

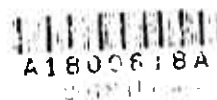
**NAIROBI UNIVERSITY**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**|| DEMOCRATISING AFRICA, AMERICAN SANCTIONS ON ZIMBABWE ||**

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## DECLARATION

I hereby declare that this project is entirely my own original composition. It has not been presented in any University or college for examination purposes. All references made to works of other persons have been duly acknowledged.

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Date.....*22nd May 2017*.....

## **DEDICATION**

The research project is dedicated to the people of Zimbabwe who endured over a decade of sanctions that negatively affected their livelihoods.

## **ACKNOWLEDGEMENT**

I would like to extend my sincere gratitude to Dr Anita Kiamba for guiding and supervising me throughout the research project. I would like to express my appreciativeness to the Commandant National Defence College, the Faculty and the entire staff for the intellectual guidance, hospitality and generosity during my stay in Kenya National Defence College which culminated in the successful completion of this research project. Special thanks go to my loving wife and family for their support during the course of the research.

## **ABSTRACT**

The United States imposed sanctions on Zimbabwe as an instrument of achieving peaceful democratic change and assist the people of Zimbabwe achieve economic growth. For over a decade, Zimbabwe was under the sanctions targeted at individual government officials and companies aligned to government. The international community was polarized over the issue of whether the sanctions were justified and really targeted as their effects impacted on the population that they were supposed to emancipate. The imposition of sanctions on Zimbabwe has been a subject of debate and conjecture. Some of the challenges experienced in Zimbabwe were ascribed to the sanctions. A comparison of the pre-sanctions and sanctions periods revealed the major effects of the punitive measures. This study examined the credibility and legitimacy of the sanctions as an instrument of democratization and regime change as major powers pursue their interests. The study also analysed the structures of governance, democracy history of Zimbabwe, and the causes and effects of American sanctions with the objective of establishing the real or perceived outcomes. The study argues that the sanctions were meant to effect regime change under the veil of democratizing the target state

## **LIST OF ABBREVIATIONS**

<b>ADB</b>	<b>African Development Bank</b>
<b>AFDB</b>	<b>African Development Bank Group</b>
<b>AGOA</b>	<b>African Growth and Opportunity Act</b>
<b>AIT</b>	<b>American Information Technology</b>
<b>BIPPA</b>	<b>Bilateral Investment Promotion and Protection Agreement</b>
<b>BOP</b>	<b>Balance of payments Support</b>
<b>CIDA</b>	<b>Canadian International Development Agency</b>
<b>CZI</b>	<b>Confederation of Zimbabwe Industries</b>
<b>DANIDA</b>	<b>Danish International Development Assistance</b>
<b>DRC</b>	<b>Democratic Republic of Congo</b>
<b>EU</b>	<b>European Union</b>
<b>FCO</b>	<b>Foreign Commonwealth Office</b>
<b>FDI</b>	<b>Foreign Direct Investment</b>
<b>FTLRP</b>	<b>Fast track Land Reform Programme</b>
<b>GCI</b>	<b>Global Competitive Index</b>
<b>GDP</b>	<b>Gross Domestic Product</b>
<b>GMB</b>	<b>Grain Marketing Board</b>
<b>GNP</b>	<b>Gross National Product</b>
<b>GNU</b>	<b>Government of National Unity</b>
<b>HIV/AIDS</b>	<b>Human Immuno Virus/Acquired Immuno Defficiency Syndrome</b>
<b>HoA</b>	<b>House of Assembly</b>
<b>IDA</b>	<b>International Development Association</b>
<b>IGO</b>	<b>Inter-Governmental Organisation</b>
<b>IMF</b>	<b>International Monetary Fund</b>

<b>LRRP II</b>	<b>Land Reform and Resettlement Programme Phase II</b>
<b>MDC</b>	<b>Movement for Democratic Change</b>
<b>MDC-T</b>	<b>Movement for Democratic Change-Tsvangirai</b>
<b>MNC</b>	<b>Multi-National Corporations</b>
<b>NANGO</b>	<b>National Association of Non-Governmental Organisation</b>
<b>NATO</b>	<b>North Atlantic Treaty Organisation</b>
<b>NGO</b>	<b>Non-Governmental Organisation</b>
<b>NRZ</b>	<b>National railways of Zimbabwe</b>
<b>ODA</b>	<b>Official Development Assistance</b>
<b>OFAC</b>	<b>Office of Assets Control (United States)</b>
<b>PSIP</b>	<b>Public Sector Investment Programme</b>
<b>RBZ</b>	<b>Reserve Bank of Zimbabwe</b>
<b>SADC</b>	<b>Southern Africa Development Community</b>
<b>SAPs</b>	<b>Structural Adjustment Programmes</b>
<b>SDR</b>	<b>Special Drawing Rights</b>
<b>UDI</b>	<b>Unilateral Declaration of Independence</b>
<b>UK</b>	<b>United Kingdom</b>
<b>UN</b>	<b>United Nations</b>
<b>UNSC</b>	<b>United Nations Security Council</b>
<b>UP</b>	<b>United Party</b>
<b>USA</b>	<b>United States of America</b>
<b>WB</b>	<b>World Bank</b>
<b>WHO</b>	<b>World Health Organisation</b>
<b>ZANU (PF)</b>	<b>Zimbabwe African National Union (Patriotic Front)</b>
<b>ZAPU</b>	<b>Zimbabwe African Peoples Union</b>



<b>ZESA</b>	<b>Zimbabwe Energy Supply Authority</b>
<b>ZIDERA</b>	<b>Zimbabwe Democracy Recovery Act of 2001</b>
<b>ZMDC</b>	<b>Zimbabwe Minerals Marketing Corporation</b>
<b>ZUM</b>	<b>Zimbabwe Unity Movement</b>

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## **Chapter One**

### **Introduction**

#### **1.1 Background to the Study**

Democratisation of the world and imposition of sanctions have increasingly become key tenets of the socio-economic and political relations between the democratic west and proponents of divergent political systems.<sup>1</sup> The United States and western allies including Russia and China continued to compete for global influence within the precincts of capitalism and communism ideologies. In this global competition for ideological influence by major powers, Africa has also been caught up in the web of democratisation.

Papp defines democratisation as “the political process of replacing dictatorial and autocratic governments with freely elected governments of one form or another”.<sup>2</sup> Rutto observes that this came on the background of political independence in Africa where the continent adopted colonial structures and borders that were a corollary of an arbitrary apportioning of Africa at the 1885 Berlin Conference.<sup>3</sup> The arbitrary demarcations divided communities and even families into artificial localities bringing together incompatible ethnicities with the goal of either destroying identities or divide and rule as a concept. Invariably, it added to the civil strife experienced in Africa.

With the Berlin wall dismantled and crumble of the Soviet Union as a bipolar power in 1986, most former communist countries joined the European Union (EU) and as democracies, they enjoy the protection of the North Atlantic Treaty Organization (NATO) and Europe where an attack on one is deemed an attack on all. Notwithstanding, the great ideological divide

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<sup>1</sup> Afrika K. Gitonga and Walter O. Oyugi, *Democratic Theory and Practice in Africa*, (East African Education Publishers, 1995), 2.

<sup>2</sup> *Ibid.*, 6.

<sup>3</sup> Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa*. Nairobi, Kenya, (Quest and Insight, 2001), 3.



between the West and the East (capitalism and communism) is still evident despite the termination of the cold war in which most African states were part of the Non-Aligned Movement (NAM).<sup>4</sup> In terms of democracy, Africa has oscillated on a continuum of democracy, dictatorship and partial democracies.

Given this history, western democracy is considered alien to Africa hence the continent has to undergo democratization as a process and not as an event.<sup>5</sup> Heywood refers to a state as physically hemmed unit administered by one pivotal power that has the ability to formulate edicts, rubrics and verdicts, and to compel those decrees, instructions, and decisions within its precincts.<sup>6</sup> Despite this sovereign right, foreign powers still intercede in the internal activities of weaker States.

Papp postulates that the world is experiencing a trend towards democratization.<sup>7</sup> Despite contestation on its conduct and processes, most states in Africa have abandoned socialism, communism and one-party state systems in favor of democracy. The western foreign powers have been alert to the emergence of totalitarian regimes and occasionally use force and sanctions to induce democratization and pursue other national interests in Africa. According to former President of China, Deng Xiaoping, some western countries use civil liberties or the perceived irrationality and illegality of the socialist system to attack the independence of other states<sup>8</sup>.

In a variety of cases, across the globe, the US and her western allies executed sanctions on Iran, Libya, Cuba and Zimbabwe in 2000. Hufbauer states that punitive measures are imposed as a consequence of hostilities among two or more factions or states, and are envisioned to isolate

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<sup>4</sup>Daniel S. Papp, *Contemporary International Relations*, 5<sup>th</sup> ed, Boston, USA, (Allyn and Bacon, 1997), 2.

<sup>5</sup>Daniel S. Papp, *Contemporary International Relations*, 5<sup>th</sup> ed, (Allyn and Bacon, Boston, USA, (1997), 2.

<sup>6</sup>Andrew Heywood, *Politics*, 3<sup>rd</sup> ed, United Kingdom, (Palgrave Foundation, 2007), 91.

<sup>7</sup>Ibid, 7.

<sup>8</sup>R. L. Suettinger, R.L.; *Beyond Tiananmen: The Politics of US-China Relations 1989-2001* New York, USA 2001 p358: <https://books.google.co.ke/books?id=gVRqnv6-p7EC&pg=PA529&dq=Nathan+and+Link+2001+tianan> downloaded 8/27/2016, 2:27 PM

the pugnacious country.<sup>9</sup> This is in spite of the fact that governmentally, from 1980 to 2000, Zimbabwe relished friendly interactions with the West. In particular, the US instituted the Zimbabwe Democracy Recovery Act (ZIDERA) in 2001.<sup>10</sup> According to the USA, ZIDERA are sanctions targeting selected officials and those aligned to the Zimbabwe Government. The sanctions prevented targeted persons from traversing imposing countries, operating banking accounts and investing in those countries.

The implementation of sanctions as a device of diplomacy suggested the divergence of interests between the two parties. However, with a myriad of examples of success stories of other countries that survived under sanctions, Zimbabwe has not prevailed over the targeted sanctions.

## 1.2 Problem Statement

Zimbabwe endured Western targeted restrictions for over ten years. Sanctions, by their character encumbered advancement of a realm since the beleaguered country is, in a multiplicity of ways, hindered in trading freely globally.<sup>11</sup> The directed sanctions seemed to have hastened negative slants of Zimbabwe across the sphere.

Although Zimbabwe boasts of many natural endowments namely gold, platinum, diamond and fertile farming land capable of generating ample capital to sustain developmental programmes, it has not overcome the effects of sanctions. Given that some of the diamond funds were held or sequestered by the United States Office of Assets Control (OFAC) and some EU countries, some being under-valued through corruption, Zimbabwe did not realise the optimal benefits from its endowments to mitigate the poor performance of its economy.

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<sup>9</sup>G. C. Hufbauer, S. Jeffrey, A. Elliot, and B. Oegg, P. Robert, *Why Economic Sanctions do not work; International Security*, (2006).

<sup>10</sup> US State department, *Zimbabwe Democracy and Recovery Act 2001*

<sup>11</sup> William H. Kaempfer, and Anton D. Lowenberg, *The Theory of International Economic Sanctions: A Public Choice Approach*, *The American Economic Review* Vol.78, No.4 (Sep, 1989), PP 786, Stable URL:<http://www.jstor.org/stable/1811175> Accessed:19-08-2016 12:16 UTC

Zimbabwe adopted the 'Look East Policy' as an alternate source of support and trade since Asian countries had not imposed sanctions on the country. The Look East policy did not mean disengagement from the west but entailed forging closer ties with eastern bloc countries than before the imposition of sanctions. The policy shift did not fill the gap allegedly caused by the raft of western sanctions. The question is why Zimbabwe failed to access adequate financial support from countries that did not execute sanctions on it. Given this situation, could it not be construed that the restrictions had an influence on the country or there are other factors?

The sanctions, though targeted at selected officials namely the President and Cabinet Ministers and security chiefs for alleged abuses, were a hindrance to government, the private sector and ordinary people and their societies. The Government failed to execute critical evolving strategies and programmes since 2001 culminating in depression across the spectrum. The resident establishments at district and provincial levels failed to offer suitable essentials including medical facilities, water, refuse collection and other services thus exposed them to diseases.

Due to the aforementioned stakeholders' concerns about sanctions, this study analyses the American sanctions on Zimbabwe to determine the justification of the sanctions.

### **1.3 Research Objectives**

- (I) To examine the structures of governance and processes of democratization in Africa.
- (ii) To analyse the American sanctions on Zimbabwe.
- (iii) To establish the effects of the targeted sanctions imposed on Zimbabwe.

### **1.4 Literature Review**

The fact that sanctions were frequently used by the United Nations (UN) and by major

powers unilaterally or multilaterally to project foreign policy necessitates a review of literature to ascertain the circumstances and justification of the measures. The work of various scholars on the effectiveness of restrictions, their success and failure across the world was examined. The review gives an overview of sanctions, types and purposes and their instrumentality as a tool of democratization. Two empirical case studies of UN sanctions on South Africa and Rhodesia are discussed briefly.

### 1.5 Sanctions Overview

Restrictions were not unique to Zimbabwe. They were in history imposed on other countries. Most sanctions, whether targeted, restrictive, smart, political or social carry an economic context. In the International arena, the UNSC uses sanctions to alter the domestic politics of a target country using the international law of corrector of state behavior.<sup>12</sup> This is imposed on a state that flouts or grossly breaks international rules and regulations. In most cases, the UN imposes sanctions if a state is deemed a threat to peace, breaches international peace and if it uses aggression against another country. Countries that wish the UN to impose sanctions have to attain the support of the UNSC.<sup>13</sup>

When States envisage or fail to gain UN support, the country especially foreign powers can unilaterally use sanctions to elicit given national interest result from the targeted country. Kirshner posits that sanctions are an instrument geared to compel a target country to democratize and in other cases, curbing production of banned weapons.<sup>14</sup> Russia used them to compel its

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<sup>12</sup> Steve Smith, Amelia Hadfield, and Tim Dunne, *Foreign Policy Theories/Actors/Cases*, 2<sup>nd</sup> ed, (Oxford University Press, 2012), 207.

<sup>13</sup> D. Leyton and Brown, *Lessons and Policy Considerations about Economic Sanctions*, in David Leyton-Brown, ed. *The Utility of International Economic Sanctions*, (St Martin's Press, New York, 1987), 3.

<sup>14</sup> Joseph Kirshner, *The Micro foundations of Economic Sanctions; Security Studies* 6, 1997, p42

subordinate states to cede control of Russian minorities in Estonia, Latvia and Turkmenistan.<sup>15</sup> Before the 1<sup>st</sup> World War, states single handedly stopped trade and politically isolated each other.<sup>16</sup> The intensity of the measures depended on the types of the measures and the objective to be achieved.

## 1.6 Types of Sanctions

Jenkins notes that if punitive measures fall into the classification of economic sanctions, they are heinous and ruin a country.<sup>17</sup> According to Robertson, economic sanctions include the withdrawal, or warning of financial and trade relations restrictions and even expert support.<sup>18</sup> But, perhaps, Doxey provides the most comprehensive list of types positing that sanctions comprise trade and travel restrictions, the suspension of technical assistance and aid, freezing of financial assets and even blacklisting of companies associated with the target.<sup>19</sup>

Restrictions on trade include tight controls on quotas, licensing on exports and imports, embargo, boycott, discriminatory tariff regime, bans on strategic imports of goods, suspension of agreements and restrictions on technology transfer. Financial sanctions are often used alongside trade restrictions to increase pressure over the target.<sup>20</sup> This impedes flows of funding like aid, and loans, thereby curtailing exchange of foreign currency. The sender may also freeze and confiscate bank assets of the target, including the target's investments and disrupt transfer arrangements and deny rescheduling of debts as reminiscent of Zimbabwe.

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<sup>15</sup> Michael Mastanduno, *Economic Statecraft*, Chapter 11, in *Foreign Policy Theories/Actors/Cases*, 2<sup>nd</sup> ed. edited by Steve Smith, Amelia Hadfield and Tim Dunne, (Oxford University Press, 2012), p207.

<sup>16</sup> P. Andreas, *Criminalizing Consequences of Sanctions: Embargo Busting and its Legacy: International Studies Quarterly* 49 (3) (2005) p. 335 -360.

<sup>17</sup> Jenkins, S. *Sanctions are a Coward's War. They only Boost Brutal Rulers*, downloaded 7/8/2016 22:59:36.

<sup>18</sup> Robertson, J. Economic Situation of Zimbabwe: [https://www. The Zimbabwean.co/2008/07/j-robertson-g-zim-economi-crystal-ball](https://www.TheZimbabwean.co/2008/07/j-robertson-g-zim-economi-crystal-ball) downloaded 9/4/2016, 12:56PM.

<sup>19</sup> Margaret P. Doxey, *Economic Sanctions and International Enforcement*, 2<sup>nd</sup> Edition, New York, (Oxford University Press, 1980), 14.

<sup>20</sup> Steve Smith, Amelia Hadfield and Tim Dunne, *Foreign Policy, Theories/Actors/Cases*, 2<sup>nd</sup> ed. (Oxford University Press, 2012), 206.

The suspension of technical assistance and aid includes votes against grants, loans, subsidies and assistance from international aid organizations, military assistance and training and the cancellation, suspension and reduction of credit facilities and technical assistance. The blacklisting of a target country's companies includes subsidiaries and third party companies trading with the sender nation's business concerns.

The sanctions discussed above can be put into the context and category of economic measures and are instituted for a variety of purposes.

## **1.7 The Purpose of Sanctions**

Sanctions are imposed for various purposes. Kaplowitz hinted that there could be hidden agendas and veiled goals could be hidden in the wording of the sanctions' statutes hence require judicious analysis to discern the actual significance.<sup>21</sup> Smith et al, postulates that a sender nation's objective could be subversion, signaling, deterrence, coercion, symbolism and, of recent, as a democratisation instrument.<sup>22</sup>

### **1.7.1 Subversion**

Sanctions that are imposed for subversion entail destabilization of a target government or the entire political dispensation. In 1960, the US intended to remove President Castro of Cuba and replace his regime with a democratic one.<sup>23</sup> The subversive invasion codenamed 'Bay of Pigs' was secretly planned by the Central Intelligence Agency (CIA) to assist Cuban rebels. The invasion failed and the USA later sanctioned Cuba when it accepted Soviet missiles to be deployed on its territory.<sup>24</sup> The CIA continued with covert operations to oust President Castro's

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<sup>21</sup> D. R. Kaplowitz, *Anatomy of a Failed Embargo, The Case of US Sanctions against Cuba, Vol.1.* Ph.D. dissertation, Johns Hopkins University, (1995),34-42.

<sup>22</sup> Steve Smith, Amelia Hadfield and Tim Dunne, *Foreign Policy, Theories/Actors/Cases, 2<sup>nd</sup> ed.* (Oxford University Press, 2012), 212.

<sup>23</sup> E.J. Carter, *The Cuban Missile Crisis, 20th Century Perspectives*, Chicago, USA, (Heinemann Library, 2004), 14.

government but did not succeed.

### **1.7.2 Signaling**

Martin asserts that sanctions were used to signal determination and outrage against a target state's objectionable behavior as was the case with Iraqi in 1990.<sup>25</sup> Determination entails the resolve to compel a reneging state to accept the logic of the sanctioner. The USA thus imposed costly sanctions that signaled the seriousness with which President Bush regarded Saddam as a threat to peace. The sanctions were then followed up by an invasion in 1991 escalating the USA's determination to get rid of Saddam Hussein.

### **1.7.3 Deterrence**

The traditional purpose of sanctions was to deter or punish a target for unacceptable behavior.<sup>26</sup> The deterrence could be aimed at neighboring or third party countries against uncouth behavior demonstrating the repercussions of punitive measures. When a major power imposes sanctions onto a weaker state, usually it may be followed by a military attack as was the case with Iraq and could also be a warning to states in similar situations not to annoy the major powers.

### **1.7.4 Symbolism**

Hufbauer postulates that restrictions reduce stresses and outrages of the domestic and international audiences. Among local population, some might have sentimental attachment or vested interests in the targeted state and politicians have a propensity to heed the concerns of their domestic constituency. Former British Foreign Minister George, a former British Foreign Minister, once remarked in 1935 over the League of Nations sanctions against Italy in 1935-36,

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<sup>25</sup> L.L. Martin, *Coercive Cooperation, Explaining Multilateral Economic Sanctions*, Princeton, New Jersey, (Princeton University Press, 1997), 36-38.

<sup>26</sup> Mastanduno, *Foreign Policy*, 208.

that although sanctions had procrastinated to save Abyssinia, they were in time to save the British Government.<sup>27</sup> Miyagawa submits that President Eisenhower imposed an embargo on Cuba in 1960, a fortnight before elections in November 1960, to assist republican candidate, Nixon.<sup>28</sup> Symbolism is therefore, meant to appease the domestic audience, convince them about Government's resolve not to condone bad behavior and at certain times, it is done for demonstrating solidarity with allies.<sup>29</sup>

### 1.7.5 Coercion

Sanctions were used to coerce the target to transform behavior or policies to conform to the imposing country's preferred goals. This action may be aimed at compliance with international best practice at law or sheer arrogance of the sender. Alexander and Simons argued that forcing a target to comply was difficult to achieve as sanctions took time to be effective.<sup>30</sup> The Soviet Union sanctions against Albania in 1961-65, were aimed at coercing acceptance of Soviet authority in the socialist State.

### 1.7.6 Sanctions as an Instrument of Democratization

According to Nooruddin, the process by which punitive measures are imposed is linked to the process by which some succeed and others fail.<sup>31</sup> For Zimbabwe, sanctions were executed by the USA as a tool to recover democracy. This brings to the façade the issue of representative governance in Zimbabwe. Democracy by its nature is a contested concept as many types have emerged including social democracy, liberal democracy and christian democracy.

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<sup>27</sup> G.C. Hufbauer, J.J. Schott and K.A. Elliott, *Economics Reconsidered, History and Current Policy*, 2<sup>nd</sup> ed. Institute of International Economics, (Washington D.C. 1990), 3.

<sup>28</sup> M. Miyagawa, *Do Sanctions Work?* ( St Martin's Press, New York, 1992), 95.

<sup>29</sup> Daniel S. Papp, *Contemporary International Relations, Framework for Understanding*, 5<sup>th</sup> ed. ( Allyn and Bacon, Boston, USA, 1997), 71.

<sup>30</sup> G. Alexander and E. Simons, *The Limits of Coercive Diplomacy*, 2<sup>nd</sup> ed. ( West View Press Boulder, 1994), 20

<sup>31</sup> I. Nooruddin, *Modelling Selection Bias in Studies of Sanctions Efficacy*, International interactions, (University of Michigan, 2002), 78



In ancient Greece, its application implied rule by the people.<sup>32</sup> The method of governance was depicted by explicit exercise of political power by citizens' actual involvement in city gatherings. Democracy was therefore viewed as the configuration of government where the ruling power rested in the affiliates of the community and not in any class or classes. The Americans and Europeans came up with liberal democracy which became a remedy to oppressive socio-political systems.<sup>33</sup> Fundamental to modern democracy was the notion of a small government authority as reflected in the origin of disjunction of powers. Liberal democracy refers to authority as that by popular vote expressed through universal suffrage where individuals elect their representatives freely.<sup>34</sup> The policies made by the representatives are then assumed as a reflection of the will of the populace and this gave government its legitimacy.

Wanyama posits that, if there was any form of democracy in Africa, it was prior to colonialism.<sup>35</sup> What is surmised here is that colonialism disrupted traditional African institutions of governance and introduced autocratic rule in Africa which was inherited by some governments when they gained flag independence.<sup>36</sup> According to Kaniki, democracy provides for separation of powers, regular elections, and multi-parties, freedoms of expression, assembly and association, use of law and safeguard of the rights of people among others.<sup>37</sup>

The late 1980s witnessed political reform demands by deprived and repressed populations of Africa which were reinforced by foreign pressures from donor countries especially the USA when the cold-war ended. The USA used the instrument of sanctions to

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<sup>32</sup> W.O. Oyugi and Afrika. K. Gitonga, *Democratic Theory and Practice in Africa*, (East African Educational Publishers Ltd, Nairobi, Kenya, 1995), 8.

<sup>33</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 81.

<sup>34</sup> *Ibid*, 81.

<sup>35</sup> F.O. Wanyama, *Democratization in Africa: Advances and Setbacks, in Africa at the Beginning of the 21<sup>st</sup> Century* by Okoth, G.P. (Nairobi University Press, 2000), 109.

<sup>36</sup> M. H.Y. Kaniki, *Democratic Ideology Vs. Autocratic Practice, Is Africa a Victim of Her Past? Department of History Staff Seminar Paper No. 5*, University of Nairobi, (1993), 4.

<sup>37</sup> *Ibid*, 4.

democratize Zimbabwe which shall be interrogated under the case study of Zimbabwe. The governance structure, parameters of democracy and the involvement of the military in politics is reviewed hereunder.

#### **1.7.6.1 Governance Structure**

According to Heywood, a democracy is envisaged to have governance structure with delineation of powers delimiting the executive, parliament and judicial.<sup>38</sup> This is critical to curb excesses of power by any arm of governance. States therefore use the constitution to facilitate effective governance of the country. The law provides that constitutions may be amended, according to provisions of the law which may require holding a referendum or merely by majority in the legislature. Major amendments normally carry stringent conditions.

