

ISSUE BRIEF

No. 3676 | JULY 24, 2012

Zimbabwe: Sanctions Should Stand

Morgan Lorraine Roach

On Monday, the European Union announced that it is resuming direct aid to Zimbabwe's government and that sanctions on some targeted individuals and entities (excluding President Robert Mugabe) will be suspended following the country's constitutional referendum that could come as early as October.

This decision is flawed, and it is unlikely to contribute to meaningful reform. Under the unity government, Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have continued to abuse power and violate the rule of law. Considering that the draft constitution is viewed as a flawed document that makes too many concessions to ZANU-PF, the EU is rewarding the regime for complying with an action that it is not likely to contest in the first place.

The real test of ZANU-PF's ability to reform will be next year's elections. However, the EU's recent decisions reduce incentives for the Mugabe regime to adhere to free and fair elections, which will determine Zimbabwe's future leadership. Only when Mugabe and those individuals and entities are shown to be in full compliance with the rule of law should aid be restored and sanctions removed.

Background. In 2000, after Mugabe failed to change Zimbabwe's land reform policy in the constitution, hired thugs of the regime illegally seized lands from predominantly white Zimbabwean farmers, causing widespread instability. In response, the EU invoked Article 96 of the Cotonou Agreement, calling for "special consultation" (read: dialogue) with the Mugabe regime. However, when an EU election observer was denied entry to Zimbabwe for the 2002 parliamentary elections, the EU levied an arms embargo and targeted sanctions on individuals in Mugabe's inner circle. This included travel bans and the freezing of financial assets, funds, and other economic resources linked to Mugabe and members of his cabinet and military.

The EU has renewed these sanctions every year since. In 2009, the EU added 40 entities associated with government abuses. However, in 2011, 35 individuals were removed from the sanctions list as Zimbabwe's economy made steps toward recovery. Much of this progress, however, was owed not to the reforms by ZANU-PF but to those instituted by Minister of Finance Tendai Biti, a senior official in the Movement for Democratic Change-Tsvangirai (MDC-T).¹

The U.S. has also taken restrictive measures against the Mugabe regime. In 2001, Congress passed the bipartisan Zimbabwe Democracy and Economic Recovery Act, which prohibits U.S. financial assistance to Zimbabwe by international financial institutions until the President is certain that conditions of good governance have been met. In 2003, President George W. Bush imposed targeted sanctions against the Mugabe regime's top officials. These sanctions have been renewed annually and include financial restrictions, travel bans, and an arms embargo. Additionally, the U.S., aside from certain humanitarian and technical assistance, does not provide assistance to Zimbabwe's government.

This paper, in its entirety, can be found at <http://report.heritage.org/ib3676>

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Sanctions: Imperfect but Necessary. International sanctions have had little success in remedying the behavior of the Mugabe regime. EU and national governments have repeatedly undermined their own policies by frequently granting Mugabe and his henchmen permission to travel. In 2003, a year after sanctions were agreed to, Mugabe traveled to Paris to participate in the Franco–African Summit. Mugabe also attended the 2007 EU–African Union Summit in Lisbon. The U.S. has also permitted sanctioned individuals to attend meetings at the U.N. in New York and participate in discussions of the Kimberley Process in Washington.² Additional setbacks include the ability of ZANU-PF to purchase weapons from countries like China. Financial sanctions have been moderately successful, but some targeted individuals have been able to store assets in Asian bank accounts.³

The Southern African Development Community (SADC), as the guarantor of the 2008 Global Political Process, is opposed to sanctions, arguing that such measures do not create constructive solutions. EU officials argue that the lifting of most sanctions following a credible constitutional referendum would serve as a confidence-building measure

in the run-up to presidential elections. Even Prime Minister Morgan Tsvangirai and Biti of the MDC-T (who are not sanctioned) have requested the easing of some sanctions to spur economic growth.

However, these arguments are premature. Mugabe has shown repeatedly that any threat to his power will not be tolerated. MDC-T officials are frequently arrested and their supporters intimidated.⁴ Free speech is oppressed under the Public Order and Security Act, and political participation not associated with the regime is often punished with jail time, torture, and even murder.

