

**ADDIS ABABA UNIVERSITY  
COLLEGE OF SOCIAL SCIENCES  
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL  
RELATIONS**

**SANCTIONS AND THEIR IMPACT ON HUMAN RIGHTS: THE  
CASES OF BURUNDI AND ZIMBABWE**

**BY  
BONSA DURESSA**

**DECEMBER, 2016**

**ADDIS ABABA**



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ZIMBABWE**

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SCHOOL OF GRADUATE STUDIES  
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**APPROVED BY BOARD OF EXAMINERS**

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## LIST OF ACRONYMS

<b>APSA</b>	African Peace and Security Architecture
<b>ASAP</b>	African Solutions for African Problems)
<b>AU</b>	African Union
<b>BTI</b>	Bertelsmann Stiftung's Transformation Index
<b>CNDD-FDD</b>	National Council for the Defense of Democracy-Forces for the Defense of Democracy
<b>CRC</b>	Convention on the Rights of the Child
<b>DRC</b>	Democratic Republic of Congo
<b>ESAP</b>	Economic Structural Adjustment Program
<b>EU</b>	European Union
<b>FAO</b>	Food and Agricultural Organization
<b>FRODEBU</b>	Front for Democracy in Burundi
<b>GATT</b>	General Agreement on Tariffs and Trade
<b>GDP</b>	Gross Domestic Product
<b>GNU</b>	Government of National Unity
<b>GPA</b>	Global Political Agreement
<b>HRW</b>	Human Rights Watch
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICG</b>	International Crisis Group
<b>ICISS</b>	International Commission on Intervention and State Sovereignty
<b>IMF</b>	International Monetary Fund
<b>IOs</b>	International Organizations
<b>IRIN</b>	Integrated Regional Information Network
<b>MDC-M</b>	Movement for Democratic Change-Mutambara
<b>MDC-T</b>	Movement for Democratic Change- Tsvangirai
<b>MDGs</b>	Millennium Development Goals
<b>NGO</b>	Non-Governmental Organizations
<b>OFAC</b>	Office of Foreign Assets Control
<b>OAU</b>	Organization of African Unity

<b>ONAPHA</b>	National Pharmaceutical Bureau of Burundi
<b>PALIPEHUTU-FNL</b>	Party for the Liberation of the Hutu People –Forces Nationales de Libération
<b>RF</b>	Rhodesian Front
<b>RSCC</b>	Regional Sanctions Coordinating Committee
<b>SADC</b>	Southern African Development Community
<b>STERP</b>	Short-Term Emergency Recovery Program
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UDI</b>	Unilateral Declaration of Independence
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNCTAD</b>	United Nations Conference on Trade and Development
<b>UNDP</b>	United Nations Development Program
<b>UNECA</b>	United Nations Economic Commission for Africa
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children’s Emergency Fund
<b>UPRONA</b>	Union for National Progress
<b>USA</b>	United States of America
<b>USAID</b>	United States Agency for International Development
<b>USD</b>	United States Dollar
<b>WFP</b>	World Food Program
<b>WHO</b>	World Health Organization
<b>WTO</b>	World Trade Organization
<b>ZANU-PF</b>	Zimbabwe African National Union patriotic front
<b>ZAPU</b>	Zimbabwe African Peoples Union
<b>ZDB</b>	Zimbabwe Democracy Bill
<b>ZIDERA</b>	Zimbabwe Democracy and Economic Recovery Act

## ABSTRACT

*Sanctions are used for several purposes throughout history; among them the main ones are maintaining international peace and order and upholding international norms such as the protection of human rights. In their application of sanctions, the sanctioners seem to emphasize on the maintenance of International Order and on the achievement of their Policy Objectives. In the process of achieving these objectives certain basic rights and freedoms of individuals are compromised. This Thesis studies two cases (comprehensive sanctions on Burundi and ‘targeted’ sanctions on Zimbabwe) in order to understand the impact of sanctions on the basic rights and freedoms of individuals in the targeted states. To accomplish this task, this study employs a qualitative approach. Data have been collected from both primary and secondary sources. Different related literatures are reviewed to understand the interplay between sanctions and human rights. In depth interviews are also conducted with different individuals. The findings of the data indicate that sanctions in general have harmful impact on the people of the targeted country. Particularly, vulnerable groups of the society are the most affected ones. The cases of Burundi and Zimbabwe reveal that sanctions may miss their target and worsen the human rights violations of citizens. While sanctioning, it should be noted that the damages must not outweigh the gains. Sanctioning states should also consider the long-term effects of the sanctions and make necessary preparations. Above all, while using sanctions senders should balance both the maintenance of the international peace and security and the full respect for human rights.*

# CHAPTER ONE

## 1. INTRODUCTION

### 1.1. Background of the Study

Sanctions are actions taken unilaterally or jointly against a State considered to be a threat for world peace and security. Sanctions have been applied in different forms since the time immemorial; however, the first case of sanctions as a foreign policy tool was recorded in 432 BC during the time of Pericles used by Athenian government against Megara, the incident which eventually led to Peloponnesian war.<sup>1</sup> Since then, sanctions have been used at various times to compel states to respect international law and to yield to the demands of the sanctioning states. Particularly, after the end of Cold War, they appeared to be better alternative to war which are frequently used by States.<sup>2</sup>

Traditionally, sanctioning countries<sup>3</sup> (more generally the international community) have tended to impose comprehensive type of sanctions that include restraining economic, cultural, political and diplomatic links with states that deemed to possess objectionable behavior. However, comprehensive sanctions often produce results that run counter to other norms, like the protection of vulnerable groups of the people and the promotion of basic human rights that are embedded in the United Nations Charter and human rights treaties.<sup>4</sup> It is accepted that sanctions and any other international measures should serve the good will of the people and should respect international norms and treaties. As long as sanctions run counter to international norms and the will of the people, it is impossible to speak of it as effective. The purpose of sanctions should be to compel the transgressor state to conform to the law and to make it respect and promote the dignity and rights of the people either by rewarding it for improvements it shows or punishing that government separately from the people if the government is unwilling or reluctant to respect the international norms and the dignity of the people. Recently, in order to avoid damaging aspects of economic sanctions and minimize their ineffectiveness, there is a trend to resort to

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<sup>1</sup>Golliard M.M. (2013). Economic Sanctions: Embargo on Stage. Theory and Empirical Evidence. Fribourg

<sup>2</sup>Davis L. and Engerman S. (2003). Sanctions: Neither war nor peace. *Journal of Economic Perspectives—Volume 17, Number 2, Pages 187–197*

<sup>3</sup> In this paper sanctioning countries, sanctioners and senders are interchangeably used; while sanctioned states and receivers are used to refer the same thing

<sup>4</sup>Shagabudinova E. and Berejikian J. (2007). *Deploying Sanctions while Protecting Human Rights. Are humanitarian “smart” sanctions effective. Journal of Human Rights, 6:59–74*

targeted or smart type of sanctions. However, this too has raised questions whether they are able to make compel the targeted government to the law, whether they can avoid human rights violations and whether they are really smart enough. Here for the purpose of this study, I have selected two cases from Africa to explore the impact of sanctions on Human Rights. I select these two cases because of the diversity of the nature of their sanctions which would help us understand the interplay of sanctions and human rights in different situations. The sanction on Burundi was imposed by neighboring countries and it was a kind of comprehensive economic sanctions; while the sanction on Zimbabwe is imposed by western countries such as USA and EU. Despite the arguments on its smartness<sup>5</sup>, sanction on Zimbabwe is largely said a kind of targeted sanction. Sanction on Burundi was suspended by regional heads of state on January 23, 1999<sup>6</sup>, while the sanction on Zimbabwe is still ongoing.

## **1.2. Statement of the Problem**

Although, sanctions have been practiced, as one form of foreign policy tool, for centuries by States and International Organizations, there are still mounting debates within scholars and policy makers concerning the impacts and effectiveness of sanctions.

The most famous work on the sanctions by Hufbauer G.C. et al (1990), found that only one-third of the cases of sanctions they studied are fully or partially successful. Few years later, Pape R.A. (1997) re-studied the same cases studied by Hufbauer G.C. et al (1990) and found only five percent of the cases are inarguably successful. Both studies indicate that, in spite of the immeasurable costs they bear on the sanctioning and targeted states, sanctions in most cases do not have pleasing success stories in achieving the demands of the sanctioning countries. These scholars and most of studies on sanctions success, even if they contribute a much to the discourse of sanctions, attempted to measure the success of sanctions only from the perspective of fulfilling the policy objectives of the sanctioning states. Due emphasis has not been given for the suffering of the innocents and violations of their human rights in the process of forcing the target through sanctions. As, among other things, sanctions are implemented to protect the human rights of the people in the targeted state, it is distressing to see when they fail to do this task and

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<sup>5</sup> The western powers refer sanctions on Zimbabwe as 'Targeted' since it put travel bans, asset freezes, restricts the wealth and financial flows of the selected members of the ruling party and those who have link with them. But Zimbabwean government refers to these sanctions as economic for they have sufferings on civilian populations.

<sup>6</sup> Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

even exacerbate the violations. Measuring the success of the sanctions only by looking at the extent at which they achieve the policy objectives of the sanctioning countries (senders) is partial part of the whole story. The prices paid in order to achieve the policy objectives of the sanctions need to be included in measuring the success of sanctions. Previous studies indicate, sanctions have already unpleasant success stories even without including the human rights issues in measuring their success.

Another part of the paradox is that, even if the success of sanctions is viewed with skepticism, countries are still applying it. Given the fact that the implementation of sanctions as a foreign policy tool is on rise, academicians have the responsibility to do more researches to aid policy makers in order to maximize the effectiveness of sanctions and minimize its negative impacts on human rights.

These two cases from Africa have relevance since they can show the impacts of both comprehensive and the so called targeted sanctions on the regular people. Largely, in recent years, countries, regional and international organizations are turning their face to targeted sanctions; because they found comprehensive economic sanctions costly and damaging on the overall lives of the citizens of the targeted state. It is largely believed that targeted sanctions have less human rights tragedies than comprehensive ones; since, in principle, they only target those who are in power and elites who are related to them. However, in practice, it is been observed that countries under targeted sanctions too have been experiencing different kinds of crisis. There is scanty literature on the impacts of sanctions on the human rights aspects of the people of the two countries. In light of this, this paper is intended to add values on the existing stock of knowledge by assessing the nature, implementation, impact and interests surrounding comprehensive and targeted sanctions in Burundi and Zimbabwe respectively.

### **1.3. Objective of the Study**

The main objective of this study is to explore, examine and analyze the impacts of sanctions on human rights with particular emphasis on Burundi and Zimbabwe. By doing so, this paper explores the nature, factors determining the effectiveness of sanctions and purposes of sanctions as well as the link between sanctions and human rights. Besides, this paper seeks to explain the situations that led to sanctions in Burundi and Zimbabwe and the response of regional and

international community to situations in these two countries. Cognizant to this, this study assesses impacts of sanctions on Burundi and Zimbabwe by using human rights measurements.

#### **1.4. Research Questions**

The following questions are established to study the human rights impacts of sanctions on Burundi and Zimbabwe.

- ✓ What are the purposes of sanctions on Burundi and Zimbabwe? Have they achieved their purposes?
- ✓ What are the impacts of sanctions on the livelihoods of citizens in Burundi and Zimbabwe?
- ✓ How do the sanctions on Burundi and Zimbabwe contribute to human rights crisis?
- ✓ Do sanctions (whether comprehensive or targeted) really necessary? If so, how can sanctions are effectively used and in what situations are they advisable?

#### **1.5. Core Argument**

Among other things, sanctions are imposed to protect human rights. However, by taking the cases of comprehensive sanctions of Burundi and targeted sanctions of Zimbabwe this study argues that both types of sanctions (comprehensive and targeted) are ineffective and fail to protect human rights. As a lower-cost alternative to military force, the existing sanctions should be revisited towards the protection of human rights and alternatively there is a need to resort to other less harmful and more effective policy tools.

#### **1.6. Significance of the Study**

This study has importance in the sense that it strives to delve in to controversial issue of sanctions and human rights. By exploring the real impacts of sanctions on human rights in Burundi and Zimbabwe, this paper will add insights to the stock of knowledge in the area. It will also provide information which would be used by policy makers and academicians who are interested in this area. Besides, it informs countries and international community to reach on consensus on the terms of sanctions with targeted entities, to consider other less harmful and more effective foreign policy tools and to always make assessments before they impose sanctions on a particular country and also to do periodic assessments and corrections during the

sanctions period. Additionally, it informs them to design and implement sanctions based on the situations, the nature of domestic politics, the existing power relations and the ways they are applied. By doing so, this study recommends ways to make sanctions more effective. This study can also serve as an input for researchers who want to further explore the impacts of sanctions on the civilians in these two relatively understudied cases of sanctions as well as in other cases of sanctions.

## **1.7. Scope and Limitation of the Study**

This study does not cover the details of the situations in Burundi and Zimbabwe. It only focuses on the impacts of sanctions on human rights. Its main purpose is to explore the impacts of sanctions on human rights in Burundi (1996-1999) and Zimbabwe (2002<sup>7</sup>- till now) during the sanctions period. It is not the main purpose of this paper to study pre and post sanctions period situations. However, the researcher has used pre-sanctions period (in Burundi and Zimbabwe) as a background and to create a link with the period of the study and also post-sanctions period (in case of Burundi) to see how Burundi dealt with the impacts of sanctions after its suspension. In order to study the human rights impacts of sanctions on the people of Burundi and Zimbabwe, the researcher has used some aspects of human security measurements such as economy, health, demography, as well as the provision of humanitarian assistances. For the absence of adequate information and data, this study does not fully digest all aspects of human security. As a result, this study could not cover all human rights impacts of sanctions on the people of the concerned countries. Besides, while doing this research, some organizations and individuals found to be reluctant and unresponsive to the request for interview. Particularly, the embassy personnel of the sanctioning states in Ethiopia are failed to respond, though severally contacted in person and mail. Thus, the researcher highly relied on secondary sources of data in order to demonstrate the positions and thoughts of the sanctioning countries.

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<sup>7</sup> European Union, USA, Australia, New Zealand, Canada and Switzerland have imposed targeted sanctions on Zimbabwe at different times in 1990s and 2000s. Most sanctions enter into effect after 2002. In this study I will use this year as starting point to look at impacts of sanctions on human rights in Zimbabwe

## 1.8. Methodology and Methods

As it is broadly known, there are two approaches in research: the Quantitative and Qualitative approaches. Quantitative research produces data in the form of numbers while qualitative research tends to produce data that are stated in prose or textual forms.<sup>8</sup> In general, *Quantitative* methods result in numeric information, which is usually machine-readable and can be analyzed by accepted statistical tests and models. On the other hand, *Qualitative* methods result in textual or narrative information that is either descriptive, or subject to other forms of analysis.<sup>9</sup> This kind of methodology enables the researcher to rigorously explore earlier studies on the study area and to analyze them subjectively.<sup>10</sup> It also helps to understand the processes, behaviors, attitudes and motivations of actors under study. To this end, in this paper qualitative methodology is employed to study the impacts of sanctions on human rights in Burundi and Zimbabwe.

