctions.

If the EU considers *reducing its pressure* on the regime through its lists of sanctions, consideration could be given to de-listing the younger ZANU-PF members who show a more moderate political behavior. These are the future leaders and need support rather than isolation. The risk with taking them off the list however, could lead to domestic stigmatization or a perception of un-patriotic behaviour. Thus this needs careful management. Looking out for change agents hence, should be a prioritized strategy of the EU.

If considering *an increase of pressure* on Zimbabwe, several measures could be taken:

– Clearly one such path could be referring the Zimbabwean question to the UN.⁹³ In fact, the Zimbabwe crisis needs to be re-internationalized. Having a global ban on travel and financial activities would obviously be much more effective, than only having 'Western' countries enforcing them. Another measure for signalling resolve could be to connect

⁹³ Recently a Resolution in the EU parliament called for a referral of the Zimbabwean question to the UN, and moreover called for increased sanctions. See, "European Parliament resolution on the situation in Zimbabwe" (2006).

sanctions to the ICC investigation on human rights abuse. Linking the Zimbabwean issue to the UN Peace Building Commission or the UN Secretary-General's mediation unit is another path to increase pressure.

- Given the role of the War Veterans, increased attention could be given to these individuals. However, further listing should not be made in random. A differentiation has to be made among those that are increasing their voices about Mugabe's rule and the economic consequences it has for the country they fought for.⁹⁴ Moreover, it needs to be considered that many possible targets herein are not likely to travel much or send money abroad, thus calling for different type of measures.

- Particular attention could also be paid to those businessmen that are linked to the government. There are several actors in the import export area of agriculture that is close to the government. For instance, several government officials are operating large scale farms on the side.⁹⁵ These are likely to have backing of businessmen and lobby groups, which could in their capacity of backing government policies be legitimate targets of sanctions. A way to establish these links is by using social network link analysis methods (i.e. tracing individual-to-individual connections). An example of this has been made on some ZANU-PF leaders by the U.S. Office of Foreign Assets Control (see OFAC website and their Sanctions Program on Zimbabwe). Much open source intelligence could portray target activities and their connections with other targets or intermediaries.

- Since exemptions for attending conferences could be used for other purposes, the EU should be as restrictive as possible to admit government officials to travel into EU territory. The EU should advocate that targets included on the list send their representatives instead.

- Finally, a way to strengthen the sanction could be to ensure that family members of the targets attending prestigious schools abroad are not welcome to do so. This not only cause annoyance, but also signals resolve. This however, must be on the determination of each member state. To evoke such a strategy, accurate information is crucial.

⁹⁴ See for instance *IRIN*, March 2007.

⁹⁵ See *The Standard* 10-16 September, 2006.

Dialogue:

Given the current deadlock between the EU and Zimbabwe, there is plenty of room for dialogue. However, a distinction is made in this report between having an internal dialogue between domestic actors on one hand, and then an external dialogue between the EU and Zimbabwe on the other. One way of opening up a dialogue could be on basis of having the sanctions benchmarks broken down, clarified and up-dated (this report includes these benchmarks). In this way, the government of Zimbabwe will have an easier task realising what is expected in order to achieve a better relationship with Europe. From EU's point of view, this would also mean that Zimbabwe would be given a better chance of pinpointing what it is doing in terms of the EU conditions.

- The internal dialogue needs to address two areas: the constitution and an economic roadmap for future economic stabilization. In terms of the constitution, a dialogue could be based on the 2004 agreement between the ZANU-PF and the MDC. A dialogue under South African president Thabo Mbeki is held (under the auspices of SADC). This dialogue should be supported, although his five interventions since 2000 do not seem to be as effective as needed.

In terms of having an economic roadmap, the EU could support business forums or meetings, in which they could commit themselves to invest as soon as the situations improve.⁹⁶ The meeting could be given weight by having international institutions involved. By having an economic roadmap, with the government participating, a realistic and alternative economic environment could work as an attractive option for the government.

- The external dialogue needs to involve EU and Zimbabwe. A forum is urgently needed to tackle the day by day deterioration of the economy and the political arena. Today such forum is lacking. Among the issues that need to be dealt with is the land issue. The EU should offer support to a land distribution program. In exchange, participation of EU

⁹⁶ Note for instance that much capital and know-how is running away from Zimbabwe due to the crisis. Only in Zambia, fleeing Zimbabweans have been glad to set up business has been bolstering the Zambian economy. Over 112 investments projects from Zimbabwe worth 134.4 million USD have been registered over the past six years, creating 13151 jobs, the *Zambian Investment Centre* (ZIC) has detailed.

experts for advice and administrative purposes could be conditioned and seconded. As this report also discusses, there is an urgent need for the UK and Zimbabwe to engage in a dialogue. Today, this is not likely to happen, unless some facilitation is made. One way discussed is to support the weak ongoing Mkapa process, while another could be to have other EU members facilitate a dialogue (e.g. having other member states of the EU that is also part of the Commonwealth to act as intermediaries).

