

UNDERSTANDING SUCCESS OF TARGETED SANCTIONS: THE EU IN ZIMBABWE

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ABSTRACT: The European Union (EU) imposed sanctions on Zimbabwe in 2002 and this article aims at evaluating the success of that decision. Applying a broader definition of success, this article assumes that sanctions can coerce, constrain and signal. Contrary to most of the literature holding that sanctions are imposed to change the behaviour of targets, this article argues that the sanctions on Zimbabwe appear to have been motivated by a constraining logic and, thus, what to expect from them and how to assess their success should be measured accordingly. The article holds that the restrictive measures of the EU fulfilled their expectations in making life harder for the members of Zimbabwe African National Union-Patriotic Front (ZANU-PF) and contributed to creating the conditions for the positive evolution of the situation in Zimbabwe with the power sharing agreement reached in 2009. The constraint on ZANU-PF benefits the MDC-T and MDC-M. The assessment of EU restrictive measures should take place under this light. The recent reduction of the individuals and entities targeted by EU sanctions is an interesting development that confirms how Brussels is interested in the stabilisation of the institutional framework wherein ZANU-PF would respect the newly formed institutional framework. The coercive aspect, allowing ZANU-PF to comply with the demands of the EU, is a further important improvement of the situation in the country that can be captured by the theoretical framework adopted in this article and that should help to lead the future analysis on sanctions.

KEYWORDS: European Union, sanctions, targeted sanctions, restrictive measures, Zimbabwe

INTRODUCTION

The ruling elite supporting President Robert Mugabe has been harshly criticised for jeopardising years of economic development

and for perpetuating poor human rights practices. The European Union (EU) is among the political actors who have decided to intervene in order to sustain the transition towards a new democratic system in Zimbabwe. Among the several policy initiatives launched by Brussels since 2002 are also a number of restrictive measures (sanctions). While many have applauded this decision as the brutality of the regime in Harare went beyond what European states can tolerate, others have contested this move since sanctions did not achieve any substantial political results. The reasons why sanctions were imposed and what are their objectives lie at the centre of the debate for the EU policy towards Mugabe as well as the sanctions debate in more general terms.

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The objective of this investigation is to analyse the sanctioning policy of the EU towards Zimbabwe and the main question of the article is to evaluate the effectiveness of the restrictive measures imposed in 2002. Contrarily to most of the literature holding that sanctions are imposed to change the behaviour of targets, this article argues that the sanctions on Zimbabwe appear to have been motivated by a constraining logic and, thus, what to expect from them and how to assess their success should be measured accordingly. The article holds that the restrictive measures of the EU fulfilled their expectations in making life harder for the members of Zimbabwe African National Union-Patriotic Front (ZANU-PF) and contribute to create the conditions for the positive evolution of the situation in Zimbabwe with the power sharing agreement reached in 2009.

Sanctions are not always imposed with the idea that targets will behave according to the requests solely, but sanctions can also contribute to the achievement of policy objectives by carrying out specific functions in a wider strategy. Therefore, in the case of the targeted sanctions against Zimbabwe the success of sanctions should be assessed primarily by looking at whether they contributed to make the lives of targets “harder” and to what extent this did happen.

This article is divided in four parts. The article firstly describes the analytical framework utilised for the examination of the sanctions. It continues to explore the background of the crisis and to scrutinise the restrictive measures adopted by the European Union. The third part evaluates the success of sanctions and, finally, the

conclusion summarises the argument and sets the way forward in the study of sanctions.

UNDERSTANDING SANCTIONS

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The use of sanctions has been at the centre of the debate for decades, and a final answer on the issue of effectiveness has not been reached yet.¹ In fact, asking whether sanctions work may not even be the best way to move the debate forward. The discussion is still trapped in understanding to what for sanctions are imposed, and this is the starting point of this analysis, which aims at understanding how sanctions are expected to influence their targets with the view of assessing whether the expectations were met. This approach does not intend to lead to any definitive conclusion on the matter, as methodological issues such as multicollinearity can hardly be overcome in foreign policy analysis, but it should lead to learn lessons that will improve the comprehension of targeted sanctions in the twenty-first century.

Sanctions are normally expected to change the behaviour of targets. This is the dominant logic that inspires the adoption of sanctions whether Iran, North Korea, Darfur or Somalia are objects of the discussion. If one were a sanctions enthusiast, the expectations are that targets will behave differently after the imposition of sanctions. This view is inspired by what Galtung defined as the 'naive theory' of sanctions, namely that the economic pain created by a sanction produces a political gain.² Moreover, this interpretation of how sanctions can influence targets, also defined as the logic of sanctions, is limited to only one of the type of power exercise and, therefore, it seriously undermines our understanding of what sanctions can do in foreign policy.