#### **1.7.6.2 Regular Elections**

For regular elections to be credible they should be free and fair competitive elections through which bona-fide delegates of the people are chosen.<sup>39</sup> Wanyama stressed that for an election to be judged credible, the participation should be free and fair to all competitors, should be administered by an independent and impartial agency and all participants eventually accept the outcome.<sup>40</sup> Many African states did not use independent electoral agencies hence relied on government appointees.

#### **1.7.6.3 Multi-parties**

In liberal democracy there are processes by which governments break up public monopolies of political authority and allow for political pluralism of opinions and

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<sup>38</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, UK, (Macmillan, London, 2007), 339.

<sup>39</sup> W.O. Oyugi and Afrika. K. Gitonga, *Democratic Theory and Practice in Africa*, (East African Educational publishers Ltd, Nairobi, Kenya, 1995), 12.

<sup>40</sup> Wanyama, *Foreign Policy in* Steve Smith, Amelia Hadfield and Tim Dunne. *Foreign Policy, Theories, Actors, Case*. (Oxford University Press, 2008) 112.

association.<sup>41</sup> Liberal democracy could be epitomized by multi-party politics including individuals who may wish to participate as independent candidates in an election.<sup>42</sup> However, Powell observed that at least two strong political parties with a strong possibility of winning were ideal in an election. The USA's republican and democratic parties are a classical example.

#### **1.7.6.4 Freedoms of Expression, Assembly and Association**

The freedom of speech and the media is vital for political organization.<sup>43</sup> There is need for a conducive environment for all political players to popularise their policies. Civil society institutions can be useful in facilitating an enabling environment although their mandates, allegiance and interests were a subject of intense debate among scholars.

#### **1.7.6.5 Rule of Law**

For this study, the rule of law raises pertinent issues about respect for private property and other rights issues.<sup>44</sup> A country that disregards the law, where its constitution is supreme, faces condemnation from the democratic world and mainly the West. While democratisation hinges on the fulfillment of all its key principles, Matanga raises the aspect of military involvement in African politics thereby impacting on democracy.<sup>45</sup>

#### **1.7.7 Military Involvement in Politics**

Africa experienced coup d'états, military governments in Nigeria, Ghana, Egypt, Sudan, Caire, Liberia and a host of others where the military intervened. Okoth suggested that military disengagement from politics could begin with the practice of addressing the factors that prompt

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<sup>1</sup> *The Weekly Review*, February 1, (1985), 22 and March, (1985), 15.

<sup>2</sup> W.O., Oyugi and Afrika. K. Gitonga, *Democratic Theory and Practice in Africa*, Nairobi, Kenya, (East African Educational Publishers Ltd, 1995), 20.

<sup>3</sup> *Ibid.*, 12.

<sup>4</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, London, (Macmillan, 2007), 326.

<sup>5</sup> F.K. Matanga, *The Military and Militarisation of Politics in Africa at the beginning of the Twenty-First century*, edited by Okoth, G.P. (Nairobi University Press, 2000), 146.

the military intercession in politics.<sup>46</sup> The suggested major factor of military intervention in politics points to the underdeveloped political economy revealing itself in collapsing economies and the resultant abuses including low political culture that does not favor open competitive politics.

The other pertinent factor is corruption by civilian governments as epitomized by the Nigerian military's toppling of President Shehu Shagari in 1983 where the military issued a statement that corruption had surpassed rationality and that Nigeria was corrupt because the approach to governance made corruption simple and profitable.<sup>47</sup> The reversal of this factor assists the military to go back to barracks either as voluntary disengagement or under strong civilian pressure.

The features affecting democracy draw the ire of the proponents of democracy led by the USA. This was the cause of some of the sanctions imposed on a number of countries. However, various scholars, as highlighted earlier, have argued over the effectiveness of sanctions in achieving the sender's desired outcome.

### **1.7.8 The Efficacy of Sanctions**

Scholars such as Papp and Goldstein debated on the effectiveness of sanctions as an in making a target state change course as desired by the sender of sanctions. Papp points out that the UN could institute sanctions although the success depended on member states to implement.<sup>48</sup> The UN implemented sanctions against China in 1951 for its role in Korea, Southern Rhodesia in 1967 for its racial policy, Iraq in 1990 for the invasion of Kuwait and Serbia in 1992 for its ethnic cleansing. In the case of China, the Soviet Union continued to trade

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<sup>46</sup>F.K. Matanga, *The Military and Militarisation of Politics in Africa at the beginning of the Twenty-First century*. Edited by Okoth, G.P. (Nairobi University Press, 2000), 146.

<sup>47</sup> USA Congressional *Quarterly Almanac*, (1989), 615.

<sup>48</sup> Daniel S. Papp, *Contemporary International Relations, Framework for Understanding*, 5<sup>th</sup> ed. (Allyn and Bacon, 1997), 433.

with China.<sup>49</sup> As for Rhodesia, the USA maintained its pre-sanctions trade as it required Rhodesian chromium. Sanctions on Iraq were successful as almost all member states complied and the USA and several states enforced a blockade.

UN Sanctions that are supported by all member states stand a greater possibility of success as they are universal in approach. Papp further highlights that Inter-Governmental Organizations (IGO) that attempted to execute sanctions when international law has been breached fail because individual states pursue national interests than supranational law.<sup>50</sup> Unilateral sanctions can be effective though they may face challenges as was the case with USA sanctions Iran and the Soviet Union respectively in 1979 and 1980-82.

Kirshner argues that for sanctions to be effective, three key mechanisms should be present to cause political change through relentless pressure brought to bear on the target to accede to the desires of the dispatcher by way of a cost-benefit matrix. Domestic pressure emerging from the punitive measures could lead to a fall of the present regime. The third aspect was that sanctions were supposed to be justified to change the equilibrium of power from the target to key groups forcing it to transform.<sup>51</sup>

Keohane posits that the sender's power resources can be translated into a compliance influence of the expected outcome.<sup>52</sup> However, the target may not relent and would be determined to suffer if the context was deep-rooted societal tenets of the target not to be compromised. In that case, capitulation would not be an option than resistance and resilience.<sup>53</sup>

Pape maintained that the effectiveness of sanctions was based on perceived economic

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<sup>49</sup> Michael Mastandano, *Economic Statecraft, in Foreign Policy, Theories/ Actors/ Cases*, 2<sup>nd</sup> ed, (Oxford University Press, 2012), 209.

<sup>50</sup> Daniel S. Papp, *Contemporary International Relations, Framework for Understanding*, 5<sup>th</sup> ed. (Allyn and Bacon, 1997), 433.

<sup>51</sup> J. Kirshner, *The Microfoundations of Economic Sanctions, Security Studies, Vol 6. No. 3*, Spring, 1977 p 42

<sup>52</sup> R. Keohane and J.S. Nye, *Power and Interdependence*, 3<sup>rd</sup> ed. (Longman, 2001), 196.

<sup>53</sup> Ibid, 196.

costs, political clout and relations of the target and the reaction by domestic population and interested groups.<sup>54</sup> The level of coerciveness, persuasion and inducement exerted by the sanctions dictates the effectiveness as demonstrated respectively by the success and failure on South Africa and Rhodesia.

### **1.7.9 United Nations Sanctions on South Africa**

The sanctions on South Africa had the desired effect. According to Heitman, under the sanctions, South Africa endured a disposable capital drainage of 16.2 billion rands corresponding to a yearly average of 2% of GNP.<sup>55</sup> Although the effectiveness of the sanctions was not immediately shown, ultimately South Africa went for negotiations unlike Rhodesia which remained defiant.

### **1.7.10 United Nations Sanctions on Rhodesia**

According to Shaw, the first major action by the UNSC that did not involve force was the restrictions on Rhodesia following the Unilateral Declaration of Independence (UDI) in 1965.<sup>56</sup> Member of the UN were called upon to break all economic and arms relations although some member states defied the resolution, including the USA which relied on Rhodesia for chromium. According to Porter, the purpose was to cause economic hardships that would force the white government to accept majority rule<sup>57</sup>. If the Rhodesian economy defied the odds why should Zimbabwe not survive the sanctions?

In Rhodesia, the white minority government and its supporters drew closer together in defiance of international sanctions and managed to protect their privileged status. This

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<sup>54</sup>R.A. Pape, Why Economic Sanctions Do Not Work, *International Security*, Vol. 22, No.2, Fall, (1997), 94.

<sup>55</sup>H. Heitman, *Unpublished Draft Describing the South African Defence and Defence Production Establishment*, (2003), 234.

<sup>56</sup>M.N Shaw, *International Law*, 4<sup>th</sup> ed. (Cambridge University, 2004), 859.

<sup>57</sup>R.C. Porter, *Economic Sanctions: The Theory and Evidence from Rhodesia*, Center for Research on Economic Development, Ann Arbor, Michigan.

integrative effect of sanctions is similar to what has been documented as a common psychological response to foreign intervention. Instead of breaking the morale of publics under siege, it seems to strengthen the resolve and defiance of the population.<sup>58</sup> Rather than collapse of the target government, sanctions can result in political cohesion within the country. The people convene around the flag.

Mastandano argues that some states respond to sanctions as an externally imposed protectionist barrier that forces the domestic economy to produce at higher cost, products previously imported. When UN restrictions were put, the Rhodesian commerce produced 600 different products. The sanctions, in effect, forced economic diversification buoyed by continued trade in chromium with the USA. The success of any sanctions regime relies on the commitment of the sender to enforce the measures. Many governments continued to trade with Rhodesia and allowed sanction busting as the costs to the sender economies were also probably significant. According to Porter, sanctions against Rhodesia failed because trade was partially cut-off while the economy was very resilient and flexible.

Literature revealed that sanctions were used to derive compliance with certain requirements from a targeted country, group or individuals. Most sanctions including those targeted on Zimbabwe in the form of trade, financial and travel restrictions. While sanctions were successful in some cases, in the majority of cases they failed or had minimal impact. The gaps that were identified in the literature were the failure to interrogate the justification of unilateral sanctions and analysis of the environment in the targeted states.

## **1.8 Justification of the Study**

The study analyses the causes of USA ZIDERA of 2001 and its effects on Zimbabwe.

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<sup>58</sup> Michael Mastandano, *Economic Statecraft Instruments and Objectives*, in Steve Smith, Amelia Hadfield and Tim Dunne, *Foreign Policy, Theories, Actors, Case*. (Oxford University Press, 2008)

The role and interest of other foreign powers in the democratization of Zimbabwe through the instrument of sanctions will be examined. Previous researches focused on merits and demerits of sanctions and whether sanctions were effective in achieving the objective. This research went further to establish whether the sanctions were justified, the effects there-of and explore opportunities for alleviating the impact on Zimbabwe.

The study therefore focused on the credibility and validity of the sanctions as most research concentrated on the success or failure of the sanctions. Hopefully policy makers would use the findings and recommendations to be proffered to obviate the negative effects of sanctions.

## 1.9 Conceptual Framework

The study is anchored on the traditional view of sanctions being used as an instrument or tool of making a targeted state or group change its objectionable behavior.<sup>59</sup> The conceptual framework is based on the instrumentality of sanctions as posited by Galtung and aims to generate policy flexibility in the targeted country through instituting the most devastating economic harm.<sup>60</sup>

In this study, there is the 'sender' of sanctions or the 'sanctioner' and in this case, the USA and western allies. On the other side, there is the targeted state the 'target' or 'receiver' of sanctions or 'sanctioned' and in this case, Zimbabwe.

The independent variable is 'sanctions'. The dependent variable is the economy of Zimbabwe which when sanctions are imposed, the effects on the economy affect the population. The population is expected to react in a number of ways that may vindicate the influence or

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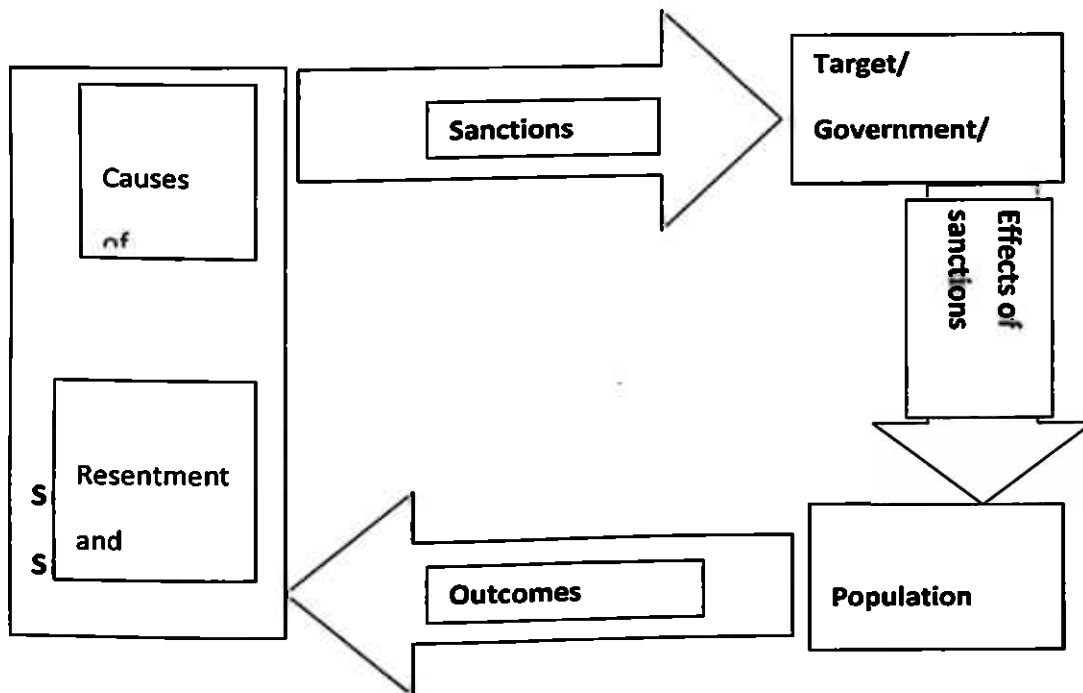
<sup>59</sup> William H. Kaempfer and Anton D. Lowenberg, *The Theory of International Economic Sanctions: A Public Choice Approach*, *The American Economic Review* Vol. 78, No. 4 (Sep, 1989), 786.

<sup>60</sup> J. Galtung, *Pacifism from Sociological Point of View*, *Journal of Conflict Resolution*, (March 1959), 3, 67-84.



instrumentality of the independent variable, (sanctions). The sender’s objective may succeed or fail. Therefore, the key components of the concept are sanctions, economy and population. The various facets of the sanctions such as causes, credibility, objectives, effects and outcomes will be explored within the conceptual framework as illustrated in Figure 1.1 below:

**Figure 1.1: Conceptual Framework of Sanctions**



**Source: Conceptual diagram by Author (14 May 2017), The approach of instrumentality was adopted from Kamempfer and Galtung**

In a study, Kamempfer and Galtung raised issues that would be alluded to in the conceptual framework. Kaempfer et al posits that one motive of the instrumentality of sanctions was to appease pressure groups in the sanctioning country or solidarity with allies.<sup>61</sup> Usually this is done from a moral ground against a nation’s perceived objectionable behavior and the sanctioning country’s pursuit of its national interests or those of its allies.

Galtung labeled the motive of serving the interests of pressure groups ‘expressive’ to

<sup>61</sup>William H. Kaempfer and Anton D.Lowenberg, *The Theory of International Economic Sanctions: A Public Choice Approach*, *The American Economic Review* Vol, 78, No.4 (Sep, 1989), 786.

instrumental given that trade disruptions regardless of magnitude affect the sanctioning country as well, although their success on the targeted country were doubtful.<sup>62</sup> However, Kaempfer et al further observes that even sanctions that produce minimal economic hardships can still generate the desired outcomes.<sup>63</sup>

Domestic interest groups can exploit the threat or imposition of punitive measures to advance their interests in the targeted country. Sanctions, therefore can communicate threats or signals which can produce the envisaged policy changes, reactions or responses from the targeted group. Hufbauer and Scott, however, caution that the purpose of sanctions was to induce change with the ultimate goal to cause maximum damage to the targeted country.<sup>64</sup>

Alternatively, the type and intensity of sanctions applied was chosen not necessarily to cause maximum damage to the economy in the target country but as an instrument to bring about the shift in political redistributions.<sup>65</sup> The sanctions could be used to effect severe hemorrhaging of the economy to bring down the ruling regime. The instrumental conceptual framework was used in this study to assist in analyzing the causes, effects and justification of the sanctions.

## **1.10 Hypotheses**

1.10.1 The American sanctions on Zimbabwe were not an instrument of democratisation.

1.10.2 The sanctions were targeted at the domestic population to induce an uprising against their government.

1.10.3 The restrictions adversely affected the reputation of the country.

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<sup>62</sup> J. Galtung, *Pacifism from Sociological Point of View*, *Journal of Conflict Resolution*, ( March 1959), 3, 67-84.

<sup>63</sup> Kaempfer, 786.

<sup>64</sup> Hufbauer, C. Gary and J.J. Scott, *Economic Sanctions Reconsidered: History and Current policy*, Washington: *Institute for International Economics*, (1985), 98.

<sup>65</sup> Anton D. Lowenberg and William H. Kaempfer, *The Origins and Demise of South African Apartheid, A Public Choice Analysis*, (University of Michigan Press, 2001), 8.

## **1.11 Methodology**

The research methodology covered design, data gathering procedures, analysis procedures and measurement of variables. The qualitative research was used. The objectives of the study were explained through observation and measurement of variables associated with governance, principles of democracy, critical content analysis of US ZIDERA, causes and effects of the sanctions.

### **1.11.1 Research Design**

The survey, document analysis and case study were used. The survey which was mainly descriptive was chosen because it was useful for data collection from mainly secondary sources. Mugenda et al states that the survey research was the most ideal for collecting data for the purposes of describing a phenomenon.<sup>66</sup>

### **1.11.2 Data Collection Methods**

Strydom posited that primary data could be gathered through survey research which can be either highly structured or highly unstructured.<sup>67</sup> In the structured survey, questionnaires could be used and in an unstructured survey, the interviewer asks questions of choice. Secondary data collected through analysis of documents was used to establish the grounds, justification and effects of the sanctions.

### **1.11.3 Document Analysis**

Analysis of documents was done to establish causes and effects of sanctions and also observed the phenomena of elections in Zimbabwe from 1980 to 2013. The data gathered was subjected to scrutiny to respond to the objectives and testing of hypothesis. According to Altrichter et al, document analysis was the critical examination of documents rather than a mere

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<sup>66</sup>Olive M. Mugenda and Abel G. Mugenda, *Research Methods, Quantitative & Qualitative Approaches*. (Acts Press, Nairobi, 1999), 165.

<sup>67</sup>J.W. Strydom, *Qualitative Research*. Pretoria, South Africa, (1999), 115.

description.<sup>68</sup> Document analysis exhibits its prowess when the aim is to gain insight and recognise patterns. O'Donoghue and Punch defined it as a research method which is an invaluable part of most schemes of triangulation.

In this study, secondary data from books on democracy, sanctions, general economics, journals, case studies of countries that experienced sanctions and various theses were used.

#### **1.11.4 Data Analysis Plan**

In analyzing data, the researcher used the conceptual framework of the instrumentality of sanctions and content analysis to explain, describe and interpret the phenomenon of American sanctions and intended democratisation of Zimbabwe. The relationship between sanctions and democratization would be established through analysis of the governance structure, principles of democracy, causes, close scrutiny of ZIDERA and its effects on Zimbabwe. Patterns, trends and contradictions were established from the data gathered from documents and the literature review. The data analysis plan identified the qualitative techniques used to examine the research questions. The data analysis plan addressed the objectives and tested the hypothesis.

#### **1.12 Chapter Outline**

Chapter One discussed the background, problem statement, objectives, hypothesis, literature review, methodology and other critical aspects of the study. Chapter Two examined governance and the processes of democratization in Africa. Chapter Three analysed the American sanctions on Zimbabwe. Chapter Four established the effects of the targeted sanctions on Zimbabwe. Chapter Five is a critique of American sanctions on Zimbabwe and Chapter Six provides the conclusion and recommendations

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<sup>68</sup> H. Altrichter, A. Feldman, P. Posch & B. Somekh, *Teachers Investigate Their Work: An Introduction to Action Research Across the Professions*, 2<sup>nd</sup> ed. (Routledge, 2008), 34.

## Chapter Two

### Governance and Democratization in Africa

#### 2.1 Introduction

The execution of sanctions as a foreign policy instrument underscores the dissatisfaction by the sender with among other matters, governance and democratization issues of the targeted country. Nyong'o, however, warns that, the USA foreign policy, for instance in Africa, in the post- communist era is enrgised by her strategic and economic interests than the true pursuit of sound governance and democratization.<sup>69</sup>

Whatever the case, Joseph states that though governance and democratization are not synonyms, governance creates an enabling environment for democracy.<sup>70</sup> The notions of governance and democratization react in part to real or perceived failure of democracy in many independent former colonies of Africa and Asia. The two concepts, when adopted positively, are therefore pertinent in strengthening democracy.

The chapter analysed governance and processes of democratization in Africa.

#### 2.2 The Concept of Governance and Democratisation

Governance generally reflects on how norms, rules and actions of a state are configured, endured, regulated and held accountable. According to Hyden, the WB postulates governance as the projection of political power to oversee a nation's affairs.<sup>71</sup> Good governance is founded on the quality of government policies and actions, the just exercise of authority, competent and effective problem solving and efficient accomplishment of basic functions. In this regard, the state is not the unique actor but societal groups such as political parties, trade unions and the

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<sup>69</sup> Professor Anyang' Nyong'o, *Promotion of democracy as a Goal of US Foreign Policy in Africa, in Rethinking Global Security, An African Perspective*, edited by Prof. Makumi Mwagiru and Prof. Okello Oculi, Nairobi, Kenya, (Heinrich Boll Foundation, 2006), 67.

<sup>70</sup> Richard Joseph, *State, Conflict, and Democracy in Africa*, (Lynne Rienner Pinters, UK, 1999), 186.

<sup>71</sup> Goran Hyden, *Governance and the Reconstitution of Political Order, in State, Conflict and Democracy in Africa*, edited by Richard Joseph, (Lynne Rienner Printers, 1999), 184.

media may also influence governance in a state.

Joseph postulates that governance deals with issues of how a polity is constituted or reconstituted, how political rule is legitimized, and how regime rules help transform many of individuals into citizens in a nation where they live under common laws.<sup>72</sup> Governance, according to Heywood, is to control others.<sup>73</sup> Control implies many meanings including regulator, govern, domination and even hegemony, authority or power. However, to rule, in the modern world, Rutto posits that the mandate should come from the people (the sovereign) and that governance is abiding by the law, institutions, elections, political conflict settlement, and distribution of power, citizenship, and politics of the economy, constitution making and dealing with venality.<sup>74</sup>

Democratisation as posited by Otiende suggests the practice of achieving democracy.<sup>75</sup> This implies that a country which has embraced democracy undertakes democratisation by establishing the institutions of democracy, legislating and enforcing the law. Conversely, where democracy is breached, the activity of democratisation is undertaken to recover rule of law.

Rutto posits that democratization is the trademark of legitimate rule as it assigns people human dignity.<sup>76</sup> In that regard, democratization refers also to the projection of broadminded-representative reform, signifying, in essence, allowing of basic autonomies and the flaring of widespread participation and democratic choice. The progression of democratization is premised on certain dynamics namely economic prerequisites, rundown of authoritarian regime, active

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<sup>72</sup> Richard Joseph, *State, Conflict, and Democracy in Africa*, (Lynne Rienner Publishers, UK, 1999), 191

<sup>73</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 26.

<sup>74</sup> Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa*, (Quest & Insight Publishers, 2001), 1.

<sup>75</sup> James E. Otiende, *Introduction, Questions Concerning Human Dignity and the Process of Democratization in Africa*, in Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa*, (Quest & Insight Publishers, 2001), 6.

<sup>76</sup> Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa*, (Quest & Insight Publishers, 2001), 1.

civil society, and transition to and solidification of democracy which should be guided by the constitution.<sup>77</sup>

### 2.2.1 The Constitution and Governance

A constitution refers to rules and principles that outline the extent and kind of government and serves various purposes namely enabling states, instituting national unifying tenets and goals, affording government stability, defending liberties and legitimizing governments.<sup>78</sup> Of critical importance, constitutions define the link between individuals and the state and the wide rights of citizens. Therefore, it is the indispensable law of the territory to be upheld by all. Most constitutions regulate the link between the establishments of the state such as the executive, judiciary and legislature, and between branches of government. The import of this arrangement is to attain curbs and equilibriums in a democracy commonly known as delineation of powers.

Shaw postulates that the division of powers concept was not absolute since the creation of the institutions is the function of politics represented by the executive and legislature hence there was no complete separation between law and politics, and the inextricable bonds must be recognised.<sup>79</sup> Shaw further highlights that a thin dividing line exists in the UK, where parliament makes laws and the courts adjudicate while the state enforces through its apparatus the court judgments and similarly in the USA, congress legislates and the courts interpret the law. In Africa, many countries adopted a similar concept with minimal variations.

Heywood surmises that the goal of the division of powers is to prevent the concentration

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<sup>77</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 8.

<sup>78</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 322.

