

Southern Africa's Sanctions Experience: Bringing About Change?

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During the Cold War, when global comprehensive sanctions regimes were not very common, Southern Africa was the region which dominated much of the sanctions debate, because of the apartheid government in South Africa and Ian Smith's white minority regime in Rhodesia. More recently, sanctions were imposed against the Angolan rebel movement *União Nacional para a Independência Total d'Angola* (Unita) in the 1990s; and against Robert Mugabe's Zimbabwe by the European Union (EU) and the United States (US), among others, in 2002.

The UN's imposition of sanctions in 15 instances in the 1990s, caused that period to be called the 'sanctions decade'.² Zimbabwe's increasingly bad governance in the late 1990s re-ignited the debate in Southern Africa about the effectiveness of sanctions against a regime as a tool of change and their effect on the populations. The debate was one with which South Africans in the 1980s had been very familiar.

As the importance of balancing 'regime transformation' with the difficulties of reconstructing a society after the end of a conflict becomes even more evident in the international arena, the impact of sanctions on the ability of the targeted state to recover after the end of the hostilities has grown in significance. The trend over the last decade has increasingly been towards sanctions targeted against those responsible. However, such actions in turn remove one of the elements of more generalised sanctions: the growing discontent of a population hard-hit by them reaching a point where internal resistance itself helps to precipitate change.

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² Iraq in 1990; the former Yugoslavia in 1991; the Federal Republic of Yugoslavia in 1992; Libya in 1992; Somalia in 1992; Haiti in 1993; Unita in 1993; Rwanda in 1994; Liberia in 1994; the Bosnian Serbs in 1994; Sudan in 1996; Sierra Leone in 1997; Federal Republic of Yugoslavia in 1998; the Taliban in Afghanistan in 1999; and Eritrea and Ethiopia in 2000.

This paper is divided into two parts. The first will look briefly at current debates on sanctions, including the recent UN initiatives to make sanctions more effective. The second part will focus on three case studies taken from Southern Africa: South Africa (where sanctions were imposed against a state); Angola (where they were used against a movement, Unita); and Zimbabwe (where there have been no UN sanctions, but rather sanctions by the EU, the US and Australia individually).

Sharpening the tool

The increasingly interwoven and complex nature of the world and the mushrooming of transnational actors who are independent of any state but influence developments in states and across boundaries, necessitates a re-examination of the function of sanctions and ways in which they could be made more effective.

Sanctions are not a new tool, although they have been continually adapted. They took on an international and multilateral element during the UN sanctions regime primarily directed against South Africa and Rhodesia. The end of the Cold War heralded the mushrooming of UN Security Council sanctions regimes in the 1990s, but their efficacy has been difficult to determine. The general conclusion one can draw is that sanctions are but one tool in the diplomatic armoury. They cannot achieve much on their own, although they may wield substantial symbolic significance. Sanctions are supposed to fit in somewhere 'between words and war'. They are intended to deter or to bring about a change in behaviour in the sanctioned regime or actors, which may include ending civil wars, bringing protagonists to the negotiating table, or forcing the overthrow of a regime.

Like all actions of states, sanctions are not always entirely objective or consistent in their application, given that they are applied by individual states that may have particular interests. This also gives rise to perceptions that double standards or hidden agendas are applied when sanctions are used as a tool. On the whole, however, sanctions in the last half-century have been primarily motivated by a desire in states and international organisations to condemn what is generally regarded as unacceptable behaviour by specific states. However, with the ratification of the Rome Statute and the establishment of the

International Criminal Court, what are judged to be acceptable norms of behaviour by states are shifting. Bad governance, even by 'elected' leaders, may increasingly be used as a reason for sanctions in future, although the definition and interpretation of what constitutes such behaviour by regimes will remain a critical obstacle.

One of the key objectives of recent refinements in sanctions has been to focus on the primary perpetrators of what is considered reprehensible, rather than on the population as a whole. Indeed, the humanitarian consequences of sanctions (which have required the involvement of aid agencies on the ground) have contributed to a change in the debate over the type of tool sanctions should be by emphasising the importance of minimising their impact on the population at large.

The sanctions against South Africa in the 1970s and 1980s were comprehensive, and aimed at strangling its economy. The imposition of sanctions against Iraq was expected to achieve the same end. Comprehensive sanctions, even if not universally applied, substantially raise the cost of doing business in the target economy. However, the humanitarian catastrophe in Iraq following the imposition of sanctions illustrated very graphically the case of 'people's pain, perpetrators' gain' because Saddam Hussein and the Ba'ath elite benefited from the sanctions by becoming involved in racketeering and the smuggling trade. At the same time ordinary Iraqis bore the brunt of sanctions imposed with the purpose of forcing the elite to capitulate. The regime ended up increasing its wealth — although not its longevity.

Increasingly the debate about sanctions has needed to take into account new circumstances. The technological leaps, which have made it even easier for private operations to circumvent sanctions, also undermine attempts by states to comply. The UN system is trying to reduce these operations, particularly since 11 September 2001. Some of these attempts are manifested in the Stockholm and Interlaken processes (which also aim to tackle organised criminal networks and their financing) and the Bonn–Berlin process. All of these recognise the importance of both private and public actors working together in a complementary manner, and that in a globalised world there can be no effective sanctions regime that does not take into account and incorporate private actors. The necessity of bringing them within the scope of sanctions has also fed into the debate about states, political

movements or powerful international business interests or organised criminal networks involving themselves in wars for economic rather than for political reasons (described as 'greed versus grievance'), especially in Africa.³

Ironically, the presence of aid agencies in the targeted country has often assisted sanctions violations, but at the same time the growth and prominence of NGOs has allowed many of these activities to come to light.⁴

For a brief time after the end of the Cold War, there was unprecedented co-operation among the Permanent Five (P-5) in the UN Security Council. That consensus helped to mobilise a UN force against Saddam Hussein in 1990–91, and to authorise the sanctions regime against him. But this euphoric co-operation was soon to end with the re-emergence of power politics, especially among the P-5. Sanctions, although their justification is couched in moral terms as an attempt to remove 'threats to peace', are also used for the promotion of particular national interests. For example, countries that have less to lose are more willing to enforce sanctions than countries which have a substantial trading relationship with the country in question.⁵

In the case of Africa the conventional sanctions regimes aimed against 'errant' states such as apartheid South Africa, were considered no longer sufficient in an era of failed or failing states and the emergence of non-state actors. Unita is an example of a case which required the refinement of the sanctions weapon. Shorn of West–East loyalties, rebel movements in Africa in the 1990s thrived on parallel economies and shadow criminal networks to maintain the flow of revenue so that they could continue fighting. Clearly therefore, traditional sanctions aimed at constraining the national economy of a state are not the appropriate tools for placing pressure on a rebel movement that

³ See Le Billon P, J Sheridan & M Hartwell, *Controlling Resource Flows to Civil Wars: A Review and Analysis of Current Policies and Legal Instruments*. New York: International Peace Academy, May 2002; Taylor M, *Emerging Conclusions, Economics of Conflict: Private Sector Activity in Armed Conflict*. Programme for International Co-operation and Conflict Resolution, March 2002.

⁴ Cortright D & GA Lopez, *Sanctions and the Search for Security: Challenges to UN Action*. Boulder, Colorado: Lynne Rienner Publishers, 2002, pp.13, 15–16.

⁵ In the case of the possible implementation of sanctions against the export of Liberian timber in the late 1990s and early 2000s, such an action would have imposed substantially larger costs on France, which imported a larger proportion of Liberian timber than other P-5 countries on the UN Security Council. That was a significant incentive for a country like France not to adhere to the sanctions regime.

wishes to continue fighting. They are also not effective when targeting private organised criminal networks.

Sanctions regimes of the kind used against South Africa also create favourable conditions for 'sanctions-busters', criminal networks and other non-state actors, like rebel factions. For sanctions regimes to be effective they have to go to the heart of what activates such movements. Garnering the support of a country's population is not always their objective, nor are they averse to using intimidation. They operate largely on fear and patronage.

Yet ironically, the situation in Zimbabwe over the last few years has had interesting parallels with rebel movements. Whereas the basic premise behind sanctions previously was that they squeezed the economy and the state so that the citizens themselves started putting pressure on the government, this hypothesis has been shown to be invalid, at least in the short term. Regimes such as that of Mugabe have a very particular constituency; the army and the political elite. It is that constituency that needs to be squeezed, and that requires very specifically targeted sanctions.