The evaluation of sanctions is connected to their dominant logic and there are at least three main patterns that can be identified.³ The "classical" interpretation of sanction reflects a coercive logic, namely that coercive sanctions impose a direct material cost on targets in order to make them do what they would not otherwise do. A second logic is to constrain the capacity of targets to achieve their objective. There is a fundamental difference between coercive and constraining sanctions, since the goal of the latter is not to make targets do something, but rather to prevent them from doing

something. Finally, the third logic at work is signalling. Under this perspective, sanctions aim at sending messages to targets and audiences of the international system. The distinguishing character of this type of sanction is the absence (often known already in the moment of their adoption) of a direct material impact expected from the imposition of the sanction.⁴

Thence, sanctions can coerce, constrain and signal, but how can they be classified? The differences in kinds of sanctions and underlying purposes are thus well captured by the degree of direct material impact and by the extent to which senders' demands can be met by the targets. The direct material impact refers to what are the expectations on the degree of economic and direct costs that sanctions are credibly going to impose on targets. According to the form of sanctions (i.e. arms embargo, travel ban, financial restrictions and economic boycotts), the expectation about the degree of direct material impact should be assessed accordingly. The feasibility of senders' demands refers to the degree with which targets can comply with the requests without endangering its political survival. This analysis is done by looking at the precision of the demands (i.e. do targets know what to do in order to satisfy the requests of the sender?) and practicality (i.e. does compliance determine political defeat for targets?). These two dimensions should indicate the dominant logic of sanctions, so when a high material impact is expected, then coercive or constraining sanctions are more likely. In case of high impact, when feasibility is high, then coercion is more likely, while constraining is more likely when feasibility is low. Conversely, when impact is low, then signalling is more likely to be the dominant logic that motivates the imposition of sanctions.

The analytical framework accounts for the dominant logic that inspires the overall sanctioning regime, but it is acknowledged that this is a simplification of the real world. In essence, multiple logics can be at work at the same time provided that there multiple demands and multiple targets can characterise the same sanctioning regime. The excess of this simplification is addressed in the empirical evaluation with an overview of the three logics whenever necessary.

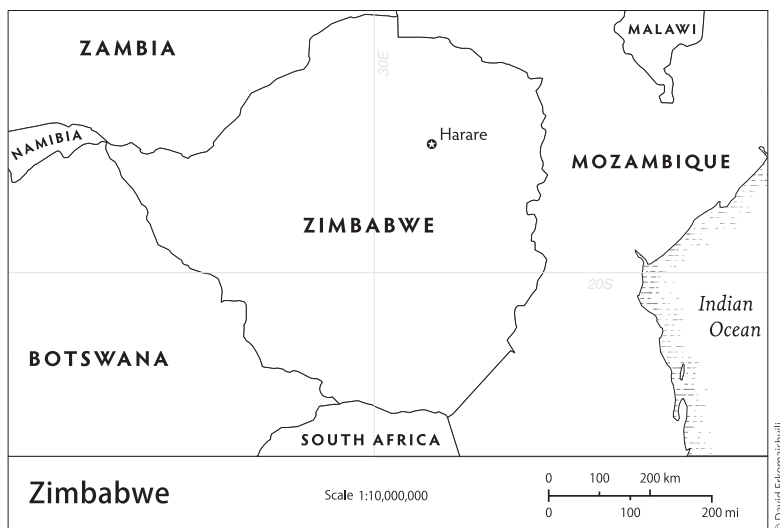
Understanding the logic of sanctions is a crucial step to measuring their success. Knowing the logic of sanctions allows forming expectations on what should be the right effect to determine success.

When expectations are met, then sanctions can be deemed more successful. However, this should be used as a mere indication of policy evaluation, as it would be more appropriate to talk in terms of effects rather than successful sanctions, so the result of an evaluation would always include positive and negative consequences from imposing sanctions and the assessment would more oriented towards learning lessons from the imposition of restrictive measures rather than looking at their blunt “success.”

Finally, the second step of the evaluation considers the “comparative utility” of sanctions.⁵ Sanctions are often criticised because they are not effective in changing the behaviour of targets, although it is not analysed what would be the better alternative to sanctions. This counterfactual exercise presents a number of weaknesses from a methodological point of view that the authors acknowledge, but albeit complex and difficult to verify, it remains a necessary step if we are serious about understanding how sanctions work and in measuring their effectiveness. This two-step procedure to analyse sanctions and to elaborate on their success is used in the case of the restrictive measures of the EU on Zimbabwe. A case that is usually depicted as failing, this analysis leads to different conclusions.

THE CASE OF ZIMBABWE: A BACKGROUND TO THE CRISIS

The *casus belli* of the crisis in Zimbabwe is linked to its colonial past and the resulting gross racial imbalances of land ownership in the country. The issue of land is a life or death problem for many Zimbabweans, but many years after the end of the war for independence against the regime of Ian Douglas Smith and the international recognition of the new Republic of Zimbabwe in 1980, the government had been unable to address the land distribution imbalance. Many times the government was caught under pressure from civil society groups (the war veterans in particular), but the pace of the official post-war land ownership reform has been slow.⁶ In 2000, the government in Zimbabwe decided to hold a national referendum in order to simplify the constitutional conditions for compulsory land acquisitions, but the popular vote turned down such constitutional amendment in February 2000.⁷ The result of the referendum was opposed by many war veterans who began to occupy farms and lands by force. President Robert Mugabe did not



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support the occupation at first, but he remained sympathetic to the cause of the war veterans and did not take any action against them. Apparently authorised by the silence of Robert Mugabe, the war veterans went on until the Supreme Court of Zimbabwe declared the so-called land invasions illegal.

The human rights record in Zimbabwe worsened quickly, and the elections in 2002 were held under unstable conditions. Furthermore, the government of President Mugabe embarked on a violent repression of the civil society and opposition parties. The situation in Zimbabwe did not go unnoticed by the international community. Prior to the 2002 elections, the European Union expressed conditions of fair election procedures to be met by the ruling government of Mugabe's ZANU-PF in order to avoid sanctions. As a response to the continuing human rights violations, the intimidation of political opponents and the independent press and against barring the deployment of EU observers for the presidential elections, the EU decided to suspend its Partnership agreement talks with Zimbabwe under the Article 96 of the Cotonou Agreement and to impose additional sanctions on the country. The EU was not the only international actor resorting to sanctions, but this appeared to be a concerted effort with other allies. However, not all the actors agreed on this decision, as for instance South Africa, which kept its sceptical stance over sanctions. The

stalemate lasted till 2008, six long years in which little changed in Zimbabwe.