According to Patton, qualitative findings grow out of three kinds of data collection: (1) in-depth, open ended interviews; (2) direct observation; and (3) written documents.<sup>11</sup> In this paper, document analysis is extensively conducted. That means the review and analysis of written or recorded material on the issues under study are conducted by using descriptive and analytical techniques. Additionally, interviews with concerned individuals and bodies are conducted in the form of open-ended questions to supplement, counter-balance and verify secondary data. Generally, this study utilizes both primary and secondary sources of data, including interviews, published and unpublished materials such as journals, newspapers, books, articles, official reports and other internet sources.

## 1.9. Organization of the Thesis

This Thesis is organized into six parts as following:

- ✓ The first chapter deals with introductory parts of the study. It gives general information about the topic of the study, which includes the purpose of the study, the significance of

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<sup>8</sup>Garbarino S. and Holland J. (2009). *Quantitative and qualitative methods in impact evaluation and measuring results*

<sup>9</sup> Maxwell D. (1998). Can qualitative and quantitative methods serve complementary purposes for policy research? evidence from Accra. FCND Discussion Paper No. 40

<sup>10</sup>Struwig, F.W. and Stead, G.B. (2001). *Planning, Designing and Reporting Research*. South Africa: Maskew Miller Longman Ltd.

<sup>11</sup> Patton M.Q (2002). *Qualitative research and evaluation methods*, 3<sup>rd</sup>ed, sage publication

the study, research questions, the scope of the study and the methodology that is employed.

- ✓ Chapter two is dedicated to review related literatures on the issues under study and attempts to build conceptual and theoretical framework. This chapter conceptualizes sanctions as a foreign policy tool, human rights, humanitarian impacts, exemptions, and interventions. It also reviews different literatures on historical perspectives of sanctions and human rights.
- ✓ Chapter three is about the background and course of sanctions on Burundi and Zimbabwe. In doing so, it specifies the regional and international responses to the situations in Burundi and Zimbabwe.
- ✓ Chapter four analyzes sanctions on Burundi and its impact on human rights by using data obtained from primary and secondary sources such as from different written documents and interviews.
- ✓ Chapter five is dedicated for the discussion of the practical dimension of sanctions on Zimbabwe. It analyzes sanction on Zimbabwe and its impact on human rights by using data obtained from primary and secondary sources such as from different documentary sources and interviews.
- ✓ Conclusion and Recommendation are presented in the final chapter. This final part of the Thesis attempts to draw some Conclusions and forwards recommendations based on the findings of the study.

## CHAPTER TWO

### 2. LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

#### 2.1. Conceptual and Theoretical Framework

##### 2.1.1. Sanctions and Human Rights: Background

Technically, the term ‘sanction’ applies to both military and nonmilitary measures, although it is more commonly used for measures short of force. Masters J. defines Sanctions as, a form of intervention, which are generally viewed as an alternative to military force—a lower-cost, lower-risk, middle course of action between diplomacy and war.<sup>12</sup>Portela(2014) defined sanctions as the politically motivated withdrawal of a benefit that would otherwise be granted and whose restoration is made dependent on the fulfillment of a series of conditions defined by the sender. He indicates that the idea of imposing sanctions presupposes a breach of an international norm.<sup>13</sup> They are the “deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations to coerce the target governments into particular avenues of response.”<sup>14</sup>Sanctions seek to bring about a change in activities or policies such as violations of international law, human and democratic rights.<sup>15</sup>They have been used to advance a range of other foreign policy goals, including counterterrorism, counternarcotics, nonproliferation, conflict resolution, and, most recently, cyber security.<sup>16</sup>

As various literatures indicate, the use of sanctions is not a recent phenomenon. There are evidences that show sanctions as a foreign policy tool are implemented even before thousands of years. The first recorded case of sanctions dates back to the time of Pericles in ancient Greece when Athens sanctioned Megara by imposing a trade embargo in 432 BC. Pericles issued the Megarian decree limiting entry of Megara’s products into Athenian markets in retaliation for Megara’s attempted expropriation of territory and the kidnapping of three women. The

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<sup>12</sup>Masters J. (2015).Sanctions. Council on foreign relations

<sup>13</sup>Portela C. (2014). The EU’s Use of ‘Targeted’ Sanctions: Evaluating effectiveness. CEPS Working Document No. 39, also available at <http://www.ceps.eu>

<sup>14</sup>Hufbauer G.C, et al (2007). Economic Sanctions Reconsidered, 3rd edition, Peterson institute for international economics.

<sup>15</sup>Leenders L. (2014). EU Sanctions: A Relevant Foreign Policy Tool? EU Diplomacy Paper

<sup>16</sup>Masters J. (2015).Sanctions. Council on foreign relations

imposition of this first recorded sanction later became a cause to the Peloponnesian war between Athens and Sparta (431-404 BC).<sup>17</sup> After that time many sanctions are applied at different times. They were used by Napoleon in the Continental System commencing in 1806 and by the United States against the British and French from 1808 to 1809 to try to get them to make concessions on the rights of neutral states. In the nineteenth century, economic sanctions in the form of pacific blockades were frequently implemented by the then major powers.<sup>18</sup>

After the end of the First World War with the establishment of the League of Nations, sanctions are included into the international legal system. The power to deploy sanctions was embodied in article 16 of the League's Covenant. Under this article, members of the League of Nations were in principle obligated to automatically cease economic relations with any state that was deemed to have committed an act of war against any other member. It authorized collective economic and military action against a state that resorted to war in disregard of the League's Covenant. The League of Nations undertook four cases of collective sanctions: in 1921 (versus Yugoslavia); 1925 (versus Greece); 1932–1935 (versus both Paraguay and Bolivia, to settle the Chaco War); and, most notably and most unsuccessfully, in conjunction with the United Kingdom against Italy in 1935–1936 after the Italian invasion of Ethiopia.<sup>19</sup> After the establishment of the United Nations the use of sanctions for maintaining peace and security is reflected under chapter VII, article 41 of the UN Charter. Between 1960 and 1990, the majority of sanctions were imposed unilaterally, most frequently by the United States.<sup>20</sup> Prior to the end of cold war UN also imposed two economic sanctions on Rhodesia and South Africa.<sup>21</sup> The 1990s, following the collapse of the Soviet empire, show a frequent use of sanctions applications by the United Nations as well as by the one remaining world hegemon, the United States.<sup>22</sup> This acceleration in the use of sanctions is partly attributed to a rapid global wave of democratization which is initiated at the end of the Cold War. Democracy and human rights rose on the global agenda and senders, more frequently than before, started to respond with sanctions against states

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<sup>17</sup> See Golliard M.M. (2013); Hufbauer G.C, et al (2007) for further information

<sup>18</sup> Davis L. and Engerman S. (2003); William H. Kaempfer and Anton D. Lowenberg, (2007); United States General Accounting Office (1992).

<sup>19</sup> Davis L. and Engerman S. (2003); Murphy, R. A. (2011).

<sup>20</sup> Ibid

<sup>21</sup> Hufbauer G.C, et al (2007).

<sup>22</sup> Kaempfer W.H. and Lowenberg A.D.(2007); Wallenstein P. (2000).

where their record of democracy and human rights is poor.<sup>23</sup> Thus, protecting human rights is recently cited as one motivation for using sanctions.

Human rights are commonly understood as being those rights which are inherent to the human being. They are expressed in treaties, customary international law, bodies of principles and other sources of law to protect individuals and groups against actions which interfere with fundamental freedoms and human dignity. The idea to protect, promote and ensure the enjoyment of human rights, historically, has been considered as a domestic matter, to be realized by individual states within their domestic law and national institutions. However, in recent times the protection and promotion of human rights have become one of the most important issues for the international community as a whole.<sup>24</sup> Human rights entered the mainstream of international relations after the holocaust by the Nazi Germany during WWII. The Nuremberg War Crimes Trials in 1945 as well helped to change the situation. It was in the United Nations, however, that human rights really emerged as a subject of international relations and the way in which states treat their own citizens is a matter of legitimate international concern and subject to international standards.<sup>25</sup>

There is also related concept of human security which became popular in the post-cold war era after the UNDP came with the issues of human security and development in 1994. Even if the concept lacks a single established definition, there is mounting agreement that the concept has made a shift from the traditional state-centered approach to people-centered approach. Generally, human security can be understood as 'freedom from want' and 'freedom from fear'. The concept of human security has seven components: Economic security, food security, health security, environmental security, personal security, community security and political security.<sup>26</sup>

The responsibility to protect the basic rights and freedoms such as the right to life of its nationals is primarily the responsibility of the State concerned. However, if the concerned state fails to protect the human rights of its nationals, the international community has the moral and legal obligation to protect those rights by using different tools such as deploying sanctions.<sup>27</sup>

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<sup>23</sup>Von Soest, C. and Wahman, M (2014). Not all dictators are equal: Coups, fraudulent elections, and the selective targeting of democratic sanctions. *Journal of Peace Research*, Vol. 52(1) 17–31

<sup>24</sup>Baek B.S. (2008); Office of the High Commissioner for Human Rights (n.d).

<sup>25</sup>U.S. department of State (n.d.). Human rights in brief. Bureau of international information programs. <http://www.america.gov>.

<sup>26</sup>Hussein, K. et al (2004); Shinoda H. (2004)

<sup>27</sup>Baek B.S. (2008). Economic Sanctions Against Human Rights Violations. Cornell Law School Inter-University Graduate Student Conference Papers. Paper 11.

Sanctions that aim at human rights protection have become an important tool for Senders to show domestic and international audiences that they are serious about international norms of human rights and do not tolerate drastic departures from such principles.<sup>28</sup> However, the use of sanctions to protect human rights is for the most part ambiguous and subject of scholarly debates. Even though, sanctions are being used more widely than ever as a response to perceived and real human rights violations, they can also be viewed as the cause of human rights violations.<sup>29</sup> They have been detrimental to target populations, depriving them in some cases of even the most fundamental of rights outlined in different Human Rights Conventions.<sup>30</sup>

### **2.1.2. Purposes of Sanctions**

During the time of League of Nations sanctions were deployed for the purpose of disrupting military adventures. But through time the purpose of sanctions is broadened which include a range of international goals such as: forestalling war; protecting human and democratic rights; cleaning up the environment; nuclear nonproliferation; the freeing of captured citizens; and the reversal of captures of land.<sup>31</sup> Galtung defined sanctions in reference to their purposes as "[a]ctions initiated by one or more international actors (the 'senders') against one or more others (the 'receivers') with either or both of two purposes: to punish the receivers by depriving them of some value and/or to make the receivers comply with certain norms the senders deem important."<sup>32</sup> Additionally, sanctions can be applied to signal disapproval, to induce a change in policy, or to bring about regime change.<sup>33</sup> However, according to Garfield, Sanctions are seldom associated with such ambitious goals as overthrow of repressive regimes; military action is needed for that.<sup>34</sup> Sanctions are a symbol of solidarity with the oppressed population in the target country<sup>35</sup> and they might be used to demonstrate resolve to allies or domestic constituents.<sup>36</sup> Sanctions are also used to deter future unpleasant behavior.<sup>37</sup> As Farshad Ghodoosi

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<sup>28</sup>Von Soest, C. and Wahman, M (2014). Not all dictators are equal: Coups, fraudulent elections, and the selective targeting of democratic sanctions. *Journal of Peace Research*, Vol. 52(1) 17–31

<sup>29</sup>Shojai S. and Root P. S. (2013). Effectiveness Of Economic Sanctions: Empirical Research Revisited. *International Business & Economics Research Journal* – November 2013 Volume 12, Number 11

<sup>30</sup>Thieler R. (2010). *Economic Trade Sanctions: A Literature Review (1980 - 2005)* Bangkok University International College

<sup>31</sup>Davis L. and Engerman S. (2003). Sanctions: Neither war nor peace. *Journal of Economic Perspectives—Volume 17, Number 2*, Pages 187–197

<sup>32</sup>Galtung J. (1967a). On the effects of international economic sanctions: with examples from the case of Rhodesia. Pp378-416

<sup>33</sup>House of Lords (2007). *The Impact of Economic Sanctions*. Volume 1, 2nd Report of Session 2006–07, HL Paper 96-I

<sup>34</sup>Garfield R. (1999). *The impact of economic sanctions on health and wellbeing*. Relief and Rehabilitation Network (RRN) paper.

<sup>35</sup>Kowalewski S. (2013). *Overcoming the State Centered Theory of International Sanctions: Non-State Actors Strategies towards the Implementation of International Sanctions*. PP78-97

<sup>36</sup>David Cortright, et al (1998); Hufbauer G.C. et al (2007).

summarized, the idea of sanctioning a state is premised on a few assumptions. First is the presumption that states are generally rational entities, indicating that states conduct cost-benefit analyses in their domestic as well as their foreign affairs. Secondly, economic sanctions increase the costs of states by cutting their economic relations with other countries and, therefore, reducing cross-border commerce. Thirdly, because states cannot remain distant from international trade for a long period of time, they will inevitably undo the undesired behavior and undertake the desired measures. Fourthly, the international community will stop imposing sanctions once the desired goal is achieved. Fifthly, it signals to other states that non-compliance with the international order or disturbance of the peace is very costly and will result in the deprivation of a multitude of privileges offered by the world community.<sup>38</sup>

Generally speaking, sanctions can serve two purposes; namely instrumental (to coerce or punish the target) and expressive or demonstrative purposes (to signal disapproval or uphold international norm).<sup>39</sup> Although economically costly, sanctions are often domestically popular because of their symbolic importance. If the sanctions do not serve instrumental purposes, they can at least have expressive functions in order to satisfy domestic groups within the sanctioning nations by demonstrating that the government cares and is doing something about the target's behavior, in order to serve as a signal of resolve or to establish a reputation in the eyes of foreign allies and enemies alike. In those cases where the size of the sanctions is small compared to the concession demanded (in which the probability of success is low), symbolism is the only reason to sanction.<sup>40</sup> As Hufbauer G.C. et al (2007) detailed it; the imposition of sanctions conveys a triple signal: "to the target country it says the sender does not condone the target's actions; to allies it says that words will be supported with deeds; and to domestic audiences it says the sender government will act to safeguard the nation's vital interests."<sup>41</sup>

In connection to this, the United States General Accounting Office illustrate that sanctions are designed to achieve three political and foreign policy purposes. These are:

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<sup>37</sup>Hufbauer G.C. et al (2007); Petrescu I. M. (2010); United States General Accounting Office (1992).

<sup>38</sup>Ghodoosi F. (2015). The sanctions theory: a frail paradigm for international law? Harvard International Law Journal. Available at: <http://ssrn.com/abstract=2584743>

<sup>39</sup>Kaempfer W.H. and Lowenberg A.D. (2007). The political economy of economic sanctions. Handbook of Defense Economics, Volume 2

<sup>40</sup> See Galtung J. (1967a); Hovi J. and Huseby R. (n.d); Kaempfer W.H. and Lowenberg A.D. (2007); Smith A. (1996).

<sup>41</sup>Hufbauer G.C. et al (2007). Economic Sanctions Reconsidered, 3rd edition, Peterson institute for international economics.