From Interlaken to Bonn–Berlin and Stockholm

The efficacy of punitive measures has been difficult to determine, and previous experience of comprehensive sanctions has not been encouraging; partly because of their destructive impact on populations, but also because by their very nature they are difficult to implement. However, in the last several years various processes have been established to refine and apply targeted sanctions (for instance against Unita, the Taliban, Liberia and Zimbabwe, although those against the latter have no UN mandate). These targeted sanctions are 'directed against significant national decision-makers (political leaders and key supporters of a particular regime) and resources that are essential for their rule'.⁶ Also called 'smart sanctions', they include financial, arms, travel and commodity restrictions on the relevant groups.

⁶ Wallensteen P, C Staibano & M Eriksson (eds), *Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options*. Uppsala: Uppsala University, Department of Peace and Conflict Research, 2003, p.iii.

For such sanctions to be effective it is necessary to develop more refined systems to ensure implementation. Adherence to a sanctions regime requires the co-operation and engagement of the private sector and non-governmental organisations (NGOs).

In 1998–99 Switzerland began a series of seminars that focused on improving the enforcement of financial sanctions. The Interlaken process, as it became known, aimed to build on the actions taken internationally to combat money laundering by developing concrete proposals for improving the technical capacity and strengthening the implementation efforts of the UN and its member states.⁷

Similar seminars were convened in Bonn and Berlin in 1999 and 2000, by the German Ministry of Foreign Affairs. These aimed to refine arms embargoes, aviation sanctions and travel bans.⁸ The recommendations resulting from these processes, in which academics, practitioners, NGOs and diplomats participated, were presented to the UN in October 2001.⁹

The Stockholm Process announced by Sweden at the same time aimed to make recommendations on the implementation of targeted sanctions. These assume that such sanctions occur under the UN umbrella. Yet the absence of a UN mandate does not mean that it is more difficult to monitor their implementation and enforce compliance.

Some of the key recommendations made by the Stockholm Report to states or organisations intending to impose sanctions were the following.¹⁰

- They should set out a clear purpose and specific targets at the design phase. These should include what would be required for implementation of the measures, and the establishment of a sanctions committee with the power to follow through on decisions taken.
- They should maintain international support by ensuring that member states are ‘fully informed of the rationale of the measures, from the early stages and throughout the sanctions regime’. The

⁷ See Cortright D & GA Lopez, *op. cit.*, pp.93–114.

⁸ See *ibid.*, pp.133–179.

⁹ UN Security Council, 4394th meeting, 22 October 2001, New York, S/PV.4394.

¹⁰ Wallenstein P *et al.*, *op. cit.*, p.iv.

media should also be kept updated and informed of progress on implementation.

- They should monitor, follow up and refine the measures throughout the sanctions regime. Specifically they should ensure that the Expert Panels and Monitoring Mechanisms have the 'competence and the authority to perform in-depth investigations and that the Panel reports meet the highest evidentiary standards'.
- They should encourage national training programmes in the areas of police, customs and transportation services and financial controls, all of which are critical for effective sanctions implementation.
- They should adopt different measures to implement the various types of sanctions. This relates to the legislative and administrative framework of countries, as well as to the strategies for countering evasion.

Successful implementation will continue to be hampered by difficulties. Key states and multilateral institutions are the enforcers of sanctions, yet the absence of political will among some of them will undermine the efficacy of the measures and make for uneven application. Even when implemented fairly uniformly, sanctions take time to bite. The delay factor is compounded by the easing of pressure on a regime through the flow of humanitarian assistance to the population.¹¹ Sometimes the weak economic and political capacity of neighbouring states makes it difficult for them to apply embargoes against a neighbour, and may also weaken their economies. That was the dilemma of the Southern African states during apartheid.

Some of the difficulties related to sanctions are linked to the specific goals of the sanctions regime. For example, those aimed at forcing a state to change its behaviour are usually less successful than ones that are purely punitive, and aimed at destabilising a particular regime.¹²

¹¹ A certain Zimbabwean minister told EU officials, who were critical of the government's policies and warned that the EU would not continue to provide funds, that the Zimbabwean government knew the EU would provide assistance when the Zimbabwean population was starving. And indeed that is exactly what happened.

¹² Dashti-Gibson J, Davis P & B Radcliff, 'On the determinants of the Success of Economic Sanctions: An empirical analysis', *American Journal of Political Science*, 41, 2, April 1997, cited in Nooruddin I, 'Modelling selection bias in studies of sanctions efficacy', unpublished paper, January 2001, p.10.

An essential factor and variable affecting the ability of sanctions to bite is the type of regime that is being targeted. Where comprehensive sanctions were applied, the assumption was that if the 'masses' suffered this would compel the leadership to take such action as was necessary to remove the sanctions regime. That assumption is valid only in democratic states where 'political leaders are... motivated primarily by the prospect of re-election and therefore of pleasing their domestic constituencies'.¹³ Yet the countries that were targeted in the 1990s were not fully-functioning democracies. Some of them were blatantly authoritarian dictatorships. Where the traditional dynamic between the population and the leadership is absent, sanctions that impoverish the citizenry may serve only to enrich the 'perpetrators' and targets of sanctions, as already noted in the case of Iraq; hence the role of targeted sanctions in creating 'discomfort' for the elite.

The effectiveness of sanctions depends on the ability of states and organisations to monitor their implementation. Sanctions should be imposed for a set period, and accompanied by detailed criteria which, if met, will result in the lifting of the embargo. Progress towards compliance should be assessed on a regular basis. It is also important that there are incentives as well as punishments. As stressed earlier, sanctions are but one tool, and hence need to be integrated into a broader strategy that addresses the causes of the conflict, what perpetuates it, and what engages all the critical actors.

The following section contains three case studies — South Africa, Unita and Zimbabwe.

The case of South Africa

The sanctions campaign against South Africa began in the 1950s, but gained momentum in the 1960s and 1970s. By 1963, 25 countries had imposed official boycotts against South Africa. The first punitive UN resolution in April 1961 requested members to consider taking 'separate and collective action' against South Africa. In 1963 the UN Security Council called for an arms embargo against South Africa, and in 1977 imposed a mandatory arms embargo.¹⁴

¹³ Nooruddin I, *ibid.*, p.13.

¹⁴ Africa Research Centre, *The Sanctions Weapon: A Summary of the Debate over Sanctions against South Africa*, prepared for the Black Caucus. Cape Town: Buchu Books, 1989, pp.12–13.

The anti-apartheid campaign mobilised communities, organisations, states, intergovernmental institutions, churches and political parties around the world, and also within South Africa itself. It would not be an exaggeration to say that this groundswell of political opposition to apartheid was unprecedented, and has not been repeated on the same scale since.

The sanctions against South Africa, introduced at different times from the early 1960s onwards, were both multilateral and bilateral. They covered arms, oil, aviation and financial links; people-to-people (sports, cultural and academic) and diplomatic interactions; and advocating private business disinvestments and divestment.¹⁵ While their intention was to be comprehensive, their application became selective, partly because the various actors continually reviewed and revised their strategies in light of changed circumstances. Indeed by the 1980s the selective sanctions argument was gaining support, influenced by two main questions seizing the pro-sanctions lobby:¹⁶

- Which sanctions would weaken the South African government most?
- Which sanctions would strengthen the leverage or bargaining power of the black people?

This shift was also made essential by the fundamental weakness in the sanctions regime — it was not, in fact, comprehensive.¹⁷ South Africa's key economic and political partners, the US, the UK, West Germany and Switzerland, had not applied the sanctions regime during this period, and thus partly contributed to its undermining.

The effects of the various forms of sanction imposed against South Africa are described below.

¹⁵ Disinvestment was the partial or total withdrawal of foreign companies, whereas divestment was the selling of shares in companies involved in South Africa.

¹⁶ Africa Research Centre, *op. cit.*, p.72.

¹⁷ A report by the Council of the Evangelical Church of Germany in 1986 concluded that 'a small group of only six countries (the USA, UK, Federal Republic of Germany, France, Japan and Switzerland) is able, through suspending the integration of the South African economy into the world economy with the help of effective sanctions, to topple one of the main pillars of the apartheid regime.' Cited in Africa Research Centre, *ibid.*, p.77.