The 2008 elections in Zimbabwe laid the foundations for change in Zimbabwe. The result of the elections led to a Global Political Agreement (GPA), a power-sharing pact between Robert Mugabe (leader of the Zimbabwe African National Union – Patriotic Front – ZANU-PF), Morgan Richard Tsvangirai (leader of Movement for Democratic Change-Tsvangirai – MDC-T) and Arthur Guseini Oliver Mutambara (leader of the Movement for Democratic Change–Mutambara – MDC-M), and to the creation of the so-called Inclusive Government with former opposition leader Tsvangirai being appointed as Prime Minister. Robert Mugabe remained President of Zimbabwe and, most notably, ZANU-PF retained its hold over the security apparatus in the country, which puts a question mark to the possibility of power transition after the next presidential elections scheduled for 2013.⁸ The Global Political Agreement (GPA) of 2008 certainly increased the hopes for a peaceful solution to the crisis, but tensions were still high in the country, which besides political turbulences had to face also to a drastic economic fall since the '90s. Despite the new political situation in Zimbabwe, the EU remains concerned and maintains its sanctioning regime in place even if Brussels confirmed its readiness to reassess sanctions at any moment in case further positive developments take place in the country.⁹ Although restrictive measures have remained in place for more than ten years, the EU remains Zimbabwe's second largest trading partner after South Africa.¹⁰

The EU's Policy towards Zimbabwe

The EU approach towards Zimbabwe has entailed a variety of foreign policy tools during the years that maintained, for instance, the cash flow of humanitarian aid always open despite the imposition of sanctions. The diplomatic channel has also been used, although the political will of the EU has been affected by EU leaders declaring and openly asking Mugabe to leave his post in order for the situation to evolve. Thus, there are two levels of analysis that should take place in this part of the study. On the one hand, the EU as a unitary institution that does specific things from Brussels and, on the other, the independent approaches of EU member

states. Under this light, it seems that the UK has been dictating the EU approach towards its former colony with sanctions playing the role of making more difficult for Mugabe and his supporters to rule the country.

Zimbabwe signed the Lomé Convention with the EU in 1982, which became the Cotonou Agreement (CA) in 2000. This framework ensured Zimbabwe a steady flow of humanitarian and development aids to come from Europe. The two National Indicative Programmes (NIPs) wherein Zimbabwe was included, funded projects to enhance the country's human and economic development. The EU and Zimbabwe signed two Country Support Strategy (CSS) in the past, but since the crisis erupted in 2002, no new text was negotiated and adopted. Brussels suspended the government-to-government support and focused on supporting the population and the civil society with direct assistance, especially in the areas of health, renewable resources, education and community development.

To this assistance, it should also be added the support provided through Regional programmes under the SADC Regional Indicative Programme. An exact amount is hard to calculate as the funding is channelled to regional projects, but the 9th European Development Fund (EDF) says that DG ECHO committed '€15 million to Zimbabwe for the year 2005. The duration of the financial decision is 18 months from 1 March 2005.'¹¹ The same document defined the key areas for the 10th EDF 'will be rural development for food security and human development through education, health and HIV and AIDS,' while 'support for Regional Trade negotiations, and institutional strengthening to counter human trafficking' will be 'non-focal sectors.'¹² The website of the EEAS also mentions an important role of the European Investment Bank (EIB), but since evidence of this support is missing from the database available, the "dimension" of this support could not be quantified.

The European Commission also opened budget lines to support the civil society and NGO activities in the areas of community development, human rights and the environment. From 2005 to 2008, the Commission allocated €82 million.¹³ Nonetheless, as indicated above, a Country Strategy Paper is not available for both the 9th and the 10th EDF, therefore it is not possible to discern the figure of how

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much the Commission transferred to Zimbabwe. The full budget of the 10th EDF is €22,682 billion and 97% of it is specific for ACP countries. The amount of ACP funding is divided 'in €17 766 million to the national and regional indicative programmes (81% of the total), €2 700 million to intra-ACP and intra-regional cooperation (12% of the total), and €1 500 million to Investment Facilities (7% of the total).'¹⁴

The website of EU Delegation provides a general figure of €1.5 billion that the EU and its members have given to Zimbabwe since 2002, which would be equal to about 150 million of assistance every year. This average increased between 2009 and 2010, when the EU raised its support due to the improvement of the situation in the country and provided €365 million from January 2009 to September 2010 divided as follow: health €95 million, education €10 million, orphans and vulnerable children €20 million, food security and agriculture €120 million, humanitarian €27 million, water and sanitation €23 million, governance €10 million, and other, incl. infrastructure, energy, etc. €60 million.

The same source indicates that Commission has also 'provided €90-100 million per year in development assistance to the people of Zimbabwe in the areas of food security and agriculture, social sectors and the promotion of governance,' but it does not specify whether this should be added to the figure above mentioned or whether it is part of it, but this budget is likely to be part of the same one indicated above. Another €80 million was provided to deal with the humanitarian crisis of 2008/2009, when Zimbabwe was hit by a cholera outbreak aside other health problems affecting the country, but another EU source talks about an ECHO funding of €25 million. Finally, the country page of the EEAS website indicates that the DG ECHO has provided about €155 million to Zimbabwe from 2002 to 2009 (€92.5 million Euro for food assistance, €50.2 for health, water and sanitation and €12.6 million for general and sector coordination mechanisms of humanitarian actors and interventions).¹⁵ This figure does not include the bilateral agreements that Zimbabwean based actors may have with individual EU member states.