1. Primary goals: These are the publicly revealed objectives of the nation imposing sanctions, usually presented in terms of making the target comply with its wishes.
2. Secondary goals: These objectives entail symbolically enhancing the prestige or status of the sanctioning government. Sanctions can increase prestige internationally by making a moral statement against the target's behavior. Sanctions can also increase the standing of the sanctioning government in the eyes of its domestic interest groups.
3. Tertiary goals: These are goals that affect the international system. Sanctions, or the threat of them, can punish a nation for the violation of international norms. They also can act as a symbol of resolve by the sanctioning nation to deter the target or other nations from displaying future unacceptable behavior.<sup>42</sup>

In his analysis of EU sanctions, Leenders L. (2014) observes that sanctions often or mostly pursue secondary and tertiary goals.<sup>43</sup> In his study of 27 EU sanctions cases Giumelli F. (2013) also shows that signaling (47.73%) and constraining (45.45%) appear to be the dominant purposes of sanctions than coercing (which seeks policy change) (6.82%).<sup>44</sup>

### **2.1.3. Types of Sanctions**

Sanctions can be categorized in different types based on different criteria. For the purpose of this study, sanctions are classified into three as: comprehensive versus targeted sanctions, unilateral versus multilateral sanctions, and negative versus positive sanctions.

#### **2.1.3.1 Comprehensive versus Targeted Sanctions**

Comprehensive sanctions or alternatively general embargoes are those sanctions which “seek to deny a target state all normal international financial, trade and service interactions except those exempted on humanitarian grounds.”<sup>45</sup> They punish all people (whether guilty or innocent) within the target country indiscriminately.<sup>46</sup> They are costly for the sanctioning state and harmful for the target.<sup>47</sup> The economic sanction imposed on Iraq by the UN in the early 1990s which caused

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<sup>42</sup> United States General Accounting Office (1992). Economic Sanctions: Effectiveness as Tools of Foreign Policy. Report to the chairman, committee on foreign relations, U.S. Senate. GAO/NSIAD-92-106

<sup>43</sup> Leenders L. (2014). EU Sanctions: A Relevant Foreign Policy Tool? EU Diplomacy Paper

<sup>44</sup> Giumelli F. (2013). How EU sanctions work: A new narrative. Chaillot Papers 129, EU Institute for Security Studies

<sup>45</sup> House of Lords (2007). The Impact of Economic Sanctions. Volume 1, 2nd Report of Session 2006–07, HL Paper 96-I

<sup>46</sup> Galtung J. (1967a); Giumelli F. and Ivan P. (2013)

<sup>47</sup> Drezner D.W. (2011). Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice. The Fletcher School, Tufts University, International Studies Review 13, pp96–108.

severe economic and humanitarian sufferings is a good example of comprehensive sanctions.<sup>48</sup>The humanitarian consequences of the sanctions may, in contrary to the objective of the sanctioning state, benefit the target by improving its international image from one of a transgressor to one of a victim and hence generate international support for the targeted state.<sup>49</sup> At the same time, they are often counterproductive and have the ability to strengthen national ties within the target. The attack from the outside may be seen as an attack on the group as a whole, not on only a fraction of it. The people will easily rally around their leaders, and the leaders, in turn, can direct the impact of the sanctions inside the society they control, by and large where they want. They can also generate illegal activities such as black markets, corruption, and illicit trade.<sup>50</sup> As Andreas (2005) observes Sanctions:

can unintentionally contribute to the criminalization of the state, economy, and civil society of both the targeted country and its immediate neighbors, fostering a symbiosis between political leaders, organized crime, and transnational smuggling networks. This symbiosis, in turn, can persist beyond the lifting of sanctions, contributing to corruption and crime and undermining the rule of law.<sup>51</sup>

Moreover, if sanctions imposed a burden on civilians, it has often happened that sanctions become an easy pretext for the target to blame foreign powers for poor economic performance, which is often due more to domestic reasons than to the effects of sanctions.<sup>52</sup> Selden (1999) on the other hand, notes that, in the long run, these sanctions can foster the development of domestic industries in the target country, thus increase the target's self sufficiency and undermine the ability of sanctioning states to influence the target's behavior through economic sanction.<sup>53</sup>

On the other hand, targeted/smart sanctions are designed to punish small groups of leaders and their strong sympathizers, while imposing minimal hardship on the mass public. The assumption behind targeted sanctions is that these hard core supporters of the regime will eventually pressure the targeted government into making concessions. They have been seen as a precise policy tool and the best way to enforce norms in the global system without imposing unnecessary costs on

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<sup>48</sup>Giumelli F. and Ivan P. (2013). The effectiveness of EU sanctions an analysis of Iran, Belarus, Syria and Myanmar (Burma). European policy center, EPC Issue Paper No.76

<sup>49</sup>Bruderlein C. (1998).Coping with the Humanitarian Impact of Sanctions: An OCHA Perspective, New York.

<sup>50</sup>Galtung J. (1967a); Galtung J. (1967b); David Cortright, et al (1998); Drezner D.W. (2011); Lopez G.A. (2007); Thieler R. (2010)

<sup>51</sup> Andreas, P. (2005). Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy. *International Studies Quarterly* (2005) 49, 335–360, Brown University

<sup>52</sup>Giumelli F. (2013). How EU sanctions work: A new narrative. *Chaillot Papers* 129, EU Institute for Security Studies

<sup>53</sup>Kaempfer W.H. and Lowenberg A.D. (2007). The political economy of economic sanctions. *Handbook of Defense Economics*, Volume 2

the vulnerable groups. Targeted sanctions are believed to be more humane than comprehensive sanctions.<sup>54</sup> The severe humanitarian consequences of the traditional comprehensive economic sanctions which is explicitly noticed after the damaging sanctions on Iraq in 1990s and the evolving norm of the international system allowing for individuals to be accountable before the international community contributed for the emergence of targeted sanctions.<sup>55</sup> Three initiatives by the international community namely -the Interlaken, the Bonn-Berlin and the Stockholm Processes- have also been launched to improve the effectiveness of sanctions between 1998 and 2000.<sup>56</sup>

Generally, they are designed to put pressure on the leaders or specific elites who are deemed responsible for objectionable behavior and affect specific sectors of the economy by reducing the sufferings of the regular people. Targeted sanctions are “flexible in a sense that they provide an opportunity to adjust the measures based on the reciprocal changes in behavior by the target.”<sup>57</sup> They can also minimize “the harm done to third-party States as well. By doing so, targeted sanctions remove the incentives of third-party States to defy the sanctions and thus provide better opportunity for cooperation.”<sup>58</sup> These measures include among other things; arms embargoes, travel restrictions, loss of diplomatic immunity for certain individuals, the restriction of imports/exports of specific technologies, goods and services that could be used by targeted actors, and financial measures such as the freezing of funds of certain individuals, entities or restrictions and thorough prohibitions on financial transactions, export credits, loans or investments.<sup>59</sup>

However, despite the ability of targeted sanctions to solve political problems of comprehensive trade sanctions, there is no systematic evidence that they yield better policy results vis-a-vis the

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<sup>54</sup>Drezner D.W. (2011). Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice. The Fletcher School, Tufts University, International Studies Review 13, pp96–108.

<sup>55</sup>Giumelli F. and Ivan P. (2013); Drezner, D.W. (2011)

<sup>56</sup>Bessler, M, Garfield, R and Mc Hugh, G. (2004). Sanctions Assessment Handbook: Assessing the Humanitarian Implications of Sanctions. Produced by United Nations Inter-Agency Standing Committee (IASC) and United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

<sup>57</sup>Portela C. (2014). The EU’s Use of ‘Targeted’ Sanctions: Evaluating effectiveness. CEPS Working Document No. 39, also available at <http://www.ceps.eu>

<sup>58</sup>Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>59</sup>Giumelli F. (2013); Wallensteen, P. (2000)

targeted country.<sup>60</sup> Additionally, identifying the main persons responsible for the norm violations and the general application of targeted sanctions has been proven problematic. Targeted individuals or organizations can easily “anticipate or respond to financial sanctions by the use of false names, collaborators and alternative front organizations.”<sup>61</sup> As Drezner (2003) noted, most states and international organizations lacked both the experience and the institutions necessary to properly implement smart sanctions. Moreover, “even if the sanctions become smarter, so will the targets.” They can also affect the people in the targeted state if the targeted government shifts its spending from productive sector to non-productive one.<sup>62</sup> Since it is a way of singling out individuals, leaders fear the danger inflicted on them if they submit to the requirements of the sanction and thus it might provide an extra incentive for leaders not to submit to the opponent.<sup>63</sup>

Even if targeted sanctions are believed to be more humane than comprehensive sanctions, it cannot be said that targeted sanctions are devoid of humanitarian problems. They will still cause humanitarian damage when targeting is not precise and additionally, in the long run the restrictions on the inflow of new capital from abroad constrains the target’s growth.<sup>64</sup>

### **2.1.3.2. Unilateral versus Multilateral Sanctions**

Unilateral sanctions are those sanctions deployed by a sovereign state on the other state, while multilateral sanctions are deployed by a group of countries, with or without the coordination of international institutions, over a country whose behavior is viewed unfavorably.

By their very nature, Wallensteen argues, sanctions will require international support, as their technique is to reduce availability of external goods to a particular country and its regime. He supports multilateral sanctions.<sup>65</sup> Unilateral sanctions are easily seen less as an expression of justice and more as a part of the general foreign policy of the sender of sanctions.<sup>66</sup> Unilateral interventions are sometimes viewed by the target as modern day imperialism and as the imposition of western cultures and values on the target. Critics of unilateral intervention questions the validity of unilateral sanctions particularly of US; “who is to say that the United

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<sup>60</sup>Drezner D.W. (2011). Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice. The Fletcher School, Tufts University, *International Studies Review* 13, pp96–108.

<sup>61</sup>House of Lords (2007); Lopez G.A. (2007).

<sup>62</sup>Drezner D.W. (2003a). How Smart Are Smart Sanctions? *International Studies Review* (2003) 5, 107–110

<sup>63</sup>Wallensteen P. (2000). A Century of Economic Sanctions: A Field Revisited. Uppsala Peace Research Papers No. 1

<sup>64</sup>Garfield R. (1999). Kaempfer W.H. and Lowenberg A.D. (2007); Murphy, R. A. (2011).

<sup>65</sup>Wallensteen P. (2000). A Century of Economic Sanctions: A Field Revisited. Uppsala Peace Research Papers No. 1

<sup>66</sup>Galtung J. (1967b). Theories of peace: a synthetic approach to peace thinking. International Peace Research Institute, Oslo

States' interpretation of "universal" human rights is any more correct than any other state's?" For them to incorporate U.S.-style human rights into their societal fabric would be to incorporate a flaw into their social weave, their economic system, and their form of government.<sup>67</sup>

As the world is becoming more and more globalized, it does seem that multilateral approaches would best be suited to achieve aims; however, it is difficult to coordinate these efforts.<sup>68</sup> A central tenet of cooperation theory is that if a sufficient number of powerful states collaborate, they can increase the costs to the target, manage the international system and punish defections from the rules of the game. As Drezner (2000) argues unilateral sanctions are a smaller but stronger stick. He adds cooperation is overvalued and it could be sabotaged by bargaining difficulties and/or enforcement difficulties. Furthermore, sanctions involving multilateral cooperation involve two separate cooperation dilemmas: one between the sanctioning states and the target, and one between the primary sanctioner and other sanctioners. Uninstitutionalized cooperation (without the support of international organization) is counterproductive in generating concessions from the targeted country. In particular, states are prone to backsliding, initially agreeing to cooperate but facing incentives to defect over time. The target may prefer to wait and see the breaking up of the coalition rather than to concede for their demands. Drezner further argues that "once an international institution supports the sanctions, the negative effects of sanctions busting and backsliding are controlled, whereas the positive effects of cooperation still operate."<sup>69</sup> For example, this failure of cooperation was reflected in 1935, when the League of Nations, led by France and Britain, imposed sanctions on fascist Italy for its invasion of Ethiopia. The United Kingdom wanted somewhat stronger measures on Italy, while France wanted minor measures. This disagreement sends opposite message (particularly to Italy) from what is intended<sup>70</sup> and it eventually led to the demise of the League.<sup>71</sup>

The deployment of sanctions under the auspices of strong international organizations could solve such problems. Sanctions decided collectively in accordance with Chapter VII of the UN Charter are based on the valid grounds of a collective effort by the international community to

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<sup>67</sup> Wall C. (1998). Human Rights and Economic Sanctions: the New Imperialism. *Fordham International Law Journal*. Volume 22, Issue 2 1998 Article 7

<sup>68</sup> Thiel R. (2010). *Economic Trade Sanctions: A Literature Review (1980 - 2005)* Bangkok University International College

<sup>69</sup> Drezner D.W. (2000). *Bargaining, Enforcement, and Multilateral Sanctions: When Is Cooperation Counterproductive?* *International Organization* 54, 1, Winter 2000, pp. 73–102

<sup>70</sup> United States General Accounting Office (1992). *Economic Sanctions: Effectiveness as Tools of Foreign Policy*. Report to the chairman, committee on foreign relations, U.S. Senate. GAO/NSIAD-92-106

<sup>71</sup> Wallensteen P. (2000). *A Century of Economic Sanctions: A Field Revisited*. Uppsala Peace Research Papers No. 1

preserve international peace and security.<sup>72</sup> Economic sanctions taken by UN have two primary advantages over those taken by individual states or regional organizations. First, UN economic sanctions could be used effectively against any state. All members are obliged to implement the measures and it is difficult for the target to negate the effects of such measures unless it must rely on its own self-sufficiency. Second, UN economic sanctions, as a collective measure, are perceived as having greater legitimacy than sanctions taken by individual states or regional organizations. However, UN economic sanctions have had significant humanitarian consequences for citizens of states targeted by them, as it is observed in the case of Iraq.<sup>73</sup>

For Hufbauer et al (2007), both types of sanctions have their own merits and demerits. For them, a large coalition of senders does not necessarily make a sanctions episode more likely to succeed. In high policy cases, international cooperation serves three useful functions: “to increase the moral suasion of the sanction, to help isolate the target country from the global community psychologically as well as economically and to preempt foreign backlash.” On the other hand, sanctions deployed unilaterally have advantages in the sense that they can solve the problem of backsliding and its resultant consequences.<sup>74</sup>

### **2.1.3.3. Negative versus Positive Sanctions**

Negative sanctions are by large intended to punish the target while, according to Galtung, positive sanctions are aimed to increase positive interactions and reduce negative interactions. In his words, positive sanctions require “[I]nstead of breaking or reducing diplomatic relations, one would establish or enlarge them; instead of reducing communications (of goods, persons, messages) one would increase them; instead of hampering or closing down trade relations one would facilitate them or at least open them up.”<sup>75</sup> As scholars on the area of sanctions suggest sanctions better work as a combination of negative and positive sanctions (or in other words as a strategy of carrot and stick). As David Cortright, et al (1998) observes:

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<sup>72</sup> Marks S.P. (1999). Economic Sanctions as Human Rights Violations: Reconciling Political and Public Health Imperatives. *American Journal of Public Health*, Vol. 89, No. 10

<sup>73</sup> Murphy, R. A. (2011). The development of economic sanctions in the practice of the United Nations Security Council. PhD thesis, University of Nottingham.