People-to-people boycotts did not have an immediate monetary cost associated with them, but carried substantial symbolic importance. Also, the absence of cultural and academic exchanges in particular stifled the flow of ideas and intellectual debate. This type of sanction has long-term effects on the intellectual underpinnings of any society. (This topic is discussed in greater detail in the chapter by Brooks Spector elsewhere in this volume.)

At a more formal and political level, the perception of South Africa as a pariah state (which was reinforced by the absence or revocation of *diplomatic* recognition by many states) gave legitimacy to the broad anti-apartheid movement and the liberation struggle. It confirmed the moral reprehension with which most of the world regarded Pretoria.

The *arms embargo* had limited impact, as many Western states continued to do business with the apartheid government, collaborating with it to develop South Africa's own arms industry and supplying it with 'civilian' or 'dual-purpose' products that were not manufactured domestically. While South Africa did not become self-sufficient in the manufacture of arms and ammunition, the weapons embargo helped to accelerate industrial development in certain sectors of its economy. The substantial annual increase in South Africa's defence budget, therefore, had a positive effect on the domestic industry, although by the mid- to late 1980s the cost to the fiscus was becoming impossible to sustain.¹⁸ Sanctions also increased the cost of access to advanced high-tech systems and had a negative effect on the South African economy in the long run.

After the adoption of the mandatory arms embargo in 1977, the Security Council established a committee to monitor and supervise adherence. However, it had a weak mandate. Although in 1980 it submitted a number of proposals for making the embargo more effective, the only one adopted by the Security Council was watered down and non-mandatory. The blocking of proposals by the US and the UK ensured that the committee's role became superfluous.

¹⁸ For a detailed discussion of South Africa's military build-up and the impact of the arms embargo see Minty AS, 'South Africa's military build-up: The region at war', in Johnson P & D Martin (eds), *Frontline Southern Africa*. Peterborough: Ryan Publishing, 1989, pp.233–280.

Some of these difficulties of implementation of the arms embargo resurfaced in the discussions in the 1990s about making sanctions more effective.

The *oil embargo* against South Africa, which was imposed in 1973, was also unsuccessful in choking the economy, although it introduced additional costs. The Shipping Research Bureau in Amsterdam, set up by anti-apartheid organisations to trace the secret supply lines established to defy the oil embargo, estimated that it had cost South Africa over R80 billion from January 1979 to the early 1990s.¹⁹ Many oil-producing countries, including Saudi Arabia, the United Arab Emirates, Qatar, Oman, Iran and Egypt, supplied South Africa, especially after the fall of the Shah in Iran in 1979 had closed off that avenue to the apartheid government. Commenting on this, the Shipping Bureau said,²⁰

All the above-mentioned countries have repeatedly endorsed the oil embargo against South Africa. However, the massive violations of their embargo policies suggest serious deficiencies in their procedures for monitoring possible oil deliveries to South Africa.

Both arms and oil embargoes were of far longer duration than *financial sanctions*, but it was the restriction of loans that was by far the most effective, although it came into play only in the mid-1980s. Although these sanctions were primarily driven by real economic imperatives, they nevertheless had a political impact too, entrenching the apartheid government's sense of being under siege from all sides.

The South African economy's structural deficiencies in terms of generating growth and employment (not as the result of sanctions, but preceding them) made it vulnerable. After World War Two the economy had not been able to generate enough jobs to take natural population growth into account,²¹ and by the early 1980s foreign capital flows had declined, as had domestic savings. The raising of foreign loans to counter these twin problems caused short-term debt as a proportion of total foreign debt to rise from 49% in 1980 to 68% in 1984. Total foreign debt in 1980 amounted to \$16.9 billion, or 20% of South Africa's GDP. Four years later this had grown to \$24.3 billion, or

¹⁹ Davie K, 'How South Africa gets its oil', *The Executive*, undated.

²⁰ *Ibid.*

²¹ African Research Centre, *op. cit.*, p.56.

46% of GDP, because of the substantial decline in the value of the rand.²²

At the end of July 1985, Chase Manhattan Bank announced that it would not extend credit on maturing short-term loans; nor would it advance new credit. Other US banks followed suit. The South African government imposed a unilateral moratorium on its short-term international debt. An interim agreement was negotiated in 1986, but the crisis had a number of ramifications for South Africa. It helped to tighten the noose on an economy already under siege,²³ partly owing to sanctions but also because of its own structural barriers and lack of foreign capital. It undermined investor confidence in the economy and South Africa's international credit-worthiness, and the compulsory debt repayments drained an economy already starved of foreign capital inflows. From the mid-1980s onwards the state had to maintain a surplus on the current account of its balance of payments.

The cost of doing business and raising private finance abroad had increased substantially, but the ability of financial sanctions to act as tools of change was nowhere more obvious than in the preparatory stages of the renegotiation of the debt rescheduling. Not only had South African big business begun increasing its calls on government to reform, but President PW Botha repealed the pass laws and lifted the state of emergency in early 1986. The international community viewed these as positive developments, but soon after the debt was rescheduled the South African government imposed a new state of emergency.

Some analysts argued that it was in the economic area that greater emphasis on adherence to sanctions needed to be placed, as the leverage exerted could be powerful.²⁴ The role played by the international banks already discussed had shown tangible results. The banks themselves had also come under substantial pressure in their own countries to be firm with South Africa, especially via the

²² Hirsch A, 'Sanctions, loans and the South African Economy', in Orkin M (ed.), *Sanctions Against Apartheid*. Cape Town and Johannesburg: David Philip, 1989, p.272.

²³ Christopher Coker refers to South Africa's siege economy in the 1980s as one starved of foreign capital and inter-bank loans, rather than one besieged by sanctions. See Coker C, 'Disinvestment and the South African "siege economy": A business perspective', in Johnson S (ed.), *South Africa: No Turning Back*. London: Macmillan, 1988, pp.283–303.

²⁴ Hirsch, *op. cit.*, p.276.

mobilisation of public opinion and activism of citizens and communities in the US and the UK.²⁵

Another area of vulnerability for the South African economy was in trade credits, as most of its trade was financed in this way. Although trade credits were not part of the sanctions regime, in 1987, Dr Chris Stals, the director-general of finance at the time, said:²⁶ 'If the world banking community should effectively exclude South Africa from international trade and payment systems, it would be a much more effective sanctions measure than trade sanctions applied by governments.'

Restrictions on access to global finance in the mid-1980s coincided with the adoption by the US of the Comprehensive Anti-Apartheid Act (CAAA) in 1986. This was a blow not only in terms of its content, but also symbolically, as the US (especially under President Ronald Reagan) had been one of the staunchest supporters of the South African government. The CAAA, which was adopted by the US Congress notwithstanding President Reagan's veto, provided for the following restrictions on relations between the two countries:²⁷

- prohibition of air transport;
- prohibition of nuclear trade;
- a ban on US banks taking deposits from any agency of the South African government;
- prohibition of the importation of coal, iron, steel, agricultural and edible products, textiles and uranium;
- prohibition of new investment in South Africa, except in firms owned by black South Africans;
- termination of double taxation agreements; and
- a ban on sales of petroleum products and any goods on the US Munitions List.

Provision was made to monitor political progress by the South African government. The Act also stipulated that additional sanctions would

²⁵ In the UK, Barclays Bank saw its share of the student market decline from 27% in 1983 to 17% in 1985 because of a campaign by students, local councils, charities and individuals protesting against its involvement in South Africa. For more detail see Hirsch, *ibid.*, p.277.

²⁶ *Ibid.*, p.282.

²⁷ Danaher K, 'The US struggle over sanctions against South Africa', in Orkin M (ed.), *op. cit.*, pp.137–138.

be imposed if the government had not made 'substantial progress' within twelve months. Title II of the CAAA provided for US economic assistance in the form of scholarships, legal and other assistance to political prisoners and their families, and an employment code of conduct (among others) for US companies operating in South Africa.