The most striking element is that the EU has never interrupted its trade relations with Zimbabwe. After eight years since the imposition of the restrictive measures and the suspension of the

Cotonou Agreement, the EU is still Zimbabwe's second trade partner losing place only to South Africa. The EU is the third import partner with €192 million, equal to 6.2% of imports (South Africa counts for 56.6% of Zimbabwe's imports), and the first major export partner with €270.5 million, equal to 20.5% of the total export of Zimbabwe (the DRC comes in second place with 14.9% and South Africa in third place with 13.7%).¹⁶ The balance of payment has been constantly in favour of Zimbabwe (€210 million in 2007, €184 in 2008, €128 in 2009, €110 in 2010 and €212 in 2011).

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This intense economic activity and, especially, the key role as trading partner stands in apparent contrast to the EU's decision to impose sanctions against Zimbabwe. This situation is complicated further by the diplomatic activity of the European Union and by its members. The EU has continuously encouraged dialogue, respects for human rights and supported the civil society in the country. However, its decision to impose restrictive measures has been criticised by some NGOs and regional organisations (i.e. SADC as explicitly declared in the Council Conclusions of 19 July 2005) on the bases that sanctions do not favour the improvement of the conditions. At the same time, the rationale for the EU decision was made explicit by some EU leaders who asked Robert Mugabe to leave power, as happened in the peak of the cholera outbreak by the French president Nicholas Sarkozy and also by the British PM Gordon Brown,¹⁷ while others never disdained to privilege carrots over sticks, such as Chancellor Angela Merkel who preferred to have a dialogue with Mugabe even if she openly criticised him at the EU-Africa summit in 2007.¹⁸ Portuguese Prime Minister Jose Socrates quarrelled with the UK over the invitation of President Mugabe to the EU-Africa summit.¹⁹ As a confirmation that the EU action was characterised by an internal disagreement between hawks and doves, Mugabe received many exceptions to the travel ban as he managed to travel to Paris, Rome, and Lisbon during the years of sanctions. More recently, Spain has offered to strengthen the cooperation with the new course in Zimbabwe,²⁰ the proposal to send EU electoral observers in 2008²¹ and the visit of an EU Delegation in 2009 as the first visit since the imposition of sanctions.²² This intense diplomatic activity cannot be disregarded.

Aside from a military engagement, the EU has adopted all the foreign policy instruments at its disposal and in such a complex

crisis, the Council did resort to the imposition of sanctions as well. The next section describes the sanctions imposed on Zimbabwe since 2002.

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Sanctions have entered into the discussion in early 2002 when the Council threatened to resort to restrictive measures if certain conditions were not met by the government of Zimbabwe in the preparation for elections. The threat was explicit in the Council conclusion of 28 January 2002, and after noticing that those conditions were not met, the Council imposed sanctions on 18 February 2002 with Common Position 2002/145/CFSP. The EU agreed on the common steps towards the crisis in Zimbabwe and on the imposition of an arms embargo, a travel ban and a freeze of assets on 20 government officials.²³ The first list contained mostly government officials (13 out of 20) including the President himself since the very beginning.

The bulk of the sanctions regime did not change substantially throughout the years, but the list was updated and significantly extended to a peak of 243 individuals and entities in early 2009. The first extension occurred in the summer of 2002, when 52 names were added to the list also from ZANU-PF and family members (Mugabe's wife). At end of that summer, an update took place to reflect the government reshuffle occurred in August and all the members of the government were blacklisted. This event set the trend for the EU list on Zimbabwe suggesting that the list was supposed to include any government member regardless from their individual actions. The aim seemed to be to create obstacles to the functioning of a regime or political ruling class rather than coercing them into doing something.

From 79 names in 2002, in 2003 the Council began to target also those who support the policies of the government and the number of individuals grew to 131 in June 2007. Once again, elections and government reshuffles were promptly reflected in the composition of the list as happened in July 2005.

The political agreement reached after the 2008 elections did not bring about the lifting of the targeted sanctions. In fact, the list grew qualitatively and quantitatively. In July 2008, Council decisions 605

and Common position 632 respectively included also companies in the blacklist and the travel ban was made more stringent. In January 2009, Common position 68 was adopted on 26 January listing 203 individuals and 40 companies. By then, the list included 'members of the Government of Zimbabwe and of physical persons associated with them, as well as of other physical persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe.'

Despite the disappointment expressed by the Council about the lack of progress in the implementation of the Global Political Agreement signed in 2008, the list began to shrink in 2010 with Council decision 92 of 13 February when 6 people and 9 entities were delisted. This trend continued in 2011, when the European union lifted 35 individuals from the list as it recognised progress made in 'addressing the economic crisis and in improving the delivery of social services.'²⁴ This is also the first document wherein the Council does not underline the lack of implementation of the GPA, while a qualitative trend had been already proven in 2010 with the adoption of Council decision 97 on 16 February 2010 to resume part of the dialogue foreseen by the Cotonou Agreement that had been suspended in 2002.

The list was further shortened in 2012 with Council decision 97 adopted on 17 February which lists 112 individuals and 11 entities. Additionally, the travel ban was lifted for two individuals 'in order facilitate further the dialogue between the EU and the Government of Zimbabwe.' The two individuals are the Mr Patrick Anthony Chinamasa, Minister of Justice, Legal and Parliamentary Affairs, and Mr Simbarashe Simbanenduku Mumbengegwi, Minister of Foreign Affairs.