<sup>74</sup> Hufbauer G.C. et al (2007). *Economic Sanctions Reconsidered*, 3rd edition, Peterson institute for international economics.

<sup>75</sup> Galtung J. (1967b). *Theories of peace: a synthetic approach to peace thinking*. International Peace Research Institute, Oslo

Sanctions policy becomes dysfunctional when applied as a punitive stick, unseasoned with little actual or promised carrots. Success is most likely when external actors offer inducements for cooperating as well as punishments for resisting. What a stick cannot achieve by itself might be accomplished by combining it with a carrot. The effective use of sanctions as a tool of diplomacy requires that gestures toward compliance be acknowledged and even reciprocated. It would generate additional steps toward compliance.<sup>76</sup>

Positive sanctions in the form of rewards, inducements, and incentives can be a better alternative to both war and negative sanctions, which are harmful. Rewarding the target state for any positive step in achieving the policy goals expressed by the sender state may be appropriate. In other words, more carrots and fewer sticks may be required.<sup>77</sup> As long as it will result in the desired outcomes states should use positive incentives, without only relying on punitive aspects of sanctions.<sup>78</sup> Hufbauer et al (2007) also argues that rewarding can make the target to be willing to make a deal. It lowers the cost of compliance and is also important where maximum sanctions are politically infeasible, where stick measures are exhaustively used and the only option is carrot.<sup>79</sup> Similarly, Drezner (2000) suggests that in order to reduce backsliding of states from cooperation, inducements are important. It is difficult to enforce a sanctioning equilibrium by punishing defectors with additional sanctions. Only through inducements can a sender coalition reduce the incentive of some states to defect.<sup>80</sup>

However, there are certain difficulties in the application of positive sanctions:

(t)he international system seems more easily to run out of reward resources than punishment resources. Even a small nation can punish a little, but it takes a rich and very resourceful nation to sustain a reward system over a longer period. (...) Sometimes, nations also have other goals than peace and they use positive sanctions, for instance technical assistance, to influence, say, UN voting patterns in their own favor.<sup>81</sup>

Rewarding the target state for its progress than punishing it for its failure to do so is dangerous according to Galtung. He also points out, even if punishing is not necessarily leads to

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<sup>76</sup> David Cortright, et al (1998). Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

<sup>77</sup> Marks S.P. (1999). Economic Sanctions as Human Rights Violations: Reconciling Political and Public Health Imperatives. *American Journal of Public Health*, Vol. 89, No. 10

<sup>78</sup> Nooruddin I. (2001). Modeling selection bias in studies of sanctions efficacy. The university of Michigan

<sup>79</sup> Hufbauer G.C. et al (2007). *Economic Sanctions Reconsidered*, 3rd edition, Peterson institute for international economics.

<sup>80</sup> Drezner D.W. (2000). Bargaining, Enforcement, and Multilateral Sanctions: When Is Cooperation Counterproductive? *International Organization* 54, 1, Winter 2000, pp. 73–102

<sup>81</sup> Galtung J. (1967b). *Theories of peace: a synthetic approach to peace thinking*. International Peace Research Institute, Oslo

compliance, “there is at least the gratification that derives from knowing (believing) that the sinner gets his due, that the criminal has been punished. In this sense negative sanctions (punishment) are safer than positive sanctions (incentives).”<sup>82</sup> Senders are also mostly reluctant to offer economic inducements in the belief that offering carrots after or with the stick sends an inconsistent message to a target, which might misinterpret the incentive as weakness on the part of the sender. If there is at all, they prefer to offer incentives only after the target is in full compliance with international law.<sup>83</sup>

#### **2.1.4. Conceptualizing Sanctions as a Foreign Policy Tool**

US president Woodrow Wilson once called sanctions a ‘peaceful, silent, and deadly remedy’ that no nation can resist. “A nation that is boycotted is a nation that is in sight of surrender.”<sup>84</sup> Sanctions are supposed to work by imposing some kind of pain on the target country, and particularly on its ruling regime, which then alters its policies in order to comply with the sender’s demands and thereby avoid further sanctions damage.<sup>85</sup> They can be imposed either quickly to cause maximum economic disruption on the target before it adjusts its economy or through a gradual process of slowly tightening sanctions measures.<sup>86</sup> Sanctions, as a political tool, could be used and adjusted according to the evolution of a crisis and to the behavior of the targets.<sup>87</sup> Imposed sanctions continue unless the target yields to the demands of the sanctions or unless the sanctioning state stops it.

Baek (2008) stresses that the imposition of economic sanctions can decrease violations of human rights and can be an effective enforcement tool for international law. He suggests that the international community, including the U.N., should impose effective economic sanctions against states where gross human rights violators are.<sup>88</sup> Allen, S.H, and Lektzian, D.J. (2012)

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<sup>82</sup>Galtung J. (1967a). On the effects of international economic sanctions: with examples from the case of Rhodesia. Pp378-416

<sup>83</sup> Lopez G.A. (2007). Effective sanctions: Incentives and UN-US dynamics. Harvard International Review. MIT Press.

<sup>84</sup> Woodrow Wilson’s speech quoted in Garfield R. (1999) and Kondoch B. (2001).

<sup>85</sup>Kaempfer W.H. and Lowenberg A.D. (2007). The political economy of economic sanctions. Handbook of Defense Economics, Volume 2

<sup>86</sup> Rudolf P. (2007). Sanctions in international relations. SWP research paper, pp5-17. Berlin

<sup>87</sup> Giumelli F. and Ivan P. (2013). The effectiveness of EU sanctions an analysis of Iran, Belarus, Syria and Myanmar (Burma). European policy center, EPC Issue Paper No.76

<sup>88</sup>Baek B.S. (2008). Economic Sanctions Against Human Rights Violations. Cornell Law School Inter-University Graduate Student Conference Papers. Paper 11.

compare the effect of sanctions to military conflict and find military conflict has greater negative consequences than economic sanctions.<sup>89</sup>

However, some writings suggest otherwise and found sanctions damaging as well. Murphy (2011) argues:

In theory, if the economic lifeblood of a state is cut off it will be forced to modify its behavior without the need for military intervention. As such, economic sanctions are an attractive resource for an institution seeking to avoid recourse to the use of force. However, practically the ability of sanctions to modify the behavior of the target is marred with various difficulties. They are not to be seen as a lesser measure than military sanctions, since they also have collateral damage as of military intervention.<sup>90</sup>

For Ghodoosi (2015) it is unlikely that sanctions would replace the use of force or minimize the risk of it.

Conversely, economic sanctions facilitate and incentivize the military confrontation between nations. Lesser interactions, lesser economic integration, and lesser socialization between states promote military confrontation instead. A world of punishment is not necessarily a safer or more peaceful world. Rather, it is through the cooperation that peace among nations could be achieved.<sup>91</sup>

Similarly, Drezner (1998) argues that even if sanctions are intended to be a less costly alternative to war, they can sometimes increase the chances of war like that of Peloponnesian war. Japan also attacked Pearl Harbor only after the United States imposed an embargo. Therefore, sanctions are often a prelude to the use of force, not a substitute for it.<sup>92</sup> Pape (1997) also argues economic sanctions may not be as liberal alternative to military force as sanctions advocates suggest. Economic sanctions often inflict significant costs on the populations of target states. As the case of Iraq indicates that the reported 40,000 military and 5,000 civilian deaths during the gulf war is much lower than the 567,000 Iraqi children who have died after the sanctions were

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<sup>89</sup> Allen, S.H, and Lektzian, D.J. (2012). Economic sanctions: A blunt instrument? Journal of Peace Research 50(1) 121–135. Sage publications.

<sup>90</sup> Murphy, R. A. (2011). The development of economic sanctions in the practice of the United Nations Security Council. PhD thesis, University of Nottingham.

<sup>91</sup> Ghodoosi F. (2015). The sanctions theory: a frail paradigm for international law? Harvard International Law Journal. Available at: <http://ssrn.com/abstract=2584743>

<sup>92</sup> Drezner, D.W. (1998). Serious about Sanctions: Positive and Negative aspects of Economic Sanctions. The National Interest, Inc.

imposed. Even though sanctions, when they are applied with force, can make the threats of force more credible.<sup>93</sup>

In reality, even if they are costly to the sanctioning state and damaging to the target, they are an increasingly becoming prominent foreign policy tool.<sup>94</sup> Particularly, in the post cold war era the use of military force has become less acceptable and sanctions have become a popular tool of foreign policy, a means of coercive diplomacy to whip countries to change their behaviors, perceptions or policies.<sup>95</sup> Baldwin argues the scope of economic sanctions is broader than the scope of war. Whereas diplomacy and economic statecraft are used with respect to a wide range of issues, including human rights, tariff levels, drug trafficking, arms sales, nuclear testing, and war, military force, on the other hand, is used with respect to a rather small range of issues. That means, there is a tendency of reduction in the range of issues with respect to which the use of force is regarded as legitimate.<sup>96</sup> As a result, countries often resort to a sanction which is a middle ground measure. In some cases, if the aim is to achieve high policy goal, sanctions can be used in combination with the military force for the better results. However, it is difficult to definitely say military measures yield better results than sanctions. Because, in most circumstances a country cannot send troops, ships or air planes into hostile territory without preliminary or simultaneously cutting off trade and financial relations.<sup>97</sup>

Generally speaking, although sanctions are often preferred by states and IOs as a lower cost and lower risk alternative to the use of force, prolonged sanctions would appear to be often as harmful as war itself.<sup>98</sup> To alleviate or minimize its humanitarian consequences sanctions should as targeted as enough and certainly be followed by proper monitoring and by the development of an exit strategy. Sanctions policy is more likely to be effective if it incorporates an appropriate system of monitoring and control, which would normally require the establishment of a permanent expert staff.<sup>99</sup>

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<sup>93</sup>Pape R.A. (1997). Why economic sanctions do not work. *International Security*, Volume 22, Issue 2, pp90-136

<sup>94</sup>Drezner D.W. (2003b). The hidden hand of economic coercion. *International organization* 57, summer 2003, pp 643-659

<sup>95</sup>Chingono H, Hove M and Danda S.J. (2013).Sanctions Effectiveness in a Globalized World.*International Journal of Humanities and Social Science* Vol. 3 No. 21

<sup>96</sup>Baldwin D.A (1999).The sanctions debate and the logic of choice. *International Security*, Vol. 24, No.3 (Winter 1999/2000), pp. 80-107

<sup>97</sup>Hufbauer G.C. et al (2007). *Economic Sanctions Reconsidered*, 3rd edition, Peterson institute for international economics.

<sup>98</sup>David Cortright, et al (1998). *Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System*. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

<sup>99</sup>House of Lords (2007).*The Impact of Economic Sanctions*. Volume 1, 2nd Report of Session 2006–07, HL Paper 96-I

Even if they have limitations, various models are developed by different scholars to understand how the sanctions work as an effective foreign policy tool. Traditionally sanctions are expected to work when they put maximum pain on the targeted country. The central tenet of this traditional model is that the people will revolt against their government when they no longer bear the humanitarian tragedies. On the other hand, the relatively modern model argues that sanctions work when their resultant pain is directed toward the leadership of the target country and their core supporters. This model (targeted sanction) requires a detailed and comprehensive knowledge of the interests, issue cleavages and the political processes in the sanctioned state.<sup>100</sup>

Handful scholars used domestic politics (public choice or interest group)<sup>101</sup> and game<sup>102</sup> theories to understand how the sanctions work. According to game theorists sanctions are the outcome of the interactions between two or more rational players (between sanctioner and sanctioned). The players may or may not have complete information about the intent of the other player. Lacy and Emerson (2004) in their simple game theory model assume the case in which the players do not have complete information. In this case sanctions are a game of issue linkage involving two or more issues, players may not know each other's preferences for the outcome of the game. So, the threat and use of economic sanctions are modeled as a multistage game of two-sided incomplete information between a target and a coercer.<sup>103</sup> According to game theory, successful instances of economic coercion are much more likely to end at the threat stage than the imposition stage. If the target complies because of the threats made by the sender, sanctions are not imposed. If the target stands firm, the sender faces the choice between backing down or carrying out its threat and imposing sanctions.<sup>104</sup> Hovi and Huseby illustrate the possibility that imposed sanctions might work if their impact proves to be harsher than expected by the target at the threat stage. The target is prepared to face the consequences of "lenient" sanctions, but not those of "harsh" sanctions. According to their simple game theory model, where the impact of sanctions is uncertain the possible outcomes include that the target is deterred from violating the norm by the mere threat of sanctions, and that the sanctions are not imposed although the norm is

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<sup>100</sup> Rudolf P. (2007). Sanctions in international relations. SWP research paper. Berlin

<sup>101</sup> Baldwin (1995); Pahre, R (1998); Kaempfer and Lowenberg (2007); Lektzian, D. and Souva, M. (2003).

<sup>102</sup> Beladi H. and Oladi R. (2015); Drezner, D.W. (1998, 2003); Eaton, J. and Engers, M. (1992); Hovi J. and Huseby R. (n.d); Lacy and Niou (2004); Smith (1996); Tsebelis, G. (1990)

<sup>103</sup> Lacy D. and Niou Emerson (2004). A Theory of Economic Sanctions and Issue Linkage: The Roles of Preferences, Information, and Threats. *The Journal of Politics*, vol. 66, no. 1, pp 25-42

<sup>104</sup> Drezner D.W. (2003b). The hidden hand of economic coercion. *International Organization* 57, summer 2003, pp 643-659

violated.<sup>105</sup> Drezner(2003) observes that the cases of threats of sanctions yield significantly larger concessions when compared to instances in which sanctions are imposed.<sup>106</sup> Here, we can borrow Galtung's (1967) statement "the power of any weapon lies more in its potential than in its actual use."<sup>107</sup> Smith (1996) also uses one sided incomplete information game to show that the decision of the sender to sanction is related to the decision of the target to resist.<sup>108</sup> Lacy D. and Niou Emerson (2004) observe that economic sanctions are likely to be imposed when they are not likely to succeed in changing the target's behavior. Sanctions that are likely to succeed will do so at the mere threat of sanctions. States that ignore the threat of sanctions are unlikely to change their behavior after sanctions are imposed. However in rare cases imposed sanctions may succeed. The conditions for a target to yield for imposed sanctions after once it resists the threat of sanctions are: (1) the target believes that the coercer is irresolute, (2) the value of not complying without being sanctioned is high, or (3) the difference in value between complying after being threatened and capitulating after being sanctioned is small. Sometimes sanctions should be imposed even if the sender knows that they will not succeed, in order to lead targets to believe that threatened sanctions are not always a "bluff". This helps to increase the credibility of the sanctions; because if a coercer never imposes sanctions, then the target (and other potential transgressors) will always ignore threats of sanction.<sup>109</sup>

However for scholars who emphasize on domestic politics model, internal politics exert greater influence on the use of sanctions than external politics of states. Domestic political institutions affect the incentives of leaders and, therefore, the foreign policies of states. According to this model, in order to not harm the interests of their constituencies democracies prefer targeted sanctions.<sup>110</sup> Rarick C.A. (2007) contends that "sanctions in many cases are motivated by special-interest groups."<sup>111</sup> The political processes by which sanctioning policies emerge in the sender nations, as well as the political processes through which sanctions generate policy outcomes in a target country are highly intertwined and key to determine sanctions success. i.e. the decision to

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<sup>105</sup>Hovi J. and Huseby R. (n.d). Tales of the unexpected: when do economic sanctions work? Oslo, Norway

<sup>106</sup>Drezner D.W. (2003b). The hidden hand of economic coercion. *International organization* 57, summer 2003, pp 643-659

<sup>107</sup>Galtung J. (1967a). On the effects of international economic sanctions: with examples from the case of Rhodesia. Pp378-416

<sup>108</sup>Smith A. (1996). The success and use of economic sanctions. *International interactions*, vol. 21, no. 3, pp. 229-245.