<sup>79</sup> Malcom N. Shaw, *International Law*, 4<sup>th</sup> ed. (University of Cambridge Press, United Kingdom, 1997), 10-11

of power in any one arm of government. A critical observation, though, was that the political branch that creates the legal system and the courts interpret the law from a number of alternatives giving a leeway for interest laden judgments.<sup>80</sup> Shaw concurs and posits that the buttressing by the political system and recognition of the independence of the judiciary operate to hide the impact of politics upon the lawful system hence politics is much closer to legal organisations than perceived.<sup>81</sup>

Notwithstanding the aforementioned, Gitonga stresses that governance and democratization depends on upholding of the constitution.<sup>82</sup> The formulation, context, content and compliance with the national constitutions particularly in Africa still needed effective application. Areas of contestation included the executive terms of presidents, powers of parliament and independence of the judiciary, and most constitutions were clear on that aspect. In some court cases, the courts interpret the law without duress but some of the court decisions would be challenged by external powers and civil society regardless of the independence of states.

According to Morgenthau, the constitution links the law, morality and politics though law and morality are different things.<sup>83</sup> The law defines what can and cannot be done while morality is concerned with ethical issues of what is right and wrong implying what should and what should not be done. In Africa and as is the case across the world, the scourge of corruption can be singled out.

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<sup>80</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 329.

<sup>81</sup> Malcom N. Shaw, *International Law*, 4<sup>th</sup> ed. (University of Cambridge Press, United Kingdom, 1997), 10-11.

<sup>82</sup> Africa Gitonga, *The Meaning and Foundations of Democracy*, in Walter Ouma Oyugi and Africa Gitonga, *Democratic Theory and Practice in Africa*, (East African Educational Publishers Ltd, 1995), 11.

<sup>83</sup> Hans J. Morgenthau, revised by Kenneth W. Thompson, *The Struggle for Power and Peace*, 6<sup>th</sup> ed. New Delhi, India, (Kalyani Publishers, 2001), 344.



## 2.2.2 Leadership and Governance

According to Oyugi, a good leader is one who understands the needs of the people where understanding becomes nearly the equivalent of intuition.<sup>84</sup> Otiende posits that corruption, irresponsibility, greed, poor policies and rampant mismanagement of resources by the leadership strangled any meaningful development in Africa.<sup>85</sup> Some African leaders failed to effectively use available human, raw material and financial resources to emancipate the wellbeing of African populations. This was despite the colonial legacy and interference into African countries' affairs.

Some leaders take populist decisions delivering nothing tangible to the people instead of making policies that are strategic and deliverable. In other cases, leaders yield excessive powers and Rutto posits that the curbing of the excessive powers was a theme of democratisation.<sup>86</sup> Leadership, therefore, was central to governance issues regarding direction, transparency, accountability, ethics and morality in pursuit of developmental interests of the country.

## 2.2.3 Economic Development Pre-requisites and Democratization

Economic development is an important prerequisite for democratization particularly in Africa where it (democratization) has experienced progress and setbacks.<sup>87</sup> The continent has continued to suffer from socio-economic and political problems including a huge external debt burden, economic mismanagement, poverty, droughts and devastated physical environment that retarded economic development.

According to Lipset, a positive correlation exists between economic development and

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<sup>84</sup> Walter O. Oyugi and Afrika Gitonga, *Democratic Theory and Practice in Africa*, Nairobi, Kenya, (East African Publishers Ltd, 1995), 38.

<sup>85</sup> James E. Otiende, *Introduction, Questions Concerning Human Dignity and the Process of Democratization in Africa*, in Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa*, (Quest & Insight Publishers, 2001), 36.

<sup>86</sup> Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa*, (Quest & Insight Publishers, 2001), 70.

<sup>87</sup> Fredrick O. Wanyama, *Democratization in Africa, Advances and Setbacks at the Beginning of the 20<sup>th</sup> Century*, edited by Godfrey P. Okoth, (Nairobi University Press, 2000), 109.

democratisation.<sup>88</sup> Sustaining democracy was greater in an economically vibrant nation. Gill submits that Lipset's findings, which remain unchallenged, indicated that, democracies managed to have better heights of commercial improvement than non-democracies.<sup>89</sup> The contention is premised on economic improvement producing change in the wellbeing of the populace, given, for instance that an educated citizenry will treasure democracy, inclined to tolerance, judicious and reasonable in terms of partisan politics thereby generating a liberal political culture and civilisation.

The relationship between development and democracy is, however, not linear implying that the prospect of liberty does not surge inevitably when the stage of advancement rises. Economic expansion begets greater stages of earnings and economic surety to the population, thereby reducing the likelihood of class conflicts. This enables the population to develop a modern perspective of politics.<sup>90</sup> The increase in prosperity as an outcome of commerce would reduce objective planes of disparity and thereby of class distinctions. However, if the central authority enacts redistributive guidelines the consequences would be higher in under-developed countries than in the rich because there will be less to survive on for the poor.

According to Barkan, when some African countries were faced with crumbling economies in the 1980s, the Bretton Woods institutions prescribed structural adjustment programs (SAPs).<sup>91</sup> These comprised economic adjustment packages and stabilization measures to address budget deficits, curtailing growth of money supply, liberalization of trade, opening up

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<sup>88</sup> Seymour M. Lipset, *Some Social Requisites of Democracy, Economic Development and Political legitimacy*, (American Political Science Review 53, 1, March 1959), 69-105.

<sup>89</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 3.

<sup>90</sup> Seymour M. Lipset, *Some Social Requisites of Democracy Economic Development and Political legitimacy*, (American Political Science Review 53, 1, March 1959), 69-105.

<sup>91</sup> J.D. Barkan, *Divergence and Convergence in Kenya and Tanzania, Pressures for Reform*, in J.D. Barkan, ed., *Beyond Capitalism Vs. Socialism in Kenya and Tanzania*, Nairobi, (East African Education Publishers, 1994), 1.

of markets, public service retrenchment and privatization of state-owned enterprises.<sup>92</sup> The SAPs had devastating effects on welfare programs that had been extended to the poor in the form of food subsidies, controlled pricing of goods and services and other subsidized social services.

The working class wages were also reduced owing in part to the removal of subsidies and introduction of user charges on a number of public services and some of the African governments failed to pay salaries on time.<sup>93</sup> This gave rise to democratic movements in Kenya, Zambia, Zimbabwe, Democratic Republic of Congo and Nigeria as basic commodities became scarce in shops exacerbating corruption and fueled demonstrations against governments by largely urban based trade unions, teachers' associations and the idle urban unemployed.<sup>94</sup>

Diamond postulates that donor agencies blamed the failure of economic adjustment programs on poor governance, lack of democracy and, waste and corruption by African authoritarian and democratic governments.<sup>95</sup> Subsequently, the global financial institutions namely the World Bank (WB) and International Monetary Fund (IMF) tied aid to conditions of quality governance while the principal donor countries; the United States, Japan, Germany and Scandinavian countries demanded political accountability, public debate, political participation, press freedom and pluralism in the governance process to realize development.<sup>96</sup>

Despite the conditions attached to aid, other countries in Africa such as Egypt with its democracy challenges still received aid, and other scholars, felt that the call for democracy was

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<sup>92</sup> J.D. Barkan, *Divergence and Convergence in Kenya and Tanzania, Pressures for Reform*, in J.D. Barkan, ed., *Beyond Capitalism Vs. Socialism in Kenya and Tanzania*, Nairobi, (East African Education Publishers, 1994), 1.

<sup>93</sup> T. Mkandawire, *Democratization Process in Africa, Prospects and Problems*, Paper presented at the Seventh General Assembly of CODESRIA on Democratization Process in Africa, Problems and Perspectives, (Darkar, 10-14 February, 1992), 113.

<sup>94</sup> C. Ake, *The Feasibility of Democracy in Africa, A Keynote Address at the Symposium on Democratic Transition in Africa*, (University of Ibadan, 16-19 June, 1992).

<sup>95</sup> L. Diamond, *Promoting Democracy in Africa, US and International Policies in Transition*, in G. Macharia Munene, et al, *The United States and Africa. From Independence to the End of the Cold War*, Nairobi, (East African Educational Publishers, 1995), 199.

<sup>96</sup> J.D. Barkan, *Divergence and Convergence in Kenya and Tanzania, Pressures for Reform*, in J.D. Barkan, ed., *Beyond Capitalism Vs. Socialism in Kenya and Tanzania*, Nairobi, (East African Education Publishers, 1994), 2.

being used as legitimation of intervention in other less strategic countries.<sup>97</sup> African government representatives who met at a symposium in Arusha in Tanzania opined that following the failure of structural adjustment programs, donor agencies needed to be transparent in the advice they gave to African governments. When projects that were agreed upon by donor agencies and government in confidence failed, the onus was unjustifiably put on government representatives involved in the negotiations. The insincerity indicated that the benefactors also needed to assume governance reforms.

Gill observes that a deteriorating economy could also be a source of the failure of a tyrannical regime. According to studies done in South America in 1945 and 1988, it was found that non-democratic administration could not survive a period of three succeeding years of deleterious growth.<sup>98</sup> Nevertheless, some regimes could weather economic complexities and then experience democratic conversion. This shows that economic difficulty was not the panacea to induce regime transition though development bestows a measure of human dignity particularly if the people participate in the economic activities and own the means of production.

Otiende concurred when he highlighted that, in Africa, the colonial legacy denied human dignity to, and alienated Africans from the ownership of material resources and the means of production and there was unbridled repatriation of profits by Multi-National Corporations (MNCs).<sup>99</sup> However, at independence and thereafter, the transfer of ownership to Africans, together with control of resources and the means of production enhanced African dignity. The control of resources was a manifestation of not only self-expression, self-determination but had

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<sup>97</sup> Professor Anyang' Nyong'o, *Promotion of democracy as a Goal of US Foreign Policy in Africa, in Rethinking Global Security, An African Perspective*, edited by Prof. Makumi Mwangi and Prof. Okello Oculi, Nairobi, Kenya, (Heinrich Boll Foundation, 2006), 67.

<sup>98</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 10.

<sup>99</sup> James E. Otiende, *Introduction, Questions Concerning Human Dignity and the Process of Democratization in Africa*, in Sammy K. Ruto and George K. Njoroge, *The Democratization Process in Africa*, (Quest & Insight Publishers, 2001), 6.

economic significance and cultural value particularly where the resources were equitably distributed to the indigenous people. The failure to effectively manage the economy for the benefit of the majority of the people (and majority not implying the majority tribe or ethnic group), may result in the loss of support for the ruling regime.

#### **2.2.4 The Breakdown of Ruling Regimes and Democratization**

The proponents of democratization such as the USA and other western powers have in some cases used economic sanctions as an instrument of bringing down or causing a breakdown of a ruling regime. The breakdown of a ruling regime entails the deconstruction and possibly degeneration of the ancient regime. It is more explicit where it comes about as a consequence of external based invasion or municipal war and is replaced by a proxy democratic one and such instances have been rare given the UN prohibition on the threat and use of force except under conditions of self defence.<sup>100</sup>

Gill posits an interesting observation that in some cases of failed transition, a regime can re-stabilize itself. He falls short, in the view of the researcher, of recognizing the possibility of self-transformation of a regime from authoritarian to democracy. A common feature of regime breakdown is factions or splits within the regime which narrows its support base especially if the intra-party conflict is not resolved.<sup>101</sup> Pinkney highlighted that opposition parties and civil society usually exploit such divisions to further weaken the ruling regime.<sup>102</sup>

#### **2.2.5 Civil Society and Democratization**

Harbeson states that civil society is confined to associations that take part in rule setting

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<sup>100</sup> Malcom N. Shaw, *International Law, The UN Charter Article 2 (4) (a)*, 4<sup>th</sup> ed. Cambridge, UK, ( Cambridge University Press, 2004) 781.

<sup>101</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 10.

<sup>102</sup> Robert Pinkney, *Democracy in the Third World*, London, (Lynne Rienner Printers, 2003), 88.

activities.<sup>103</sup> To that end, civil society allows a range of groups or individuals to project or articulate their demands to government. The assumption is that a robust civil society and a strong state are mutually reinforcing provided each is clear of their role.

In Africa, there are always clashes between the two entities as the state would claim that civil society was overstepping their role. Joseph posits that global institutions mainly bi-lateral and multilateral donor groups have become involved in African economies and politics.<sup>104</sup> The aid portfolios focus on programs supporting activities aimed at fortifying civil society and the conduct of conventional elections in the targeted country. Many African countries such as Mozambique and Democratic Republic of Congo rely on donor funding to hold general elections and this inevitably brings the donors nearer to the crux of the constitution and sharing of power culminating in agencies getting sucked into national politics. Donors are therefore institutions with a predetermined impact on the very procedure that they fund and as managers of consultants in the sphere of ruling and democratization, can withdraw aid as a sanction.

Gill surmises that civil society has autonomous groups which aggregate the views and activities of individuals and acts to promote their interests even against the state.<sup>105</sup> This signifies that, in a democracy, or in authoritarian regimes as an act of defiance, there is open discussion of contemporary matters and debating of common policy inside the community and not necessarily at the behest of the ruling elite. Given the above, public discussions of matters facilitate in part that self-directed groups act to secure their interests.

Critical to the livelihood and wellbeing of civil society, is the dictate enabling both the state and civil agencies to recognize the legitimacy of each entity to conduct its business in pre-

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<sup>103</sup> J.W. Harbeson, *Civil Society and the Study of Politics in Africa, A preliminary Assessment*, London (Lynne Rienner Publishers, 1994), 4.

<sup>104</sup> Richard Joseph, *State, Conflict and Democracy in Africa*, (Lynne Publishers, 1999), 191.

<sup>105</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 8.

determined formats and competencies. The embodiment of a civil society organization to prevail, independent groups should be able to guard the welfares they symbolize in the political realm in the broader context of society in its entirety. Gill emphasizes that political activism is a crucial condition for civil society in a democracy and should culminate in tolerance of autonomous groups by the state. It is only when civil society can act independently of the state that they could be regarded as constituting civil society in a democracy.<sup>106</sup> However, Gill concludes that civil society forces are fundamental for each stage of the process of regime change from the onset of the crisis to the stabilization of democracy.

#### **2.2.6 Transition in the Democratization Process**

Transiting is the transformation from stagnant configurations and methods to new.<sup>107</sup> The transition to democracy is a part of democratization which appears to be an ongoing process in young democracies or transitions from collapsed democracies.<sup>108</sup> Most countries in Europe, Asia, Africa and America underwent transition from authoritarian to democracy. Some countries had a relative short transition while others a long one and others particularly in Africa would gravitate to democracy, move back to authoritarianism and back again to democracy making it a vicious cycle. For example, Dorenspleet observes that since 1989, countries such as Mali, Mozambique and Nepal among several less developed countries made the genuine transition to democracy.<sup>109</sup>

In the earlier examples of Mali and Mozambique, popular elections resulted in uncontested change of leadership where the incumbents and displaced accepted the results. The possible explanation for the sudden change to democracy as advanced by Dorenspleet was that

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<sup>106</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 6.

<sup>107</sup> Renske Dorenspleet, *Democratic Transitions, Exploring the Structural Sources of the Fourth Wave*, (Lynne Rienner Publishers, 2006), 37.

<sup>108</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 7.

<sup>109</sup> Renske Dorenspleet, *Democratic Transitions, Exploring the Structural Sources of the Fourth Wave*, (Lynne Rienner Publishers, 2006), 106.

international donors applied pressure for the countries to adopt democracy.<sup>110</sup> The donor states and international organizations declared that less developed states would only receive aid only if they adopted the democratic regime. The critical point made here is that low levels of development could see the push for change and the transition to democracy is highly likely. However, this does not imply that the stage of advancement has a pronounced influence on transition to democracy.

Heywood posits that democracy is a vision, a dream or a hypothetical reality conceived and existing in the minds of people about governance.<sup>111</sup> The world is characterized by various types of governments ranging from autocracy, communist rule, single party (non-communist) rule and a conglomeration of multi-party democracies.<sup>112</sup> Non-democracies are referred to as authoritarian rule without holding free elections, freedom of press and tolerance for individual and political freedoms. On the contrary, democracy entails rule by the people originating from chosen candidates and founded on reverence for distinct rights in humanity. However, Gitonga concluded that there is no democracy on planet earth, at least not in its pure form and most continue to improve.<sup>113</sup>

However, Goldstein posits that many states seat on a conundrum vacillating on autocracy and liberal aspects.<sup>114</sup> In Africa, democratic governance is gradually being adopted and the process of democratization becoming more visible though undemocratic practices are still

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<sup>110</sup> Renske Dorenspleet, *Democratic Transitions, Exploring the Structural Sources of the Fourth Wave*, (Lynne Rienner Publishers, 2006), 106.

<sup>111</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 72.

<sup>112</sup> Africa Gitonga, *The Meaning and Foundations of Democracy*, in Walter Ouma Oyugi and Africa Gitonga, *Democratic Theory and Practice in Africa*, (East African Educational Publishers Ltd, 1995), 5.

<sup>113</sup> Africa Gitonga, *The Meaning and Foundations of Democracy*, in Walter Ouma Oyugi and Africa Gitonga, *Democratic Theory and Practice in Africa*, (East African Educational Publishers Ltd, 1995), 15.

<sup>114</sup> Joshua S. Goldstein, *International Relations*, 6<sup>th</sup> ed. Pearson Education, (New Delhi, 2007), 189.



rampant and still requiring refinement and improvement.<sup>115</sup> For example, in the majority of countries, the fact that the central authority monopolises television and radio air space deprive opportunities to opposing politics.

Notably, the United States has been championing democratization in Africa and the Middle East yet, according to Goldstein in proxy states, the US and a number of powerful nations use totalitarian governments to oppress contentious ideologies especially those purported to be linked to extremism. This is similar to the cold war where the West exploited dictatorial governments to subjugate communism.<sup>116</sup> Apart from Africa, Goldstein observes that even in North America and Japan there is still some measure of democratic and authoritarian elements where greater influence is accorded to the rich than poor people.<sup>117</sup>

According to Huntington, transition could be done through what he termed 'transaction transition' whereby the prominent role of effecting system change was done by the authoritarian regime elites.<sup>118</sup> The secret to the mode of transaction was that the administration is stronger than the competitor and the governing elite or a targeted component of it, is manipulated to subvert from within. This could culminate in some elites becoming reformists pitting them against the conservatives within the regime. The underlying objective of the 'transaction' mode is for the elites or reformists to ultimately invite the weaker opposition to unite with the reformists against the regime conservatives in order to consolidate democratization.

### **2.2.7 Consolidation of Democratization**

Consolidation of democratization refers to the stabilization and embedding of new

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<sup>115</sup> Walter Ouma Oyugi and Africa Gitonga, *Democratic Theory and Practice in Africa*, (East African Educational Publishers Ltd, 1995), 2.

<sup>116</sup> Joshua S. Goldstein, *International Relations*, 6<sup>th</sup> ed. New Delhi, (Pearson Education, 2007), 189.

<sup>117</sup> *Ibid*, 189.

<sup>118</sup> Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century*, Norman (University of Oklahoma Press, 1991).

political and economic and social structures and processes in the collective consciousness of the society so that they gain normative authority.<sup>119</sup> This is meant to prevent retardation to unpalatable rule in the hope of constructing a genuine liberal system. Gill posits that in this phase, democratic institutions that are acceptable to various political groups are established.<sup>120</sup> The consolidation of democratization is premised on the quality, quantity, conduct and procedures of the entire electoral process.

### **2.2.8 Elections and Democratization**

Elections have a critical role in the construction and consolidation of democracy. Bratton states that the early 1990s witnessed the holding of competitive multiparty elections in many African countries marking a shift from many years of autocratic rule to a new period of floundering democratic government.<sup>121</sup> Some of the countries that held elections in 1995 and 1996 included Namibia, Niger, Benin, Zambia, Gabon, Madagascar and Ghana.

It has been observed that electoral malpractices are caused by incumbent leaders who manipulate constitutional and electoral rules to out maneuver opponents. However, regularity of competitive elections is now recognized as a defining institution of democracy. An election which allows the citizenry to freely select candidates for political posts and is conducted according to set procedures promotes participation and competition. The participation could then be assessed in terms of how the election is conducted.

### **2.2.9 Conduct of an Election**

Bratton contends that an election for a head of government and members of parliament which is adjudged free and fair and accepted by the losers, is sufficient to found a democratic

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<sup>119</sup> Graeme Gill, *The Dynamics of Democratization, Elites, Civil Society and Transition Process*, (Macmillan Press Ltd, UK, 2000), 8.

<sup>120</sup> Ibid, 235.

<sup>121</sup> Michael Bratton and Daniel N. Posner, A First Look at Second Elections in Africa, with Illustrations from Zambia, in, *State, Conflict, and Democracy in Africa*, edited by Richard Joseph (Lynne Publishers, UK, 1999), 191.

regime.<sup>122</sup> On the contrary, laid down procedures for elections do not, on their own, ensure democratic suffrage as elections have the temerity to co-habitat with systemic repression.

A further assertion is that elections, even if regularly and fairly conducted, do not, in themselves, create a consolidated democracy. According to Booth, to consolidate democracy, civil rights and the due process of law should be respected and institutions like an dispassionate judiciary, legislature and an uncontrolled press must exist and military forces must subscribe to civilian rule.<sup>123</sup> The constancy, frankness and satisfactoriness of elections indicate whether elementary statutory, interactive and attitudinal fundamentals are present for confirming democratic rule. Booth concludes that while a state may hold elections in the absence of democracy, it would not profess democracy without elections, thereby noting that the holding of timetabled multiparty elections provides the nominal purpose of evidence of the subsistence of democracy.

In assessing elections in Africa, it then becomes necessary to examine the events and processes of the election in order to determine whether the trajectory of democratization is diminishing or rising. Bratton observes that, though incumbents can hold scheduled elections, in a multi-party election, the possibility of power transfer and uncertainty of the outcome generates, in the incumbents the incentive to defend their positions of power at any cost and even using state resources.<sup>124</sup>

#### **2.2.10 Regular Elections in Democratization**

To further determine the consolidation of democracy in the democratization process, it is

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<sup>122</sup> Michael Bratton and Daniel N. Posner, *A First Look at Second Elections in Africa*, with Illustrations from Zambia, in, *State, Conflict, and Democracy in Africa*, edited by Richard Joseph (Lynne Publishers, UK, 1999), 380.

<sup>123</sup> John Booth and Mitchell A. Seligson, *The Legitimacy Puzzle: Democracy and Political Support in Eight Latin American Nations*. Cambridge, (Cambridge University Press, 2009), 8.

<sup>124</sup> Michael Bratton and Daniel N. Posner, *A First Look at Second Elections in Africa*, with Illustrations from Zambia, in, *State, Conflict, and Democracy in Africa*, edited by Richard Joseph (Lynne Publishers, UK, 1999), 380.

vital to get empirical evidence of electoral quantity in terms of adherence to schedule of elections.<sup>125</sup> Incumbents who conform to mandated schedules show commitment to constitutionalism which is a mark of consolidation of democracy. For instance and according to Bratton, in 1995-1996, Tanzania, Equatorial Guinea and Uganda conducted regular elections.<sup>126</sup> In some instances, elections have been held ahead of schedule as was the case with Niger, Cape Verde, Mauritania and Madagascar in 1996. President Bongo of Gabon breached the constitution when he failed to call for elections by June 8, 1996. While the majority of African states hold regular elections, a few countries are still inconsistent and this affects the quality of future elections.

### **2.2.11 Quality of Elections in Africa**

The other determinant of democratization is the electoral quality which demonstrates the degree of free and fair elections. Bratton suggests the examination of how the electoral rules are set, the conduct of the campaign and the way the vote and the count are administered.<sup>127</sup> Some of the malpractices in an election could be in the form of a flawed voter registration exercise, highly unfair campaign and disqualification of candidates but could be followed by an open and free balloting day. Bratton further emphasizes that gross deficiencies in the areas mentioned affect the quality of an election and are sufficient to cause a disputed election outcome.

### **2.2.12 Election Boycotts in Africa**

In Africa, election boycotts by the opposition are common and are done for various reasons. Ethiopia, Equatorial Guinea and Sudan are some of the countries that experienced

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<sup>125</sup> John Booth and Mitchell A. Seligson, *The Legitimacy Puzzle: Democracy and Political Support in Eight Latin American Nations*. Cambridge: Cambridge University Press, 2009.

<sup>126</sup> Michael Bratton and Daniel N. Posner, *A First Look at Second Elections in Africa, with Illustrations from Zambia, in, State, Conflict, and Democracy in Africa*, edited by Richard Joseph (Lynne Publishers, UK, 1999), 382.

<sup>127</sup> *Ibid*, 380.

electoral boycotts in 1995, 1996 and 1996 respectively.<sup>128</sup> The irony is that though the quality of an election held in the face of a boycott is ambiguous, it is uncertain whether the boycott reflects a flawed electoral process or a calculation by the opposition parties that they stand a chance of winning. Conversely, the absence of a boycott probably indicates that the electoral process was not impaired by major deficiencies hence it is the timing of the boycott, whether before, during, or after the polls that can help clarify or interpret its meaning with respect to the quality of the election.

### **2.2.13 Interpretation of Electoral Outcomes in Africa**

More often, contenders who vie and contest to win votes and seats struggle to interpret the electoral outcomes.<sup>129</sup> For example, an election that ushers in new leadership is unambiguous as it signifies a break with the past and will be poised to building of transition institutions. However, the difficulty of giving meaning manifests where the incumbent holds onto power. The interpretation involves judgments as to whether the win by the incumbent reduces or increases a sitting government's mandate. Bratton surmises that the legitimacy of an election outcome depends on the share of votes of the winner in relation to campaign conduct and context and voter turnouts.<sup>130</sup> The interpretation of the outcome can give an indication of the levels of support and their sustainability and for the opposition helps identify areas of disputes.