- Since much of the current crisis relates to the targets grievance towards the UK, a dialogue between the two is needed. However, since UK's attitude toward Zimbabwe is closely linked to party history (Labor and Tory), a way forward could be to have an inter-group party working group to work out a common strategy towards Zimbabwe (one such forum could be the "all-party parliamentary group on Zimbabwe" that exists in the UK parliament). Thus regardless of which government that is in control of Whitehall, the same strategy will be in place towards Zimbabwe (a sustainable policy over time).

Other steps:

If the land issue is deadlocked, inspiration and further studies on how to solve the land issue could be made by looking at U.S. government's handling of the native Indians legal claims for land property. For example, by having a Zimbabwean Native Claims Commission, the government of Zimbabwe could effectively deal with the right to land on a legal basis. This way, the government could transcend the current problem of being obliged to re-distribute land to the entire black community as promised, while limiting it to the few that has proper claims for it (i.e. that can claim that their ancestors property was stolen from them). Needless to say, however, these processes could only concern greater land areas, and at their best on basis of group petitions. All other minor claims could be processed as was singled out in the Lanchester House Agreement.

To further counter the government strategy to portray sanctions as harmful to the ordinary people, the EU could increasingly, both formally and informally, rely on the vocabulary *restrictive measures*. In the Zimbabwean context (also given the historical legacy of hav-

ing sanctions on the white minority government (Ian Smith) restrictive measures is better than targeted *sanctions*, as sanctions have a history of its own in Zimbabwe.

Finally, since there has been a contest over the proportionality of the sanctions, the EU needs to be able to motivate or better educate ordinary Zimbabweans, and other actors, as to why sanctions were imposed on their leadership. Why for instance have targeted sanctions been introduced on Zimbabwe, while in countries, where armed and deadly conflicts are occurring, the leadership is not sanctioned. Finally, the motive for having sanctions better explained to the civil society of Zimbabwe, the opposition, and ultimately the government, could not be overemphasized.

Appendix I: Reactions by Key Players in the Region Following the March 2002 Elections ⁹⁷

The Southern African Development Community (SADC) Parliamentary Forum Observer Mission: In a statement on March 13th 2002 the observer mission stated that “The climate of insecurity obtaining in Zimbabwe since the 2000 parliamentary elections was such that the electoral process could not be said to adequately comply with the norms and standards for elections in the SADC region”.⁹⁸

South Africa: On March 13th a South African government communiqué stated that the “elections and subsequent processes have proceeded without any significant conflict among the parties”, and furthermore, that the South African (SA) government had noted that the SA Observer Mission report stated that “the elections should be considered as legitimate”.⁹⁹

The South African Observer Mission (SAOM): In an interim statement issued by SAOM on the Zimbabwean election, a preliminary post-election assessment based on the observations made stated that “it is the view of the SAOM that the outcome of the 2002 Zimbabwe presidential elections should be considered legitimate”.¹⁰⁰

Commonwealth Heads of Government (CHOGM): On the eve of the Zimbabwe election, the CHOGM expressed “their deep concern about the incidents of violence and intimidation surrounding the election campaign [and] called upon all parties to refrain from such violence and urged all concerned to work together to create an atmosphere in which there could be a free and fair election”.¹⁰¹ On March 19, 2002,

⁹⁷ Several observer groups sent by different states, the *Africa Research Bulletin* writes, supported Mugabe’s victory, some of them being: China, Russia, Ghana, South Africa, Nigeria, Tanzania, Kenya, Namibia, DR Congo, Angola, Malawi, and Mozambique. See *Africa Research Bulletin*, March 2002, p. 14767.

⁹⁸ *Africa News Update*, March 14, 2002.

⁹⁹ South Africa. Government Communications, March 13, 2002.

¹⁰⁰ The South African Department of Foreign Affairs.