The CAAA was not fully adopted or adhered to by the Reagan administration. However, of all the trade sanctions against South Africa, the CAAA was the most effective in reducing the volume of trade between South Africa and the US. America was (and continues to be) an important trading partner. However, much of the decline in South Africa's exports to US markets in the late 1980s was taken up by exports to other countries. For example, when in 1987 the US and the UK cut back on their purchases of diamonds, Switzerland and Belgium absorbed most of the supply.²⁸

The CAAA was followed by similar moves in Canada, Australia, New Zealand and the Scandinavian countries; and lesser measures were adopted by the European Economic Community (EEC). The EEC agreed to maintain bans on oil and arms exports, and to withdraw military attachés from Pretoria. In 1985 at Nassau the Commonwealth²⁹ applied bans on government loans to South Africa; the government promotion of South African trade missions; the importation of Krugerrands and the exportation of oil, computer equipment, goods and supplies to the military, police or nuclear sectors. It also discouraged all cultural and scientific co-operation.³⁰ Most members had already taken those measures. In London in 1986, additional sanctions were agreed upon by all except Britain. These included a ban on the importation of agricultural products, uranium, coal, iron, steel, and on new investment or reinvestment of profits earned in South Africa.³¹

²⁸ Jenkins C, 'Trading partners: The sanctions legacy', *Indicator SA*, 8, 4, Spring 1991, p.26.

²⁹ Particularly after the election of Margaret Thatcher as prime minister of Britain in 1979, the Commonwealth had become increasingly divided over South Africa and the application of sanctions, with Britain isolated from the rest of the members. India, Australia, Canada, Zambia and Zimbabwe were especially prominent in the Commonwealth during this period. Thatcher denounced sanctions as 'immoral'.

³⁰ Freeman L, 'All but one: Britain, the Commonwealth and sanctions', in Orkin M (ed.), *op. cit.*, p.144.

³¹ *Ibid.*, p.145.

By the end of 1985 *divestment* actions by US state and local governments had mandated that almost \$4.5 billion should be withdrawn from companies involved in South Africa.³² However, neither this nor *disinvestment* was as costly to the South African government as the anti-apartheid movement may have hoped. In many instances of disinvestments, companies sold their holdings to their previous managers, or were bought by local companies: for example, Anglo American purchased Barclays National from its British parent company.³³

Although the sanctions against South Africa were meant to be all-encompassing and comprehensive, as already noted they lacked the support of key Western states, which applied certain sanctions half-heartedly. Technologically, South Africa received substantial assistance from states such as Israel and Taiwan, as proxies of the West, South Africa having been part of the Western alliance during the Cold War. (It was only as the Iron Curtain started to disappear that the impetus for change grew in South Africa, and the government showed a greater willingness to engage the domestic opposition in a more sustained and open manner.)

Furthermore, South Africa's robust institutions, economic, political and security, and its strong natural resource base helped the country to resist longer. The South African government's ability to establish a number of front companies to help counter the effect of sanctions was also significant. It also led to the destabilisation by South Africa of its neighbours. The cost to the member states of the Southern African Development Cooperation Conference of preparing for South African retaliation against sanctions between 1987–90 was about \$6 billion.

Assessment

Sanctions are often cited as playing a significant role in bringing down apartheid, but paradoxically, it is also claimed that 'the ability of the Pretoria regime to survive for so long is related in part to the massive political, economic and military support that it has received from its

³² Minter W, 'Destructive engagement: The US and South Africa in the Reagan era', in Johnson P & D Martin (eds), *op. cit.*, p.428.

³³ Coker, *op. cit.*, p.288.

external allies'.³⁴ (This is one of the lessons that has been ignored in the debate over Zimbabwe.)

The uneven application of the sanctions against South Africa may have lessened their impact, but in some instances had unintended positive effects. The black population benefited from the continuing engagement of certain foreign companies in South Africa. The Sullivan and European Community Codes³⁵ of employment practice, with which all foreign companies had to comply, offered greatly improved conditions of service. Also international companies remaining in South Africa provided employment to the very people who were discriminated against by apartheid.

There was clearly an argument to be made for engagement with the South African government by certain Western countries at the time. The merits of the US policy of constructive engagement may still be hotly debated, as indeed is the impact of sanctions. However, engagement can play an essential role in pressurising a regime to change, provided it is not 'molly-coddling' the perpetrator. Those who are closest to the regime and have substantial interests may have the greatest ability to manoeuvre that regime into greater reforms. (This is a lesson that is also crucial to the Zimbabwean case.) However, as Jack Bloom points out in explaining why apartheid's opponents preferred sanctions to constructive engagement,³⁶

There is also a very strong psychological need here, that of maintaining morale, knowing that [black politicians and the broad anti-apartheid movement] are not isolated, that someone, somewhere, understands and sympathizes with their plight. *Visible* affirmations are tremendously appreciated, along the lines of protest marches, embassy sit-ins, effigy burning etc. All this quiet diplomacy of constructive engagement cannot provide, whereas the strident posturing of disinvestments campaigners most definitely can.

In the case of South Africa, there is no doubt that without the substantial domestic resistance, characterised from the early 1980s

³⁴ Minty AS, *op. cit.*, p.280.

³⁵ These were initiated in 1977. They were both broadly similar. Initially aimed at improving conditions of workers within foreign companies, they later focused on conditions at community level and involvement in 'national' problems. See Bloom JB, *Black South Africa and the Disinvestment Dilemma*. Johannesburg: Jonathan Ball Publishers, 1986, pp.36-38.

³⁶ *Ibid.*, p.231.

onwards by the rise of the United Democratic Front, the critical mass that was so important in bringing the government to the negotiating table would not have been created. Yet in many senses it was also the political stalemate that had made the opposition in exile realise the importance of engaging in talks with the government. Critically, this sense of stalemate also resulted in an internally negotiated solution, with very little foreign influence exercised on the outcome.

The case of Angola

The case of sanctions against a rebel movement, Unita, illustrates some new developments in the evolution of the debate on sanctions during the 20th century. The first is that this was aimed against a political and military movement in a state that had been at war for the better part of 40 years. Angola could be characterised as a failed state, not so much because the ruling party, the *Movimento Popular de Libertação de Angola* (MPLA), was weak, but because it had no control over much of the territory of the state. It was unable or unwilling in a war situation to fulfil its social compact with its citizens, that is the provision of security and a stable political and economic environment in which the population could thrive.

The war and the resulting sanctions against Unita were also an illustration of a new type of war, representing another element with which the international community was going to have to deal — the use of a country's natural resources, such as oil, diamonds and timber, to fund the parties to sustain intra-state conflicts.

The international sanctions against Unita reflect a change in the debate from the comprehensive approach adopted by the UN in the 1960s and 1970s against South Africa and Rhodesia, to a more targeted approach in the 1990s. Sanctions against Unita, like those against Somalia, Liberia, Rwanda, Sierra Leone and Yugoslavia, were linked to civil wars. While the sanctions against South Africa were also associated with a desire to change the internal situation in the country, they were different because they had broad-based international legitimacy, being perceived as part of the decolonisation process.³⁷

³⁷ See Wallenstein P, 'A century of economic sanctions: A field revisited', *Uppsala Peace Research Papers*, 1, 2000, p.3.

The UN's decision to apply sanctions against Unita came after the return of Unita's leader, Jonas Savimbi, to the bush in the aftermath of the 1992 presidential elections, which he alleged had been marred by widespread irregularities. He refused to accept the election results, which gave the victory to the MPLA's Eduardo Dos Santos. This meant an overturning of the Bicesse Accords of 1991 between the MPLA and Unita that had made the elections possible, and a resumption of the civil war.

In September 1993, the UN Security Council banned the sale of arms and petroleum products to Unita. It was seen as the aggressor because it had refused to accept the results of an election that the international community had broadly regarded as free and fair. At the same time the UN Security Council established a sanctions committee. A new peace agreement was signed in November 1994, the Lusaka Protocol.³⁸ However, Unita violated the Protocol, and additional sanctions were applied in 1997. They included a prohibition on flights to and from Unita-held territory and on foreign travel by senior Unita officials; and diplomatic sanctions which forced the movement to close down its offices in other countries. In 1998, financial sanctions which froze the movement's financial assets and banned anybody from having any financial transactions with Unita, were added. Furthermore, UN Security Council resolution 1173 banned all forms of travel to Unita-controlled territory and instituted an embargo on any diamond imports from Angola not certified by the government.

It was obvious that the need perceived by the UN Security Council to ratchet up the sanctions meant that the regime already imposed had been largely ineffectual in bringing about the international community's objectives, which were to force Unita to the negotiating table and end the civil war. Paradoxically, the MPLA government also bought diamonds from Unita, which were sold through the state diamond company, perhaps to maintain the diamond price and prevent over-supply.