### **2.2.14 Electoral Disputes in the Democratisation Process**

In Africa, elections have been contested in a variety of countries comprising but not restricted to Algeria, Burundi, DRC, Mozambique, Lesotho and Zimbabwe. The winners of elections especially when they are incumbents deploy the machinery of the state to reinforce

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<sup>128</sup> Michael Bratton and Daniel N. Posner, *A First Look at Second Elections in Africa, with Illustrations from Zambia*, in, *State, Conflict, and Democracy in Africa*, edited by Richard Joseph (Lynne Publishers, UK, 1999), 380.

<sup>129</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations,(Macmillan, London, UK, 2007), 256.

<sup>130</sup> *Ibid*, 256.

their claims of having received the people's mandate.<sup>131</sup> The losers often allege that the election results were rigged or that the electoral process was flawed.

Although both sides in the election try to get the sympathetic hearing of the donor community, the opposition usually and vigorously directs their concerns to foreign aid donors since funding decisions are based on the judgments of electoral quality. These disputes often come in the post-election period and the stakes are usually high considering that most African governments rely on aid that is contingent upon free and fair elections.

The difficulty in such disputes arises from the different interests of the various audiences that are; the winning and losing, domestic and international, elite and mass who apply different standards of judgments. Often, such contestations culminate in the internationalization of the disputes.

### **2.3 The Internationalization of Governance and Democratization**

The issue of governance and democratization depends on the status of states and the degree to which a particular state aims to facilitate democracy. Although the emergence of supranational regimes namely UN including the AU and globalization, tend to erode the sanctity or inviolability of the state, a state is sovereign and has the right to make domestic law to govern.<sup>132</sup>

Shaw posits that the identifying marks of a state are a recognized body to create laws or legislate, a hierarchy of courts with jurisdiction to settle disputes and an accepted system of enforcing the laws.<sup>133</sup> The thrust is that to enhance governance and democratization, and

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<sup>31</sup> Michael Bratton and Daniel N. Posner, *A First Look at Second Elections in Africa, with Illustrations from Zambia, in, State, Conflict, and Democracy in Africa*, edited by Richard Joseph (Lynne Publishers, UK, 1999), 381.

<sup>32</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 91.

<sup>33</sup> Malcom N. Shaw, *International Law*, 4<sup>th</sup> ed. (University of Cambridge Press, United Kingdom, 1997), 2.

therefore have a legal order, a state, especially if it is a republic, ought to have a constitution which could either be written or unwritten (codified or uncoded).

Inasmuch as states are sovereign and there is no other authority or government over and above the state, Shaw posits that states voluntarily ascribe to international law and in the main uphold it but can breach it if an issue under dispute is likely to be ruled against the state.<sup>134</sup> There are certain requirements of the UN that now sway on the sovereignty and rights of the state. The UN through the approval of the UNSC can intervene in the affairs of a state if that state is a menace to international peace and stability or on humanitarian grounds according to Article 51 of the UN Charter.<sup>135</sup>

A deviation of the antecedent of humanitarian intercession is the argument that mediation for the purpose of restoring democracy is allowed as such under universal law. The US intervention in Panama in December of 1989 was premised on the reinstatement of democracy.<sup>136</sup> Despite the challenges of explaining democracy, this grounding is devoid of legitimacy in international law today given the distinct requirements of the UN Charter.<sup>137</sup>

The import of United Nations provisions on governance and democratization issues provide a guide on how states and supranational organizations relate in terms of international law. International law derives from state customary law and states voluntarily bring their disputes to the ICJ. Apart from the aforementioned interventions, the state is responsible to its citizens to govern in a manner that legitimizes the government and its continued stay in power and has no other government above it.<sup>138</sup>

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<sup>134</sup> Malcom N. Shaw, *International Law*, 4<sup>th</sup> ed. (University of Cambridge Press, United Kingdom, 1997), 2.

<sup>135</sup> *Ibid*, 8.

<sup>136</sup> O. Schachter, *The Legality of Pro –Democratic Invasion*, 78 *AJIL*, (1984), 645.

<sup>137</sup> Malcom N. Shaw, *International Law*, 4<sup>th</sup> ed, (Cambridge University Press, UK 2004), 803.

<sup>138</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations,(Macmillan, London, UK, 2007). 91.

## 2.4 Corruption in Africa

Corruption is a major vice that cripples economies and many African countries have claimed pole positions on corruption rankings.<sup>139</sup> Corruption is a symptom of bad governance and lack of democracy which deprive economies of meansintended for education, health and clean water. It distresses the poor and constrains government's ability to provide basic services.<sup>140</sup> In Nigeria, Sierra Leone, the then Zaire, Ghana and the Central African Republic, corruption was viewed as a way of life given its intensity. The absence of good structures with the strength and autonomy to deal with corruption meant that, the elite, in particular, were not held to account.

On this same issue, Mkandawire also observed that usually, the elite and their allies continued to enjoy economic benefits while the majority populace languished in poverty and were called upon to be patriotic.<sup>141</sup> Conversely, while some African headsare corrupt, there is a corruptor and a corrupted. Pinkney argues that when aid providers corrupt leaders, it caused capital flight as the elites transferred ill-gotten wealth into private accounts overseas.<sup>142</sup>

Through good governance, citizens elect or remove their representatives in government if they are corrupt and the country's laws ought to be applied without bias. Wanyama observes that, in Africa, repressive regimes ruthlessly silence the opposition through detention and outright execution and that it was a recipe for corruption due to lack of checks usually provided by the opposition and the Sudan is a typical example.<sup>143</sup>

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<sup>139</sup> *African Charter for Popular Participation in Development Transformation* (ARUSHA, 1990), *International Conference on Popular Participation in Recovery and Development* downloaded 20 /10/16, 1430 PM.

<sup>140</sup> Maina Kiai and Anthony Kuria, *Africa Human Rights, Democracy and the Global Security Agenda*, in *Rethinking Global Security*, Mwagiru and Prof. Okello Oculi, Nairobi, Kenya, (Heinrich Boll Foundation, 2006), 70.

<sup>141</sup> T. Mkandawire, *Democratization Process in Africa, Prospects and Problems*, Paper presented at the Seventh General Assembly of CODESRIA on Democratization Process in Africa, Problems and Perspectives, (Darkar, 10-14 February, 1992), 6.

<sup>142</sup> Robert Pinkney, *Democracy in the Third World*, London, (Lynne Rienner Publishers, 2003), 89.

<sup>143</sup> Fredirick O Wanyama, *Democratization in Africa, Advances and Setbacks in Africa at the Beginning of the 20<sup>th</sup> Century* by Godfrey P.Okoth, (Nairobi University Press, Kenya, 2000), 113.



In this regard, corruption and other vices such as nepotism, tribalism and regionalism present challenges to democratisation as it becomes difficult to achieve democratization without eradicating corruption and that onus was on the leadership.

## **2.5 Conclusion**

This Chapter examined the concepts of governance and democratization with the view to exposing the major tenets that probably inform the United States and other western powers to premise democratization across the world and in particular in Africa. In general, governance has underlined the need for a constitution, political structures that provide for the separation of powers and as is the case in liberal democracies, comprise the executive, judiciary and legislature. In terms of democratization, it is a process of authoritarian regime breakdown, transition to, and finally the consolidation of democracy. However, certain dynamics such as the economy and NGOs could provide a decisive negative or positive role in the entire democratization process.

## **Chapter Three**

### **An Analysis of Sanctions on Zimbabwe**

#### **3.1 Introduction**

This Chapter analyses the causes of American sanctions on Zimbabwe. The sender's perspective will be derived mainly from the content and context of US State Department ZIDERA of 2001 to decipher causes and objectives of imposing the sanctions. More often than not, the perspectives of the sender and that of the target do not converge leading to perpetuation of entrenched positions on the matter. The hypothesis is that the sanctions are not an instrument of democratization. Alternatively, the sanctions are not targeted at the leadership but at the domestic population. The American sanctions will therefore be analysed from two perspectives, that of the USA and other western countries, and that of Zimbabwe.

#### **3.2 Causes of American Sanctions on Zimbabwe**

Sanctions are imposed for a variety of causes. They can be instituted for political, economic, technological, social and environmental reasons. Goldstein posits that political reasons entail disputes associated with political ideology, governance, democratization, electoral processes, application of law, people rights, corruption, freedoms of association and expression.<sup>144</sup> Economic sanctions comprise but not limited to disputes over land, companies, trade, monetary exchange, Developmental assistance and foreign exchange markets and expenditure policies. Technological sanctions may involve weapons of mass destruction, non-proliferation, patent rights and cyber-crimes.<sup>145</sup> Social causes could include cultural issues, identity and basic human needs while environment could include wanton destruction of the environment, dumping of waste and unsustainable exploitation of resources. For Zimbabwe,

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<sup>144</sup> Joshua S. Goldstein, *International Relations*, 6<sup>th</sup> ed, India, (Delhi, 2007), 317-319.

<sup>145</sup> *Ibid*, 319.

Zimbabwe Democracy Recovery Act seemed to imply many of the afore-mentioned causes.

### **3.3 Political Causes of Sanctions on Zimbabwe**

Politically, the USA which imposed sanctions on Zimbabwe is a major power that has been attempting to universalize western democracy. The formulation of the ZIDERA was anchored on a discourse of democratic values which the target state (Zimbabwe) is being pressured to institute.<sup>146</sup> Political causes, thereof, resonate with the historical and ideological background of the targeted state.

#### **3.3.1 Zimbabwe's Historical and Ideological Background**

The history, ideology and value system of a state shape the nature of the recognition and the relationship accorded by other countries in international system. In the Cold War era, States were branded capitalist, communist, socialist or non-aligned. Third World political parties that fought for self-determination were classified according to sources of support and the Cold War divide ideologies. By implication, Zimbabwe's liberation movements namely the Zimbabwe African National Union (ZANU PF) and former Zimbabwe African People's Union (ZAPU) got much of war materials from the Eastern bloc countries, in particular China and Russia, hence were categorized by the western world as terrorist organisations and communists.<sup>147</sup>

According to Jones, the anti-communist perspective guided American and western policy from 1948 through 1988 and only sparingly did it subject to revisionist challenges to that dominant outlook.<sup>148</sup> By either design or wishful thinking and despite intelligence to the contrary by Major General Acland, Commander of the Commonwealth Monitoring Force in Zimbabwe, the British and American Governments allegedly did not expect ZANU (PF) led by President Mugabe to win the 1980 first democratic elections superintended by the British Foreign

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<sup>146</sup> Joshua S. Goldstein, *International Relations*, 6<sup>th</sup> ed, India, (Delhi, 2007), 317-319.

<sup>147</sup> Walter S. Jones. *The Logic of International Relations*, New York, (Wesley Longman, 1997), Introduction, xvi.

<sup>148</sup> *Ibid.* 493.

Commonwealth Office (FCO) that supported a western backed internal party.<sup>149</sup> According to Lord Charles Powell of the FCO, President Mugabe would never be a preferred of FCO as he was viewed as unmanageable and Marxist-Leninist from the viewpoint of the United Kingdom interests in Zimbabwe.<sup>150</sup> The shift by the British for a negotiated settlement in 1979 could therefore be attributed to the fear of losing not only political power over Zimbabwe but economic investments as well.

Chingono postulates that grievances of the liberation struggle included the land issue, universal suffrage, oppression, discrimination and self-determination.<sup>151</sup> The major grievances were the land issue, and universal suffrage which was attained in 1980 following the first democratic elections in Zimbabwe. However, Chingono further observed that the issue of land remained unresolved and under dispute despite the 1979 Lancaster House agreement that provided for willing buyer, willing seller land reform.<sup>152</sup>

### 3.3.2 Politicisation of Land and Land Reforms in Zimbabwe

The Zimbabwe Government opines that a major cause of the sanctions was the land reform programme. According to Drinkwater, Zimbabwe embarked on the fast track land reform program in 2000 to address land ownership imbalances where despite gaining independence in 1980, about 4500 white commercial farmers had continued to occupy close to seventy percent or eleven million hectares of prime agricultural land with the majority black people confined

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<sup>149</sup> Miles Tendi, *Four Decades of Underestimating Mugabe, How the British Never expected He Would Win Zimbabwe's 1980 Election*, Oxford University, accessed December 22, 2015, 6.09 pm.

<sup>150</sup> Lord Charles Powell, in Miles Tendi, *Four Decades of Underestimating Mugabe, How the British Never expected He Would Win Zimbabwe's 1980 Election*, Oxford University, accessed December 22, 2015, 6.09 pm.

<sup>151</sup> Heather Chingono, *African Journal of Political Science and International Relations* Volume 4 (2), 66-74 February 2010, online at <http://www.Academicjournals.org/ajpsir>, 2010. *Zimbabwe Sanctions, An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, Heather Chingono Review, Retrieved 2 January 2017, 1:43 PM.

<sup>152</sup> Heather Chingono, *An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, *African Journal of Political Science and International Relations* Volume 4 (2), 66-74 February 2010, online at <http://www.Academicjournals.org/ajpsir>, 2010. *Zimbabwe Sanctions, Review*, Retrieved 2 January 2017, 1:43 PM.

mainly to unfertile communal land.<sup>153</sup> Abiodun argued that efforts to address the land question through the willing buyer/willing seller had failed for two major reasons.<sup>154</sup> First and according to the Zimbabwe perspective, the British Government had failed to honor its agreement to provide adequate funding for land reform as per the 1979 Lancaster House agreement that transitioned Zimbabwe to independence. On the contrary, Fisher posits that the British argued that some of the funds that the United Kingdom had provided had been misused and land allocation was done on a partisan basis.<sup>155</sup> None the less, by 1996, the United Kingdom had provided ninety one million pounds for land reform and a further one hundred million pounds for budgetary support and a part of this last tranche again towards land reform.<sup>156</sup>

Matters seem to have gone beyond redemption when the Labor Party won elections in Britain in 1997 and declined to provide further financial assistance for land reform in Zimbabwe. According to Greste, British Secretary for International Development, Claire Short, argued that Britain did not have a special responsibility for land-buying in Zimbabwe and that the new labour government under Prime Minister Tony Blair was from assorted credentials lacking any bonds to past overseas interests.<sup>157</sup> This was a complete departure from the previous Conservative Government of Britain.

Drinkwater postulates that the British Labour Government further argued that rapid land acquisition would damage Zimbabwe's agricultural production, discourages investment let alone expressed concern about transparency of the whole land acquisition process and the modalities of

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<sup>153</sup> Michael Drinkwater, *The State and Agrarian Change in Zimbabwe's Communal Areas*, Basingstoke, (Palgrave MacMillan, 1991), 84-87 Chimgonono,

<sup>154</sup> Alao Abiodun, *Mugabe and the Politics of Security in Zimbabwe*, Montreal, (McGill Queen's University Press, 2012), 91-101.

<sup>155</sup> J.L. Fisher, *Pioneers, Settlers, Aliens, Exiles, the Decolonization of White Identity in Zimbabwe*, Canberra, (ANU E Press, 2010), 159-165.

<sup>156</sup> Online Newshour, *Land Redistribution in Southern Africa, Zimbabwe Program*, Pbs.org, Archived from the original on 1 May 2004. Retrieved on 27 January 2017.

<sup>157</sup> Peter Greste, *Africa. Why Mugabe is Deaf to the West*, BBC News, 15 April 2008, Retrieved 23 January 2017

payment of compensation.<sup>158</sup> Dzimba posits that the Zimbabwe government was also suspected of diverting some of the British funds to other sectors.<sup>159</sup> Instead the Labour government proposed to support poverty alleviation programs as an alternative effective and well managed pro-poor land reform. The Government of Zimbabwe responded with threats of compulsory acquisition of farms occupied by white commercial farmers as it suspected the British government intended to renege on the Lancaster house agreement.

Fisher submits that after a couple of hesitant land reform frameworks in 1992, 1994 and 1997, and under pressure from landless peasants and war veterans, the Government of Zimbabwe published, in June 1998, the Land Reform and Resettlement Program Phase 2 (LRRP II), to compulsorily purchase fifty thousand square kilometres from the one hundred and twelve thousand square kilometres occupied by white commercial farmers.<sup>160</sup> A donor Conference held in September 1998 and attended by forty eight countries and international organizations pledged to support the program but nothing tangible materialized. The farmers also dragged selling their land. Two major events then influenced the direction of land reform in Zimbabwe.

Rotberg suggests that the first was a draft new constitution subjected to a referendum by government under pressure from a civic organization, the National Constitutional Assembly (NCA), composed of unionists, academicians and activists mainly from the major opposition party, the Movement for Democratic Change (MDC).<sup>161</sup> Among other clauses, the one limiting presidential powers was as contentious as the other relating to the compulsory acquisition of land for redistribution without compensation. The draft constitution was rejected in a referendum in

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<sup>158</sup>Michael Drinkwater, *The State and Agrarian Change in Zimbabwe's Communal Areas*, Basingstoke, (Palgrave MacMillan, 1991), 84-87.

<sup>159</sup>John Dzimba, *South Africa's Destabilization of Zimbabwe, 1980-1989*, Basingstoke, (Palgrave Macmillan, 1998), 72-135.

<sup>160</sup>J.L. Fisher, *Pioneers, Settlers, Aliens, Exiles, the Decolonization of White Identity in Zimbabwe*, Canberra, (ANU E Press, 2010), 159-165.

<sup>161</sup>Robert I. Rotberg, Lawlessness and Dictatorship in Zimbabwe in *African Geopolitics*, Vol.1 – no –Spring 2001, OR.IMA International, France, SAIM

2000 and the landless peasants organized and led by War Veterans embarked on demonstrations (sometimes met with violence) at white owned farms in what became known as the Fast Track Land Reform Program (FTLRP).<sup>162</sup> The principle was that white-owned farms rightfully belonged to the indigent people of Zimbabwe.<sup>163</sup>

Concerned about these developments, the United Kingdom, according to Honey, argued that it had not reneged on its commitments but had since stated that land-reform in Zimbabwe was outside the ability of any one benefactor country.<sup>164</sup> The UK opines Honey, was, instead, prepared to support a modified well-managed and pro-poor land reform but could not commit to the fast track land reform program.<sup>165</sup> This seemed to have sealed the point of departure in the land reform dispute and the Zimbabwe parliament enacted a constitutional amendment initialed into law in September 2005 and the law became uncontestable as the Supreme Court of Zimbabwe judged against legal challenges to the alteration and compulsory acquisition.<sup>166</sup>

Majaka posits that the dispute was internationalised given that some of the farms affected were under the Bilateral Investment Promotion and Protection Agreement (BIPPA).<sup>167</sup> There was protest from BIPPA countries over the violation of property rights and taking over of land without paying compensation.<sup>168</sup> According to Majaka, the Government of Zimbabwe's position was that, though the British had reneged on the Lancaster House Agreement commitments, on its part, it was willing to pay compensation but did not have the financial resources to effect the

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<sup>162</sup> A. Mlambo, *Land Grab or Taking Back Stolen Land, the Fast Track Land Reform Programme, Zimbabwe in Historical Perspectiv*, (Blackwell Publishing Limited, 2005), 31.

<sup>163</sup> J.L. Fisher, *Pioneers, Settlers, Aliens, Exiles, the Decolonization of White Identity in Zimbabwe*, Canberra, (ANU E Press, 2010), 159-165.

<sup>164</sup> Sophie Honey, Spokesperson for the British High Commission in Harare, 10 June 2004, *The Zimbabwe Situation*, Retrieved 27 January. 2017.

<sup>165</sup> *Ibid.*

<sup>166</sup> *Mike Campbell (Private) limited v The Minister of National Security Responsible for Land, Land Reform and Resettlement*. Supreme Court of Zimbabwe, 22 January 2008.

<sup>167</sup> Ndakaziva Majaka, *BIPPAs Won't Stop Assets Seizure*, Daily News, Retrieved 27 January 2017.

<sup>168</sup> *Ibid.*

payments.<sup>169</sup>

The USA and the Western allies viewed the FTLRP as expropriation and failure on the part of Zimbabwean government to uphold the law and property rights, hence on 21 December 2001, the United States of America imposed sanctions under ZIDERA.<sup>170</sup> According to Section 4 (d) (3) of this Act, Zimbabwe government was to demonstrate dedication to an impartial, licit and transparent land reform coherent with accords reached at the September 1998 donor summit.

It would appear that what began as a bilateral issue between the UK and its former colony, Zimbabwe's land issue became internationalized and championed by the USA apparently in solidarity with the UK. This seems to be demonstrated by Section 6 of ZIDERA where the US Congress instructed the USA President to confer with allies in the EU, Canada and other requisite external governments on detecting and communicating information about persons accountable for the collapse of good governance, politically aggravated carnage and bullying in Zimbabwe.<sup>171</sup> In addition, the executive was to identify their assets retained out of Zimbabwe. The measures included applying travel and economic restrictions against the persons and their partners and families. What was not clear was whether associates included shareholders.

### 3.4 USA Perception of Zimbabwe

According to US State Department, the Government of Zimbabwe was violating the rule of law, proprietorship and tenure of property, and speech and association freedoms.<sup>172</sup> There was mayhem, viciousness, and coercion underwritten and disregarded, or allowed by Zimbabwe

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<sup>169</sup>Mike Campbell (*Private*) limited v *The Minister of National Security Responsible for Land, Land Reform and Resettlement*, Supreme Court of Zimbabwe, 22 January 2008.

<sup>170</sup>US State Department, *Public Law 107-99, 107<sup>th</sup> Congress, S.494, Dec.21,2001, Zimbabwe Democracy and Economic Recovery Act of 2001*

<sup>171</sup>*Ibid.*

<sup>172</sup>US State Department, *Public Law 107-99, 107<sup>th</sup> Congress, S.494, Dec.21, 2001, Zimbabwe Democracy and Economic Recovery Act of 2001, Section 6, Retrieved on 2 February, 2017.*



Government and ruling party.<sup>173</sup> In this regard, ZIDERA provided in Section 5 (a) (1) for USA support to democratic movements, the free press and media to champion regime change.

The issue of land was also highlighted where the USA Public Law pledged support for unbiased, authorised and clear procedures of land reform while the third section provided for democracy and governance programs in Zimbabwe. According to Foreign Assistance Act of 1961 (fiscal year 2002), funding worth a total of US\$26 million was already authorized for pro-democracy and civic programs.<sup>174</sup> This was probably the basis of the Zimbabwe perspective that the sanctions were a consequent of the land reform programme.

#### **3.4.1 Election and Pre-election Conditions**

According to the US State Department, the election and pre-election conditions in Zimbabwe were a cause warranting sanctions.<sup>175</sup> The American government and ZIDERA spelt out that Zimbabwe had to satisfy conditions of Presidential election that would be broadly recognised as open and just by autonomous worldwide observers and the president-elect would be at liberty to adopt the responsibilities of office.<sup>176</sup> Similarly, Zimbabwe Government was to adequately develop the pre-election atmosphere to a level harmonious with agreed international values for safety and choice of crusade and organisation. The funding provided under the Foreign Assistance Act was supposed to assist in improving the pre-election environment.

#### **3.4.2 Respect for Human Rights**

Chingono submits that the other cause of the sanctions from the USA's perspective was the lack of respect for human rights, suppression of opposition politics and the absence of good

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<sup>173</sup> *ibid*, 107.

<sup>174</sup> US Department of State, Foreign Assistance Act of 1961 for Fiscal Year 2002, in ZIDERA, Retrieved on 2 February, 2017.

<sup>175</sup> *ibid*.

<sup>176</sup> US State Department, Zimbabwe Democracy Recovery Act Public Law 107, Section 4, Retrieved on 2 February, 2017, 1230 PM.

governance and freedom of speech.<sup>177</sup> According to Masaka, the issue of human rights arose from Zimbabwe's chaotic and violent land reform, relatively violent elections since 2000, the disrespect for property and human rights and the alleged harassment of the opposition.<sup>178</sup> Chingono further posits that the Zimbabwe government felt it could not be lectured on democracy as it was them that fought for and brought it, and had been following the constitution and practicing it since attaining independence in 1980.<sup>179</sup>

Heywood posits that the constitutional document of a country specifies the bill of rights and the requisite freedoms of individuals comprising and not limited to civil, political, economic and social rights including free speech, equality before the law, freedom of religion and freedom from arbitrary arrest and imprisonment.<sup>180</sup> It is widely acknowledged that all states fall short in one or more categories of human rights as states can emphasize on some and not the others. For instance, the USA has always chastised China for using prison labor and prohibiting free speech and China criticizes the USA of racism and violence against other races in the USA.<sup>181</sup>

### 3.4.3 Zimbabwe's Engrossment in DRC War

ZIDERA specifies in Section 4 that the other cause of USA sanctions was through commercial mishandling, unconstitutional practices, and the unjustified participation of Zimbabwean military in DRC war. By doing so, the Zimbabwe Government had condemned itself unqualified to partake in International Bank for Reconstruction and Development (IBRD)

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<sup>177</sup> Heather Chingono, *Alternatives*, 2013, Turkish Journal of International Relations, Vol. 9, No. 1, Spring 2010.

<sup>178</sup> Dennis Masaka, *Paradoxes in the Sanctions Discourse in Zimbabwe, A Critical Reflection*, African Study Monographs. 33 (1), 49-71, Department of Philosophy and Religious Studies, (Great Zimbabwe University, 2012), 52.

<sup>179</sup> Heather Chingono, *An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, African Journal of Political Science and International Relations Volume 4 (2), 66-74 February 2010.