<sup>109</sup>Lacy D. and Niou Emerson (2004). A Theory of Economic Sanctions and Issue Linkage: The Roles of Preferences, Information, and Threats. *The journal of politics*, vol. 66, no. 1, pp 25-42

<sup>110</sup>Lektzian, D. and Souva, M. (2003). The Economic Peace between Democracies: Economic Sanctions and Domestic Institutions. *Journal of Peace Research*, vol. 40, no. 6, pp. 641-659, Sage Publications

<sup>111</sup>Rarick C.A. (2007). *Economic Sanctions: Failed Foreign Policy Tool and a Cost to American Business*. Blackwell Publishing, Oxford

impose sanctions and their effectiveness depends up on political institutions, within both sanctioning countries and target countries.<sup>112</sup> This theory argues to be successful sanctions should target the supports of the sanctioned regime and they must strengthen the opponents of the ruling regime. Therefore, targeted sanctions which have differential effects on the supporters and opponents of the ruling regime are assumed effective. In contrary, sanctions on the general public are ineffective in the sense that they impoverish the public, weaken the civil societies and opposition parties, and are also harmful for business organizations with in sanctioning state.<sup>113</sup>

### **2.1.5. Conceptualizing Humanitarian Impact of Sanctions**

It is assumed that countries often impose sanctions when they think the political gain will outweigh the human pain. In other words, they impose sanctions based on utilitarian assumption when there is a higher purpose that justifies the regrettable but unavoidable civilian suffering.<sup>114</sup> But this is rarely true for Marks, because only a few cases of sanctions are reported effective; while other majority cases of sanctions resulted in violations of economic, social and cultural human rights of citizens in the target country. To put in other words, sanctions frequently miss their intended target and ended up affecting the very groups they are intended to help.<sup>115</sup> The main impact is upon “the civilian population in the target who are unable to protect themselves and often have little or no influence on the policies which sanctions are intended to change.”<sup>116</sup>

Even if disaggregating the human rights consequences of various factors such as sanctions, war, political repression, social policies, and poverty is challenging, sanctions have become less acceptable to many because of their ability to inflict civilian pain for doubtful political gain.”<sup>117</sup> There is no reason that the innocent civilians bear the burdens for the violations of norms committed by their leaders. Moreover, their fundamental rights should not be risked for an

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<sup>112</sup>Kaempfer W.H. and Lowenberg A.D. (2007). The political economy of economic sanctions. Handbook of Defense Economics, Volume 2

<sup>113</sup> ibid

<sup>114</sup> Marks S.P. (1999). Economic Sanctions as Human Rights Violations: Reconciling Political and Public Health Imperatives.

<sup>115</sup> ibid

<sup>116</sup>Doxey (1999) as quoted in Shagabutdinova E. and Berejikian J. (2007). *Deploying Sanctions while Protecting Human Rights. Are humanitarian “smart” sanctions effective. Journal of Human Rights*, 6:59–74

<sup>117</sup>Weiss T. G. (1999). Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses. *Journal of Peace Research* vol. 36, no. 5, 1999, pp. 499–509 Sage Publications.

uncertain political outcome. The case of Iraq shows why sanctions are not the humane alternative to war.<sup>118</sup>

Sanctions may serve as a catalyst for worsening socio-economic and related conditions; or they may exacerbate one or more deteriorating conditions that already exist in the economic sphere or sanctions may generate structural change in the economy by shifting resources and the means by which they are distributed.<sup>119</sup> Among other things, because of sanctions, disruptions in the society's normal food distribution, health and educational systems can result, along with a rise in unemployment, rapid inflation and social unrest.<sup>120</sup>

Impact can be direct, indirect and unintended: direct impact refers to the expected burden that sanctions create on targets; indirect impact refers to the harm, i.e. collateral damage, of sanctions (i.e. higher price of electricity, lower availability of medicines, etc.); and unintended consequences refer to the harm that senders had not considered when resorting to sanctions.<sup>121</sup> As other related literatures imply sanctions in the form of financial measures have long lasting effects. They cause capital to become more costly or scarce, and thus future investment and long-term economic growth will decline.<sup>122</sup> Moreover, prolonged sanctions regimes may intensify the humanitarian impacts of sanctions. In the long run, as the complexity of the humanitarian impact of sanctions increases, sanctions authorities may not be in a position to manage the long-term humanitarian consequences of the sanctions.<sup>123</sup>

Humanitarian pain does not imply that the aims linked to the sanctions are being achieved and that they are, consequently, effective. It is necessary to differentiate between impact and effectiveness. Bringing great civilian pain shouldn't be the aim of sanctions, and it cannot be taken as success story.<sup>124</sup> Imposing high costs on the target does not necessarily mean sanctions

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<sup>118</sup> Marks S.P. (1999). Economic Sanctions as Human Rights Violations: Reconciling Political and Public Health Imperatives. *American Journal of Public Health*, Vol. 89, No. 10

<sup>119</sup> Weiss T. G. (1999). Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses. *Journal of Peace Research* vol. 36, no. 5, 1999, pp. 499-509 Sage Publications.

<sup>120</sup> Van den Berg (2010). Economic Sanctions: An Effective Tool of Foreign Policy Statecraft? *Queen's Policy Review*. Volume 1, No. 1

<sup>121</sup> Giumelli F. and Ivan P. (2013). The effectiveness of EU sanctions an analysis of Iran, Belarus, Syria and Myanmar (Burma). European policy center, EPC Issue Paper No.76

<sup>122</sup> United States General Accounting Office (1992). Economic Sanctions: Effectiveness as Tools of Foreign Policy. Report to the chairman, committee on foreign relations, U.S. Senate. GAO/NSIAD-92-106

<sup>123</sup> Bruderlein C. (1998). Coping with the Humanitarian Impact of Sanctions: An OCHA Perspective, New York.

<sup>124</sup> Rudolf P. (2007). Sanctions in international relations. SWP research paper, pp5-17. Berlin

are working in achieving the desired foreign policy goal. Iraq is the case in point.<sup>125</sup> For Cortright et al (1998), the assumption that says reducing the impacts of sanctions will necessarily reduce the effectiveness of sanctions is a hindrance towards reforming sanctions. They conclude Sanctions can be/must be designed, if they are to be used at all, in ways that are both politically effective and properly solicitous of vulnerable populations.<sup>126</sup> To be humane, they must avoid damage to innocent civilians.<sup>127</sup>

For humanitarian impacts inflicted by sanctions, both senders and targets should be responsible. On the side of the targets, they bring sanctions upon themselves, have the ability to remove them by changing objectionable policies. On the other hand, senders are responsible for not designing sanctions which are discriminatory between the ruling elites and civilians and for not periodically monitoring their impacts.<sup>128</sup>

#### **2.1.6. Conceptualizing Humanitarian Intervention**

Humanitarian intervention (intervention in general) is one of the contentious areas in states relations. Particularly, some states consider any form of intervention as a violation of the principle of sovereignty (the right of states to freely exercise power over their own territory or matters without interfering in another state's territory or affairs). Kinacioglu M. (2005) contends "non intervention is the main governing rule of state relations and it is the primary safeguard for the preservation of order and the peaceful coexistence among states."<sup>129</sup> However, exceptions to the intervention are allowed in article 39 and 41 of UN charter and in the GATT (article 20 and 21), in case where there is a threat to the world peace and security. As such, humanitarian intervention is sometimes regarded as the exception to the principle of non-interference.<sup>130</sup> Even as Kioko (2003) argues interventions which are not authorized by the UNs are justified in some

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<sup>125</sup>Borszik O. (2014); Nooruddin I. (2001)

<sup>126</sup> David Cortright, et al (1998). Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

<sup>127</sup>Shagabutdinova E. and Berejikian J. (2007). Deploying Sanctions while Protecting Human Rights. Are humanitarian "smart" sanctions effective. *Journal of Human Rights*, 6:59–74

<sup>128</sup> David Cortright, et al (1998). Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

<sup>129</sup>Kinacioglu M. (2005). The principle of Non-intervention at the United Nations: The Charter Framework and the Legal Debate. London School of Economics and Political Science

<sup>130</sup>Baek B.S. (2008). Economic Sanctions Against Human Rights Violations. Cornell Law School Inter-University Graduate Student Conference Papers. Paper 11.

occasions where there are gross human rights violations.<sup>131</sup> State sovereignty and independence should not serve as a barrier to the realization of the fundamental human rights of the state's nationals. If the human rights issues are not solved by a state itself, it is no longer solely the problem of the state concerned, because fundamental human rights have acquired a status of universality.<sup>132</sup>

The Danish Institute of Foreign Affairs defined humanitarian intervention as “coercive action by States involving the use of armed force in another State without the consent of its government, with or without authorization from the UN Security Council, for the purpose of preventing or putting to halt gross and massive violations of human rights.”<sup>133</sup> Even if there are absence of strongly established principles of intervention through sanctions, there are certain just war principles for humanitarian intervention which could also be interpreted in the context of sanctions. In this regard, Wheeler (2001) identifies six substantive just war principles which can be applied for humanitarian intervention: just cause, intervention as a last resort, it will produce a surplus of good over harm, proportionality, right intention, and reasonable prospect of ending the human rights abuses.<sup>134</sup>

There are two concepts which are becoming popular in recent years: “sovereignty as a responsibility” and “the responsibility to protect”. The former implies that every state has the responsibility to protect its people from gross human rights abuses, while the later refers to the responsibility of the international community to act, if the concerned state is unwilling or unable to fulfill its responsibilities towards its citizens.<sup>135</sup> In the 1992 “An Agenda for Peace” published by the UN Secretary-General, Boutros Boutros-Ghali, argued in favor of a proactive peacemaking and humanitarian intervention. It calls intergovernmental organizations to respond quickly and effectively to threats to international peace. The responsibility to react which involves - responding to situations, where necessary using coercive measures such as sanctions, international prosecution, and military intervention is one key aspect of the responsibility to

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<sup>131</sup>Kioko B. (2003). The right of intervention under the African Union's Constitutive Act: From non-interference to non-intervention. IRRC December 2003 Vol. 85 No 852

<sup>132</sup> Ibid

<sup>133</sup>Kioko B. (2003). The right of intervention under the African Union's Constitutive Act: From non-interference to non-intervention. IRRC December 2003 Vol. 85 No 852

<sup>134</sup> Wheeler N.J. (2001). Legitimizing Humanitarian Intervention: Principles and Procedures. Melbourne Journal of International Law Vol 2, 2001.

<sup>135</sup>Fogwell S.A. (2013). The legality of the African Union's right to intervention. Master's Thesis, University of Pretoria.

protect.<sup>136</sup> Sanctions are one indicator that sovereignty is no longer untouchable.<sup>137</sup> Because of the increasing use of sanctions, their use against gross human rights violations has become an accepted customary international norm.<sup>138</sup>

As Wheeler (2001) argues non-violent strategies of humanitarian interventions could be a better alternative to the use of force and inaction. He adds:

Sovereignty cannot be a license for states to massacre their citizens with impunity. A state's legal and moral right to claim protection of the norm of non-intervention would depend upon its observance of certain minimum standards of common humanity. [...] Sovereignty implies responsibility, not just power. States that claim rights of sovereignty and non-intervention must recognize a responsibility to protect citizens inside their jurisdictions.<sup>139</sup>

Some states oppose humanitarian intervention not on the legal ground, but because of their wariness that their violations of human rights could make them future targets of intervention.<sup>140</sup>

The International Commission on Intervention and State Sovereignty (ICISS) responded to the challenge of the relationships between the sovereignty and humanitarian intervention, as both concepts are complimentary, rather than contradictory. The state has a primary responsibility to protect its populations, and where it is unable or unwilling to do so the responsibility to protect would be borne by the international community.<sup>141</sup> Sovereignty rests with a country's government in as much as it fulfills its obligations towards its own citizens. If it grossly fails to fulfill these obligations, international intervention may be justified. However, the problem is the international community may cause human rights violations while fighting against a violation of human rights.<sup>142</sup> Since the end of the Second World War, only very few cases can be considered

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<sup>136</sup>Murithi T. (2009). The African Union's Transition from Non-Intervention to Non-Indifference: An Ad Hoc Approach to the Responsibility to Protect?

<sup>137</sup>Weiss T. G. (1999). Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses. *Journal of Peace Research* vol. 36, no. 5, 1999, pp. 499-509 Sage Publications.

<sup>138</sup>Baek B.S. (2008). Economic Sanctions Against Human Rights Violations. Cornell Law School Inter-University Graduate Student Conference Papers. Paper 11.

<sup>139</sup>Wheeler N.J. (2001). *Legitimizing Humanitarian Intervention: Principles and Procedures*. Melbourne Journal of International Law Vol 2, 2001.

<sup>140</sup>Ibid

<sup>141</sup>Drummond, C. (n.d). Non-interference and the Responsibility to Protect: Canvassing the Relationship between Sovereignty and Humanity in Southeast Asia

<sup>142</sup>Garfield R. (1999). The impact of economic sanctions on health and wellbeing. Relief and Rehabilitation Network (RRN) paper.

as a genuine humanitarian intervention and the scope for abuse of humanitarian intervention overshadows its usefulness.<sup>143</sup>

In Africa, previously the “OAU (Organization for African Unity) had an unspoken policy of non-interference and non-intervention in the affairs of member states. This gave license to Africa’s majority dictators to exploit their countries, plunder their resources and suppress freedom of expression in the media and in politics.”<sup>144</sup> The neighboring countries, OAU, UNs and the international community at large are still blamed for not taking actions to stop this horrible act. Similarly, in 1986 President Museveni of Uganda accused the OAU for not responding to the massacre of Ugandans by Idi Amin.<sup>145</sup>

In the aftermath of the failure of the international community in the 1990s to decisively deal, inter alia, with the genocide in Rwanda and state collapse in Somalia, African countries determined to craft their own solutions to the problems emerging on the continent. This marked the origin of the notion of ‘African solutions to Africa’s problems’, which was later become one of the founding principles of the AU. Thus, the notion of *non-interference* of the OAU was replaced with that of *non-indifference*. Additionally, the member states of the Union were charged to respect democratic principles, human rights, the rule of law and good governance: the principles that marked a departure from the Charter of the OAU.<sup>146</sup> They recognized that the stability of any country is intertwined with their neighbors and there is a benefit in responding to the situation which could be detrimental to the regional as well as global security.<sup>147</sup> However, as the AU and sub-regional bodies are unable to act with common purpose, there is hence more space for non- African actors to intervene. There are also financial and logistic challenges that test their efforts.<sup>148</sup>

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<sup>143</sup>Baek B.S. (2008). Economic Sanctions Against Human Rights Violations. Cornell Law School Inter-University Graduate Student Conference Papers. Paper 11.