Other actors resorted to sanctions as well. Above all, the decision of the EU to impose restrictive measures was also supported by other non-EU countries, such as Turkey, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Iceland, Albania, Bosnia and Herzegovina, Liechtenstein, Norway, Republic of Moldova and Armenia.²⁵ Other Western countries, most notably the US, Canada, Australia and New Zealand, followed suit and imposed targeted sanctions on the Mugabe regime. In the US a special statute, the Zimbabwe Democracy and Economic Recovery Act (ZDERA), addressing the issue was adopted.²⁶ This statute requires

the US' representatives in international financial institutions to oppose any vote, which would provide to Zimbabwe any loans, credit, guarantees or any reduction of indebtedness.²⁷ As Zimbabwe has serious foreign debt problems with about \$9 billion in foreign debt of which about \$6 billion are in arrears, this measure aims at significant weakening the economy in Zimbabwe. Canada's regulation on Zimbabwe consists of the Special Economic Measures (SOR/2008-248) adopted in 2008 and covers an arms embargo and related materials, assets freezes of 181 listed representatives of the Mugabe regime and their family members and the prohibition of landing in and flying over Canada of aircrafts registered in Zimbabwe.²⁸ Australia imposed travel bans and arms embargo on Zimbabwe in October 2002 and also downgraded its bilateral contacts with the Mugabe government. The Western members of the Commonwealth also restricted certain sport ties with Zimbabwe, including restrictions on cricketing ties by Australia, New Zealand and the United Kingdom.²⁹

ASSESSING SUCCESS OF EU RESTRICTIVE MEASURES

Assessing the effectiveness of sanctions is a two step procedure. First, sanctions should be reviewed in terms of the different ways in which they can influence targets according to the typology of coercing, constraining and signalling. A dominant logic should be identified to structure the analysis, but a thorough evaluation should entail the analysis of the three logics. The second step is to assess the comparative utility of sanctions, practically a counterfactual exercise with the aim at determining whether the imposition of sanctions could have been substituted by a different foreign policy tool. Looking at the effects that sanctions contributed to cause within the policy-mix adopted by the sender, the EU in this case, leads the analysis to learn lessons on the effectiveness of targeted measures.

The dominant logic of the EU restrictive measures is to constrain the leadership of ZANU-PF in ruling the country. While the general understanding is that the objective of sanctions aim at changing the behaviour of the targets, the analysis of the sanctioning regime suggests that the EU aims at preventing one political party from embarking on actions that would undermined the stability of the country, worsen the human rights situation and further weaken the

economy of the Zimbabwe. This objective has been made explicit by an official flyer of the EEAS, which states that the restrictive measures were against “Zimbabwe’s ruling ZANU-PF party,” while official documents talk about measures “against Zimbabwe.”

This realisation probably reflects the existence of two phases of the EU sanctions on Zimbabwe. The first phase began in 2002 with the rigged elections and ended in 2009 with the peak of the crisis after the signing of the GPA. The second phase began in the summer of 2009 when the EU started to acknowledge positive, albeit minimal, developments in the situation. Since then, the EU objective became oriented to increase the possibility for ZANU-PF members to comply with the agreement, while the main logic for sanctions before was to create the conditions for a regime change in the country. Under a certain light, these two objectives could be seen in continuity with each other.

The dominant logic is constraining because the measures have an impact on the listed individuals and, especially, companies and because the demands are not feasible to the members of ZANU-PF. The listing of Zimbabwe was among the most elaborated and extensive of all the other regimes imposed by the Council independently from the ones established by the UN Security Council. The idea of imposing a travel ban and financial restrictions was driven by the logic of imposing a hurdle to the daily activities of targets. Ex-post, the gradual approach would confirm this view as the screw has been tightened over time to increase this pressure with the idea of imposing a direct burden on the targets. This would have worked both in terms of hurting the international legitimacy of ZANU-PF leaders through making travelling more difficult and undermining their economic power though undermining their availability of financial resources and the wealth of the people supporting the activity of the government. This analysis describes the expectations on how sanctions were designed ex-ante, namely before the course of action was actually undertaken. This analysis allows us to identify the dominant logic upon which to create realistic expectations on what sanctions could achieve.

The same analysis should be done regarding the feasibility of the demands, which are deemed not to be feasible. Demands were not even laid out and the restrictive measures were imposed because the Government of Zimbabwe engaged in ‘serious violations of

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human rights and of the freedom of opinion, of association and of peaceful assembly' and sanctions will stay in place as long as violations occur.³⁰

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While more elaborate details are provided to justify the listing of each individual, the distinction between whether sanctions intend to punish those individuals or whether any specific behaviour would lift the sanctions is not clear. For instance, a member of the High Court Justice is listed for refusal to 'allow investigation of abductions and torture at the hands of security agents.'³¹ Does it mean that if he allows investigation, then sanctions would be lifted? Since this is not made explicit, demands are classified as vague. The second element is practicality intended as whether targets can comply with the requests of the EU. This is more difficult to establish as, in theory, compliance with democratic practices may not determine a regime change. However, given the peculiar situation of Zimbabwe, it is possible to assume that the establishment of the rule of law with a consequence organisation of free and fair elections would have destabilised the power structure behind the regime in power since 1980. The regime had the long-standing support of the security forces and the army command overtly claimed that it would 'not recognise any government that did not adhere to the aims of the "revolution."³² Under this perspective, vague demands and high political costs for a potential compliance would classify the first phase of sanctions with a dominant constraining logic. At least one of these two elements changed in 2008/2009 with the signing of the GPA, which sets a clearer number of actions that the parties involved should follow. On the lack of implementation of the GPA, the EU has motivated the sanctions since 2008, and from that moment on, the dominant logic could be considered also coercive at least for some ZANU-PF members. However, four years after the signing of the GPA have passed and there are still dozens of individuals in the list that are not likely to be delisted anytime soon, while the EU appears to support a stable transition and to favour other political parties. Under this light, a constraining logic is dominant for some targets, while others could now be coerced.