¹⁰¹ Foreign and Commonwealth Office (FCO). March 19, 2002.

the Commonwealth chairpersons decided to suspend Zimbabwe from the Council of the Commonwealth for one year.¹⁰²

Commonwealth Observer Group (COG): After the elections had been held, a report by the COG was issued in which the final words, among other things stated, “the presidential election in Zimbabwe was marred by a high level of politically motivated violence and intimidation, which preceded the poll”.¹⁰³ The conclusion expressed was that the conditions in Zimbabwe “did not adequately allow for a free expression of will by the electors”.¹⁰⁴

United Kingdom: As the Election Day came the U.K government acted mainly via the EU as well as via the Commonwealth. The UK had already as early as in May 2000 imposed an arms embargo on Zimbabwe due to the political situation in the country (known as the military list).¹⁰⁵

Sweden: In a press statement, the Swedish government clearly stated its positions that the “presidential election in Zimbabwe on the 9-10th of March was not free, nor fair. Mugabe received the answer he wanted, but his election victory is not credible” (authors translation, Swedish foreign Ministry, March 2002).

The United States: Just after the election had been held the U.S. Secretary of State declared the U.S. government position, calling the election “neither free nor fair” (Washington File, March 13, 2002). However, as early as in January 2001 the US Congress had initiated and enacted the “Zimbabwe Democracy and Economic Recovery Act of 2001”. The act was initiated to support the “...people of Zimbabwe in their struggle to effect peaceful democratic change, achieve broad-based and equitable economic growth, and restore the rule of law” (Zimbabwe

¹⁰² *ibid.*

¹⁰³ One member of the observer group though reserved himself from this phrase. See also the Report of the *Commonwealth Observer Group*, March, 2002”.

¹⁰⁴ *ibid.*

¹⁰⁵ Foreign and Commonwealth Office. “EU sanctions imposed on Zimbabwe”. February 27, 2002

Democracy and Economic Recovery Act of 2001, 494.)¹⁰⁶ The bill that was introduced, and later enacted, tied various conditions to it, asking Zimbabwe to secure a free and fair presidential election and to make sure that a pre-election environment consisted with international norms. Unless the conditions were met, individuals responsible would have their assets frozen and have travel and economic sanctions targeted against them and their families (ibid.)¹⁰⁷. The Act was signed by the President, and became law on December 21, 2001. On February 22, 2002 the State Department was bound to implement the sanctions, as the conditions were not met.¹⁰⁸ Although a travel ban was introduced on 200 ZANU-PF officials it is interesting to note though that a list of names was never introduced, neither by the Congress, nor by the State Department (see below). The presidential proclamation however mentioned "...senior members of the government of Robert Mugabe..." (and "persons who through their business dealings with Zimbabwe

¹⁰⁶ A parallel story going on at the same time could be followed in the *Washington Post*. According to the article President Bush had acted to protect President Mugabe from being taken to court in the U.S. The filing against Mugabe was based on the accusation that he was being responsible for ordering murder, torture and terrorism of political opponents. The challenger asked for USD 68, 5 million in compensation. The challenge was brought about under the Torture Victims Protection Act of 1992 which allowed foreign citizens to sue foreign authorities over human rights issues in U.S. courts (*Washington Post*, February, 26, 2001.)

¹⁰⁷ The following conditions were set: 1, Restoration of the Rule of Law, 2, Election or Pre-Election conditions, 3, Commitment to Equitable, Legal, and transparent Land Reform, 4, Fulfilment of Agreement Ending War in Democratic Republic of Congo, 5, Military and National Police Subordinate to Civilian Government. If the conditions weren't met, the US would begin consultations with government of EU, Canada and other appropriate countries.

¹⁰⁸ As of March 20, 2002, the U.S. government had not yet publicly released the names of those individuals being placed under sanctions. On the other hand the U.S. government had begun notifying those individuals subjected to visa restrictions on a personal level (Office of the Spokesman, March 20, 2002).

government officials or financial benefits for policies that undermine or injure Zimbabwe's democratic institutions...".¹⁰⁹

¹⁰⁹ "Statement by the President, December 21, 2002", and "Zimbabwe Proclamation", *White House*, February, 2002. Not also that on April 17, 2002, that is 2 months after EU, the U.S. effectively suspended the export and transfer of defence articles or defence services due to the election violence (U.S. Department of State, April, 17, 2002).

Appendix 2: Examples of Alleged Evasions and Exemptions on Travel Ban and Assets Freeze¹¹⁰

There have been several evasions and exemptions for the sanctions, some which have affected the legitimacy of the sanctions.¹¹¹ For instance:

- In August 2002 Mugabe's police chief Augustine Chihuri was granted a visa to attend an Interpol conference in Lyon.¹¹²
- In May 2002 President Mugabe travelled to the UN on a flight that went via Paris with a Libyan airplane.
- In June 2002, Mugabe visited Rome, Italy, to attend the World Food Summit.¹¹³
- In July 2002, the cabinet minister Joshua Malinga was detained in London in July 2002, on his way to New York and was placed on a plane back to Zimbabwe.¹¹⁴
- In September 2002 the Zimbabwean Trade Minister was given visa to enter Belgium for a week to attend a ACP-EU meeting (Africa-Caribbean-Pacific/EU forum).¹¹⁵
- The November 7-8 meeting of the EU-SADC meeting was moved to Maputo in Mozambique from Copenhagen, Denmark. The reason being that several delegates to the summit had hinted to boycott the gathering if EU stood by its decision

¹¹⁰ Some of these examples are found in Eriksson, Mikael "EU Sanctions: Three cases of targeted sanctions", in (eds.) Wallenstein and Staibano. *Between Words and Wars in the Global System* (Frank Cass: London, 2005).