Human rights activists have urged wider sanctions on the Mugabe regime for its illegal mining practices. Apart from forced labor of residents living in mining communities and the use of child labor, a number of diamond reserves have not paid taxes, which could be used for infrastructure, services, and government salaries, all of which are severely lacking.⁵ There is also a fear that the Mugabe regime, as it has done in the past, is using the profits from the diamond industry to amass personal wealth and strengthen its military capabilities to suppress public dissent in the upcoming election.

The draft constitution, crafted by both political parties, is considered

by many as a flawed document that makes too many compromises to ZANU-PF. While the referendum on the constitution is expected to pass, the determining factor will be the presidential election. Rewarding the Mugabe regime without meaningful course correction would play into Mugabe’s long-standing propaganda campaign that the sanctions are “illegal” and a violation of Zimbabwe’s sovereignty. Mugabe would hail any removal of sanctions as a victory and exploit such action as weakness on the part of Europe.

What Should Be Done.

- Current U.S. restrictions should be maintained and Congress should strengthen them where applicable;
- The Obama Administration should discourage any efforts by the EU or its member states to resume aid or reduce sanctions on Zimbabwe until Zimbabwe adopts a constitution that incorporates strong guarantees of freedom, fundamental human rights, and representative government and holds a national election that is verified to be free, fair, and entirely without the intimidation perpetrated by ZANU-PF over the past decade; and

1. Biti is credited with bringing inflation to single-digit levels. Under his leadership, the government began paying its workers’ salaries, thus spurring the return of many to work. Cash budgetary policy also restored fiscal discipline, and a payroll audit eliminated many of the ghost workers that had been collecting salaries. The implementation of the largely successful Short Term Emergency Recovery Program a month after Biti took office identifies priority areas as targets for reform and donor assistance. See Lauren Ploch, “Zimbabwe: The Transitional Government and Implications for U.S. Policy,” Congressional Research Service Report for Congress, October 27, 2011, pp. 19–20.

2. Sandra Nyaira, “Zimbabwe Mines Minister’s U.S. Travel Ban Lifted for Kimberley Meeting,” Voice of America, May 31, 2012, <http://www.voanews.com/zimbabwe/news/US-Waives-Travel-Restrictions-to-Allow-Zimbabwe-Mines-Minister-to-Attend-Kimberley-Meeting-155977745.html> (accessed July 23, 2012).

3. Jan Grebe, “And They Are Still Targeting: Assessing the Effectiveness of Target Sanctions against Zimbabwe,” *Africa Spectrum*, Vol. 45, No. 1, p. 14.

4. Last weekend, police arrested Vande Gambaya, a MDC-T youth leader under the Public Order and Security Act for allegedly singing a political song and chanting slogans. *The Zimbabwean*, “Police Arrest MDC-T Youth Leader During Clean-Up,” July 23, 2012, <http://www.thezimbabwean.co.uk/news/zimbabwe/59617/police-arrest-mdc-t-youth.html> (accessed July 23, 2012).

5. Hansard, “House of Commons Debate,” July 17, 2012, <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120717/halltext/120717h0001.htm> (accessed July 22, 2012).

- The Obama Administration should advise South African President Jacob Zuma (who is in charge of Zimbabwe's reform process in SADC) that SADC's effectiveness will be questioned if it fails to hold Mugabe and ZANU-PF to the strictest standards in both the referendum and the upcoming elections.

A Powerful Mechanism.

The EU's misguided policies on Zimbabwe will not lead to positive change in the Mugabe regime. Rewarding the Mugabe regime for the reforms that MDC-T has implemented will strengthen ZANU-PF and embolden Mugabe's campaign

for re-election. Though imperfect, international sanctions are a powerful mechanism for prodding change. They should not be abandoned because of overly optimistic hopes of reform. Rather, they should be maintained until reform is verified.

—*Morgan Lorraine Roach is a Research Associate in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation. Brett Schaefer, Jay Kingham Fellow in International Regulatory Affairs in the Margaret Thatcher Center for Freedom at Heritage, assisted in the preparation of this paper.*