By the time of Savimbi's assassination in February 2002, Unita had become the black sheep. A conscious move had been made by the UN and key actors in the international community to control it through punitive measures (sticks); while the MPLA was to be offered

³⁸ See also Thomashaussen A, 'Angola: The role of the International Community', *South African Journal of International Affairs*, 9, 2, Winter 2002, pp.17-42.

inducements (carrots). This strategy had not only alienated Savimbi and those members of Unita still fighting the bush war from the moderate elements of that movement, but also helped the MPLA pursue its 'total defeat' strategy against Unita.

While the civil war in Angola is now over, how the MPLA's defeat of Unita will determine the character of the polity and the process of democratisation in the future remains to be seen.

The Fowler Committee

It was only after the assumption of the chair of the UN sanctions committee by Robert Fowler, the Canadian ambassador to the UN in 1999, that the committee adopted a 'more assertive monitoring and enforcement role'.³⁹ The aim of this greater assertiveness was to 'try to restrict Unita's capacity to pursue a military option in Angola, and at the same time to encourage Unita to comply with its obligations under the Lusaka Protocol'.⁴⁰ Following an extensive mission to Central and Southern Africa, Fowler made a series of recommendations to the UN on improving the implementation of the sanctions. The most important of these was the recommendation that it establish a panel of experts.

In 1999 the UN Security Council adopted resolution 1237, which provided for the establishment of two independent panels of experts to examine and make recommendations on sanctions against Unita. The purpose of the first panel was to investigate Unita's finances (especially respecting the diamond trade); that of the second was arms trafficking and the sources of Unita's supplies. These panels were subsequently merged.⁴¹ The panel's report, published in March 2000, did not shy away from 'naming and shaming'. It identified governments, individuals and companies that were involved in helping Unita to circumvent the sanctions.

³⁹ Cortright D, GA Lopez & E Cosgrove, 'Success in the making? The evolution of UN sanctions in Angola', in Cortright & Lopez, *op. cit.*, p.65.

⁴⁰ Report of the Panel of Experts on Violations of Security Council Sanctions Against Unita, UN Security Council, 10 March 2000, S/2000/203.

⁴¹ For a detailed discussion of the panel's activities see Cortright, Lopez & Cosgrove, *op. cit.*, pp.66-71.

Some of the countries reported as assisting Unita to violate sanctions were Burkina Faso, Congo-Brazzaville, Rwanda, Togo and Bulgaria. Zaire had also been implicated before 1997.

The recommendations made by the panel of experts included the following.⁴²

- Sanctions should be imposed by the Security Council against leaders and governments found to have been deliberately breaking the sanctions relating to the supply of arms and military equipment to Unita.
- Agreement by governments to register, license and monitor the activities of arms brokers should be sought. This information should be stored in national databases that would be made available, as appropriate, to other governments and regional and international organisations.
- The onus of verification of the actual end-user should lie with the supplier of the arms.
- Institutionalised information exchange mechanisms between oil companies and governments in areas adjacent to the conflict zones should be established, to help identify illegal fuel diversions.
- Where the legal origin of rough diamonds cannot be established by the possessor, they should be forfeit.
- Countries containing important diamond marketing centres should make the sale of undeclared rough diamonds a criminal offence.
- Traders and companies involved in selling undeclared diamonds should lose their registration, be placed on an industry blacklist and be barred from any involvement in the diamond industry worldwide.
- A more effective arrangement should be developed and implemented by the diamond industry to ensure that its members worldwide abide by the sanctions against Unita.
- Banking procedures should be instituted to assist in the identification of individuals targeted by sanctions and the freezing of their assets.
- SADC should consider introducing a mobile radar system that can be rapidly deployed in the region so as to detect illegal flights across national borders, and a regional air traffic regime should be established in preference to a country-by-country system.

⁴² Report of the Panel of Experts on Violations of Security Council Sanctions Against Unita, UN Security Council, 10 March 2000, S/2000/203.

The report also recommended the establishment of a monitoring mechanism in addition to the sanctions committee.

While many of the countries named challenged the report's conclusions, its bold and 'no-nonsense' tone had an impact. Many countries announced their willingness to co-operate with the UN in closing the loopholes in the sanctions regime.⁴³

In 2000 the UN Security Council established a monitoring mechanism to investigate reported violations and to look at ways of improving the effectiveness of sanctions. This was the only recommendation made by the Fowler report that the Council acted upon. (The UN Security Council's most notable omission was to ignore the recommendation to apply sanctions against leaders or governments violating sanctions. The matter was deemed too sensitive to even consider.) The monitoring mechanism engaged in both 'public exposure and quiet diplomacy to mobilize international sanctions compliance. Systematic outreach to countries of the region became 'the most effective diplomatic means' to win support for the isolation of Unita'.⁴⁴ This mechanism helped to keep up the pressure on sanctions violators, while at the same time widening the network of international actors involved in enforcement.⁴⁵ Its 2001 supplementary report claimed a drastic reduction in the arms delivered to Unita.⁴⁶

The sanctions and their effective monitoring also ensured that the sale of diamonds to purchase arms had declined significantly, thus eroding Unita's conventional military capability at a time when that of the MPLA government was increasing. The mechanism's addendum report estimated that in 2000 Unita's income from diamonds was at least \$100 million. However, while still substantial, this represented a drastic decline from the \$300 million earned in 1999. Although sanctions deserved part of the credit, the decline was also partly attributable to Unita's having lost control of some of the diamond-producing territory.

⁴³ Cortright, Lopez & Cosgrove, *op. cit.*, p.67.

⁴⁴ UNSC, *Supplementary Report of the Monitoring Mechanism on Sanctions Against Unita*, S/2001/966, New York, 12 October 2001, par. 266. Cited in Cortright, Lopez & Cosgrove, *op. cit.*, p.68.

⁴⁵ Cortright, Lopez & Cosgrove, *ibid.*, p.69.

⁴⁶ UNSC, *Supplementary Report*, S/2001/966, par. 11.

An important element in the sanctions against Unita was the support the sanctions regime and the MPLA government received from neighbouring states. SADC member states co-operated by preventing Unita's diamond exports and monitoring the movement of petroleum supplies.⁴⁷

The Kimberley Process

The mobilisation of elements of civil society against the selling of what became termed 'blood diamonds' was a very important outcome of the work done by the sanctions committee to publicise violations by states and the private sector of the sanctions against Unita.

In 1998 an NGO, Global Witness, published a report that was critical of the diamond industry's role in fuelling conflicts in Africa. It documented the means by which Unita was arming itself through the illicit sale of diamonds.⁴⁸ The campaign against 'conflict' diamonds grew. Its proponents included Amnesty International, Physicians for Human Rights, the International Human Rights Law Group, the International Rescue Committee and TransAfrica. The war in Sierra Leone, which was also being partially financed by the sale of diamonds, became an additional cause to rally support for the campaign.

The threat expressed by activists and the NGOs was, in the words of Rory More O'Ferrall, De Beers' director of public and corporate affairs,⁴⁹

unless the diamond industry joins with us and the governments to take strong action against the trade in conflict diamonds, however small a proportion of the legitimate trade they may be, we will blacken the reputation of the industry by associating all diamonds with the sort of atrocities we see on our TV screens.

The campaign was instrumental in galvanising De Beers, both for moral and commercial reasons, into pushing for reforms within the industry. (The industry estimated the trade in 'blood diamonds' to be about 2% of the total diamond trade.) The chairman of De Beers,

⁴⁷ See Cortright, Lopez & Cosgrove, *op. cit.*, p.71.

⁴⁸ Global Witness, *A Rough Trade: The Role of Diamond Companies and Governments in the Angolan Conflict*. London: Global Witness, December 1998.

⁴⁹ Rory More O' Ferrall, director of public and corporate affairs, De Beers Group of Companies, transcript of address, 5 April 2002.