<sup>180</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup>ed. New York, (Palgrave MacMillan, 2007), 323.

<sup>181</sup> The Washington Post, People's Republic of China, State Council, *America's abominable Human Rights Conditions*, , Feb 16, 1997, C3.

and IMF programs.<sup>182</sup> The fundamental function of these institutions was to provide significant materials to aid in the retrieval and rejuvenation of economies of countries including that of Zimbabwe. The Act further pronounced that the citizens of Zimbabwe were deprived access to IBRD and IMF economic and benefits wished-for by the donors because of the unjustified DRC deployment.

According to Chingono, the Zimbabwean army's involvement in the DRC became an issue with the international community as it was viewed as an unwarranted expenditure.<sup>183</sup> The economy of Zimbabwe was at that time facing challenges with high unemployment, a falling GDP and astronomical inflation rate. However, Chingono further observes that Zimbabwe did not intervene of its own volition but under the auspices of SADC with Angola and Namibia.<sup>184</sup> The international community condemned the deployment on the basis that Zimbabwe did not seem to have any justified national interest in that country. On the contrary, the Zimbabwean government felt it had a SADC obligation to assist a member state under external aggression by Uganda and Rwanda.<sup>185</sup>

#### **3.4.4 Leadership and Governance**

The US State Department targeted the leadership of Zimbabwe which it accused of having brought untold suffering on the people of Zimbabwe through bad policies.<sup>186</sup> The suffering included poor economy, poverty, unemployment and food insecurity that resulted in

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<sup>182</sup> US State Department, *Zimbabwe Democracy Recovery Act Public Law 107*, Section 4, Retrieved on 2 February, 2017, 1230 PM.

<sup>183</sup> Heather Chingono, *Alternatives*, 2013, Turkish Journal of International Relations, Vol. 9, No. 1, Spring 2010.

<sup>184</sup> Heather Chingono, *Zimbabwe Sanctions, An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, African Journal of Political Science and International Relations Volume 4 (2), 66-74 February 2010.

<sup>185</sup> Prof. MakumiMwagiru and Prof. OkelloOculi, *Rethinking Global Security, An African Perspective*, Nairobi, Kenya. (Heinrich Boll Foundation, 2006), 259.

<sup>186</sup> US State Department, *Zimbabwe Democracy Recovery Act Public Law 107*, Section 6, Retrieved on 2 February, 2017, 1230 PM.

Zimbabweans leaving the country for greener pastures mostly to South Africa and western countries.

In a nutshell, the USA and EU maintain that restrictions enforced on Zimbabwe were smart sanctions targeted on individual Zimbabwe officials and entities aligned to the government in conformity with Section 6 of ZIDERA that sought to hold accountable individuals who had been answerable for brutality and the breach of the exigencies of law in Zimbabwe.<sup>187</sup> The import of the smart punitive measures was to identify and freeze the resources of the persons outside Zimbabwe and execute movement and trade sanctions against them, their associates and families. The assets freeze accounted for 160 thousand British pounds in the United Kingdom and initially a total of 126 people on the travel restriction ban, mostly government officials.<sup>188</sup>

The same Act in Section 4(c) empowers the Treasury Secretary to instruct the USA decision-making executives of individual global financial organisations to deny and poll against any extension by the particular institution of any credit, advance or guarantee to the Zimbabwe Government and any annulment or discount of Zimbabwe Government's indebtedness to the USA or any international financial institution.<sup>189</sup> This order, included institutions such as ADB, IMF and WB which are instrumental in development programs for all member states including Zimbabwe.

Section 4 further notifies that in September 1999, the IMF had already suspended the standby arrangement that had been approved for variation of the economy and other reforms in Zimbabwe. This was well before the official imposition of the sanctions. Similarly, the

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<sup>187</sup> *Ibid.*, 6.

<sup>188</sup> Heather Chingono, *Zimbabwe Sanctions, An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, African Journal of Political Science and International Relations Volume 4 (2), 66-74 February 2010, online at <http://www.Academicjournals.org/ajpsir>, 2010, Review, Retrieved 2 January 2017, 1430 PM.

<sup>189</sup> US State Department, *Zimbabwe Democracy Recovery Act Public Law 107*, Section 4, Retrieved on 2 February, 2017, 1230 PM.

International Development Association (IDA) had deferred all structural adjustment loans and guarantees to the Government of Zimbabwe by 1999 and in 2000, IDA had suspended all new lending and disbursement funds.<sup>190</sup> The suspensions included financial and expert backing to Zimbabwe. It is probably in this dimension that the Zimbabwe Government draws its argument that the sanctions were not targeted but comprehensive and mostly economic in nature contrary to the USA and EU perspective.

### **3.5 An Analysis of American Sanctions from the Zimbabwe Perspective**

The perspectives of Zimbabwe and USA differ on the causes and even in the form of the imposed sanctions. The sender argues that the sanctions are smart while the target of the sanctions (Zimbabwe) categorises them as comprehensive economic sanctions.<sup>191</sup>

According to Hondora, the United States and EU sanctions blocked the country from accessing international financial facilities and markets which are instrumental in recovering and modernizing economies.<sup>192</sup> Invariably this would affect the entire economy and developmental programs, on which Zimbabwe relied for development assistance. The Government of Zimbabwe shared this perspective and deduced that the targeted sanctions were in fact economic sanctions disguised to achieve regime change by causing resentment among the population. The Zimbabwe Government surmised that the disguised smart sanctions were modeled to have the impact of comprehensive trade, financial, undeclared and arrears triggered sanctions.<sup>193</sup>

#### **3.5.1 Trade Sanctions**

Trade sanctions which ordinarily take the form of quantitative restrictions and embargoes

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<sup>190</sup> US Public Law 107-99-Dec. 21, 2001 *Zimbabwe Democracy and Economic Recovery Act of 2001*, Section 4

<sup>191</sup> Reserve Bank Governor, *Policy Statement on Nature and Effects of Sanctions*, (GOZ, 2000).

<sup>192</sup> T. Hondora, *Economic Sanctions Undermine Zimbabwe's Economy*, Online <http://www.newzimbabwe.com/page=/sanctions32.13170.html> (Retrieved January 28, 2017).

<sup>193</sup> Government of Zimbabwe (GOZ), *Zimbabwe Millennium Economic Recovery Programme*, (Government Printing Press, 2000).

have the characteristic of limiting the country's exports and restricting its imports. The case of Zimbabwe can be compared to trade sanctions which were imposed on countries like Iran, Iraq, South Africa and Rhodesia which had the same effect though they were comprehensive economic sanctions in nature. Jenkins posits that the trade embargoes by the international community to these countries were imposed in order to influence domestic political changes of discrimination and oppression.<sup>194</sup> For Iraq and Iran, it was a case of suspected nuclear materials and weapons proliferation and sponsoring terrorism. However for South Africa and Rhodesia, the USA continued to trade with both countries secretly.

In Zimbabwe's case, trade sanctions through ZIDERA of 2001, denied access to foreign lines of credit hence frustrated financing of external trade. The objective could have been to cause a shrinking of the export market and competitiveness through sanctions induced adverse conditions.

### **3.5.2 Economic and Financial Sanctions**

According to Gono, financial sanctions as part of ZIDERA restricted the flow of finances meant for aid, immediate and medium term credit, hence lessening the movement of foreign currency.<sup>195</sup> When government and the private players have no access to foreign funding, commerce and trade suffer. The multiplicity effects of economic restrictions range from a bad country image which inter alia attracts a high risk payment on foreign lines of credit, and in the long term, scare away potential investors leading to a credit squeeze in future.

The fact that the West imposed sanctions that are opaque and veiled makes it difficult for the economy of Zimbabwe to explicitly find solutions. This constrains the country's capacity to

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<sup>194</sup> Jenkins, S., *Sanctions are a coward's war. They only boost brutal rulers.* 11/12/2009 22:59:36, Retrieved 2 January 2017, 1350 PM.

<sup>195</sup> Gideon Gono, *Commentary on the Zimbabwe Accelerated Arrears Clearance, Debt and Development Strategy*, 2012.

generate foreign currency let alone lure investors. Restrictive measures purportedly directed towards government officials and the elite in society affect trade, interrupt financial flows given that those targeted control and guide economic policies. If they are inhibited, it disrupts the entire economy's foreign exchange producing capacity, as well as limit economic activity in a broad sense.

### **3.5.3 Delayed Debt on Loan Repayment**

Coltart posits that the deferment of technical assistance, balance of payment support and credit was caused by the failure of the Zimbabwe Government to service its debts with the WB and IMF as from 2000.<sup>196</sup> The failure to pay arrears could have been triggered first by the withdrawal of the various credit facilities by global financial houses including the WB and IMF. According to the former RBZ governor, the WB and IMF ignored the fundamental truth that continued BOP support was critical for creating export capacity which would subsequently cause the repayment of debts and loans.<sup>197</sup>

In light of the clout that the IMF and WB yield in economic and finance circles, Robertson postulates that potential investors whether from the West or East would tread carefully and were bound to either reduce their investment or withdraw altogether.<sup>198</sup> This was reminiscent of Western countries that chose to squeeze Zimbabwe's trade avenues by stopping even disbursement of loans under the bi-lateral arrangements.

## **3.6 Conclusion**

This chapter highlighted the causes and nature of the American sanctions and the attendant

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<sup>196</sup> David Coltart, *A Decade of Suffering in Zimbabwe: Economic Collapse and 1999 Congressional Evidence of* Richard Haass of Brookings, US State Department 2002.

<sup>197</sup> Reserve Bank of Zimbabwe (RBZ), *Sanctions*, [http:// www.rbz.co.zw/pdf/2007mid/imp1-7.pdf](http://www.rbz.co.zw/pdf/2007mid/imp1-7.pdf) . Retrieved 2

January 2017, 12:30PM.

<sup>198</sup> John Robertson, *Economic Situation of Zimbabwe*. 2009, Retrieved 3 January 2017, 16:40 PM.

different perspective of the sender and target of sanctions. The sender regarded the sanctions as targeted against individuals and institutions that perpetrated and abetted undemocratic practices in Zimbabwe. The Government of Zimbabwe's position was that it brought and was practicing democracy hence the sanctions were disguised to effect regime change due to the dispute on the fast track land reform program. The next chapter will examine the effects of the US sanctions.



## Chapter Four

### The Effects of American Sanctions on Zimbabwe

#### 4.1 Introduction

This Chapter focuses on the effects of the American sanctions on Zimbabwe. Sanctions are instrumental in achieving a certain predetermined outcome. They could succeed or fail and could even produce unintended outcomes. The objective of the USA through ZIDERA was to assist the people of Zimbabwe effect peaceful democratic change and possibly cause instability and remove their government through protests similar to the 'Orange revolution' or 'Arab spring'.<sup>199</sup> The targeted Zimbabwe government had given land to landless black people and had broken the monopoly of landholding by a few white farmers. The people of Zimbabwe were then expected to revolt against that same government.

To decipher the effects of the American sanctions, the chapter drew a comparison based on two periods; the pre-sanctions (1980 to 2000) and the sanctions era (2001 and beyond). From the Zimbabwean experience, the sanctions produced a myriad of effects that were, inter-alia to assist Zimbabwe achieve economic growth and democratisation.

#### 4.2 Flight of Foreign Capital Investment

According to Gono, from 2001 and beyond, the IMF, ADB and WB suspended foreign capital investment and loans to Zimbabwe at the time that ZIDERA went into effect.<sup>200</sup> This was contrary to the pre-sanctions period (1980 to 1999), where Zimbabwe had received US\$522 million from the IMF, US\$524 million from ADB and US\$1.3 billion from the WB

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<sup>199</sup> US State Department, Zimbabwe Democracy Recovery Act of 2001.

<sup>200</sup> Gideon Gono, The Nature and Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>. Retrieved on 2/7/2017 at 7:51PM.

developmental assistance.<sup>201</sup> Bennett posits that the suspension was technically based on Zimbabwe's insolvency to timeously pay arrears to the multinational institutions and merely coincided with the sanctions implemented by the USA and EU.<sup>202</sup> The suspension corresponded with the dispute over the land reform programme and democracy issues raised by the USA.<sup>203</sup> Shaoul argues that the deferment of the Balance of Payments (BOP) including finance support for projects by the ADB in 1998, the IMF in 1999 and World Bank in 2001 was a reflection of the American sanctions since the land issue was politicised.<sup>204</sup> According to Gono, this exerted undue pressure on reserves of foreign exchange which declined from a three to a one month cover by the year 2006.<sup>205</sup>

It might not be surprising therefore, that the scarcity of foreign currency affected the nation's capability to meet external currency obligations for critical imports ranging from electricity, fuel, raw materials, grain and drugs. The lack of foreign currency ballooned external payment debts from US\$109 million in 1999 to US\$2.5 billion by 2006 and the inflows of grants declined from US\$ 138 million in 1990 to US\$39.9 million by 2006.<sup>206</sup> The ripple effect on Zimbabwe was poor credit rating by the IMF and WB for the external sector and this led to further suspension of external finance by bilateral, multilateral and other donor sources that relied on the recommendations of the same institutions and conformed with the dictates of ZIDERA of 2001.

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<sup>201</sup> Gedion Gono, *The Nature and Effects of Sanctions*, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>202</sup> R. Bennett, *International Business*, Second Edition, London, (Guildhall University, 1988), Pearson. E. Bloch, *Perplexing Sanctions Puzzle*, January 21, 2010 in *Opinion*, Zimbabwe Independent.

<sup>203</sup> Alao Abiodun, *Mugabe and the Politics of Security in Zimbabwe*, Montreal, (Queen's University Press, 2012), 91-101.

<sup>204</sup> Jean Shaoul, *IMF Tightens the Screws on Zimbabwe*, 18 August 1999, accessed at <https://www.wsws.org/en/articles/1999/08/zimb-a18.html> on 10/2/17 at 15:17PM.

<sup>205</sup> Gedion Gono, *The Nature and Effects of Sanctions*, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>206</sup> Ibid.

The Zimbabwe government, however, maintained that prior to the sanctions, the country serviced its debts timeously, had maintained a surplus in the current account and only started having deficits when ZIDERA of 2001 went into effect.<sup>207</sup>

#### 4.3 Subdued Access to Lines of Credit

According to the RBZ, during the pre-sanction period 1980 to 1999, loans to Zimbabwe had increased from US\$134.3 million to US\$480.3 million but plummeted to US\$ 49.3 million between 2001 and 2006 due to the risk profile, attributed to ZIDERA.<sup>208</sup> The targeted sanctions adversely profiled the image of Zimbabwe leading to reduced access to lines of credit with international financial markets. The Confederation of Zimbabwe Industries (CZI) argued that private companies also found it difficult to get loans, had to pay cash for imports and when they managed to secure credit lines paid higher and prohibitive interest rates because of the bad country image.<sup>209</sup> Zimbabwe has been running a cash economy which was not good for business since it reduced the working capital and later introduced liquidity challenges. This made business unsustainable and uncompetitive in terms of labor costs, capacity utilization and declining export performance. The instrumentality effects of sanctions included retrenchment of workers, emigration of skilled labour and declining standards of the livelihoods of the population.

ZIDERA impeded business and restricted industrial financial resilience by constraining Zimbabwe Government and private players' access to external funding. The sanctions caused undesirable views, increased investment risk profile, attracted high premiums on offshore credit lines and scared alternative creditors as they predicted credit strangulation in future.

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<sup>207</sup> Reserve Bank of Zimbabwe, The Nature and Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>208</sup> Z. Seldon, Economic Sanctions as instruments of American Foreign Policy, Preger, (Westport, CT, 1999), 14.

<sup>209</sup> Confederation of Zimbabwe Industries, Annual CZI Manufacturing Sector Survey 2013 available at <http://www.czi.co.zw/images/documents/Surveys.pdf>, Retrieved on 10/2/2017 at 1540PM.

#### 4.4 Declining Foreign Direct Investment

According to Gono, during the pre-sanctions period, FDI increased from US\$8 million to an average of US\$95 million by 1999 but reduced to US\$23, 2 million in 2000, and US\$3, 8 million between 2001 and 2003 before marginally picking up in 2004 to \$8, 7 million and US\$20.4 in 2006.<sup>210</sup> The drastic reduction could have had serious implications given that FDI is a critical component of a growing economy and impacts on BOP position. The negative perceptions brought about by the risky profile discouraged Multinational Corporations such as Anglo-American from investing in the country.<sup>211</sup> According to the Zimbabwe Government, over US\$ 42 billion was lost in terms of industrial and trade revenue in over a fifteen years of restrictive measures.<sup>212</sup>

#### 4.5 Subdued Trade

Zimbabwe's exports were not spared either. They declined from US\$2.176 million in 2002 to US\$1.600 million in 2008 and as a result, the country's export markets contracted amid international competition exacerbated by bad publicity, reduced industrial capacity and the expanding sovereign risk.<sup>213</sup> Conversely, imports increased from US\$1.7 million to US\$2.6 million in 2008 due to the declining industrial performance.<sup>214</sup>

The phenomenon is a reality of sanctions which had similar effect Iran, Iraq, South Africa, Libya and Rhodesia under United Nations trade sanctions.<sup>215</sup> Zimbabwe's case was

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<sup>210</sup> Gedion Gono, *The Nature and Effects of Sanctions*, accessed at <http://www.resz.co.zw/assets/lm-san.pdf>, Retrieved on 2/7/2017 at 7:51 PM.

<sup>211</sup> *Ibid.*

<sup>212</sup> Government of Zimbabwe, Ministry of Finance and Economic Development, *Treasury State of the economy Report*, (Harare, May 2014).

<sup>213</sup> B. Mbanje, and D.N. Mahuku, *European Union Sanctions and Their Impacts on Zimbabwe 2002-2011*, Finding Alternative Means to Survive, Sacha, J., *Policy Strategic Study 2011*, 1:1-12.

<sup>214</sup> Confederation of Zimbabwe Industries, *Annual CZI Manufacturing Sector Survey 2013* available at <http://www.czi.co.zw/images/documents/Surveys.pdf>, Retrieved on 10/2/2017 at 1540PM.

<sup>215</sup> Z. Seldon, *Economic Sanctions as instruments of American Foreign Policy*, Preger, (Westport, CT, 1999), 14.

exacerbated by its exclusion from benefitting from the USA African Growth and Opportunity Act (AGOA) of 2000 that gave incentives to African countries that pursued free market economy, accepted political pluralism, maintained open economies and observed the rule of law and human rights.<sup>216</sup> While parts of Africa has generated investments over a billion United States dollars and created jobs, Zimbabwe did not benefit from this initiative due to the sanctions.<sup>217</sup>

#### 4.6 Declining Economic Performance

According to the Ministry of Finance, prior to sanctions (1987 to 2000), Zimbabwe's GDP performance was on an upward trend.<sup>218</sup> On average, the GDP of Zimbabwe grew by approximately 4, 5% during 1980 to 1999.<sup>219</sup> In the period 2001-2012, Zimbabwe experienced subdued economic growth and performance due to risky profile, the sanctions, intermittent droughts, and world economic recession.<sup>220</sup> There was a decline in economic growth prospects with the least being minus 15 percent in 2008 and marginally improved in 2009 following the introduction of multi-currency.<sup>221</sup>

The perplexing nature of sanctions prompted Lundblad and Rosenqvist to conduct a research on elements that influence economic performance. Among the findings, economic freedom, the population demographics, corruption index, health of the population and the levels of education were critical to a robust economy.<sup>222</sup> The outstanding factors to a good performance

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<sup>216</sup> US Government, African Growth and Opportunity Act of 2000 in Trade and Development Act of 2000.

<sup>217</sup> Reserve Bank of Zimbabwe, Effects of sanctions, <https://www.rbz.co.zw/assets/im-san.pdf>, Retrieved 6 February 2017, 14:00PM.

<sup>218</sup> Ministry of Finance, The Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>219</sup> Zimbabwe Government, Ministry of Finance Report, <https://www.zimtreasury.gov.zw>, Retrieved 5 February 2017, 10:00AM.

<sup>220</sup> CIA (US), <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>, Retrieved 7 February 2017, 1041 PM.

<sup>221</sup> Government of Zimbabwe, Ministry of Finance and Economic Development, 2014, Treasury State of the Economy Report, May 2014. 2012).

<sup>222</sup> Lundblad, Therese, and Johan Rosenqvist, *Utvecklingslanders ekonomiska tillvaxt*. Bachelor Thesis, Huddinge, (Soderton University, 2003).

of an economy were the need for FDI and democracy. Wixie posits that technology and adaptation to globalisation as key in a research on Sweden's economy in the next 70 years from 1980.<sup>223</sup> The importance of technology was under scored by the need to make labour and capital more efficient. This was amply highlighted during the industrial revolution that began to produce skilled workers to use new technology.<sup>224</sup> While Zimbabwe had some of the requisite fundamentals, from the domestic perspective, FDI and exports remained constrained and corruption soared.

A common feature of the Zimbabwe economy was the increase in South African exports to Zimbabwe as from 2000. The Centre for African Studies postulates that in 2008 Zimbabwe exported 36.1 percent but imported 52 percent of goods from South Africa giving a trade deficit of 15.9 percent.<sup>225</sup> Coupled with the deficit, infrastructure and parastatal services in the transport, water and energy sectors deteriorated further depriving common good services to the population and industry. It is observed that Zimbabwe's economic performance in production, service delivery and trade was low during the sanctions as it traded in raw materials in a limited market. In this regard, Bennett observed that a country that endeavours to attain growth should aim to export value added products to realize optimal value from natural resources.<sup>226</sup>

The effects discussed above could not be all attributed to sanctions. According to Gundani, there was evident and self-induced decline in Zimbabwe's fiscal flexibility.<sup>227</sup> The public sector bill was critical factors that increased government budget faster than economic

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<sup>223</sup> S. Wixie, *The Effect of Globalisation on Swedish Growth- A Study of the years 1980 to 2050*. Bachelor Thesis, Linköping: (Linköping University, 2009)

<sup>224</sup> Lundblad, Therese, and Johan Rosenqvist, *Utvecklingslandens ekonomiska tillväxt*. Bachelor Thesis, Huddinge, (Soderton University, 2003).

<sup>225</sup> Illinois, Center for African Studies, *Resources from and Exporting to Africa, 2008*, accessed at <http://www.afrst.illinois.edu/outreach/business/imports>, Retrieved on 13/2/2017 at 8:57 PM.

<sup>226</sup> Bennett, R. 1988 *International Business*, Second Edition, London Guildhall University, Pearson.

<sup>227</sup> Kipson Gundani, *Buy Zimbabwe into the Mid-Term Budget*, accessed at <http://www.herald.co.zw/> Retrieved on 8/2/2017 at 8:20 Pm.

growth and inflation.<sup>228</sup> Although the Government is naturally the biggest single employer in most African states, the imbalance created by astronomical recurrent expenditure deprived other critical economic and social sectors which did not rely on donor funding.

#### **4.7 Reduced Donor Funding**

NGOs are fundamental particularly in a developing economy. They are critical in bridging outlays of public sector investment where they mainly focus on the poor populations. However, they are usually accused of pursuing their countries agenda and the US and European countries are usually cited as the main culprits. According to ZIDERA the NGOs were equally bound to conform to the objectives of the punitive measures.<sup>229</sup> The Ministry of Finance submitted that NGOs' withdrawal was more visible in the reduced flow of donor funding in development programs and the few NGOs that remained in Zimbabwe readjusted policies to align with donor requirements.<sup>230</sup> The end result, was that the NGOs scaled down their programmes by reducing funding or terminated them altogether. Most Western donors withdrew in 2001 coinciding with the imposition of the US sanctions and this had a devastating effect on employment as workers got retrenched.<sup>231</sup> Consequently, Zimbabwe resorted to local resources to fill the gaps created by NGOs departure.<sup>232</sup>

It can, therefore, be observed that although concentration of donor funding seemed to have been focusing on minor service delivery concerns, it was pivotal in augmenting government developmental programmes in the areas of health, education and provision of basic amenities.

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<sup>228</sup> Central Intelligence Agency, the fact book-Zimbabwe, February 2008 [http://www.cia.gov/library/publications/the\\_world\\_fact\\_book/geos/iz.html](http://www.cia.gov/library/publications/the_world_fact_book/geos/iz.html), Retrieved 14/2/2017 at 1450PM.

<sup>229</sup> Gedion Gono, The Nature and Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>.

Retrieved on 2/7/2017 at 7:51PM.

<sup>230</sup> GoZ, Ministry of Finance and Economic Development, 2014, Treasury State of the Economy Report, May 2014. 2012).

<sup>231</sup> Ibid.

<sup>232</sup> Zimbabwe Government, Ministry of Finance Report, <https://www.zimtreasury.gov.zw>, Retrieved 5 February 2017, 10:00AM.

When there is harmony between government and NGOs, aid is channeled through government but that changed, as was the case with ODA where NGOs ended up getting support direct from the donor organizations with very stringent and impractical conditions that caused other NGOs to translocate. In Zimbabwe's case, development assistance that was once earmarked for the country was diverted to other countries.<sup>233</sup> Reduced donor activity, therefore, adversely affected the targeted vulnerable population groups, infrastructure development and exposed Zimbabwe to budget deficits and debts.