<sup>144</sup>Murithi T. (2009). The African Union’s Transition from Non-Intervention to Non-Indifference: An Ad Hoc Approach to the Responsibility to Protect?

<sup>145</sup>Kioko B. (2003). The right of intervention under the African Union’s Constitutive Act: From non-interference to non-intervention. IRRC December 2003 Vol. 85 No 852

<sup>146</sup>Apuuli K.P. (n.d). The African Union’s notion of ‘African solutions to African problems’ and the crises in Côte d’Ivoire (2010–2011) and Libya (2011)

<sup>147</sup>Murithi T. (2009). The African Union’s Transition from Non-Intervention to Non-Indifference: An Ad Hoc Approach to the Responsibility to Protect?

<sup>148</sup> Nathan L. (2013). African Solutions to African Problems: South Africa’s Foreign Policy. WeltTrends 92, pp 48-55

### 2.1.7. Conceptualizing Humanitarian Exemptions

Sanctions regimes are expected to have some form of exemptions for humanitarian purposes. However, humanitarian exemptions are often “tend to be ambiguous and are interpreted arbitrarily and inconsistently.”<sup>149</sup> They represent the “hinge between the use of sanctions to achieve stated political objectives and the protection of the rights of civilian populations in targeted countries to receive humanitarian assistance.”<sup>150</sup> It’s been largely accepted that exemptions of selected institutions and items can help to reduce the adverse consequences of sanctions without endangering the policy objectives of the sanctioning state. Furthermore, it’s been argued that a more, strategic, targeted, consistent, transparent and accountable use of sanctions can increase the credibility and prospects of political success while avoiding disproportionate humanitarian consequences.<sup>151</sup> Humanitarian exemptions must be an inherent part of international sanction laws (the international bill of human rights and other humanitarian laws) so as to protect the innocent from the negative effect of sanctions.<sup>152</sup> Under humanitarian law (the protection of civilians is also protected under Human Rights Law) the civilian population must be protected from war and its consequences as much as possible. This requires that the civilian population must always be provided with or allowed to secure the essentials for survival: such as food, potable water, shelter, medicines and medical care.<sup>153</sup>

Identifying possible humanitarian consequences of sanctions early on can help to mitigate any unintended consequences. It can also be useful in improving the targeting of humanitarian assistance to best meet the needs of vulnerable groups.<sup>154</sup> Generally, civilians should be spared from the effects of sanctions and unnecessary sufferings caused from denial of resources for survival. Delays and administrative procedures should be eased to the extent of providing humanitarian assistances without impediment. Sanctions committees are also needed to monitor

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<sup>149</sup>Kondoch B. (2001). The Limits of Economic Sanctions under International Law: The Case of Iraq. *International Peacekeeping: The Yearbook of International Peace Operations*, 7, 267–294.

<sup>150</sup> David Cortright, et al (1998). *Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System*. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

<sup>151</sup> Ibid

<sup>152</sup>Sponeck H.C.G. (2002). *Sanctions and Humanitarian Exemptions: A Practitioner’s Commentary*. *EJIL*, Vol. 13, No. 1, pp 81-87

<sup>153</sup>Bossuyt M. (2000). *The Adverse Consequences of Economic Sanctions on the enjoyment of human rights*. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>154</sup>Bessler, M, Garfield, R and Mc Hugh, G. (2004). *Sanctions Assessment Handbook: Assessing the Humanitarian Implications of Sanctions*. Produced by United Nations Inter-Agency Standing Committee (IASC) and United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

the efforts of humanitarian exemptions through the establishment of permanent or ad hoc group of experts, timely gather information on the humanitarian situation and respond to the situations as soon as possible. They should adopt practical adjustments to the exemption mechanisms to facilitate the delivery of humanitarian assistance and ensure that humanitarian exempted goods are delivered only to those in need. The Security Council has also the responsibility to monitor the capacity of the regional sanctions authorities to implement these exemptions and to clear the shipments of humanitarian goods into the targeted country. The Committee on Economic, Social and Cultural Rights in its General Comment No. 8 (1997) suggest three steps that should be taken with this regard. The first one is when a sanction regime is being designed economic, social and cultural rights must be fully taken into account. Secondly, effective monitoring should be undertaken throughout sanctions regime. And thirdly, all concerned parties should take steps, individually and through international assistance and co-operation in order to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country.<sup>155</sup>

#### **2.1.8. Legal and Moral Contexts of Sanctions**

The legality of using sanctions is expressed in chapter VII, article 41 of the United Nations charter. Article 41 reads:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.<sup>156</sup>

While Article 41 does not specifically mention the word “sanctions”, it lists specific sanctions measures to be taken while at the same time making it clear that the list is not exhaustive and has proven flexible with respect to the application of varying measures to address evolving threats to international peace and security.<sup>157</sup> According to article 42, if the Security Council considers measures provided in article 41 as inadequate, it may use military force to maintain and restore international peace and security. Under Article 52 of UN charter regional organizations are also authorized to "achieve pacific settlement of local disputes" without asking permission from the

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<sup>155</sup>Bruderlein C. (1998).Coping with the Humanitarian Impact of Sanctions: An OCHA Perspective, New York.

<sup>156</sup> Charter of the United Nations, 1945, San Francisco

<sup>157</sup> Security Council Report (2013). UN Sanctions. Special Research Report November 2013

Security Council, "provided that ... their activities are consistent with the Purposes and Principles of the United Nations".

According to Kondoch the principles of proportionality and rule of distinction should be applied while deploying sanctions. The former implies that the policy outcomes of the sanctions should justify the humanitarian hardship they cause (the humanitarian consequences should not outweigh the policy outcomes). Under the later, sanctions should not target civilians (the entire population) in an attempt to influence the regime. He concludes that if the sanctioning countries disregard the above two principles in their application of sanctions, then they are acting against their responsibility to maintain international peace and security.<sup>158</sup>

As Shojai S. and Root P. S. (2013) argue that the status of sanctions in international law can be described as ambiguous because of the nature of international law itself, and because of the questions concerning jurisdiction and enforcement. For them these uncertain legal frameworks are some of the reasons for the random outcomes of sanctions.<sup>159</sup>

Generally, the domain of international politics lacks a central government and is thus dominated by the norm of self-help. Enforcing international law is, therefore, a task that falls back to the states, themselves. It involves the use of sanctions. Such action often produces results that run counter to other norms, like the protection of innocents and the promotion of basic human rights that are embedded in the United Nations Charter and human rights treaties.<sup>160</sup> Richard Garfield identifies the possible human rights norms which can be violated by sanctions which are summarized in the table 1.<sup>161</sup>

The use of sanctions can also be judged on moral grounds. Sanctions can be understood as a means to an end. To put in other words, that the sufferings of citizens of the sanctioned country are used as a means in the belief that they will pressure the target to comply with the foreign policy objectives of the sanctioning country. If humanity is not used as end and people are not treated in dignity, then it may violate ethical theory of Kant's practical imperative. On the other

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<sup>158</sup>Kondoch B. (2001). The Limits of Economic Sanctions under International Law: The Case of Iraq. *International Peacekeeping: The Yearbook of International Peace Operations*, 7, 267–294.

<sup>159</sup>Shojai S. and Root P. S. (2013). Effectiveness Of Economic Sanctions: Empirical Research Revisited. *International Business & Economics Research Journal* – November 2013 Volume 12, Number 11

<sup>160</sup>Shagabutdinova E. and Berejikian J. (2007). Deploying Sanctions while Protecting Human Rights. Are humanitarian "smart" sanctions effective. *Journal of Human Rights*, 6:59–74

<sup>161</sup> See the appendix

hand, the consequences of sanctions in most cases have been to lower the economic, educational and healthcare systems of the sanctioned countries. Thus, sanctions that have bad outcomes are immoral from the perspective of consequentialist theory. Utilitarianism theory, one element of the consequentialist theory, contends that an act is ethical when it provides the greatest good for the greatest number of people. From sanctions point of view it means, positive results gained by the people of the sanctioned country justified the necessary pain they experienced in the application of the sanctions. If the pain outweighs the gain, then it is not justifiable. Sanctions can also be judged from the perspective of “the principles of social justice” proposed by John Rawls (1971), which argues ethical action involves providing each person with equal rights to basic liberties and taking action beneficial to the least advantageous members of society. So sanctions which denies the basic liberties of people and affect those vulnerable groups of people may violate Rawls’ principle of social justice.<sup>162</sup>

If the aim of sanctions is to communicate a message or punish citizens to influence the target, then sanctions are on a weak ethical ground because they create situations in which "human suffering becomes merely a device of communication" and "a wrongdoer remains untouched and an innocent person is gratuitously harmed."<sup>163</sup> It is been argued that although sanctions inevitably impose hardships on the people of a target nation, they are ethically justifiable only if carried out for a higher political and moral purposes such as halting aggression or preventing repression. It is immoral if they cause death and push vulnerable populations below subsistence levels and if they violate principles of just war. Also from moral point of view, countries imposing sanctions have a responsibility to provide humanitarian assistance to affected vulnerable populations. Sanctioning countries are then obliged not only to address the suffering but also to adjust or lift thesanctions. In a nut shell, achieving greater political gain with less civilian pain enhances the moral credibility of the policy.<sup>164</sup>

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<sup>162</sup>Rarick C.A. (2007). *Economic Sanctions: Failed Foreign Policy Tool and a Cost to American Business*. Blackwell Publishing, Oxford

<sup>163</sup> Marks S.P. (1999). *Economic Sanctions as Human Rights Violations: Reconciling Political and Public Health Imperatives*. *American Journal of Public Health*, Vol. 89, No. 10

<sup>164</sup> David Cortright, et al (1998). *Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System*. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

## 2.2. Literature Review

### 2.2.1. Sanctions Success

Sanctions are usually imposed after a number of diplomatic efforts have failed, which indicates that the crisis is already complex.<sup>165</sup> It is extremely hard to draw conclusions about the success of sanctions, without considering why the sanctions were applied in the first place.<sup>166</sup> Moreover, sanctions are often combined with diplomacy, incentives and threats of force, which make measuring its independent success rate difficult.<sup>167</sup> For example, the UN sanctions against Rhodesia between 1966 and 1979 were not certainly credited to either economic sanctions or the Patriotic Front that fought the liberation struggle. The result is may be the interplay of both.<sup>168</sup> The answers for sanctions success involve the issue of what is meant by success and its measurement, as well as the causal mechanisms and also the chances of success and failure should be assessed before the strategy is being used.<sup>169</sup> Defining success depends on the goals of sanctions, the context in which they are adopted, and the manner in which they are implemented.<sup>170</sup> According to Hufbauer G.C. et al (2007), what makes determining success difficult is that:

(s)anctions may be intended to demonstrate resolve both at home and abroad, to express outrage, to punish, to deter future wrong doers, and to change current policies in the target country. (...)Further complicating the story, sender countries usually pursue more than one goal, and the goals often evolve over time.<sup>171</sup>

Baldwin, in his logic of choice, shows that identification of a "successful" policy choice requires consideration not only of the costs and benefits of using economic sanctions, but also the costs and benefits of using alternative policy options. In addition, the "success" of sanctions should be evaluated not only by looking at the goals achieved but also the costs to achieve those goals. From the logic of choice perspective, policymakers do not necessarily use sanctions because they think they are the most effective technique of statecraft; they use them because they are more

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<sup>165</sup>Giumelli F. and Ivan P. (2013). The effectiveness of EU sanctions an analysis of Iran, Belarus, Syria and Myanmar (Burma). European policy center, EPC Issue Paper No.76

<sup>166</sup> Smith A. (1996). The success and use of economic sanctions. *International interactions*, vol. 21, no. 3, pp. 229-245.

<sup>167</sup>House of Lords (2007). *The Impact of Economic Sanctions*. Volume 1, 2nd Report of Session 2006–07, HL Paper 96-I

<sup>168</sup>Chingono H, Hove M and Danda S.J. (2013). *Sanctions Effectiveness in a Globalized World*. *International Journal of Humanities and Social Science* Vol. 3 No. 21

<sup>169</sup>Wallenstein P. (2000). *A Century of Economic Sanctions: A Field Revisited*. Uppsala Peace Research Papers No. 1

<sup>170</sup> David Cortright, et al (1998). *Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System*. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

<sup>171</sup>Hufbauer G.C. et al (2007). *Economic Sanctions Reconsidered*, 3rd edition, Peterson institute for international economics.

cost-effective.<sup>172</sup> In their third edition Hufbauer G.C. et al (2007) analyzed 174 cases of sanctions to determine the success of sanctions. They found sanctions to be at least partially successful in 34 percent of the cases. They assess the success of sanctions from the perspective of achieving the goals of sanctions (changes the sanctioning state explicitly or implicitly seeks in the target state's political behavior). To identify the foreign policy goals sought in each case they rely on the public statement of the sender country's officials, supplemented by the assessments of journalists and historians of the episode.<sup>173</sup> However, policymakers often overstate the publicly revealed primary goal to win acceptance of sanctions by their domestic public or to establish a strong bargaining position to achieve a better eventual settlement with the target. Such overstatement leads to excessive expectations about what sanctions can achieve. Thus, using only the achievement of the publicly revealed goal to determine the "success" or "failure" of sanctions is inadequate.<sup>174</sup>

Pape (1997), on his part, analyzes the independent usefulness of sanctions and he concludes that sanctions have little independent usefulness for pursuit of noneconomic goals. He reassesses the most comprehensive data set on sanctions developed by Hufbauer et al. (1990). Hufbauer et al. (1990) analyzed 115 cases of sanctions and found 40 of them successful. However, according to Pape their study is seriously flawed and only five (5) cases are appropriately successful. He contends that sanctions should be credited with success if they meet three criteria: (1) the target State conceded to a significant part of the coercer's demands; (2) economic sanctions were threatened or actually applied before the target changed its behavior; and (3) if no more-credible explanation exists for the target's change of behavior.<sup>175</sup>

In the case of successful sanctions, it is implied that the success occurs in the final year of the sanction except for sanctions that have more intangible goals such as destabilizing another government.<sup>176</sup> For Tsebelis there is what he calls "the Robinson Crusoe fallacy", in measuring sanctions success. That is the conventional wisdom of examining the problem of sanctions from

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<sup>172</sup>Baldwin D.A (1999). The sanctions debate and the logic of choice. *International Security*, Vol. 24, No.3 (Winter 1999/2000), pp. 80-107

<sup>173</sup>Hufbauer G.C. et al (2007). *Economic Sanctions Reconsidered*, 3rd edition, Peterson institute for international economics.