What are then the effects that constraining sanctions had on Zimbabwe? The record is mixed, but the overall evaluation would lead to a more positive, rather than negative, evaluation. The problems regarded the rally-around-the-flag factor played by ZANU-PF

and the undermining variable played by the lack of agreed strategy with key local actors such as South Africa and SADC. At the same time, the restrictive measures did produce the desired effects in making the life for ZANU-PF members more difficult and so contributing to a general change of situation in the policy of the country with the Global Political Agreement.

One of the reasons for which sanctions have been criticised is that they do strengthen the targets they are supposed to harm. This happens because ZANU-PF framed sanctions in neo-colonial terms and being sanctioned became one element to be proud of as it would allow portraying themselves as Zimbabwean patriots who stand firm against interferences from the West.³³ Under this perspective, it is plausible to assume that even compliance of any of the listed individuals was strongly discouraged by Robert Mugabe and the security apparatus of Zimbabwe.

A second destabilising factor has been represented by the lack of cooperation from key regional actors. Some African nations, led by South Africa, opted for a strategy of quiet diplomacy, which allows them to satisfy their needs in relations both to the Western countries and to their African neighbour Zimbabwe. This, however, has not precluded certain African countries and the regional partners of Zimbabwe of the Southern African Development Community the (SADC) in particular to openly criticise the sanctions against Mugabe regime and call for their abolition.³⁴ This breached the wall in the Western sanctions allowing states to mild the impacts of the measures in any regards, even in terms of weapons, which gained the headlines when a shipment from China (fully legal under international law) arrived in South Africa provoking harsh reactions in the public opinion and exemplifying the situation.

South Africa, which is the major trade partner of Zimbabwe, has natural interests in stability of its neighbouring countries. For historical and domestic reasons, South Africa did not join the sanctions enthusiasts from the Western world even though there was an internal debate on that when Nelson Mandela openly criticised Mugabe for wanting to 'stay in power forever [...] because they committed crimes' and Tony Leon, the leader of the Democratic Alliance – the South African opposition political party, suggested that South Africa should join the efforts of the EU and the US.³⁵ This strategy allowed the South African leadership to maintain an

authoritative role as mediator, which allowed South African President Jacob Zuma to broker the Govern of National Unity (GNU) in 2009.³⁶ The Southern African Development Community has also avoided to embrace sanctions. In fact, SADC called for the lifting of them in many occasions, claiming that they were preventing positive developments of the situation in Zimbabwe.³⁷ The support of SADC weakened the international isolation of the regime, as happened in occasion of the Thirtieth Conference of the Non-Aligned Movement issuing a resolution calling for abolition of sanctions against Zimbabwe,³⁸ and it created opportunities to evade the restrictive measures imposed on ZANU-PF individuals and supporting companies.

The EU has also been criticised for its slow decision-making process that provided ZANU-PF leaders with time to take counter-measures. Indeed, announcing a freeze of assets without immediate imposition gives the possibility to targets to hide ownership of their assets in the EU and transform it into some form of unanimous beneficiary ownership or transfer it out of the European Union altogether.³⁹ This seriously undermined the immediate impact of the assets freeze and the relatively low amount of money confiscated, about €160.000 defined small in absolute and relative terms in 2006,⁴⁰ could be explained by this factor. Moreover, the lack of coordination between the EU and the US allowed further assets transfers from the EU. The low degree of international solidarity with the EU backfired also in occasion of the EU-SADC summit in 2002. Scheduled to take place in Copenhagen, the summit had to be held in Maputo as many African heads of state threatened not to participate if Mugabe had not been invited.⁴¹ In other occasions, the summit was not held at all.

The series of criticisms are accompanied by many evaluations, more specific and more general, providing a complete picture of what sanctions intended and did achieve in the case of Zimbabwe. Overall, the intended effects were at least in part achieved, shedding a different light on the restrictive measures on Zimbabwe at least in two regards. First, the restrictive measures did create problems to the activities of targeted individuals. Second, the sanctions appear to have contributed to facilitate the activity of ZANU-PF opponents and, in turn, made the Global Political Agreement possible.

Despite the criticisms, it has been widely acknowledge that the restrictive measures did pose problems on listed individuals. In 2006, Crisis Group concluded that sanctions 'while useful, are not much more than annoyances to the elites rather than active forces for change.' The overall evaluation is biased by a misleading definition of success, placing on sanctions the destiny of a complex policy planning, but Crisis Group admits that the elites feel them.⁴² Mikael Eriksson wrote that 'It is no question that Mugabe and his circle feel the pressure.'⁴³ The travel bans barred ZANU-PF key leaders from entering the territory of the EU, which meant a political loss of international legitimacy and a hurdle both for personal reasons and for business related needs. Similarly the asset freezes not only signified blocking of certain financial assets but also significantly restrained the listed individuals and companies from conduction of any financial operation in the EU, both in terms of loss business opportunities and lack of independent economic revenues to sustain the political activity of Robert Mugabe. The arms embargo then cut off the provision of sophisticated military supplies from the European Union.