#### 4.8 Failure to Service Debt Arrears

According to Biti, the flight of capital, subdued production, withdrawal of aid and low trade had a trickle-down effect on servicing of debts to multinational institutions hence arrears accrued over the years and by May 2013, Zimbabwe's external debt stood at US \$10.7 billion.<sup>234</sup> It became a constraint to the growth of the economy and GDP. Of the total debt, Zimbabwe owed the IMF US\$140 million, World Bank US\$ 807 million, and US\$510 million to ADB group as at 31 December 2011.<sup>235</sup> According to Jenkins, a country under sanctions was likely to accrue debts due to diminished trade, GDP and FDI.<sup>236</sup>

The WB Report concurred with Jenkins' submission by admitting that the drastic decline in foreign currency earnings due to restrictive measures from 2001 increased the external arrears and made Zimbabwe ineligible for financing from bilateral and multilateral institutions.<sup>237</sup> Consequently, the IMF and the WB suspended BOP support, technical assistance, loans and

<sup>233</sup>J. Robertson, Economic Situation of Zimbabwe: <https://www.TheZimbabwean.co/2008/07/1-robertson-g-zim-economi-crystal-ball> downloaded 9/4/2016, 12:56PM

<sup>234</sup>Tendai Biti, Rebuilding Zimbabwe, Lessons from a Coalition Government, Center for Global Development 2015. Pdf, Retrieved on 10 February 2017 at 2:50PM.

<sup>235</sup>Gedion Gono, The Nature and Effects of Sanctions, Reserve Bank of Zimbabwe, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>236</sup>S. Jenkins, Sanctions are a coward's war. They only boost brutal rulers. 11/12/2009 22:59:36.

<sup>237</sup>The World Bank, Zimbabwe Overview, accessed at <http://www.worldbank.org/en/country/zimbabwe>. Retrieved on 10/2/2017 at 15:36.



credits to the country on 25 September 2001 and 2 October 2000 respectively.<sup>238</sup> Under such circumstances, credit was not accessible in the form of long term loans but in the very short term at very high premiums. The suspension of BOP support where debts continued to accumulate could have been done gradually to allow the country to put its economy back on track.<sup>239</sup> The measures seemed, therefore, to suggest an ulterior motive by the multi-national institutions.

The fact that the WB and IMF were averse to the country's credit worthiness influenced other players to also shun Zimbabwe and where they did not, they set stringent loan conditions. The WB and IMF are highly rated in their recommendations of investment destinations. Zimbabwe's dormant interactions with the Western countries meant that most machinery of western origin became obsolete due to lack of spares. The matter was made worse by the discontinuance of bi-lateral agreements. In the past, donors used to write-off debts of developing countries but given ZIDERA and the failure by Zimbabwe to pay IMF and WB technically augmented the USA sanctions.

#### 4.9 Hyperinflation and Zimbabwe Dollar

Although Zimbabwe once experienced currency instability in 1990 (before the sanctions), the turbulence of inflation was more pronounced during the sanctions era with hyperinflation in 2008 to 2009 reaching a peak estimate of 79.6 billion as of November 2008 with US\$1 being equivalent to over Two Billion Zimbabwe dollars.<sup>240</sup> The hyperinflation was magnified by the printing within one year, of bills spanning from ten dollars to one hundred billion Zimbabwe dollar. Analysts such as Hanke and Kwok observed that the grand hyperinflation coincided with

<sup>238</sup> Gideon Gono, The Nature and Effects of Sanctions, Reserve Bank of Zimbabwe, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>239</sup> Zimbabwe Government, Ministry of Finance Report, <https://www.zimtreasury.gov.zw>, Retrieved 5 February 2017, 10:00AM.

<sup>240</sup> Steven Hanke and A. Kwok, On the Measurement of Zimbabwe's Hyperinflation, *Cato Journal* 29 (2).

the period of land reform dispute and deployment of Zimbabwe troops to DRC. The collateral effects of hyperinflation included a drastic reduction in food production by 45 percent, manufacturing by 27.6 percent between 2005 and 2007 while unemployment was at 90 percent.<sup>241</sup> Life expectancy also dropped.<sup>242</sup> The RBZ attributed hyperinflation to sanctions, extraordinary policies and devaluation of the Zimbabwe dollar.

The Zimbabwe dollar was mothballed when it lost value due to galloping inflation, thriving black market and subdued industrial performance.<sup>243</sup> The country experienced a liquidity crunch with companies closing shop causing reduction of the tax base. Government stimuli of injecting liquidity in the market through printing money was an unviable option in light of hyperinflation, hoarding of goods, black market and corruption that suppressed any turnaround. MNCs were unwilling to invest in Zimbabwe where interest rates were very high and conservative marginal efficiency of markets was impossible and repatriation of profits was futile.

The introduction of a multi-currency regime brought some relief to the precarious financial situation. However, use of multi-currency including the USA dollar attracted investors mostly in the retail sectors who exploited the investment opportunity to externalize the United States currency leading again to shortages of the currency in Zimbabwe. The end-result was that government struggled to pay salaries of the civil service and shelved programmes which were meant to mitigate poverty.

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<sup>241</sup> United Nations Food and Agriculture Organisation and World Food Programme, Special Report, Crop and Food Security Assessment mission to Zimbabwe, June 22, 2009 and USAID, Zimbabwe-Complex Emergency, Situation Report #1, Fiscal Year (FY) 2010, April 26, 2010.

<sup>242</sup> Marshall Auerbeck, Will the US Turn into a Modern Day Weimar Germany?, pdf, Netrootmass.net. Accessed at [http://www.netrootmass.net/wordpress/mashall\\_auerbeck](http://www.netrootmass.net/wordpress/mashall_auerbeck). Pdf, Retrieved 11 February 2017 at 6:30 PM.

<sup>243</sup> The Economist, Zimbabwe a Worthless Currency, Edition, 17 July 2008, accessed at <http://www.economist.com/node/11751346?story-cd-elttsvtog>, Retrieved on 11 February 2017, at 3:40 PM.

#### 4.10 Rising Poverty and Unemployment

According to Gono, sanctions contributed to a myriad of social challenges including poverty, unemployment. A high rate of unemployment then led to informal commerce, smuggling across borders, school drop-outs, juvenile delinquency and political patronage.<sup>244</sup> There was a visible sign of a subjugated economy and attempts were made to resuscitate it through value addition and beneficiation of natural resources. The government also adopted the 'Look East Policy' which did not immediately yield the desired economic growth though it assisted the state to stay afloat and hoping that the 'Look East policy' would be fruitful in the long term.<sup>245</sup>

Poverty and unemployment rates increased to over 80 percent from a modest 40 percent before sanctions while infrastructure and general service delivery declined to unprecedented levels.<sup>246</sup> Hyperinflation was a major contributor to poverty and unemployment between 2003 to April 2009 when the inflation rate reached 231 million percent.<sup>247</sup> Such a huge inflation rate was a shock to Zimbabwe surpassing that of Germany during 2<sup>nd</sup> World War. The low formal economic activity and the attendant restrictions on trade by traditional western partners had an effect on rates of poverty and employment.

#### 4.11 Restrictions on Imports and Exports

Since 2001, Zimbabwe was unable to purchase new equipment from the traditional western manufacturers and despite several initiatives to entice investment partners and FDI,

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<sup>244</sup> Gedion Gono, *The Nature and Effects of Sanctions*, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, Retrieved on 2/7/2017 at 7:51PM.

<sup>245</sup> B. Mbanje, and D.N. Mahuku, *European Union Sanctions and Their Impacts on Zimbabwe 2002-2011*, Finding Alternative Means to Survive, Sacha, J., Policy Strategic Study 2011, 1:1-12.

<sup>246</sup> *The Economist*, *Zimbabwe A Worthless Currency*, Edition, 17 July 2008, accessed at

<http://www.economist.com/node/11751346?story-cd=eltt:vtngg>, Retrieved on 11 February 2017, at 3:40 PM.

<sup>247</sup> Tendai Biti, *Rebuilding Zimbabwe, Lessons from a Coalition Government*. Center for Global Development 2015. Pdf. Retrieved on 10 February 2017 at 2:50PM.

nothing tangible materialized.<sup>248</sup> The difficulties in importing new machinery, technologies and spare parts for traditional western factory equipment caused the continued utilization of old technology and equipment. The United Kingdom for instance, put stringent import and export measures for equipment and machinery both on Zimbabwean importers and British exporters.<sup>249</sup> Henk cited the vital nature and underpinning of a good industrial base and technology to grow the economy to mitigate against sanctions.<sup>250</sup> Industrialisation requires a huge capital outlay and Zimbabwe has been struggling to re-capitalise industry to increase exports.

Apart from imports and exports of technology, Zimbabwean companies such as ZMDC and Anjin had some of their funds held up and possibly confiscated by the US State OFAC, and some private companies also indicated that they were encountering hurdles in sourcing off-shore finance for recapitalization.<sup>251</sup> According to the CZI, the manufacturing sector's industrial utilization volumes reduced from 35.8 percent in 2005 to 18.9 percent in 2007 and below 10 percent by 2008.<sup>252</sup> The reduced industrial performance had a ripple effect on government revenue.

#### **4.12 Declined Fiscal Budgetary Support and Budget Deficit**

The declined fiscal budgetary support compelled Zimbabwe to finance the budget deficit from inflationary domestic bank sources and according to the Reserve Bank of Zimbabwe,

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<sup>248</sup> The Federalist.com/2015/12/14/ how-economist-sanctions-affect-poor-people/ Retrieved on 2/7/2017 at 7:31PM.

<sup>249</sup> UK Government Department of International Trade Export Control Organization Foreign and Commonwealth Office accessed at <https://www.gov.uk/topic/business-enterprise/importing-exporting>. Retrieved on 12 February 2017, 1:32PM.

<sup>250</sup> D. Henk, Guns and Butter, Reframing South Africa's Arms Industry, African Security Review, Volume 13 Number 3, Institute of Security Studies, South Africa (Pretoria, 2004), 13.

<sup>251</sup> Confederation of Zimbabwe Industries, 2013, Annual CZI Report, The Manufacturing Sector Survey, 2013, available at [http://www.czi.co.zw/images/Documentary/Survey\\_2013.pdf](http://www.czi.co.zw/images/Documentary/Survey_2013.pdf), Retrieved on 8/2/2017 at 7:50PM.

<sup>252</sup> Confederation of Zimbabwe Industries, The manufacturing Sector Survey on Industrial Utilization Capacity, accessed at <http://www.czi.co.zw/images/Presentations/2011/pdf>, Retrieved on 8/2/2017 at 6:13PM.

average domestic financing rose from Z\$489 thousand in 1980 to 1989, Z\$5, 8 million between 1990 and 1999 ,and Z\$8. 4 million in 2000 to 2006.<sup>253</sup> The external budgetary support ceased completely as from 2001 while other states in SADC continued to be supported from international donor community. This probably demonstrates the instrumentality effect of the targeted sanctions where in 1980 to 1989, Zimbabwe, through foreign financing had a surplus of Z\$168, 6 thousand and subsequent deficits of Z\$332,1 thousand in 1999 and Z\$1, 759.9 million by 2006.<sup>254</sup> The budget deficit was a reflection of declining support from the donor community most of whom withdrew in 2001.

#### **4.13 Reduced Support for Agriculture and Services Sectors**

The donor community stopped funding agriculture, education, transport and health services sectors' development programmes at the beginning of the fast track land reform. In particular, DANIDA used to support agriculture by US\$ 15.4 million focusing on policy formulation, forestry conservation and growth, developing comprehensive marketing systems, schemes for irrigation and income generating activities.<sup>255</sup> The program was suspended when ZIDERA was enacted in 2001 thereby affecting food security in Zimbabwe.

In 2000, the Swedish government stopped funding an education sector support program started in 1996 worth Sek 95 million (US\$ 13.9 million) which augmented provision of books, building materials and refurbishment of schools, special education needs and addressing gender

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<sup>253</sup> Reserve Bank of Zimbabwe, Financing Budget Deficit, accessed at <https://www.rbz.co.zw/assets/im-san.pdf>, Retrieved 6 February 2017, 14:00PM.

<sup>254</sup> Ibid, RBZ.

<sup>255</sup> Gideon Gono, The Nature and Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>, retrieved on 2/7/2017 at 7:51PM.

imbalance.<sup>256</sup> The withdrawal was even extended to private universities such as Africa University that was denied access to computers from American Information Technology (AIT) education.

In the transport sector, DANIDA did not follow through its 2000 transport sector support program pegged at US\$ 48 million due to sanctions.<sup>257</sup> The intervention's focus was rural areas rehabilitation, road maintenance and institutional support for the road sector. This would have created employment, given opportunities for enhancing entrepreneurial initiatives and service delivery to rural communities and the training of indigenous small scale road contractors. The rehabilitation works' program could have benefited Zimbabwe by US\$ 15.1 million over and above employment creation.

The Zimbabwe health sector was the most affected because it was bound to get support from DANIDA as from 2000 to the value of US\$ 29.7 million and from the Swedish Government US\$ 6.4 million.<sup>258</sup> The programs were aimed at supporting health and child welfare, HIV/AIDS activities, provision of essential drugs, and water and sanitation. Due to sanctions, the program was discontinued in 2000 and the WHO relocated its offices to Congo Brazzaville leading to loss of employment for Zimbabweans.<sup>259</sup>

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<sup>256</sup> Reserve Bank of Zimbabwe, Financing Budget Deficit, accessed at <https://www.rbz.co.zw/assets/im-san.pdf>  
Retrieved 6 February 2017, 14:00PM.

<sup>257</sup> Ibid, RBZ.

<sup>258</sup> Gideon Gono, The Nature and Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>,  
retrieved on 2/7/2017 at 7:51PM.

<sup>259</sup> <sup>259</sup> Gideon Gono, The Nature and Effects of Sanctions, accessed at <http://www.resz.co.zw/assets/im-san.pdf>,  
retrieved on 2/7/2017 at 7:51PM.

The majority of the people in Zimbabwe were exposed to dilapidated medical facilities and depleted drug levels especially anti-retrovirals for HIV patients.<sup>260</sup> The Global Fund which provided funds to poor countries to fight HIV/AIDS, tuberculosis and malaria at times rejected Zimbabwe's applications for funding particularly under 'Round 6' and opted to channel assistance through NGOs.<sup>261</sup> Zimbabwe therefore continued to be side-lined by some donors like the WB and the USA's HIV/AIDS initiative.

#### 4.14 Conclusion

This chapter examined the effects of the sanctions on Zimbabwe. The effects were felt on social services, declining levels of FDI, economic growth and performance, infrastructural development and the resultant hardships experienced by the general population caused resentment. The next chapter will focus on critical data analysis.

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<sup>260</sup> B. Mbanje, and D.N. Mahuku. European Union Sanctions and Their Impacts on Zimbabwe 2002-2011, Finding Alternative Means to Survive. Sacha. J., Policy Strategic Study 2011, 1:1-12.

<sup>261</sup> The Kaiser Networks' Daily Reports of 28<sup>th</sup> November 2004 and AFP News Agency Retrieved 7 February 2017 at #:45PM.

## Chapter five

### Critique of American Sanctions on Zimbabwe

#### 5.1 Introduction

This Chapter critically analyses sanctions on Zimbabwe. The objective is to present, interpret and critique the data to derive findings from the study. The American sanctions were anchored on democratizing Zimbabwe hence the study sought to establish the efficacy of the processes of democratization. It also sought to establish whether the American sanctions were justified and whether they were an instrument of assisting Zimbabweans to attain economic growth and peaceful democratic change given that sanctions were meant to hurt and not enhance economic growth. The chapter also locates Zimbabwe's democracy barometer level by analysing Zimbabwe's democracy record. The data is analysed in the descriptive form from content and content analysis of documents.

#### 5.2 Structures of Governance and Processes of Democratisation in Zimbabwe

The efficacy of the structures and processes of democratization are pivotal in expressions of governance by a state's power.<sup>262</sup> A legitimate system of political rule derives authority from the people and can be sustainable only with their support or through repression, though repression has its limits.<sup>263</sup> This section addresses the research objective on the structures of governance and processes of democratization in Zimbabwe. The focus being to establish, using basic benchmarks the location of Zimbabwe's democracy.

##### 5.2.1 Structures of Governance in Zimbabwe

On whether Zimbabwe had effective institutional structures of governance, that allowed

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<sup>262</sup> Goran Hyden, *Governance and the Reconstitution of Political Order, in State, Conflict and Democracy in Africa*, edited by Richard Joseph, (Lynne Rienner Printers, 1999), 184.

<sup>263</sup> Andrew Heywood, *Politics*, 3<sup>rd</sup> ed. Palgrave Foundations, (Macmillan, London, UK, 2007), 26.



for power sharing. the researcher established that both the Zimbabwe Lancaster House Constitution (1980-2013) and the new Constitution of 2010, provided for the sharing of power. In particular the Constitution provides for executive, autonomous judiciary, legislature and various arms of government hence stipulates the estrangement of powers between the executive, parliament and the judiciary.<sup>264</sup> A number of critical court judgments were passed against the government indicating judicial independence in dispensing law. The USA, other western powers and the major opposition party (MDC-T) in Zimbabwe, queried judicial independence and the dispensing of justice by Zimbabwe's courts alleging lack of separation of powers.<sup>265</sup>

Drawing analogue, Heywood's postulates that in the USA system, the Republican or democratic President selects justices on the basis of party affiliation and ideological disposition. In the United Kingdom, senior judges are nominated by the Prime Minister helps to de-conflict the issue.<sup>266</sup> Similarly and as provided for in the constitution, the executive could also exercise that jurisdiction given that there has always been a very thin dividing line between the judiciary and politics across the globe.<sup>267</sup>

In terms of efficiency of government, the concern was on the corruption ranking where the country was rated 155 and 157 by Transparency International and the Global Competitive Index respectively. Corruption contributes to economic meltdown and lack of confidence in government systems thus exacerbating the effects of sanctions. The civil service was bloated culminating in a big chunk of budget allocations going to recurrent expenditure.<sup>268</sup> The Government was perhaps reluctant to institute retrenchments for fear of exacerbating unemployment and paying the astronomical retrenchment packages at a time the economy was

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<sup>264</sup> Zimbabwe, The Constitution of The Republic of Zimbabwe, Chapter 5, The Executive (Sections 88-115).

<sup>265</sup> A. Masango, Respondent, during interview in Harare on 21 December 2016.

<sup>266</sup> Andrew Heywood, Politics, 3rd ed, New York. (Palgrave Foundations, 2007), 329.

<sup>267</sup> Ibid, 329.

<sup>268</sup> S. Hanke and A. Kwok, On the Measurement of Zimbabwe's Hyperinflation, 2002, Cato Journal 29(2).

under siege.

### 5.2.2 Processes of Democratization in Zimbabwe

Zimbabwe was a practicing democracy with some aspects qualifying for a democracy in transition and others full democracy. According to the African Elections Data Base, Zimbabwe held its maiden democratic elections in 1980 which were contested by ten political parties including the Rhodesian Front led by Ian Smith which was guaranteed 20 white seats despite the outcome of the elections.<sup>269</sup> Subsequent elections were held after every 5 or 6 years for separate parliamentary and presidential elections and that has been the case up to 2013.<sup>270</sup> Serve for 2008 contested elections that did not produce a clear winner, the others were pronounced free and fair by various monitors including SADC. ZIDERA spells out that Zimbabwean elections must be monitored by international organizations.<sup>271</sup> The Government of Zimbabwe felt that there was no need for external monitors from hostile countries and queried whether Africans were ever invited to monitor American and European elections as fairness required reciprocity. In the event of disputed elections, there were provisions for re-course within the domestic setting and aggrieved parties had exercised it at law. Table 5.1 below depicts Zimbabwe's elections record since 1980.

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<sup>269</sup> African Elections Data Base. Elections in Zimbabwe, 1980=2013, Retrieved 18 April 2017, 1450 PM.

<sup>270</sup> Ibid.

<sup>271</sup> US State Department. Zimbabwe Democracy Recovery Act of 2001, Public Law 107, Section 4.

**Table 5.1: Democratic Elections Record**

Year	1980	1985	1990	1995	1996	2000	2002	2005	2008	2013
<u>Type of election</u>										
Prime Minister (PM)/ Presidential (Pres)	PM		Pres		Pres		Pres		Pres	Pres
House of Assembly (HoA)/ Senate		HoA	HoA	HoA		HoA		HoA		HoA
No of political parties/Candidates Presidential	10	09	05/02	07	03	04	05	05	04	
Registered voters (millions)	2,9	3,2	4,7	2,2	4,8	5,0	5,6	5,6	5,9	
Voter Turnout (millions)	2,7	3,0	2,5	1,4	1,5	2,4	3,1	2,6	2,5	
Referendum						01				
Disputed elections/Rerun									01/01	
Government of National Unity									01	
Election-boycotts				2						

Source: African Elections Data Base, Elections in Zimbabwe, 1980-2013

According to African Elections Data Base, Zimbabwe is cataloged as an emerging democracy from 1980 to 1987 and restricted democratic practice from 1987.<sup>272</sup> As shown in Table 5.1 (Democratic Elections Record), Zimbabwe held Presidential, House of Assembly (HoA) and Senatorial (not reflected in Table 5.1) elections as per the constitution. The data confirms elections were held in 1980, 1985, 1990, 1995, 2000, 2002, 2005, 2008, 2013 and the next elections would be held in 2018. At least 4 and a maximum of 10 political parties took part in the elections which were held every 5 years for the House of Assembly and every 6 years for Presidential. The minimum voter turnout was 1, 4 million in 1996 and the maximum of 3 million in 1985. There was a single election boycott in 1990 by two political parties.

There were 2 constitutional referendums. The first was a 'No' vote in 2000 due to contentious issues on land reform and presidential powers. The second focused on a new Constitution of 2010. In 2007, there was a contested presidential election outcome which did not produce a clear winner with the two candidates garnering 47% and 43%.<sup>273</sup> After the re-run, the SADC, nominated former South African President Mbeki, to oversee establishment of a Government of National Unity (GNU) which then facilitated the writing of a new constitution. Among others, one key issue in the new constitution was the limiting of Presidential terms to two.<sup>274</sup> However, stakeholders agreed that all candidates including the incumbent wishing to contest were eligible for the two terms hence President Mugabe could still contest in 2018. Elections were then held in 2013 in which the winner then assumed office without any contestation. There was, therefore, a single disputed election outcome of 2008 which culminated

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<sup>272</sup> African Elections Data Base, Elections in Zimbabwe, 1980-2013, .Retrieved 18April 2017, 1440 PM.

<sup>273</sup> Ibid.

<sup>274</sup> Zimbabwe, The Constitution of the Republic of Zimbabwe, Harare, (Printflow (Private) Limited), The Executive (Sections 88-115).

in the formation of a GNU.

The constitution was upheld with the winner in each occasion assuming office without any contestation. The record of elections held in Zimbabwe at Table 5.1 indicates that the opposition political parties participated in all elections except in 1995 when ZUM and UP withdrew from the elections at the last minute and the Run-off in 2008 which the major opposition party, MDC-T partially boycotted and later agreed to form the GNU.

On whether Zimbabwe held regular elections, Table 5.1 indicates that Zimbabwe has held regular elections as per the constitution. To a large extent, the bench marks of democracy were fulfilled and improved with the help of civil society, opposition parties and an increasingly enlightened public. According to Gill, the processes leading to the elections need continuous improvement as most democracies in Africa were in transition.<sup>275</sup> In 2016, following the election victory by President Trump in the USA, there were demonstrations which if it were in Africa there would have been calls for the government to listen to the people and step down.

On whether Zimbabweans voted freely for candidates of their choice, Table 5.1 shows that most of the elections except for 2008 were uncontested. The argument was that violence was exerted or coercion made before the elections and during campaigns. Notwithstanding, on the voting day, people voted as individuals in the polling booth. By and large where people are educated and enlightened they were aware of their rights and the secrecy of their vote hence would choose a party and candidate of their choice in the polling booth. Both civil society and government conducted voter education. Given this position, and that Zimbabwe had the topmost literacy rate in Africa of over 90 percent enabling people to know their rights, the indication is that elections in Zimbabwe have by and large been free as depicted by data at Table 5.1 above.

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<sup>274</sup> Graeme Gill, *The Dynamics of Democratisation. Elites, Civil Society and Transition Process*, Macmillan Press Limited, 2000), 7.

### 5.3 Critique of US Zimbabwe Democracy Recovery Act of 2001

According to ZIDERA, causes of sanctions were to do with the land reform, lack of democracy, failure to hold credible elections, the need to effect regime change, lack of rule of law, lack of people's rights and the deployment of Zimbabwe troops to DRC.<sup>276</sup> On land reform, Chingono postulates that land remained unresolved and under dispute despite the 1979 Lancaster House agreement that provided for willing buyer/willing seller land reform hence needed to be addressed by the British and Zimbabwean Governments regarding compensation to white farmers.<sup>277</sup> The Zimbabwe Government insisted that, the major cause of the sanctions was the land reform programme and the failure by the British Government to honour its agreement to provide adequate funding for land reform as per the Lancaster House agreement that transited Zimbabwe to independence.<sup>278</sup>

British Secretary for International Development, Claire Short argued that Britain did not have a distinctive obligation for land purchase in Zimbabwe given that the labour government under Tony Blair was from different environments devoid of any ties to anterior colonial interests.<sup>279</sup> This was a complete variation from the previous Government of Britain and Zimbabwe responded by undertaking the fast track land reform which was viewed expropriation by western countries.

The expropriation of property can prompt the imposition of sanctions on the expropriator. From the arguments in this study, the land reform dispute in Zimbabwe was, although not the only one, instrumental to the enactment of American sanctions. Higgins conceptualized property

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<sup>276</sup> US State Department, Zimbabwe Democracy Recovery Act Public Law 107, Retrieved on 2 February 2017, 1230 PM.