<sup>174</sup>United States General Accounting Office (1992). *Economic Sanctions: Effectiveness as Tools of Foreign Policy*. Report to the chairman, committee on foreign relations, U.S. Senate. GAO/NSIAD-92-106

<sup>175</sup>Pape R.A. (1997). Why economic sanctions do not work. *International Security*, Volume 22, Issue 2, pp90-136

<sup>176</sup>Nooruddin I. (2001). *Modeling selection bias in studies of sanctions efficacy*. The university of Michigan

the perspective of one player only: the target country. He argues that sanctions as well as violations are the outcome of the interaction of two players (the game between two players).<sup>177</sup>

Giumelli F. and Ivan P. (2013) propose a four-step process to measure sanctions effectiveness; first, whether sanctions play a central or marginal role within a strategy. Secondly, whether they are intended to *coerce* (change behaviour), to *constrain* (limit behaviour) and to *signal* (send messages/underline the importance of a norm)). In some occasions, these three concepts can coexist within the same sanctions regime. Thirdly, the impact (on the target) and the costs (on the sender) incurred. Because, “a good deal is not (only) defined in terms of the object bought, but (also) by the price paid.” Lastly, it depends up on the comparative utility of sanctions to judge whether sanctions were the best option available to senders as compared to lack of action, shaming and naming, diplomacy and war.<sup>178</sup> Similarly, the Bossuyt report proposed a six-prong test to evaluate sanctions. These are: whether the sanctions imposed for valid reasons, whether the sanctions target the proper parties, whether the sanctions target the proper goods or objects, whether sanctions are reasonably time limited, whether they are effective in achieving the desired results, and finally whether they are free from protests and criticisms from governmental and non-governmental bodies, intergovernmental organizations, scholars, and the public.<sup>179</sup>

Lopez G.A. (2007) identifies four considerations which are important in designing effective sanctions. These are: multilateral support and cooperation are essential to the success of sanctions, sanctions as a means of punishment and isolation rarely succeed- positive inducements are a necessary complement to the sticks of a sanctions strategy, sanctions succeed when they are a component of a larger foreign or international policy with multiple tools that collectively serve a specified end and finally the structure of sanctions must be clear and credible. Both the imposers and the target must be in a reasonably full agreement on what constitutes compliance. Moreover, the target must be confident that if it changes its behavior, there will be a timely lifting of coercive pressure and an extension of promised benefits.<sup>180</sup>

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<sup>177</sup>Tsebelis, G. (1990). Are Sanctions Effective? A Game-Theoretic Analysis. The Journal of Conflict Resolution, Vol. 34, No. 1

<sup>178</sup>Giumelli F. and Ivan P. (2013). The effectiveness of EU sanctions an analysis of Iran, Belarus, Syria and Myanmar (Burma). European policy center, EPC Issue Paper No.76

<sup>179</sup>Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>180</sup>Lopez G.A. (2007). Effective sanctions: Incentives and UN-US dynamics. Harvard International Review.MIT Press.

For Drezner(1998, 2000), countries that frequently apply sanctions one after another are either “naïve or irresponsible and often both”; because there is no empirical basis for their faith in the power of sanctions as an effective and precise tool. For him sanctions success should be determined from the perspective of conflict expectations. He states that sanctions against allies are more likely to work; because, allies have lower expectations of future conflict, they will be less concerned about the material and reputational consequences of acquiescing. In the contrary, adversaries care about the long-run implications of making concessions because they anticipate future clashes. They are reluctant to behave in ways that could strengthen the sanctioner's future bargaining position and establish their own reputation for acquiescence. Sanctions imposed against allies or friends are rarer, but far more successful than sanctions against adversaries; the situation he calls “sanctions paradox.”<sup>181</sup>

Hovi J. and Huseby R. argue sanctions are only imposed after the target refuses to comply with the threat of sanctions. It entails if the threat of sanctions fail, it is usually a sign that the target is not intended to comply even if sanctions are imposed. Therefore it is no surprise that the success rate of imposed sanctions is low. If sanctions work at all, they are likely to do so at the threat stage.<sup>182</sup> If costs of compliance are greater than the cost of sanctions and the target values its current policy highly, then the target will never comply. This is true even if the target suffers the costs of sanctions and knew that sanctions would last forever. If the target does not value maintaining its current policy, then it will immediately comply with any sanctions.<sup>183</sup> However, sanctions generally fail when cultural norms in the target nation demand resistance to “save face”, that is in societies with strong shame and honor codes.<sup>184</sup>

Other established conditions for the success of sanctions include; reasonably shorter sanctions, the cooperation among senders and the presence of strong opposition combined with external pressure can make sanctions more successful.<sup>185</sup> Sanctions effectiveness is more likely when they are: used against democracies<sup>186</sup>, when they are used against friends<sup>187</sup>, when they are

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<sup>181</sup>Drezner, D.W. (1998); Drezner D.W. (2000)

<sup>182</sup>Hovi J. and Huseby R. (n.d). Tales of the unexpected: when do economic sanctions work? Oslo, Norway

<sup>183</sup> Smith A. (1996). The success and use of economic sanctions. *International interactions*, vol. 21, no. 3, pp. 229-245.

<sup>184</sup> United States General Accounting Office (1992). *Economic Sanctions: Effectiveness as Tools of Foreign Policy*. Report to the chairman, committee on foreign relations, U.S. Senate. GAO/NSIAD-92-106

<sup>185</sup> Wallensteen P. (2000). *A Century of Economic Sanctions: A Field Revisited*. Uppsala Peace Research Papers No. 1

<sup>186</sup> Drezner, D.W. (1998); Hufbauer G.C. et al (2007); Kaempfer W.H. and Lowenberg A.D.(2007); Lektzian, D. and Souva, M. (2003); Nooruddin I. (2001).

multilateral<sup>188</sup>, when they are used against weak states<sup>189</sup>, when the issues of national security are involved<sup>190</sup>, when they are used in combination with other foreign policy instruments<sup>191</sup>, when they demand minor concessions<sup>192</sup>, when they impose high costs on the target<sup>193</sup>, when the duration of sanctions is short<sup>194</sup>, and when they are financial sanctions<sup>195</sup>.

Baldwin argues sanctions with lower cost to the sender but higher cost of non-compliance to the target will have impressive results. He argues sanctions on Iraq, that caused a huge cost of non-compliance, did not force Saddam Hussein to withdraw but they did make him pay a heavy price for his intransigence.<sup>196</sup> However, considering higher costs of non-compliance as a success is problematic. For example, according to Pape (1997), suffering of the target for non-compliance cannot change failure into success.<sup>197</sup> Successes of economic sanctions should not be determined by the actual economic damage caused by the measures.<sup>198</sup> And for the purpose of this paper I define sanctions as successful if it achieved the desired behavioral and policy responses from the target country plus if it achieved those outcomes without unnecessary human and economic devastations.

Galtung (1967a) concluded that "the probable effectiveness of economic sanctions is, generally, negative."<sup>199</sup> Petrescu, I.M. (2010b) also by using a large child level data set from 69 countries, implies that sanctions have severe impacts in their first two years and less effective after the first two years. If they don't accomplish their goals in the first two years they should be lifted.<sup>200</sup> Sanctions often do not succeed in changing the behavior of foreign countries. The reasons may include: the sanctions imposed may simply be inadequate for the task (the goals may be too elusive, the means too gentle and cooperation from other countries, when needed, too tepid),

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<sup>187</sup>Drezner, D.W. (1998); Hufbauer G.C. et al (2007); Kaempfer W.H. and Lowenberg A.D. (2007); Lacy D. and Niou Emerson (2004); Smith A. (1996); United States General Accounting Office (1992)

<sup>188</sup> Davis L. and Engerman S. (2003); United States General Accounting Office (1992);

<sup>189</sup> Dashti-Gibson, J., Davis, P., and Radcliff, P. (1997); Davis L. and Engerman S. (2003); Galtung J. (1967a); Hufbauer G.C. et al (2007); Kaempfer W.H. and Lowenberg A.D. (2007).

<sup>190</sup> Shagabudinova E. and Berejikian J. (2007). Deploying Sanctions while Protecting Human Rights. Are humanitarian "smart" sanctions effective. *Journal of Human Rights*, 6:59-74

<sup>191</sup> Brzoska M. (2008); David Cortright, et al (1998); House of Lords (2007).

<sup>192</sup> Drezner D.W. (2000); Hufbauer G.C. et al (2007); Lopez G.A. (2007); Pape R.A. (1997); Smith A. (1996).

<sup>193</sup> Baldwin D.A (1999); Dashti-Gibson, J., Davis, P., and Radcliff, P. (1997); Hufbauer G.C. et al (2007); Nooruddin I. (2001).

<sup>194</sup> Hufbauer G.C. et al (2007); Wallenstein P. (2000)

<sup>195</sup> Dashti-Gibson, J., Davis, P., and Radcliff, P. (1997); Hufbauer G.C. et al (2007); Shagabudinova E. and Berejikian J. (2007).

<sup>196</sup> Baldwin D.A (1999). The sanctions debate and the logic of choice. *International Security*, Vol. 24, No.3 (Winter 1999/2000), pp. 80-107

<sup>197</sup> Pape R.A. (1997). Why economic sanctions do not work. *International Security*, Volume 22, Issue 2, pp90-136

<sup>198</sup> United States General Accounting Office (1992). *Economic Sanctions: Effectiveness as Tools*

<sup>199</sup> Galtung J. (1967a). On the effects of international economic sanctions: with examples from the case of Rhodesia. Pp378-416

<sup>200</sup> Petrescu, I.M. (2010b). *The Humanitarian Impact of Economic Sanctions*.

sanctions may create their own antidotes (economic sanctions may unify the target country both in support of its government and in search of commercial alternatives), sanctions may prompt powerful or wealthy allies of the target country to assume the role of “black knights”; their support can largely offset whatever deprivation results from sanctions themselves and the forth possible reason is economic sanctions may alienate allies abroad and business interests at home.<sup>201</sup> Here one basic question may be raised: “If the probability of sanctions success is very low, why states frequently rely on sanctions?” according to Baldwin (1999), the answer for this question partly lies in their symbolic importance. Even if sanctions fail to coerce the target to change its objectionable policy behavior, they may deter other potential offenders, raise the costs of non-compliance, demonstrate resolve to allies or domestic constituents, send symbolic messages, and enhance respect for international norms. In fact, the explanation for using sanctions when their expected probability of success is low must be "domestic politics" or "mere symbolism."<sup>202</sup> If it is politically popular to impose sanctions on another nation then a leader may implement economically costly sanctions even when they know that the sanctions will be ineffective.<sup>203</sup> Symbolic economic sanctions may be used in two ways. Firstly, they may be used to convey to a target that its behavior is being viewed unfavorably. Secondly, they may be used to convey to the wider public, which has raised concerns about the target's behavior that their concerns are being taken seriously by the sender state or organization.<sup>204</sup> Other reasons may include “their flexibility when it comes to when they can be imposed and the inescapability of sanctions in crises cycles assuming that states would resort to the use of force only after having exhausted other foreign policy options, such as the imposition of sanctions”,<sup>205</sup> the decision makers may overestimate the prospects of coercive success of sanctions; or leaders may often expect that imposing sanctions will enhance the credibility of subsequent military threats; or imposing sanctions usually yields greater domestic political benefits than avoiding sanctions when international norms are violated or than resorting to force.<sup>206</sup> Sanctions send a clear signal of disapproval; in the extreme they will isolate a country from the international community as a

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<sup>201</sup>Hufbauer G.C. et al (2007). *Economic Sanctions Reconsidered*, 3rd edition, Peterson institute for international economics.

<sup>202</sup>Baldwin D.A (1999); Kaempfer W.H. and Lowenberg A.D. (2007);Murphy, R. A. (2011); Pahre R. (1998); Van den Berg (2010)

<sup>203</sup> Smith A. (1996). The success and use of economic sanctions. *International interactions*, vol. 21, no. 3, pp. 229-245.

<sup>204</sup> Murphy, R. A. (2011). *The development of economic sanctions in the practice of the United Nations Security Council*. PhD thesis, University of Nottingham.

<sup>205</sup> Giumelli F. (2013). *How EU sanctions work: A new narrative*. *Chaillot Papers* 129, EU Institute for Security Studies

<sup>206</sup> Pape R.A. (1997). Why economic sanctions do not work. *International Security*, Volume 22, Issue 2, pp90-136

'bad example'. Although, sanctions incur economic costs to domestic business interests they are considered cheap in relation to the financial cost of military intervention.<sup>207</sup> As Baldwin put it, employing sanctions rather than force less depends on their effectiveness rather it depends on the relative costliness of military force, which is not necessarily to mean that sanctions are always cheaper than force.<sup>208</sup>

### **2.2.2. Inconsistency in the Application of Sanctions**

The application of sanctions is marred with inconsistencies which can undermine its legitimacy and effectiveness. For example, Nielsen R. (2012), in his analysis of aid sanctions noted this inconsistency that donors selectively sanction states. For example, the target which violates certain norm such as human rights may not be sanctioned if it has some sort of connection with the sender country. In certain instances, to preempt criticisms from different media outlets or human rights groups, politicians of donor countries might adopt rights oriented aid policies to assure citizens that their tax dollars are not funding repression.<sup>209</sup> It's been argued that sanctions are more common in the absence of trade treaties than when two countries have a treaty in effect. Pahre (1998) observes that when the target state is a GATT (WTO) member, the United States will be less likely to use trade as a sanctioning tool against norm violations than when the target is not a GATT (WTO) member.<sup>210</sup> Wall C. (1998) also identifies such inconsistency as a reason for ineffectiveness of US sanctions. "If the United States fails to pressure China on human rights issues, or fails to remedy its domestic human rights abuses, then it undermines its ability to make credible threats elsewhere."<sup>211</sup> Because of inconsistencies in the practice of sanctions, developing customary practices is challenging to precisely ascertain the situations in which economic sanctions may be taken as the range of situations has grown incrementally<sup>212</sup> and it can also affect the management of exemptions.<sup>213</sup> Sanctions imposed by the Security Council are also

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<sup>207</sup> Garfield R. (1999). The impact of economic sanctions on health and wellbeing. Relief and Rehabilitation Network (RRN) paper.

<sup>208</sup> Baldwin D.A (1999). The sanctions debate and the logic of choice. *International Security*, Vol. 24, No.3 (Winter 1999/2000), pp. 80-107

<sup>209</sup> Nielsen R. (2012). Rewarding Human Rights? Selective Aid Sanctions against Repressive States, *International Studies Quarterly*.

<sup>210</sup> Pahre R. (1998). Domestic Politics, Trade Policy, and Economic Sanctions: A Public Choice Model with Application to United States-Chinese Relations.

<sup>211</sup> Wall C. (1998). Human Rights and Economic Sanctions: the New Imperialism. *Fordham International Law Journal*. Volume 22, Issue 2 1998 Article 7

<sup>212</sup> Murphy, R. A. (2011). The development of economic sanctions in the practice of the United Nations Security Council. PhD thesis, University of Nottingham.