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A report from IDASA summarises well the full picture on the impact of sanctions on Zimbabwe.⁴⁴ The travel ban is perceived to be an obstacle to the activity of listed individuals. Evidence confirm that the travel ban represented a problem for ZANU-PF leaders who were not free to travel wherever they wanted as before and this caused embarrassment for Patrick Chinamasa who was detained at an airport in Germany. While there are ways to circumvent the measures, this would only confirm that businessman or politicians involved in business would have to change their habits to continue their activities. For instance, international businesses contacts could be conducted on a side of international meeting, for which the EU would grant exceptions. This still represents a nuance as well as for the possibility to ask third parties to carry out international business on behalf of the listed individual.

The arms embargo is probably the least effective in terms of undermining the military capacity of Zimbabwe. Given the long list of suppliers that had not imposed sanctions on the country, there is no shortage of weapons in Zimbabwe. One source of weapons was proven to be China as became evident with the Durban cargo discovered in April 2008. Another source was proven to be the illegal

market of weapons from other African countries. The monitoring team for the UN sanctions in the Democratic Republic of the Congo unveiled a shipment of weapons to Zimbabwe of 53 tons of ammunitions.

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Finally, financial restrictions were object of criticisms as some held that their impact did not make a contribution to the crisis in Zimbabwe. This is based on the assumption that sanctions could have stopped the activity of ZANU-PF and changed the regime of Robert Mugabe, but this expectation is simply misplaced and overstated. More realistically, financial restrictions were supposed to make the life of Mugabe's supporters more difficult, and IDASA's report confirms that this objective was reached. The total amount of assets frozen made public in 2006 was not impressive, but the real and comprehensive figure does not actually exist. Additionally, the real impact should be also measured in terms of loss opportunities and increased costs for daily operations. While the dimension of loss opportunity is difficult to calculate as non-events should be considered, one interesting perspective is given by the annual GDP of Zimbabwe in absolute terms. According to World Bank data, the GDP of Zimbabwe was around \$5.2/5.8 billion from 2002 to 2009. In 2010, when it has been shown that the situation in the country improved and the EU increased its support role, the GDP of Zimbabwe skyrocketed to \$7.5 billion. Finally, financial restrictions aimed at making more difficult to run businesses for listed individuals and companies, and evidence of evasion efforts and daily activity changes should suffice to demonstrate that the financial ban did have an impact. First, ZANU-PF 'minimised the effect of targeted financial sanctions on its international business operations through the use of false or proxy names, collaborating sanction busters and front companies.' Also financial companies from the Western world were accused to evade sanctions and support Mugabe's regime. Specifically, Barclays, Old Mutual and Standard Chartered Bank were accused of providing Zimbabwe with \$1 million credit line. Even the attempt of Vice President Joyce Mujuru to sell 3.7 tons of Congolese gold to a German-based company was unveiled by BBC and eventually cancelled. While showing that sanctions had to be circumvented in order to take advantage of loss business opportunities, these examples also confirm that the financial ban did affect the daily activity of business operators and listed individuals in Zimbabwe.

As a further confirmation of the importance of this element is the attempt of Zimbabwe to rely on other non-western partners to sustain the burden of sanctions. Indeed, the isolationist approach taken by the Western world has motivated Zimbabwe to look for partners such as China from which Mugabe was able to secure loans and to establish a solid bilateral relation. Needless to say that if Zimbabwe could replace Western donors with other sources of funding, then the leverage at the EU and US's disposal to influence the domestic political dynamics would diminish. However, after 10 years of sanctions, China was not able to replace the relative weight of the sanctioners' economies in Zimbabwe and the difficult economic conditions in which the country lives do not permit Harare to disregard the economic aid from western donors as well as from international financial institutions. The EU is a key-actor for Zimbabwe and if business can operate free from EU restrictions makes a substantial difference.

Sanctions in general, and the restrictive measures of the EU in particular did contribute to this, having a number of effects on ZANU-PF members and it could be argued that sanctions played a crucial role in leading Zimbabwe towards the Global Political Agreement between the three major political powers emerged from the elections in 2008 constraining Mugabe to share power with other actors. The degree of isolation of Robert Mugabe and his supporters grew thanks to sanctions and, for them, loosing legitimacy in the eyes of other African leaders represents a direct material damage that makes the running of the country more difficult. The measures against the companies supporting ZANU-PF are also having an impact making it more difficult to establish trade with EU countries. Evasion techniques are surely in place, but this practice increases the costs of any transactions representing a toll on their activity. As shown, despite 10 years of sanctions, the EU is still the second major trade partner of the Zimbabwe. The most recent update of the list confirms that the real target of EU attention is to constrain ZANU-PF only. Zimbabwe has a government formed by three parties wherein ZANU-PF is the only one that suffers sanctions.

This evaluation of the impact of the examined sanctions leads to qualification of the purpose of the sanctions as being motivated mainly by a constraining logic versus ZANU-PF members. However,

the evaluation also highlighted that sanctions worked also according to elements that characterise the other two logics at work. A coercive logic emerged especially in the second phase of sanctions, when a cost was attached to undesired political behaviours in order to make one specific behaviour (compliance with the GAP) more likely. Regardless from whether ZANU-PF leaders did comply, the logic of the restrictive measures did make compliance more costs effective for ZANU-PF leaders, supports and certain entities. At the same time, a signalling logic played also a determinant role in increasing the pressure on Zimbabwe, isolating the regime, providing the international community with a stronger idea of the EU as a unitary actor and bolstering the reputation of the EU by pleasing the constituencies that support the normative dimension of its external relations.