<sup>277</sup> Heather Chingono. *An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, African Journal of Political Science and International Relations Volume 4 (2), 66-74 February 2010.

<sup>278</sup> Ibid.

<sup>279</sup> Peter Greste. *Africa, Why Mugabe is Deaf to the West*. BBC News. 15 April 2008, Retrieved 23 January 2017

as including physical objects and abstract entities such as intellectual property, shares in a company and debts.<sup>280</sup> This concept of property is reinforced by the Harvard Draft Convention which stipulates that property refers to all fixed and transferable property, intangible and tangible; rights and interests in property, artistic, literary and industrial.<sup>281</sup>

In this context, expropriation could involve any irrational interference in the utilization and enjoyment of any such property within a sensible interval from the time of annexation. In a case that involved Indonesia and British companies, the United Kingdom Government viewed the inability of British corporations and plantations to exert property rights of possession to their properties in Indonesia as an act of expropriation of those properties by the Indonesian Government.<sup>282</sup> Regarding Zimbabwe, the Government enacted Constitutional amendment Number 17 to compulsorily get land and the act could not be challenged as pronounced by the Supreme Court of Zimbabwe.

However, Shaw posits that expropriation could be condoned in cases of public good or utility and judicial liquidation and that adequate, prompt and effective compensation, agreed by both parties or as could be stipulated in contracts, be paid.<sup>283</sup> In Zimbabwe's case, the British Government pledged at Lancaster to a fifty percent funding for white farmers compensation but reneged on change of Governments from the Conservative to the Labour Party. International law prescribes that change of government did not absolve contractual obligations.

Notwithstanding the above conceptualization, White observes that Western economies got control and ownership of Third World economies through colonialism and invested heavily

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<sup>280</sup> R. Higgins, *The Taking of Property by the state, Recent Developments in International law*, (176 HR), 267.  
<sup>281</sup> Harvard Draft Convention on, *the International Responsibility of States for Injuries to Aliens*, Article 10(7) (55 AJIL, 1961), 548. in Malcolm Shaw, *International Law*, 4<sup>th</sup> ed, UK, (Cambridge University Press, 2004), 575.

<sup>282</sup> BPIL, 1964, p. 200. in Malcolm N. Shaw, *International Law*, 4<sup>th</sup> ed, UK, (Cambridge University Press, 2004), 57577

<sup>283</sup> Malcolm Shaw, *International Law*, 4<sup>th</sup> ed, UK, (Cambridge University Press, 2004), 57577

in developing countries. However, on the attainment of independence, drawing on the Russian precedence when the Soviet Union nationalized property on the success of the Bolshevik revolution, Third World countries sought to nationalize or repossess their properties particularly, land.<sup>284</sup> Shaw postulates that in communist, Afro-Asian and Western Europe, the sentiment was to acquire privately owned property for social and commercial reform and nationalization is a legitimate and legal recourse by a state in international law.<sup>285</sup>

The African Charter Article 20, in part, stipulates that all peoples are entitled to decide their political status, pursue social and economic advancement in harmony with their choice of policies.<sup>286</sup> Morgenthau reinforced the notion by positing that without a treaty obligation, no nation could dictate to another, laws to be enacted and their enforcement.<sup>287</sup> The difference, in the Zimbabwe case, was that the previous Rhodesian government had enacted laws in line with universally accepted jurisprudence and some of the property owners were American, British and other western countries. However, a legitimate successor government had the sovereign right to enact law amendments as stated earlier.

Marxism prescribes a revolutionary solution to problems of property ownership. The public appropriates the instruments of control from the bourgeoisie to seize the resources of production and gives land to the indigents and workers. A certain amount of violence was necessary because the bourgeoisie would not voluntarily capitulate and was not very cruel compared to the greater violence of the everyday capitalist system.<sup>288</sup> Given the discourse and extensive discussions in politics and law, land reform is an emotive matter, a cause for sanctions

<sup>284</sup> G. White, *Nationalization of Foreign Property*, United Kingdom, (London, 1961), 145.

<sup>285</sup> *De Sanchez v Banco Central de Nicaragua and Others*, 770 F 2d 1385, 1397, 881LR, pp. 75, 89, in Malcolm N. Shaw, *International Law*, 4<sup>th</sup> ed. UK, (Cambridge University Press, 2004), 573.

<sup>286</sup> African Charter, *Article 20 on Human and Peoples' Rights 1991*, in Malcolm Shaw, *International Law*, UK, (Cambridge University Press, 2004), 2155.

<sup>287</sup> Hans J. Morgenthau, revised by Kenneth W. Thompson, *The Struggle for Power and Peace*, 6<sup>th</sup> ed. New Delhi, India, (Kalyani Publishers, 2001), 331.

<sup>288</sup> Walter S. Jones, *The Logic of International Relations*, 8th ed, New York, (Wesley Longman, 1997), 24-25.



and even war given its centrality as a major resource.

#### 5.4 Rule of Law, Election and Pre-election Conditions

According to US State Department, Zimbabwe government violated the rule of law, title and ownership of property, and lack of freedom of speech and association.<sup>289</sup> The election and pre-election conditions in Zimbabwe were also cited by the USA as a cause warranting sanctions. The Government felt it could not be lectured on human rights since it fought for and brought freedom and democracy, respected the constitution and practiced constitutionalism under conditions of external interference since 1980.<sup>290</sup>

It is widely acknowledged that all states fall short in one or more categories of human rights as states can emphasize on some and not the others. For instance, the USA has always chastised China for using prison labor and prohibiting free speech and China criticizes the USA of racism and violence against other races in the USA.<sup>291</sup> According to ZIDERA Section 4, the other causes of USA sanctions were mishandling of the economy, undemocratic expressions, and unjustified deployment of Zimbabwean forces to DRC.

The Zimbabwe army's involvement in the DRC became an issue with the international community as it was viewed as an unwarranted expenditure yet according to Chingono, Zimbabwe did not intervene of its own volition but was under the umbrella of SADC with Angola and Namibia.<sup>292</sup> The international community condemned the deployment on the basis

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<sup>289</sup> *Ibid.*, Section 5.

<sup>290</sup> Heather Chingono, *An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, African Journal of Political Science and International Relations Volume 4 (2), 66-74 February 2010, online at <http://www.Academicjournals.org/ajpsir>, 2010. Zimbabwe Sanctions Review, Retrieved 2 January 2017, 1430 PM.

<sup>291</sup> The Washington Post, People's Republic of China, State Council, *America's abominable Human Rights Conditions*, Feb 16, 1997, C3.

<sup>292</sup> Heather Chingono, *Zimbabwe Sanctions, An Analysis of the Lingo Guiding the Perceptions of the Sanctioners and the Sanctionees*, African Journal of Political Science and International Relations Volume 4 (2), 66-74 February 2010, online at <http://www.Academicjournals.org/ajpsir>, 2010 Review, Retrieved 2 January 2017, 1430 PM.

that Zimbabwe had no justified national interest in DRC. On the contrary, Zimbabwe felt it had a SADC obligation to assist a member state under external aggression by Uganda and Rwanda.<sup>293</sup>

ZIDERA also focused on the Zimbabwe leadership which it accused of having brought untold suffering on Zimbabweans through bad policies.<sup>294</sup> The suffering included poor economy, poverty, unemployment and food insecurity that caused many Zimbabweans to seek greener pastures in South Africa and other countries. Most Zimbabweans migrated during the period of sanctions.

Further analysis of the bill shows that the fervent objective of the American administration, as a foreign power, was to democratize Zimbabwe through peaceful regime change, resentment and instability.<sup>295</sup> The hope was that the common Zimbabwean citizen would take to the streets to demonstrate against and possibly dislodge the government from power in a typical 'Arab Spring' style. In view of the objectives of the imposition of restrictions, the US was making the social wellbeing of the ordinary Zimbabwean worse rather than improve it by supporting the country's economy.

To achieve development, Zimbabwe needed cheap capital for infrastructural development, fiscal support and industrialization. Instead, the USA and Europe imposed sanctions that blocked Zimbabwe's access to lines of credit from IMF, WB and other financial houses as directed by President Bush (jr) through ZIDERA Section 4 (c) as follows:

*"....direct the executive branch to oppose and vote against the extension of loans or the cancellation of debt in international financial institutions unless and until I make a*

<sup>291</sup> Prof. Makumi Mwangi and Prof. Okello Oculi, *Rethinking Global Security, An African Perspective*, Nairobi, Kenya, (Heinrich Boll Foundation, 2006), 259.

<sup>294</sup> US State Department, *Zimbabwe Democracy Recovery Act Public Law 107*, Section 6, Retrieved on 2 February 2017, 1230 PM.

<sup>295</sup> US State Department, *Zimbabwe Democracy Recovery Act Public Law 107*, Retrieved on 2 February 2017, 1230 PM.

*certification or national interest determination”*<sup>296</sup>

The financial institutions referred to were the IMF, WB and financial institutions where the USA had representation. The IMF and WB were respectively, headed by a European and an American and it was them that were directed together with foreign affairs officials to deny Zimbabwe loans unless certified or authorized by the USA President. Had this directive not been given, Zimbabwe's Finance Ministry was convinced that Zimbabwe would have negotiated with those institutions despite the arrears in subscriptions to the IMF and WB. Under ZIDERA, Zimbabwe was supposed to achieve economic growth and her population expected to continue to have sustainable livelihoods.

ZIDERA was a serious piece of legislation that mandated the President to use his exclusive authority or, decipher in the best interests of America to certify or make a national interest determination as regards the negotiation and voting for or against provisions of this Act as follows;

*“I am concerned that this provision burdens my constitutional authority in the area of foreign affairs to conduct negotiations and cast votes in international organizations. I will construe the provision as being subject to my exclusive authority to negotiate or vote in international financial institutions”*<sup>297</sup>

According to this statement, it was not circumstantial that even if Zimbabwe was to settle her debt with the IMF and WB which the country did in 2016, the USA could still exercise veto power to deny Zimbabwe funding. Bloch observed that the core American issue in that Act was the re-establishment of democracy in Zimbabwe, conformity to reputable international norms of individual and property rights, and the unbiased application of law and order otherwise the US

<sup>296</sup> US State Department, Zimbabwe Democracy Recovery Act of 2001.

<sup>297</sup> US State Department, Zimbabwe Democracy Recovery Act Public Law 107, Section 6, Retrieved on 2 February, 2017, 1230 PM.

would continue to block financial support to the country.<sup>298</sup>

The EU intensified the sanctions against Zimbabwe when it resolved that none of its members was to provide funding, goods or services to government or its entities.<sup>299</sup> Engagements between the EU and Zimbabwe and its entities was restricted to humanitarian aid. The targeted entities were indispensable economic and public services' utilities in Zimbabwe and when they were targeted; their poor performance affect the general economy and the population as reflected graphically in the ensuing analysis.

## 5.5 Graphical Representation of the Effects of Sanctions

The graphical representations of the effects of sanctions on Zimbabwe were designed by the author using the figures adopted from the Fact Sheet World Economic Forum and copies are attached as Annex 'A'. The graphs show the trends of Zimbabwe's GDP, manufacturing sector, export, imports, balance of trade and the ranking of global competitiveness from 1980 to 2012.<sup>300</sup> The observations were divided and analysed in two periods, that is; pre-sanctions period 1988-2000 and during sanctions 2001- 2012.

### 5.5.1 Gross Domestic Product

During the sanctions period, GDP reduced from 6 million in 2000 to 4 million dollars by 2006 and for 2007, and 2008 (the height of sanctions), there was no GDP recordable due to hyper-inflation. The economy was negatively affected as warned by Hufbauer et al that the

<sup>298</sup> Erich Bloch. *Zimbabwe at Crossroads*, Zimbabwe (Harare, 2002), 23.

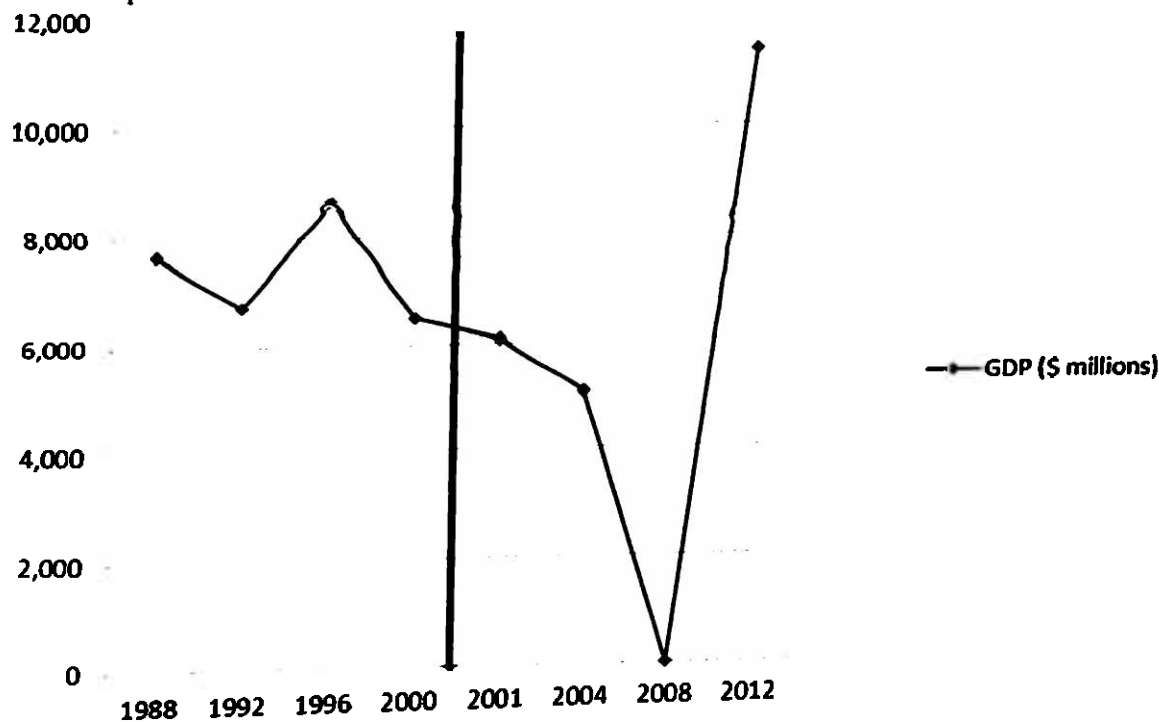
<sup>299</sup> B. Mbanje and D.N. Mahuku, *European Union Sanctions and their Impacts on Zimbabwe 2002-2011*, Finding Alternative Means to Survive, edited by Sacha J., Policy Strategic Study 2011, 1: 1-12.

<sup>300</sup> World Economic Forum by Ministry of Finance, Zimbabwe, 2002.

ultimate goal of the instrumentality of sanctions was to cause maximum damage to the economy.<sup>301</sup> The GDP then picked up to \$11 million in 2012 as shown in Figure 5.1 below:

**Figure 5.1: Gross Domestic Product (\$millions)**

Pre-sanctions period: 1988-2000  
 Sanctions period: 2001-2012



Source: Author. GDP figures adopted from World Economic Forum, Ministry of Finance

### 5.5.2 Manufacturing sector

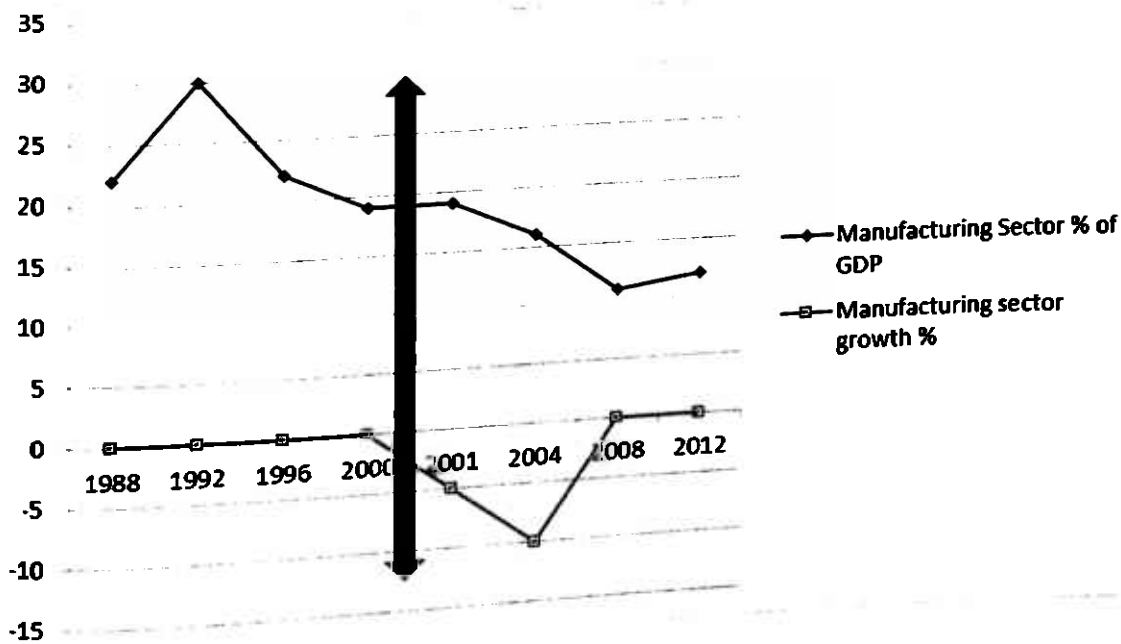
The manufacturing sector as a percentage of GDP reduced from 30 percent in 1992 to 12 percent by 2008. This was in stark contrast to the import of former USA President Bush's pledge

<sup>301</sup> Hufbauer, C. Gary and J.J. Scott, *Economic Sanctions Reconsidered: History and Current policy*, Washington: Institute for International Economics, (1985), 98.

to help Zimbabwe achieve economic growth through sanctions.<sup>302</sup> The Manufacturing sector growth was subdued and sunk to a low of minus 10 percent in 2004 and was barely positive up to 2012 as shown in Figure 5.2 below:

**Figure 5.2: Manufacturing Sector and Growth as a Percentage of GDP**

Pre-Sanctions Period: 1988-2000  
 Sanctions Period: 2001-2012



Source: Author. Manufacturing Sector Figures adopted from World Economic Forum, Ministry of Finance

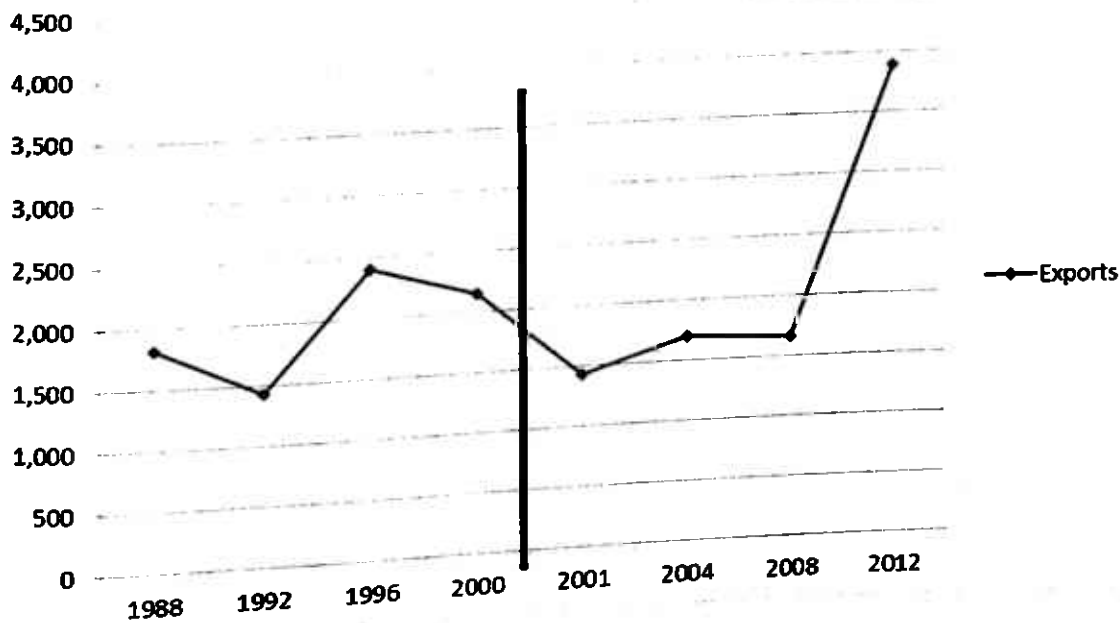
### 5.5.3 Exports

Exports were an average of \$2, 1 million before sanctions and reduced to \$1, 6 million during sanctions before picking up to \$3 million, and \$8 million by 2012 as highlighted in Figure 5.3 below. The increase was attributed to the increase in production by indigenous farmers and

<sup>302</sup>US State Department, Zimbabwe Democracy Recovery Act of 2001.

more access to Asian markets.

**Figure 5.3:** Exports (\$millions)  
 Pre-Sanctions Period: 1988-2000  
 Sanctions Period: 2001-2012



**Source:** Author. Export figures adopted from World Economic Forum, Ministry of Finance

However, the balance of trade with imports was \$3, 6 million an indication that the economy was still performing below par during the sanctions period. The donor aid and IMF and WB balance of payments support was no longer accessible due to sanctions and suspension of Zimbabwe due to debt arrears.<sup>303</sup>

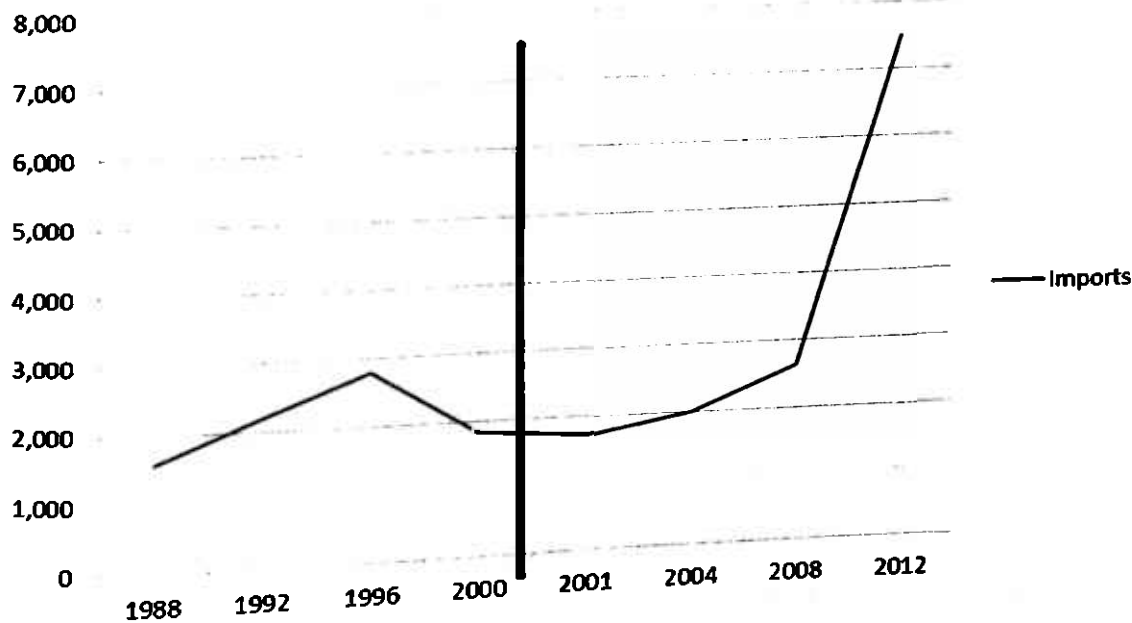
#### 5.5.4 Imports

Before sanctions (1988-2000), imports were below \$3 million but reached \$7, 4 million by 2012 during the sanctions period. Compared to the exports of \$3, 8 million in 2012, the

<sup>303</sup> T Hondora, *Economic Sanctions undermine Zimbabwe's Economy*, Harare, (Longman printers, 2004), 23.

balance of trade with imports was \$3, 6 million an indication that the economic activity was low as posited by Kaempfer et al in the concept of the instrumentality of sanctions.<sup>304</sup> The graph in Figure 5.4 below shows a steep increase of imports from 2001 to 2012 (sanctions period) as shown.

**Figure 5.4: Imports (\$millions)**  
 Pre-Sanctions Period: 1988-2000  
 Sanctions Period: 2001-2012



**Source: Author. Imports figures adopted from World Economic Forum, Ministry of Finance**

A common feature, of the Zimbabwean economy and as observed by Mohr, was the increase in South African exports to Zimbabwe which in 1990 were 6% of total exports before the sanctions but increased to 14, 8% of total exports during sanctions.<sup>305</sup> The decline of

<sup>304</sup> Anton D. Lowenberg and William H. Kaempfer, *The Origins and Demise of South African Apartheid, A Public Choice Analysis*, (University of Michigan Press, 2001), 8.