¹¹¹ Note though that EU has granted exemptions from the restrictive measures. These exemptions have been made on a case to case basis taking into consideration the guiding principles for allowing these.

¹¹² *van Orden*, 23 January 2003. For more on this see also the *International Crisis Group*. "Zimbabwe: Danger and Opportunity". Africa Report no. 60, 10 March 2003, p. 13 (Brussels: ICG, 2003).

¹¹³ *ibid.* no. 6, June 1st-30th 2002, p. 14906.

¹¹⁴ *BBC News*. July 27, 2002.

¹¹⁵ *The Daily Telegraph*. October 8, 2002.

not to allow the Zimbabwean foreign Minister to attend the summit.¹¹⁶

- In November 2002, the EU debated for a long time whether to allow Minister of State Enterprises and Parastatals in the President's Office Paul Mangwana and deputy Minister of Finance and Economic Development Christopher Kuruneri to attend the November 25-28, 2002 EU-ACP 5th parliamentary assembly session in Brussels. In fact the credibility of the sanctions was undermined as the two officials were allowed to travel into Belgium, despite travel restrictions, but not allowed to attend the actual meeting (the Belgium government apparently got no objection when asking all the other EU governments whether or not to invite them). Initially lawmakers from the ACP countries boycotted the meeting as a protest for not allowing them to enter the building.¹¹⁷
- In April 2003 the Portuguese government also asked for exemption to bring Zimbabwean officials to the country under a EU-Africa summit set on April 3, 2003.¹¹⁸ Although some countries were positive to the request, several EU member states stated during the time of negotiations that they would boycott and not attend the Lisbon meeting if Zimbabwe attended. In fact some EU diplomats pointed out that the Paris summits to which Mugabe was invited was a bilateral affair between France and the African countries whereas the Lisbon meeting would bring together the whole EU.
- In 2004 the EU discussed whether or not to accept Mugabe to Paris on invitation by the French president Chirac. France had asked its EU partners to grant a temporary exemption from the ban in order to allow Mugabe to attend the Franco-African meeting on February 19-21 2003. Under the EU's so-called "silence procedure" rule, the 15 member states had to voice

¹¹⁶ *The Daily Telegraph*, October 24, 2002.

¹¹⁷ *Zimbabwe Independent*, November 15, 2002, and Reuters, November 26, 2002.

¹¹⁸ *Reuters*. January 27, 2003.

any objection, which would automatically block Mugabe's visit. France had invoked a clause in the EU sanctions regime allowing for a EU member state.

- In April 2001 there was an open debate on what action EU have done to identify overseas assets held by Mugabe, i.e. under what legal jurisdiction sanctions could be introduced (i.e. under Article 8 of the Cotonou Agreement), and also under what conditions the sanctions could be introduced.¹¹⁹
- A report in 2002 states that top officials and army generals were sending money to safe havens in Europe and depositing cash in US banks.¹²⁰
- In 2002 it is concluded that as much as £ 10 million were deposited in banks in the Far East (e.g. Malaysia). It also claimed that even before the end of January the U.S. government noticed that Zimbabwe's ruling elite was sending wealth abroad ahead, well ahead of the Presidential election.¹²¹
- In early 2004 it was reported that 29 bank accounts in the UK worth £ 513 000 had been frozen since sanctions were introduced, and that another USD 50 000 had been frozen in Ireland.¹²²
- The International Crisis Group reports on 18 September 2007, that British Banks and insurance companies have continued to do business as usual with Zimbabwe.¹²³

¹¹⁹The EU Commission publicly shared the views expressed of the leader of the MDC leader on how to enforce sanctions, see *EU Commission*, December, 2001.

¹²⁰*Sunday Times*. February 3, 2002, and BBC, January, 23, 2002.

¹²¹*Africa Research Bulletin*, Vol. 39, no. 1, January 1st-31st, 2002, p. 14719.

¹²²*The Zimbabwe Independent*, January 4, 2004.

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