The final question to consider in connection with the effectiveness of the examined sanctions is: what else could have been done if not sanctions to achieve a better result? The alternative can regard either sanctions or foreign policy instruments that have not been used. Starting from the latter, one option was to have used force to protect civilians in a similar fashion than in Kosovo or, less forcefully, in Darfur, with the deployment of observers and peacekeepers. The lack of political support makes this option particularly unlikely and unpredictably costly, both in economic and political terms. Assuming for a moment that the Security Council would authorise Chapter VII measures, the target would still be a country that does not represent a threat to international peace and security where it would be easy to claim that Western powers' motivation is given by colonial sentiment rather than a genuine feeling to protect the Zimbabwean people from their brutal despot. And assuming that a military operation would succeed in resolving the crisis, following Gbabo's situation in 2011, Zimbabwe would present a number of challenges that the EU and the UN should consider including the political responsibility of dealing with enormous economic challenges, aside from the political consequences of setting a precedent of using force to protect civilians. Given that a political support for such option, both outside and inside Africa, is extremely weak, this solution was not really viable.

Instead, imposing heavier sanctions was a viable option. Staring from the trade dependence of Zimbabwe from the EU, the Council

could have decided to impose more stringent economic measures or a full embargo. They would have had a shocking impact on the economics of Zimbabwe and the democratic transition for regular people would have been extremely painful. Assuming that such an economic shock would have led to revolts or state collapse, as such an economic embargo could have easily turned Zimbabwe into an Iraq-like situation of the 1990s, when Saddam Hussein retained full control of the society while redirecting the economic pain on his political opponents and exploiting the effects of sanctions to his interest. This being said without considering the humanitarian consequences that the EU would be responsible of, probably, would place serious political responsibilities on Brussels' shoulders. Having in mind that Zimbabwe already was in bad economic conditions, it is difficult to think about tougher sanctions or total suspension of development aid, even if such measures would have had probably a bigger bite on Zimbabwe. Moreover, any effective commodity boycott would have to include active participation of Mozambique and the Republic of South Africa who are large fuel suppliers to Zimbabwe.⁴⁵ Considering that those countries did not impose sanctions targeted on regime officials, it is hard to imagine their participation in commodity boycotts without the United Nations' Security Council mandate and even then, the implementation of the sanction by the neighbouring African countries would be probably very weak.

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The restrictive measures imposed by the EU are not severe and this was motivated by the need of minimising the negative consequences on innocent civilians. Obviously, this was done accepting that evasion techniques would have been an option to targeted individuals and entities. This should be taken into account when assessing their success, and especially if sanctions are to be evaluated seriously. The logic seems to be the one of making the lives of blacklisted actors more difficult with minimal humanitarian consequences. Restrictive measures seem to have contributed to this objective.

CONCLUSION

The problem of the article was to evaluate the restrictive measures of the European Union on Zimbabwe in order to verify whether the

widespread evaluation that sanctions are not working was based on solid grounds. The analysis of this article casts doubts on this simplistic conclusion. The evaluation with a more elaborated understanding of sanctions shows a more complex picture holding that sanctions may have had played a role in breaking Zimbabwe's political stalemate.

While the general understanding of sanctions would lead to the conclusion that sanctions did not work because the behaviour of Robert Mugabe did not change after their imposition, this article argues instead that the main logic that led to the imposition of sanctions was to constrain the activity of certain actors in Zimbabwe. The denial of government-to-government assistance coupled with restrictive measures on ZANU-PF shows a clear will to penalise one side in the transition in favour of the other parties. Thus, a serious evaluation of EU restrictive measures should consider the extent to which sanctions created an impediment also taking into account the expectations based on what sanctions can realistically do to targets.

In the complex policy mix used by the European Union towards Zimbabwe, the restrictive measures were imposed to make the life of ZANU-PF members more difficult. Under this light, instead of getting to black or white conclusions such as "sanctions worked" and "sanctions did not work," the evaluation of whether sanctions contribute to the foreign policy objective of the EU can be more comprehensive. The constraining dimension is the dominant logic that led to the imposition of sanctions, but their coercive and signalling aspects should not be forgotten.

Despite the problems linked to sanction busting, evasion from targets and undermining effect played by the lack of a global sanctions regime, the measures of the EU created certain impediments to ZANU-PF's rule. First, the suspension of the Cotonou agreement denied cash-flows in development aid coming from the EU and available to government officials. Second, the travel ban undermined the legitimacy of the ruling elite before the international community and it made it more difficult to freely move as they had done in the past. Third, the financial restrictions thwarted the daily activity of ZANU-PF members when they were involved in businesses and of companies accused of sustaining the undesired behaviour of ZANU-PF. The exception to the regime in terms of lack

of impact is represented by the arms embargo, which appeared to be a measure more to appease European constituencies and respect the ethical values of not selling weapons to dictators rather than a measure to really affect the internal dynamics of Zimbabwe.

The constraint on ZANU-PF benefits the MDC-T and MDC-M. The assessment of EU restrictive measures should take place under this light. The recent reduction of the individuals and entities targeted by EU sanctions is an interesting development that confirms how Brussels is interested in the stabilisation of the institutional framework wherein ZANU-PF would respect the newly formed institutional framework. The coercive aspect, allowing ZANU-PF to comply with the demands of the EU, is a further important improvement of the situation in the country that can be captured by the theoretical framework adopted in this article and that should help to lead the future analysis on sanctions.

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