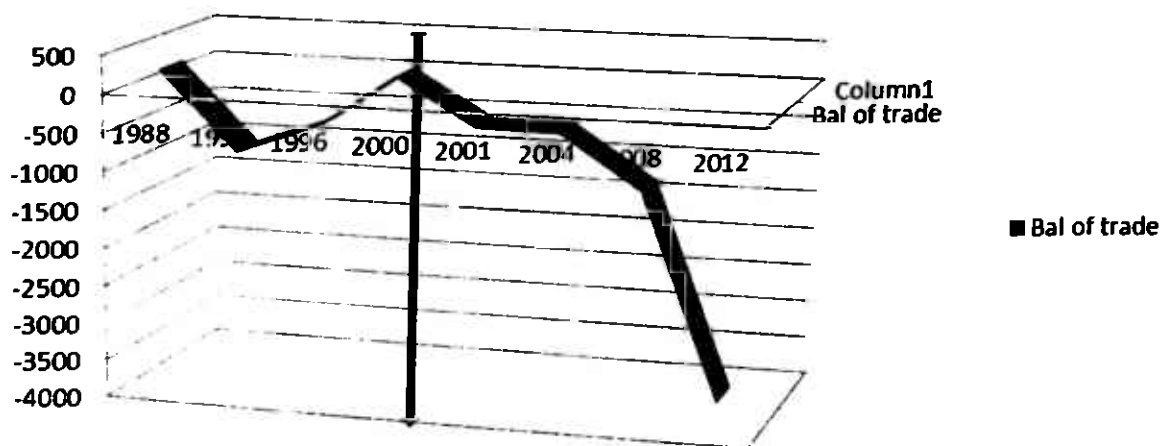
Zimbabwe's imports was more pronounced over the period 2001-2008

### 5.5.5 Balance of Trade

The balance of trade began going down drastically from an average of minus \$350 before sanctions to minus \$ 1, 7 million in 2001 and to a low of minus \$ 3, 6 million by 2012 during the sanctions period. This was precipitated by a credit freeze by the IMF and WB through ZIDERA of 2001.<sup>306</sup> The trade surplus of \$322 million in 2001 was replaced by a deficit of \$18 million in 2002 as reflected in Figure 5.5.

**Figure 5.5: Balance of Trade (\$ millions)**

Pre-Sanctions Period: 1988-2000  
 Sanctions Period: 2001-2012



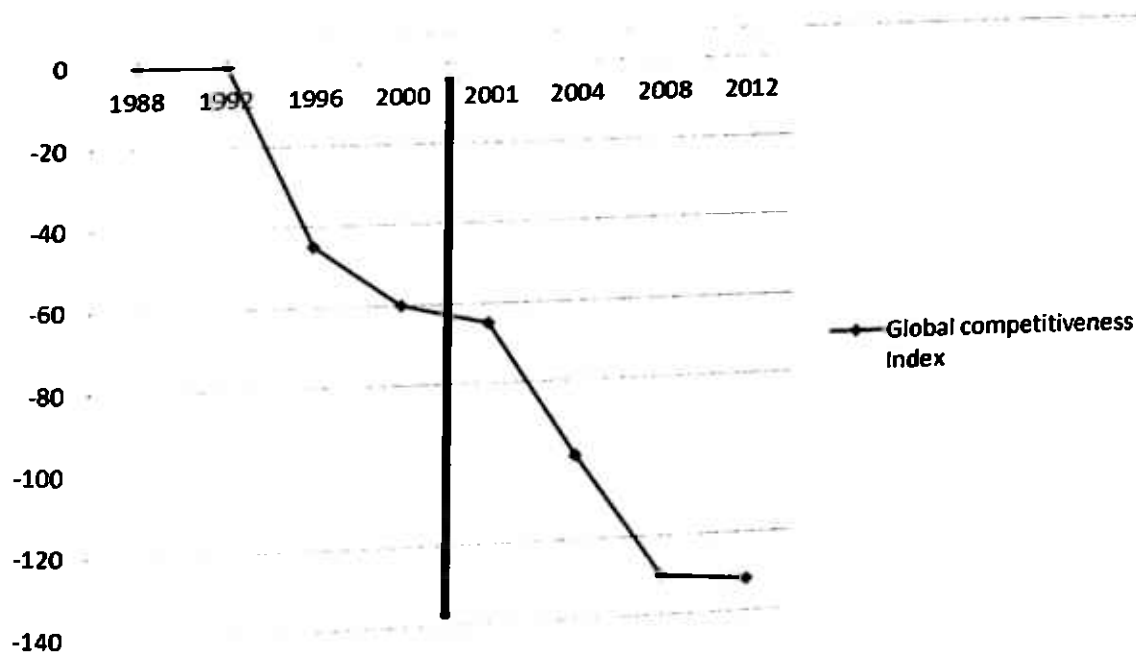
Source: Author. Balance of Trade figures adopted from World Economic Forum,

<sup>306</sup> US State Department, Zimbabwe Democracy Recovery Act Public Law 107, Section 4, Retrieved on 2 February, 2017, 1230 PM.

### 5.5.6 Global Competitive Index

Zimbabwe's Global Competitive Index (GCI) dropped from 60 before sanctions to 132 during sanctions (2012). This meant that the economic performance of the country was affected and the country was considered negatively as an investment destination as shown by the global competitive index in Figure 5.6 below. This illustrates the negative effects of sanctions and their attendant damage on the economy.<sup>307</sup>

**Figure 5.6: Global Competitive Index**  
Pre-Sanctions Period: 1988-2000  
Sanctions Period: 2001-2012



Source: Author. Global competitive index figures adopted from World Economic Forum, Ministry of Finance

### 5.5.7 Inflation Rate

Zimbabwe's inflation rates from 1980 to 2008 moved from a single digit to an unprecedented million in 2008. The inflation figures adopted from Hanke et al show that in the

<sup>307</sup> Hufbauer, C. Gary and J.J. Scott, *Economic Sanctions Reconsidered, History and Current Policy*, Washington Institute for International Economics (1985), 98.

pre-sanctions period 1980 to 2000, Zimbabwe experienced low inflation rates ranging between 7% and 55.22%. From 2001(beginning of sanctions period) inflation assumed triple digits of 112.1% and by 2008, the country witnessed hyperinflation of 231,150,888.87 percent as shown in Table 5.2.

According to Hanke, extraordinary rise in the cost of products started a year before 2001 following the involuntary evacuation through demonstrations of former white farmers and Zimbabwe's abdication of payment of debts.<sup>308</sup> In a bid to address the phenomenal inflation, the Zimbabwe Government's initiative was to permit the use of multi-currency and printing of local banknotes. Unfortunately, the bulk of the currency was used to fund recurrent expenditure and not for developmental projects.

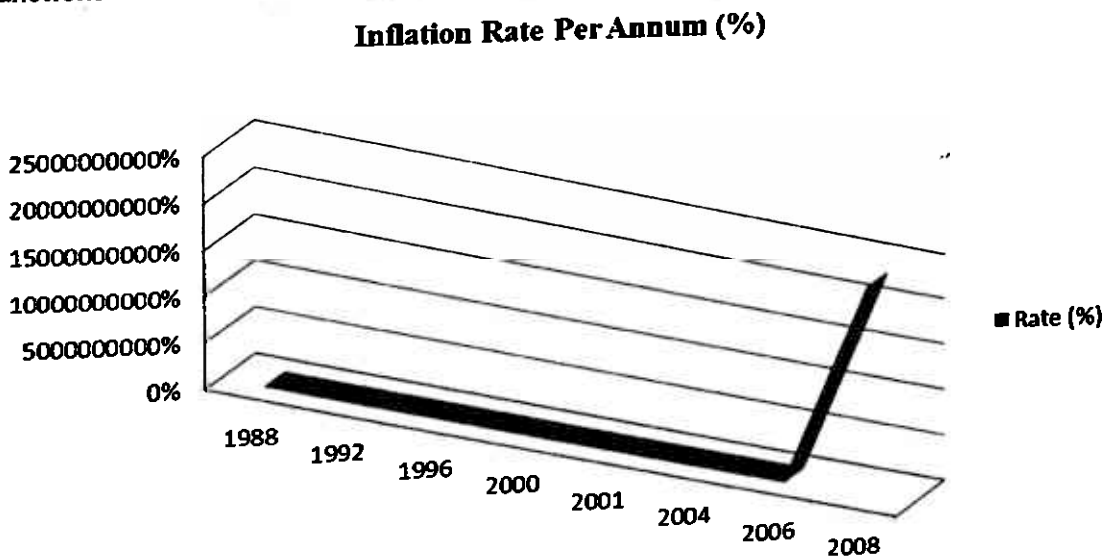
Hanke further postulates that the cost of goods and services went up sixty four times within seven days in the week ending 14 November 2008. In early January 2009, the usage of multi-currency was adopted and witnessed the gradual decline in the use of the Zimbabwe dollar. The endeavor to arrest hyper-inflation, promote and sustain the growth of the economy, the local currency was deferred indeterminately in the year 2009 and the country adopted a regime of multi-currencies. Sanctions imposed on the country, however, continued and inflation which is a factor of FDI was very high during the sanctions period. According to Hanke, regressive tenets of FDI gave rise to risk picture of the economy hence deterred potential investors.<sup>309</sup> Conversely, an excellent country image entices investors with the outcome of improving trade. Before the imposition of sanctions, the inflation rate was below 60 percent. During sanctions it assumed treble digit of 112 percent in 2001 to an unprecedented high of 231 million percent in 2008.

<sup>308</sup> Steven Hanke and A. Kwok, On the Measurement of Zimbabwe's Hyperinflation, *Cato Journal* 29 (2), accessed at [http:// object.cato.org/files/serials/files/catojournal/2009/5/ej\\_29n2-8.pdf](http://object.cato.org/files/serials/files/catojournal/2009/5/ej_29n2-8.pdf), Retrieved 11 February 2017, 12 PM.

<sup>309</sup> Steven Hanke and A. Kwok, On the Measurement of Zimbabwe's Hyperinflation, *Cato Journal* 29 (2), accessed at [http:// object.cato.org/files/serials/files/catojournal/2009/5/ej\\_29n2-8.pdf](http:// object.cato.org/files/serials/files/catojournal/2009/5/ej_29n2-8.pdf), Retrieved 11 February 2017, 12PM.

Figure 5.7 graphically represents the sharp turn from single digit inflation of 7% in 1980 to hyperinflation of 231,150,888.87% in 2008 during sanctions. High inflation was experienced mostly during the sanctions period 2001 to 2012 and the ordinary people who were to benefit from the benevolence of the ZIDERA sanctions suffered from the same punitive measures.

**Figure 5.7:** **Sharp Turn to Hyperinflation (%)**  
 Pre-Sanctions Period: 1988-2000  
 Sanctions Period: 2001-2012



Source: Author. Figures of inflation adopted from Hanke, Steve H. (17 November 2008)

### 5.5.8 Risk Factors

In relation to Zimbabwe, risk factors exclude war but include alleged human rights violations and lack of democracy. The processes of the land reform programme and the indigenisation and empowerment policy were some of the issues that were perceived to create uncertainty to investors. With sanctions, it implied that Zimbabwe's risk factor carried another risk factor during 2001 to 2012.

According to the RBZ, sanctions have contributed to the closure of industries, retrenchments, wide spread unemployment, inflation, liquidity crunch, poverty, food insecurity,

poor education standards and attendant vices such as corruption, smuggling and black market.<sup>310</sup> The ordinary person was the most affected by the sanctions. The institution's rational deduction was that sanctions were meant to cause disgruntlement of the populace through hardships exacerbated by sanctions for them to rise against their government or effect regime change.

According to the instrumentality of sanctions discourse, sanctions can make people react against or unite around the flag and their government if they perceive the punitive measures as unjustified.<sup>311</sup> This was a possibility since the issue of land was a persistent grievance, and a reform that restored it to the people could have mobilised national sentiments and patriotism.

#### 5.5.9 Zimbabwe's Debts to IMF and WB

The RBZ acknowledged that failure to pay debts to the WB and IMF could lead to suspension.<sup>312</sup> Suspension was also invoked if a state failed to implement agreed contracts and to repay loans.<sup>313</sup> As regards IMF, the provision of special drawing rights (SDR) was based on a state depositing its reserves and because Zimbabwe underwent an economic downturn, it could not repay its debts to the IMF and WB until November 2016. However, though the suspension was lifted, Zimbabwe could not get any extension of loans, until it settled debts and obligations with other creditors. Technically the financial sanctions of the IMF and WB were still in place in conformity with ZIDERA of 2001.

## 5.6 Conclusion

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<sup>310</sup> Reserve Bank of Zimbabwe, Financing Budget Deficit, accessed at <https://www.rbz.co.zw/assets/im-san.pdf>, Retrieved 6 February 2017, 14:00PM.

<sup>311</sup> Michael Mastanduno, *Economic Statecraft*, Chapter 11, in *Foreign Policy Theories/Actors/Cases*, 2<sup>nd</sup> ed, edited by Steve Smith, Amelia Hadfield and Tim Dunne, (Oxford University Press, 2012), 207.

<sup>311</sup> P. Andreas, *Criminalizing Consequences of Sanctions: Embargo Busting and its Legacy: International Studies Quarterly* 49 (3) (2005) p. 335 -360.

<sup>312</sup> Joshua S. Goldstein and Jon C. Pevehouse, *International Relations*, 8<sup>th</sup> ed, USA, (Washington, 2008), 330

<sup>313</sup> Margaret P. Doxey, *Economic Sanctions and International Enforcement*, 2<sup>nd</sup> Edition, (Oxford University Press, New York, 1980), 14.

The Chapter focused on data presentation, critical analysis and discussion. The data established the structures of governance, the processes of democratization and analysed the causes and consequences of sanctions upon Zimbabwe. The next Chapter focuses on the summary, conclusions and recommendations.

## **Chapter Six**

### **Conclusion**

#### **6.1 Introduction**

The Chapter summarises, concludes and makes recommendations on the research study.

Sanctions were used by various states and supranational organisations to compel the target to comply with certain demands. The USA and EU instituted sanctions on Zimbabwe's leadership and entities in 2001 as a democratisation instrument which was viewed in the broader perception and context of democratizing Africa.

The instrument used, the ZIDERA of 2001, was construed to assist Zimbabweans realize peaceful democratic change and economic growth.<sup>314</sup> In particular, the sanctions were targeted at the individuals and entities that were perceived to have brought hardships to Zimbabweans by disregarding the rule of law through giving land to indigents, various freedoms and human rights.

## 6.2 Summary of Sanctions on Zimbabwe

Sanctions, as observed in the literature are an instrument of coercion, deterrence and inducement for the targeted country to alter its detestable behavior as perceived by the sanctioners.<sup>315</sup> The targeted sanctions were contestable on two fundamental aspects of legitimacy, and efficacy in achieving the intended objective. While individual countries and alliances can impose sanctions, legitimacy derives from the UN supranational organisation hence the sanctions would become a multinational rather than bilateral or based on alliances of solidarity as was the case between Britain and the USA targeting Zimbabwe illegally.

The instrumentality of sanctions assumed hurting the target without collateral damage or unintended consequences on other objects as has been the case in Zimbabwe where the ordinary people bear the intensity of the sanctions. The usefulness of sanctions has, therefore, been contested with many scholars arguing that sanctions were immoral in many cases.<sup>316</sup> The success

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<sup>314</sup> US State Department, Zimbabwe Democracy Recovery Act Public Law 107, Retrieved on 2 February 2017, 1230 PM.

<sup>315</sup> J. Galtung, Pacificism from Sociological Point of View, *Journal of Conflict Resolution*, (March 1959), 3, 67-84.

<sup>316</sup> John Galtung, Pacificism from Sociological Point of View, *Journal of Conflict Resolution* (March 1959), 3, 67-84.

was limited. Notwithstanding, it emerged from the study that instruments of coercion and persuasion though laced with carrots were meant to hurt and induce regime change.<sup>317</sup>

In the background, the research highlighted the impetus of the western powers to universalize democracy. Most African states including Zimbabwe embraced the principles of democracy and many of them were at varying stages of democratization. Some were emerging democracies, some in transition while a few were democracies in a comprehensive way but not perfect. The study noted that other countries namely Cuba, Libya and Iran had sanctions imposed upon them by the USA but managed to survive regardless of their negative effects. Rhodesia and South Africa managed to develop their domestic industries during economic sanctions. Zimbabwe has not found ways to effectively circumvent the American sanctions. The other difference with the two cases of Rhodesia and South Africa was that the USA and Europe continued to clandestinely trade with the sanctioned countries unlike the case with Zimbabwe.<sup>318</sup> The targeted sanctions therefore were a major concern for Zimbabwe and the SADC region.

The study therefore sought to interrogate the sincerity of the sanctions by examining the processes of democratization prevailing in Zimbabwe and the causes and effects of the American sanctions. Literature review looked at an overview, types, purposes and effectiveness of sanctions. The cases of Rhodesia and South Africa alluded to earlier were used to highlight either the success or failure of sanctions as was espoused by Galtung's approach of instrumentality of sanctions.

The concept of the instrumentality of sanctions was used to guide the progression of the

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<sup>317</sup> Hufbauer, C., Gary and J.J. Scott, *Economic Sanctions Reconsidered, History and Current Policy*, Washington, Institute for International Economics, (1995), 98.

<sup>318</sup> R.C. Porter, *Economic Sanctions, The Theory and Evidence from Rhodesia*, Centre for Research on Economic Development, Ann Arbor, Michigan.



study in exposing the purposes of sanctions on Zimbabwe and whether they were targeted.<sup>319</sup> The study also used empirical evidence that could assist in unraveling the complexities of trying to democratize by sanctions a state that practiced democracy and aiming to change the behavior of the target country where the issue of land has always been a matter of national interest, identity and historical grievances.

The factors that were used as instruments of sanctions were trade restrictions, denial of loans, balance of payments support, arrears triggered sanctions and risk warnings originating from the negative profiling of Zimbabwe.<sup>320</sup> The negativity of the instrumentality of sanctions exhibited through low FDI in the era of restrictions as compared to the period before their imposition. GDP declined during the period of sanctions. Inflow of FDI and the increase in GDP experienced during ZIDERA were outcomes of commerce with the East, the major country, China, of which believes in non-interference in the affairs of other countries. Trade, financial position and the risk factor as exhibited by the Global Competitive Index and exchange rates were negative to economic performance and growth.<sup>321</sup>

The research showed that globalization exposed the country to negative publicity since the world had become a global village, without geographical restrictions on interactions and communication of risks. The restrictions were comprehensive rather than smart hence undermined Zimbabwe's economy.

The sanctions had a negative effect on Zimbabwe. First the mere fact that the world knew Zimbabwe was under sanctions made the country to be viewed negatively as an investment destination. Negative profiling was a critical factor of the instrumentality of sanctions as

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<sup>319</sup> William H. Kaempfer and Anton D. Lowenberg, *The Theory of International Economic Sanctions: A Public Choice Approach*, *The American Economic Review* Vol, 78, No.4 (Sep, 1989), 786.

<sup>320</sup> Steve Smith, Ameelia Hadfield, and Tim Dunne, *Foreign Policy Theories/Actors/Cases*, 2<sup>nd</sup> ed, (Oxford university press, 2012), 207.

suspension or blacklisting of Zimbabwe by the IMF and WB had negative ramifications in scaring away investors and FDI inflows. Most international financial organisations rely on the IMF and WB recommendations to offer financial assistance. Therefore, Zimbabwe's suspension by the Bretton Woods institutions discouraged other creditors from providing concessionary loans. Second, the denial of loans and developmental assistance by the WB and IMF upset the budgetary allocations as funds for other projects had to be diverted to complete those abandoned by donor agencies. The denied balance of payments support contributed to negative GDP, FDI, manufacturing industries, exports and the global competitiveness.<sup>322</sup>

In industry, some companies operated under very difficult investment climate because of the battered image of the country. Western countries maintained that the sanctions were targeted with the objective to achieve peaceful democratic change.<sup>323</sup> However, evidence indicated that, the economy and the ordinary people were the major victims of subdued economic growth to an extent that even those that were intended beneficiaries of ZIDERA of 2001 were apprehensive of the sanctions.

The study's hypothesis was to prove that the US ZIDERA of 2001 was not an instrument of democratisation but regime change. The alternative hypothesis argued that the sanctions were not restricted but were comprehensive in nature and targeted at the economy to cause resentment among the populace as illustrated by the concept of the instrumentality of sanctions.

The survey, document analysis and case study were used as part of the methodology where the descriptive methods were adopted to test the hypothesis. The researcher adopted the qualitative approach that used the observation and conducted analysis of secondary data.

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<sup>322</sup> Gedion Gono, *The Nature and Effects of Sanctions*, accessed at <http://www.rbz.co.zw> Pdf. Retrieved on 2/7/2017 at 7:51 PM

<sup>323</sup> B. Mbanje and D.N. Mahuku, *European Union Sanctions and their Impacts on Zimbabwe 2002-2011, Finding Alternative Means to Survive*, edited by Sacha J., Policy Strategic Study 2011, 1: 1-12

### 6.3 Conclusion on American Sanctions on Zimbabwe

The major findings were that:

African countries were at different levels of democratization. Some were emerging democracies, some in transition, totalitarian, restricted democracies and full democracies. The underlying factor to this finding is that democracy is a process and not an event. Sanctions are not the panacea to democratization but exacerbate poverty of the local population.

Zimbabwe is a democracy having adopted a new Constitution in 2010 and conducted peaceful elections in 2013 that were not disputed but pronounced free and fair contrary to the African Elections Database which classified it as restricted democracy.<sup>324</sup> The findings of the study are centred on the analysis of multi-party elections held since 1980 with only two disputed elections while others were pronounced free and fair. While Zimbabwe practised and fulfilled the benchmarks of elections, it needs, like most countries across the globe to continue enhancing constitutionalism.

The foremost cause of sanctions was the land reform programme which threatened western colonial and commercial interests in Zimbabwe. Given that Zimbabwe was a practicing democracy, the issues of democratization were periphery and in-consequential though fronted as a primary concern by the USA. The isolated violence that manifested during the land reform programme did not warrant the veiled sanctions.

The sanctions, though targeted on formulation, were intended to hurt the populace so that they could oust the government through peaceful democratic change than war. The American sanctions hurt the ordinary people through reduced industrial activity, low exports, increased imports, trade deficit, unemployment, inflation and shortage of basic products. The western

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<sup>324</sup> African Elections Data Base, Elections in Zimbabwe, 1980=2013, Retrieved 18 April 2017, 1450 PM.

countries still maintained that the sanctions were targeted despite the evidence exhibited by the ailing economy.

The American sanctions on Zimbabwe impacted negatively on the economy in the era of sanctions (2001-2012) than when compared to the pre-sanctions period (1988-2000). Although land reform programme, corruption and the participation in the DRC war could have added to the subdued performance of the Zimbabwe economy, lack of or reduction in FDI inflows as a consequence of sanctions, hyperinflation, risk profile, subdued manufacturing sector and the resultant trade deficit had more detrimental effect. It can therefore be concluded that sanctions affected Zimbabwe's economy and the livelihoods of the populace through unemployment, retrenchments, lack of investment in infrastructure and access to capital for BOP support from international financial institutions.

The study, therefore, accepts the null hypothesis that sanctions were not an instrument of democratization but regime change. The study accepted the alternate hypothesis that sanctions were targeted to affect the populace to rebel against the government. This renders illegitimate the American sanctions which were not authorized by the United Nations.

#### **6.4 Recommendations on American Sanctions on Zimbabwe**

Although 'Look East' policy adopted by Zimbabwe was an inventive initiative of lessening the intensity of American sanctions, the country ought to open up to the global trade. The country ought to engage with as many countries as possible to exploit opportunities of international trade.

Zimbabwe must make an effort to repay loans of the ADB, the Paris Club and other creditors to re-establish its creditworthiness. Effective articulation of policies should be done to dispel uncertainty associated with the risk profile ascribed to the country.

National trade policies that lure capital from abroad should be enhanced to increase GDP. Dishonesty and unethical business practices that make investing in Zimbabwe expensive must be seriously dealt with in order to create a good business image.

The introduction of Zimbabwean denominated money to function alongside the rand, yuan, pula, USD, and British pound will broaden the currency regime and can prevent challenges of externalization of foreign currency which exposes the domestic financial institutions. Zimbabwe should continue to learn from countries that experienced sanctions, and innovations of Rhodesia in finding ways to mitigate the effects of the punitive measures.

The country should continue on the path of enhancing and consolidating democracy in line with the Constitution to render invalid the illegal sanctions. The USA would achieve better relations with Zimbabwe by lifting the illegal sanctions.

## **6.5 Future Research**

Basing on a comparison of two periods namely before and after sanctions, future studies can focus on the impact to determine the efficacy of restrictive measures on Zimbabwe.

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Annex 'A' to Chapter Five

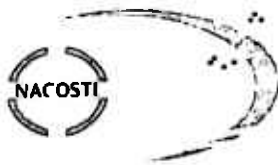
**Table 5.2: Fact Sheet on Zimbabwe's Economic Performance from 1980 to 2012**

**Table 5.2.1: 1980 to 1990**

	GDP(\$ Millions)	Manufacturing Sector (% of GDP)	Exports (\$ Millions)	Imports (\$ Millions)	Balance of Trade(\$ Millions)	Global Competitive Index
1988	7,668	22	1,821	1,561	259	-
1992	6,691	30	1,427	2,185	(759)	-
1996	8,646	22	2,404	2,790	(386)	45
2000	6,453	19	2,145	1,835	309	60
2001	6,066	19	1,434	1,717	(283)	65
2004	5,005	16	1,700	2,000	(300)	99
2008	-	11	1,660	2,630	(969)	130
2012	11,400	12	3,884	7,484	(3,600)	132

Source: World Economic Forum, Ministry of Finance, Zimbabwe

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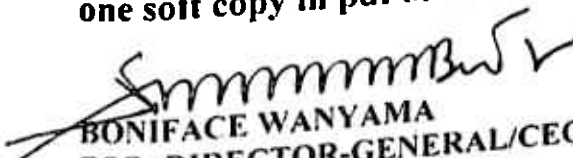
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