Nicky Oppenheimer, emphasised that 'a transparent verification of both government and industry procedures is essential to the credibility of [a] certification scheme in the eyes of the world'.⁵⁰ In July 2000 De Beers adopted 'Best Practice Principles' which committed the company to refusing to buy or trade in rough diamonds 'from areas where this would encourage or support conflict and human suffering'. The Kimberley Process, which was launched in 2000 by the South African government (the Ministry of Mineral and Energy Affairs in particular), brought together the diamond industry, governments, the UN and the NGO community. Its aim was to create an international scheme to certify and track the import and export of rough diamonds. The South African government played an instrumental role in mobilising regional support for countervailing measures within SADC because it realised the deleterious effect the campaign could have on the diamond industry in the region. At the same time South Africa began drafting the UN resolution on 'conflict' diamonds.

Two years later in November 2002, the ministers of 50 participating countries endorsed intergovernmental measures to introduce the Kimberley Process Certification Scheme (KPCS) to govern the trade in rough diamonds. (The UN also endorsed the scheme.) The diamond industry also agreed to implement the self-regulation contained in the Scheme. The KPCS came into effect in January 2003. By April 2003 some 50 states were deemed to have met the minimum requirements set by the KPCS.

While the KPCS is regarded as a model for preventing the illicit exploitation of natural resources to fund wars, its success will depend on its ability to provide an effective monitoring mechanism. This would substantially increase the costs of selling and buying diamonds for those outside the system.

Other initiatives

The work done by the Fowler committee and its monitoring mechanisms to raise awareness worldwide of the role that illicit exploitation of resources (whether diamonds, oil or timber) plays in raising the money to prolong conflicts led to the adoption of

⁵⁰ Smillie I, *Motherhood, Apple Pie and False Teeth: Corporate Social Responsibility in the Diamond Industry*, The Diamonds and Human Security Project, Occasional Paper No. 10, 5 June 2003, p.12.

additional initiatives. These included an NGO programme, *Publish What You Pay*, which sought greater financial transparency from international oil, gas and mining companies operating in developing countries in terms of payments made to the host governments, as a large proportion of such payments fuels government corruption and mismanagement. The initiative, comprising more than 80 NGOs (including the Open Society Institute, Global Witness and Partnership Africa–Canada) placed an onus on the governments of developed countries ‘to require transnational extraction companies to publish net taxes, fees, royalties and other payments made’.⁵¹ This would enable civil society to determine the amount of money misappropriated, and in this way act as a deterrent to both the companies who offer financial inducements and the governments who accept them.

In September 2002, the British prime minister, Tony Blair, announced the Extractive Industries Transparency Initiative (EITI). Its objectives were similar to those of *Publish What You Pay*, calling for greater transparency both from companies on their payments to governments and government-linked entities, and from the host country governments over revenues. However, the voluntary nature of such initiatives makes compliance uncertain and enforcement very difficult.⁵²

Apart from these non-mandatory initiatives, the US Congress passed the Clean Diamond Trade Act (which went through the Senate in April 2003), enacting the regulations set out in the Kimberley Process.

Assessment

While sanctions against Unita took some time to take effect, they represented an important milestone in the evolution of a more effective sanctions regime. Fowler’s initiative to make the sanctions committee more than just a body to which people made submissions for waivers of sanctions regimes helped to enforce compliance. The creation of a panel of experts proved useful in Angola’s case, and has also been used in investigations into the illegal exploitation of the natural resources of the Democratic Republic of Congo. The greater

⁵¹ *Ibid.*, p.12; and also www.publishwhatyoupay.org.

⁵² See Smillie, *ibid.*, for a very good discussion of the efforts by the Organisation for Economic Cooperation and Development to refine its guidelines for multinational enterprises. These guidelines encourage high standards and best practices in corporate behaviour.

effectiveness of the sanctions committee also signalled to the various players in the diamond industry that they were required to address illicit diamond trafficking more actively.

The sanctions committee's 'naming and shaming' approach, and its ability to maintain a public awareness of developments in sanctions avoidance, offers important lessons for a newer case, that of Zimbabwe. The debate over that country has polarised around two extremes: sanctions targeted at its leaders and 'quiet' diplomacy.

Of course the sanctions against Unita, as in the case of South Africa, were not the sole cause of the movement's defeat, but the ability of the sanctions committee to monitor and 'name and shame' contributed to its isolation. The substantial degree of compliance provided by important states in cutting off Savimbi's supply lines also reflected the limited international profile and legitimacy of Unita's cause. The general vilification of the rebel movement enabled the MPLA to tighten the noose around it, with very little criticism from the international community of any strong-arm tactics used by the Angolan army. The MPLA's military involvement in other countries in the region also ensured that supply routes to Unita were cut off.⁵³

From the mid-1990s onwards, the international community regarded Unita as a spoiler. It closed its eyes to the MPLA's corruption and autocratic practices, and provided the government with aid, while private oil companies paid large signature bonuses into the MPLA's coffers.⁵⁴ This behaviour was compounded by the relative weakness of Angolan civil society in acting as a check on the government and generating support for greater pressure on the MPLA. Whether this, combined with Unita's international marginalisation, has encouraged the MPLA's culture of impunity, and whether this will undermine Angola's long-term prospects for good governance and democracy, remains to be seen.

The case of Zimbabwe

⁵³ Angola intervened in Congo-Brazzaville to impose a friendly government in 1997. It also signed a tripartite agreement with Namibia and Zambia to improve security along their common borders. Namibia allowed Angolan forces to cross into its northern territory in hot pursuit of Unita fighters.

⁵⁴ For a discussion of transparency and state revenues in the MPLA government, see Grobbelaar N, G Mills & E Sidiropoulos, *Angola: Prospects for Peace and Prosperity*. Johannesburg: SAIIA, 2003, pp.62–67.

Sanctions against Robert Mugabe's regime in Zimbabwe differ from those in the previous case studies in two ways. First, no UN sanctions have been imposed. There are only bilateral sanctions and a suspension from the Councils of the Commonwealth. Second, there has been no groundswell of condemnation by either governments or civil society movements of the type seen against Unita or against South Africa under apartheid. The condemnation of Robert Mugabe's government has emanated from the UK (and the EU), the US and Australia, but not openly from countries in the region. Only more recently, during 2003, has there been some civil society mobilisation by trade unions and the churches in the region. However, like the sanctions against Unita, the measures target the key politicians responsible for the crisis in Zimbabwe.

This is not the first time that sanctions have been imposed against Zimbabwe. In the 1960s Ian Smith's Rhodesian regime was the object of extensive sanctions by the international community. The regime withstood pressure to negotiate with the black liberation movements for as long as its supporter, South Africa, maintained supply routes for its imports and exports. However, by 1974, on Portugal's announcement that it would grant all its colonies immediate independence, South Africa's prime minister, John Vorster, began to see the writing on the wall. He started a policy of détente with black African states to the north. It is widely accepted that an increase in economic pressure from the south was one of the factors that brought the Rhodesian regime to the negotiating table, and led finally to the Lancaster House agreements in 1979.

Zimbabwe's descent into anarchy

The current debate over sanctions against Zimbabwe follows the constitutional referendum in February 2000, which dealt a blow to Mugabe's Zanu-PF and seriously undermined its apparently invincible position. Mugabe's defeat in the referendum poll set in motion the Zimbabwe government's strategy of clamping down on all opposition. From 2000 onwards, as pressure on the opposition started mounting, and land seizures by 'war veterans' became the order of the day, a heated debate began in South Africa and Britain in particular, about whether sanctions should be applied against Mugabe. On the eve of the 2002 presidential elections the abuse of the electoral system had become so blatant that a series of sanctions were implemented by the

EU, especially after the head of the EU observer mission had been denied entry into Zimbabwe.

In Zimbabwe there has been no full-scale outbreak of civil war; nor has there been an unconstitutional military coup. But there have been ongoing and escalating violations of human rights; rapes; tortures and intimidation of non-Zanu-PF supporters; a clamping down on the voices of the independent media and continuous state-sponsored violence. Rhodesian-era security legislation continues to stay on the statute books, and in many instances has been made even more draconian. The separation of powers has been eroded, as have civic and political freedoms.

There has also been a significant decline in what was once Southern Africa's most vibrant economy after South Africa. In the first six months of 2003, some \$20 million left the Zimbabwe Stock Exchange — more than five times the amount of funds withdrawn by foreign businesses in 2002. Inflation in the third quarter of 2003 was well over 400%. Zimbabwe's 'land reform' policy displaced some 500,000 farm workers and evicted 90% of the country's commercial farmers. Zimbabwe's tobacco industry, which generated more than 30% of foreign exchange income has been virtually destroyed.

The political impasse came to a head following the disputing of the 2002 presidential election results by the main opposition party, the Movement for Democratic Change (MDC). Many observer groups found these elections unfree and unfair, not because people had been intimidated on election day but because of the government's well-orchestrated campaign of hampering voter registration; the lack of independence of the electoral commission; and the enactment of various pieces of legislation that made unhindered campaigning by the opposition very difficult. However, both the South African and the OAU observer missions found the election results to be a legitimate expression of the will of Zimbabweans.

The imposition of sanctions

In February 2002 the EU imposed targeted sanctions against 79 senior Zimbabwean government officials. These restrictions included:

- the freezing of personal assets of senior members of government and other high-ranking officials;

- the prohibition from travelling to EU member states of such persons;
- an embargo on any sale of arms by EU member states; and
- the suspension or re-orientation of certain financial development co-operation programmes with the government of Zimbabwe, mainly owing to the government's non-compliance with the provisions of the bilateral agreements, and to a political and economic environment that was not conducive to co-operation with government structures.

The US imposed similar sanctions, effective from 22 February 2002, which included the freezing of financial and personal assets of the political elite; the barring of US citizens from having financial dealings with the listed people; and a travel ban.

In March 2002 the Commonwealth Chairpersons' Committee on Zimbabwe (comprising South Africa, Nigeria and Australia) agreed to suspend Zimbabwe from the Commonwealth for a period of one year. This was a response to the findings of the Commonwealth Observer Group that the presidential elections had been marred by a high level of politically motivated violence, and that 'conditions in Zimbabwe did not adequately allow for a free expression of the will of the electors'. The suspension was subsequently renewed in 2003, but the disagreements within the Commonwealth troika mirrored those between the EU and Southern Africa states. However, while Mugabe tried to portray the differences of opinion within the Commonwealth as racially based there were a number of 'non-white' member states which were critical of the Zimbabwe leadership.⁵⁵

The conditions set by the Commonwealth for progress in Zimbabwe were:⁵⁶

- engagement by the Zimbabwean government in constructive dialogue with the opposition MDC;
- repeal of the repressive laws against journalists and the media;
- putting an end to state harassment of the opposition;

⁵⁵ In December 2003, the Commonwealth Heads of Government Meeting (CHOGM) upheld Zimbabwe's suspension, following which Zimbabwe announced that it was leaving the Commonwealth.

⁵⁶ *ZWNews*, 'Commonwealth conditions', 16 October 2003. See www.zwnews.com/print.cfm?ArticleID=7751

- progress on addressing the issues of electoral malpractice raised by the Commonwealth Observer Group after the 2002 presidential elections and the 2000 parliamentary elections; and
- engagement with both the United Nations Development Programme (UNDP) and the Commonwealth on lawful and transparent land reform.

A few months later, in October 2002, the Australian government imposed bilateral 'smart' sanctions against Zimbabwe. These 'smart' sanctions comprised:

- a ban on travel to Australia by Zimbabwean ministers and certain senior officials;
- a freeze on the Australian assets of such ministers and officials;
- suspension of non-humanitarian aid to Zimbabwe;
- prohibition of defence sales and suspension of all defence links;
- downgrading of cultural links; and
- suspension of bilateral ministerial contact.

Apart from bilateral sanctions and suspension, many countries have withdrawn their aid to Zimbabwe except for humanitarian assistance to combat the widespread famine. The International Monetary Fund (IMF) and the World Bank have refused to extend further loans. In September 2001, Zimbabwe was removed from the list of countries eligible to use resources under the IMF's Poverty Reduction and Growth Facility. In June 2002, the IMF ended all technical assistance to the country, and one year later suspended Zimbabwe's voting and related rights because the country had not strengthened its co-operation with the IMF over policy implementation and payments sufficiently.⁵⁷ In December 2003 the IMF instituted proceedings to expel Zimbabwe from its ranks over its failure to meet its obligations.

Sanctions versus quiet diplomacy: Mutually exclusive?

The debate between the pro- and anti-sanctions camps on the subject of Zimbabwe has mirrored that over South Africa in the 1980s. The difference lies in the supporters of each camp. The UK (and the EU), the US, Australia and some non-African members of the Commonwealth are in the pro-sanctions camp, versus the countries and organisations of the region, which are generally opposed to

⁵⁷ 'Zimbabwe: IMF suspends voting rights', *IRIN*, 9 June 2003.

sanctions. In the case of apartheid South Africa, most of the former group opposed sanctions, while the latter (and the ANC, which was banned at the time) favoured them as a means of forcing the regime to its knees.

From the outset, one of the key points of dispute over Zimbabwe has been the different interpretations of the cause of the problem in that country. For Australia, the UK, and the EU among others, the situation in Zimbabwe is one resulting from bad governance, abuse of power and destruction of the rule of law. African states, on the other hand, regard the ongoing crisis as one emanating principally from unresolved land redistribution. Even the Commonwealth Marlborough House statement of March 2002 reiterated that 'land is at the core of the crisis in Zimbabwe'.⁵⁸ If one accepts that the latter is indeed the problem, then the way of resolving it is to complete land redistribution, after which normality can be expected to return — but this has not happened. The resettlement programme had ended, according to Mugabe, by August 2002. Yet blatant human rights violations and muzzling of the opposition continued in 2003.

Why has the international debate about Zimbabwe been so acrimonious?

First, the initial outcry over Zimbabwe by Britain's minister for Africa, Peter Hain, was perceived by African leaders as being driven by the fact that the 'victims' were white Zimbabwean farmers. Had the farmers been black, these heads of government argued, the outcry from Hain and Blair would have been far more muted.

Second, the idea that whites owned a disproportionate share of the land had substantial resonance in the region, both in South Africa and in Namibia. Mugabe and Zanu-PF insisted that at the heart of the problem, which was now manifesting itself in farm occupations by so-called war veterans, was inequitable access to farming land, even though 22 years had elapsed since independence. South Africa had to tread a cautious path on the issue of land redistribution in Zimbabwe. It did not wish to be seen to be insensitive to the problem, especially since a number of organisations in South Africa were protesting against the government's slow pace of land redistribution. While the South African government was unequivocal in its support of the

⁵⁸ Commonwealth Marlborough House Statement on Zimbabwe, 19 March 2002. See www.thecommonwealth.org/dynamic/ViewAPress-search.asp?ID=430.

protection of property rights when the Pan Africanist Congress and the Landless People's Movement occupied Bredell in Gauteng province in 2001, the portrayal from the outset of the problems besetting Zimbabwe in racial terms meant that South Africa ignored such an analysis at the peril of being characterised a puppet of 'neo-colonial powers'.

By attributing Zimbabwe's current troubles to unresolved land and race issues Mugabe scored a coup. No regional leader would call for sanctions or be highly critical of him if his country's crisis was the legacy of colonialism. The real problem facing Zimbabwe — that of poor governance and abuse both of power and the rule of law — did not feature in the analysis of most other regional leaders. The opposition in South Africa and elements of the media, while criticising the South African government's handling of Zimbabwe, contributed to the perception of a racial divide. This was because much of the criticism came from the Democratic Alliance, the official opposition party, which is perceived as primarily a white liberal party.

Third, African leaders have very rarely mobilised against a fellow leader, especially one of the stature of Mugabe, who had played a prominent role in his country's liberation. Supporting opposition parties against incumbents (who — at least on the surface — had been elected by the people), was also a precedent that regional leaders were loathe to create, given their own shaky support bases in some instances. Although some African states have expressed concern over the rapidly deteriorating situation in Zimbabwe, such implicit criticisms have been uttered only in private.

Of all the players involved directly or indirectly in Zimbabwe, it is widely accepted that South Africa's role is critical. This is because of its economic power, its contiguity with Zimbabwe and its own experience in resolving conflict through peaceful means.

The South African government has rejected the imposition of sanctions against Zimbabwe, preferring instead to focus on quiet diplomacy; that is trying to bring the main Zimbabwean protagonists to a negotiated settlement. However, close on three years after the crisis began in Zimbabwe with the start of the land invasions, South Africa's quiet diplomacy has yet to yield any results. As with any state bordering on a country in dire straits knows, South Africa has to tread more carefully than countries which share no borders and hence are

less likely to suffer any spillover effects. It also knows it would be naïve to think that Zanu-PF would be a pliant partner if a concerted push was made to force it into an agreement, which could result in its removal from power and the loss of substantial economic perquisites.⁵⁹

Ironically, the South African government and other neighbouring states gave as one of their reasons for not supporting sanctions, even targeted ones, against Zimbabwe that the people most hurt would be Zimbabwean citizens. The South African government has also repeatedly stressed that it is up to the Zimbabwean people to decide their own future and that such a future cannot be imposed on them. However, such an approach oversimplifies the debate. The sanctions applied to date have targeted the political elite, not the population. Nor does the imposition of sanctions mean that the final outcome will be an externally imposed one. The lesson learned by South Africans from their own experience of sanctions was the importance of keeping up the pressure, both internal and external, on the parties so as to force them to make progress. Furthermore, the continuous engagement of the UK and the US in encouraging reform and negotiations (some of which occurred behind the scenes) was equally important to South Africa's transition. Quiet diplomacy and sanctions are not mutually exclusive, especially if they are integrated into a comprehensive strategy to compel the opposed parties to participate in negotiations.

Have sanctions failed?

Given that sanctions are aimed at bringing about change, it is fair to ask whether they have failed in the case of Zimbabwe. It is an equally valid question to ask of the policy of quiet diplomacy.

In reply to the first question, it is perhaps a little early to assess the effects of sanctions on Zimbabwe. Most of them were implemented only in 2002. In South Africa's case it was only after 1985 that the financial sanctions began to have an effect on the regime, while in Unita's case its final capitulation came as a result of military defeat in 2002. However, the sanctions regime after 1999 had contributed to that outcome.

⁵⁹ Some of this is drawn from an article written by the author for the Commonwealth Policy Studies Unit based in London for the Commonwealth Heads of State summit in Abuja in December 2003.

Zimbabwe is in some respects a special case. There are serious weaknesses in the current sanctions against Zimbabwe. For example, only a few states have imposed sanctions on Zimbabwe, so it is relatively easy for the political elite to circumvent them and redirect their assets to other regions. Again, there has been no unity of purpose in the implementation of the sanctions, especially in the case of the EU. This body has been divided on how best to bring about change; countries like France and Italy take a less hard-line approach than Britain.⁶⁰ Furthermore, that Zimbabwe's neighbouring states have not joined the blockade has been helpful in providing a lifeline to the regime. Regional solidarity has given Mugabe a sense of legitimacy that the pro-sanctions lobby would seek to deny him.

The value of sanctions against Zimbabwe is most likely to lie in helping to galvanise the local population into taking action against an economic and political system that is clearly becoming increasingly erratic. Where a regime is engaged in reprehensible actions the imposition of sanctions also sends a symbolic message to both the perpetrators and the victims — of reprehension and moral condemnation on the one hand and solidarity on the other. This serves to deny the regime the international legitimacy it craves, while conferring it on the opposition.

The economic and political situation in Zimbabwe has continued to deteriorate. Yet there has been some evidence of action from the population. The mass stayaways organised by the Zimbabwe Congress of Trade Unions during 2003 were relatively successful; and the churches became involved in trying to start negotiations between the MDC and Zanu-PF. The Zimbabwe Council of Churches also issued a public apology for standing by while violence, rape, intimidation and torture 'ravaged the nation'.

Ongoing pressure from various external actors, whether governments, trade unions, churches or private companies is vital because it is a 'stick'. (Others have preferred to use only the 'carrot' when dealing with Zanu-PF.) Such pressure also helps to strengthen the negotiating

⁶⁰ President Jacques Chirac invited President Robert Mugabe to Paris for the Africa-EU summit, although the EU sanctions strictly forbade such a move. In November 2000 the SADC-EU summit, which was scheduled to be held in Copenhagen, was moved to Maputo, so that the tricky political situation of having to refuse Zimbabwe's attendance would be avoided.

position of the opposition. However, a greater commonality of purpose is needed among all the countries and organisations (both regional and international) that are involved, so that both the sanctions and the constructive engagement policies⁶¹ are integrated to achieve a common aim.

The Zimbabwe sanctions case study has not yet been concluded, unlike those of South Africa and Angola. At the SADC summit in Dar es Salaam in August 2003, President Benjamin Mkapa of Tanzania said that sanctions had failed and hence needed to be lifted. But quiet diplomacy has proved an equally unsuccessful alternative.

Lessons learnt from the Southern African experience of sanctions

Although the three case studies examined display a number of different characteristics, some common lessons can be drawn from them.

- A substantial degree of unity of purpose concerning the desired outcome of the sanctions regime is essential. This may necessitate a good cop–bad cop routine among countries engaged in trying to break the impasse.
- The sanctions regime, to be successful, requires the support of regional states. This becomes even more important if there is a substantial economic relationship between these countries and the target state.
- The mobilisation of popular sentiment across the world is a powerful lever, although regional condemnation may be the most significant source of change. In the case of Zimbabwe, many inhabitants of the region support the stance of Mugabe, because they see him as standing up to the West, Britain and the US in particular. Regional opposition to sanctions may weaken a global campaign against a particular country, but regional mobilisation against a particular

⁶¹ The term ‘constructive engagement’ was initially used by the Reagan administration to describe its policy vis-à-vis apartheid South Africa. At the time, the anti-apartheid campaign condemned this approach. In February 2003 the Nigerian president, Olusegun Obasanjo, said he preferred a policy of ‘constructive engagement’ and effective diplomacy to ‘antagonism’ towards Mugabe. See Quist-Arcton O, ‘Nigeria, South Africa favour “constructive engagement” with Zimbabwe’, 7 February 2003, on <http://allafrica.com/stories/printable/200302080221.html>

regime unsupported by the involvement of that country's key trading and financial partners is also not sufficient.

- Domestic mobilisation has an important part to play, because the regime is put under pressure not only by the sanctions of the international community but by its own people.
- It is crucial to avoid polarisation along North–South, white–black lines. Hence there is a need for a common definition of the problem.
- Alliances should be created not only among states, but also with private industry and global civil society, to improve overall compliance with international sanctions regimes.

Quo vadis sanctions?

In the 21st century, the environment in which sanctions operate is determined by globalisation, which has made the emergence of international regimes such as the Kimberley Process necessary. Globalisation has reduced the power of the state as the primary actor, and made possible the emergence of a plethora of transnational actors, including organised crime networks which thrive in the open global society. Paradoxically, globalisation has also made it easier for sanctions (for example, the freezing of financial assets of individuals and the tracking of various transactions around the world) to be applied effectively. It has helped to target sanctioned individuals in the private domain as well. However, that many parts of Africa are not globalised also means that some of the more advanced sanctions are less effective in Africa.

Although the Kimberley Process Certification Scheme is still in its infancy, its achievements to date are widely regarded as a success for both sanctions enforcement and for the diamond industry. This has raised the possibility that the formula could be replicated in other areas of commodity sanctions (such as timber, oil or even coltan). However, the particularities of each of the commodities and of the business environment pertaining, might make this more difficult. In the case of diamonds, the dominant diamond company, De Beers, played a critical role in the adoption of the KPCS. There is no equivalent player in other commodities. Furthermore, countries such as the US and France are highly unlikely to adopt a compulsory disclosure regime for their multinational companies. In this respect sanctions will continue to be driven by national interests. The search

for strategic commodities will determine whether action is taken against certain 'bad' regimes but not others.⁶²

The current discourse about the need for states to observe norms of good governance can be seen as complementary to the objectives of sanctions. Peer review, as envisaged in the New Partnership for Africa's Development, is a form of self-sanction. Sixteen African states have agreed to be peer reviewed already. This initiative by African states coincides with various other processes undertaken internationally to make leaders accountable for their actions. These include the International Criminal Court and also international conventions such as those against transnational crime or counter-terrorism, which aim to track down the 'middlemen' who help to fuel conflicts or to keep corrupt regimes in power.

⁶² For example, the US issued a statement soon after the presidential elections in Equatorial Guinea in December 2002, which said that there had been no voter manipulation, but the opposition had been disorganised and that the president had conducted a very vigorous and professional campaign. This contrasted markedly with the EU's observations, which deplored the conduct of the elections and the fact that some members of the opposition were still incarcerated or in exile. The positive stance taken by the US was ascribed to the importance it places on ongoing access to Equatorial Guinea's oil reserves.