<sup>213</sup> David Cortright, et al (1998). Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System. Occasional Paper #31. Thomas J. Watson Jr. Institute for International Studies, Brown University

said biased or based on unevenly applied standards. For example sanctions are imposed on Iraq for invasion of Kuwait, but not on Israel for occupying territories.<sup>214</sup>

Von Soest, C. and Wahman, M (2014) on their part observes that:

Western leaders (sanctioning countries) use democratic sanctions selectively. (...)They are more likely to sanction vulnerable states where the chance of success is high and that sanctions are more likely when the expected economic and political costs are low. All in all, the implementation of democratic sanctions is not a pure reflection of the level of autocracy or repression in a given country. Unstable autocracies with swift democratic deterioration are far more likely to be sanctioned than stable repressive autocracies with constantly low levels of democracy.

Although the sender may care strongly about altering the target's policy, if the sanction has little chance of success then it will not sanction.<sup>215</sup> Von Soest, C. and Wahman, M (2014) identified three factors that determine sender's decision to impose sanctions: the domestic and global pressure to impose sanctions on the target, the vulnerability of the target and the anticipated sender costs.<sup>216</sup> To conclude, as per Article 1, paragraph 4 of the UN Charter, sanctions or other measures should facilitate the harmonization of national or international action. Sanctions imposed on one country but not on another for the same wrongs or on the other hand, sanctions imposed unequally on two countries for the same wrongs would violate this provision.<sup>217</sup>

### **2.2.3. Globalization and Sanctions**

There is no agreeable definition for globalization. McGrew (1990) defines it as:

(the) multiplicity of linkages and interconnections that transcend the nation states (and by implication the societies) which make up the modern world system. It (globalization) defines a process through which events, decisions and activities in one part of the world can come to have a significant consequence for individuals and communities in quite distant parts of the globe. (...)The existence of global systems of trade, finance and productions binds together in very complicated ways the prosperity and fate of households, communities and nations across the globe. Territorial boundaries are therefore arguably increasingly insignificant in so far as social activity and relations no longer stop- if they ever did- at the water's edge.<sup>218</sup>

When we appraise whether globalization increases the efficacy of sanctions, we may get contradicting results. While globalization seeks to unify states, sanctions seek to isolate states.

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<sup>214</sup> Kondoch B. (2001). The Limits of Economic Sanctions under International Law: The Case of Iraq. *International Peacekeeping: The Yearbook of International Peace Operations*, 7, 267–294.

<sup>215</sup> Smith A. (1996). The success and use of economic sanctions. *International interactions*, vol. 21, no. 3, pp. 229-245.

<sup>216</sup> Von Soest, C. and Wahman, M (2014). Not all dictators are equal: Coups, fraudulent elections, and the selective targeting of democratic sanctions. *Journal of Peace Research*, Vol. 52(1) 17–31, Sage publications

<sup>217</sup> Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>218</sup> McGrew, A. (1990). "A Global Society" in Stuart Hall, David Held, and Anthony McGrew, *Modernity and Its Futures*. Pp 465-503, Cambridge: Polity Press.

Globalization has rendered sanctions ineffective by giving the sanctioned states alternative trading partners. Because of globalization citizens in the sanctioned country can buy products of the sanctioning State from other countries which are partners of the sanctioned State. A number of countries particularly China has been found offering assistance to countries under sanctions. The support offered by these countries is very central in sanctioned states' resistance and ability to withstand the impact of sanctions both from an economic and symbolic point of view. However on the other hand, globalization has offered favorable condition for sanctions to be applied easily and interconnectedness between states makethem to be easily vulnerable.<sup>219</sup>

Lektzian, D. and Souva, M. (2003) argue that economic interdependence (globalization) has the potential to reduce the likelihood of sanctions; because, political leaders often do not want to sanction states with whom they are economically interdependent.<sup>220</sup> “Essentially, economic globalization increases the possibility of greater policy efficacy, but at the same time, produces a more nuanced system that can be exploited through nontraditional banking systems and other measures.”<sup>221</sup> Particularly, in long-lasting sanctions, because of globalization, targets will have a greater chance to find alternative ways to accommodate to new situations.<sup>222</sup> “The target can get resources and commodities from neutral neighboring countries. It can also take advantage of an increasingly globalized world where the market is more supreme than ever and purchasing power matters more than political affiliations.”<sup>223</sup> Moreover, any distortion of prices of traded goods caused by sanctions inevitably creates opportunities for non-sanctioning third parties, transshippers and smugglers to capture rents by continuing to trade with the target. Even it may benefit the target country's rulers if they are able to participate in the sanctions-busting trade.<sup>224</sup> Because of these, sanction strategies are becoming more difficult in this globalized world.

## CHAPTER THREE

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<sup>219</sup>Chingono H, Hove M and Danda S.J. (2013).Sanctions Effectiveness in a Globalized World.International Journal of Humanities and Social Science Vol. 3 No. 21

<sup>220</sup>Lektzian, D. and Souva, M. (2003). The Economic Peace between Democracies: Economic Sanctions and Domestic Institutions. Journal of Peace Research, vol. 40, no. 6, pp. 641–659, Sage Publications

<sup>221</sup>Kaier, C (2013).Economic sanctions in a smaller world: Is globalization increasing the precision and efficacy of foreign policy tools?

<sup>222</sup>Van den Berg (2010). Economic Sanctions: An Effective Tool of Foreign Policy Statecraft? Queen's Policy Review. Volume 1, No. 1

<sup>223</sup>Wallenstein P. (2000).A Century of Economic Sanctions: A Field Revisited. Uppsala Peace Research Papers No. 1

<sup>224</sup>Kaempfer W.H. and Lowenberg A.D. (2007). The political economy of economic sanctions. Handbook of Defense Economics, Volume 2

### 3. BACKGROUND AND COURSE OF SANCTIONS ON BURUNDI AND ZIMBABWE

#### 3.1. Background of Sanctions on Burundi

Burundi is a landlocked country lying between Tanzania to the East, the Democratic Republic of Congo to the West and Rwanda to the North, with a territory of 27,834 km<sup>2</sup>.<sup>225</sup> It is a densely populated country with a population of 8.5 million people in 2007. Burundi consists of three primary ethnic groups: 85% the Hutu (Bantu), 14% the Tutsi (Hamitic), and 1% the Twa (Pygmy).<sup>226</sup> They speak the same language and share a common culture.<sup>227</sup>

Together with neighboring country Rwanda, Burundi was under colonial rule of Germany between 1897 and 1914. The area was named Ruanda-Urundi and treated as a single territory. These two countries also share the same ethnic groups. Later on, the Belgians governed the area of Ruanda-Urundi in the period from 1916 to 1962. During the occupation both the Germans and the Belgians applied indirect ruling by using the historical Tutsi political rule of aristocratic hierarchy in the area. The colonizers empowered the Tutsi domination over the Hutu majority in Ruanda-Burundi, providing them with better economic opportunities and social positions within society.<sup>228</sup>

Since independence of Burundi from Belgium in 1962, the country has been plagued by ethnic tensions between the dominant Tutsi minority and the Hutu majority.<sup>229</sup> Most of post-colonial Burundi's history has been dominated by military dictatorships in which the government apparatus was virtually in the hands of Tutsis.<sup>230</sup> Conflicts often spread to neighboring countries due to overlapping cultural identities.<sup>231</sup> The roots of these conflicts found in the policies of

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<sup>225</sup>Nkurunziza J.D and Ngaruko, F (2002). Explaining Growth in Burundi: 1960-2000

<sup>226</sup>Fransen, S. and Ong'ayo, A.O (2010). Migration in Burundi: History, Current Trends and Future Prospects. Paper Series: Migration and Development Country Profiles. Maastricht University

<sup>227</sup>Wolpe, H. (2011). Making peace after genocide: anatomy of the Burundi process. United States Institute of Peace, Peaceworks, No. 70

<sup>228</sup>Fransen, S. and Ong'ayo, A.O (2010). Migration in Burundi: History, Current Trends and Future Prospects. Paper Series: Migration and Development Country Profiles. Maastricht University

<sup>229</sup>Willems, R. et al (2010). Connecting Community Security and DDR (Disarmament, Demobilization and Reintegration): Experiences from Burundi.

<sup>230</sup>Nkurunziza J.D and Ngaruko, F (2002). Explaining Growth in Burundi: 1960-2000

<sup>231</sup>Fransen, S. and Ong'ayo, A.O (2010). Migration in Burundi: History, Current Trends and Future Prospects. Paper Series: Migration and Development Country Profiles. Maastricht University

exclusion long practiced by the ruling elites.<sup>232</sup> The ethnic clashes are fuelled by a continuing power struggle between Hutu and Tutsi political elites who were trying to control state power to secure access to scarce economic resources. Past discrimination by Tutsi-dominated regimes against Hutus, violent history of Burundi since independence and State monopoly of resources are among the causes for Burundian conflict.<sup>233</sup> These different ethno-political conflicts which occurred since the time of independence at least, until the end of 20<sup>th</sup> century, claim 500,000 lives.<sup>234</sup> The most notable massacres took place in 1965, 1972, 1988 and 1993.<sup>235</sup>

From 1966 to 1993 political power in Burundi was held by three (ethnically Tutsi) military regimes (Micombero, 1966-82, Bagaza, 1982-87, Buyoya 1987-93) that used their military might to keep their privileges.<sup>236</sup> The ethnic composition of individuals who occupied important posts in 1987 is indicated in Table 2 in the appendix part.

In 1988 when Buyoya initiated a so-called national unity policy to redress the make-up of his government in terms of ethnic representation, the social atmosphere seemed to become less tense. He then set a day for elections to be conducted in 1993.<sup>237</sup> And the first Hutu president from Hutu-dominated party called the Front for Democracy in Burundi (FRODEBU) comes to power in 1993 election by winning Pierre Boyoya. However, the presidency of the first democratically elected Hutu president did not last long. In October 1993, elements in the Tutsi-led army staged an attempted coup which killed the new Hutu president, Melchior Ndadaye and many other senior Hutu members of the government. It marked the failure of democratic transition in that country and the events triggered ethnic massacres of Tutsis by Hutus in revenge, while the Tutsi army killed many Hutus in retaliation (at least 100,000 people were killed).<sup>238</sup>

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<sup>232</sup>Lemarchand, R (2006). Burundi's endangered transition: FAST country risk profile Burundi. University of Florida, Working paper 05/2006.

<sup>233</sup>Havermans, J (2000). Burundi: Peace-Initiatives Help Stem the Violence. Doctors without Borders Netherlands

<sup>234</sup>Nkurunziza J.D and Ngaruko, F (2002). Explaining Growth in Burundi: 1960-2000

<sup>235</sup>Havermans, J (2000). Burundi: Peace-Initiatives Help Stem the Violence. Doctors without Borders Netherlands

<sup>236</sup>Uvin, P. (1999). Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence. Comparative Politics, Vol. 31, No. 3 (Apr., 1999), pp. 253-271, University of New York

<sup>237</sup>Naniwe-Kaburahe, A. (2008). The institution of bashingantahe in Burundi. International Institute for Democracy and Electoral Assistance

<sup>238</sup>Havermans, J (2000). Burundi: Peace-Initiatives Help Stem the Violence. Doctors without Borders Netherlands

Economy of Burundi experienced a sharp fall from 1993-1996 following the outbreak of conflict.<sup>239</sup> In 1994, Cyprien Ntaryamira elected by parliament as the second Hutu president following the assassination of Ndadaye. But he is also killed on 6 April 1994. Ntaryamira was killed in the same plane explosion that killed Rwanda's president Habyarimana in April 1994.<sup>240</sup> President Sylvestre Ntibantunganya nominated on 1 October 1994 as the third Hutu president.<sup>241</sup>

In reaction to the crisis and the accompanying threat to the region's stability, the presidents of Rwanda, Uganda, Tanzania, and Zaire launched the Great Lakes Regional Peace Initiative on Burundi in November 1995 which was mediated by the former Tanzanian president Julius Nyerere.<sup>242</sup> Nyerere has charismatic position and the willingness of regional leaders to step up and identify one of their own to guide the peace process was seen as significant and positive development. However, the Tutsis not welcomed Nyerere as an independent mediator. They viewed Tanzania as pro-Hutu (because, Tanzanian refugee camps were served as a principal recruiting ground for the Hutu armed rebellion at that time).<sup>243</sup> In fact, it was difficult for him to mediate in neutral fashion between the military and their opponents. Because, he was chosen in order to help end the dominance of the Tutsi military.<sup>244</sup> Partly due to Tutsi's unfavorable view to Nyerere, Ugandan president Museveni chaired the regional leaders' summit in June 1996. He managed to secure from Burundi's Hutu president Ntibantunganya and Tutsi prime minister Ndiwayo a joint request that a regional peacekeeping force be established to help calm the situation in Burundi; the request that was unexpected, given the long-standing fear among Tutsis that an international military intervention might endanger the status of the Tutsis in controlling Burundian army. Unfortunately, the conception of a regional peace keeping force was short-lived because of the disagreement between the prime minister and president the incident that deteriorated the situation in Burundi again.<sup>245</sup> President Sylvestre Ntibantunganya was forced to flee and the army reinstalled Pierre Buyoya as a president by a coup de tat on July 25 1996.<sup>246</sup>

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<sup>239</sup>Specker, L. et al (2010). Early economic recovery in fragile states. Case study Burundi: operational challenges.

<sup>240</sup>Mthemba-Salter, et al (2011); Obura, A. (2008)

<sup>241</sup>Obura, A. (2008). Staying power: struggling to reconstruct education in Burundi since 1993.

<sup>242</sup>Grauvogel, J. (2014). Regional Sanctions against Burundi: A Powerful Campaign and Its Unintended Consequences. GIGA working paper No. 255/2014, Institute of African Affairs.

<sup>243</sup>Wolpe, H. (2011). Making peace after genocide: anatomy of the Burundi process. United States Institute of Peace, Peaceworks, No. 70

<sup>244</sup>Mthemba-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>245</sup>Wolpe, H. (2011). Making peace after genocide: anatomy of the Burundi process. United States Institute of Peace, Peaceworks, No. 70

<sup>246</sup>Obura, A. (2008). Staying power: struggling to reconstruct education in Burundi since 1993

Following the coup, after his return to office in 1996, Buyoya suspended the constitution, dissolved the National Assembly, banned political parties and undermines democracy. In response, neighboring countries decided to isolate Burundi from the outside world by imposing economic sanctions that further impaired Burundi's economy.<sup>247</sup> The regional leaders (Ethiopia, Kenya, Rwanda, Tanzania, Uganda, Zaire, and Zambia) met in Arusha, Tanzania on July 31, 1996 and condemned the coup. They announced economic sanctions against Burundi having three demands: the unbanning of political parties, restoration of the National Assembly, and immediate and unconditional negotiations with all political parties and armed groups (both inside and outside the country). Notably, the communiqué did not demand that the deposed Hutu president Sylvestre Ntibunganya be restored to power. Nevertheless, as of Nyerere, these sanctions could send a clear message to the Tutsi that "attempts to retain their monopoly of power would, in the end, be far more costly than a negotiated political settlement" and similarly it could send a message to the Hutu that "the international community was not abandoning their cause and that sanctions serve to bring the Tutsi-dominated regime to the negotiating table." He was quite confident that sanctions work given the weak and land-locked nature of Burundi.<sup>248</sup>

On August 5, OAU also issued a Communiqué on Burundi that it "fully supported the conclusions of the Arusha Regional Summit."<sup>249</sup> The international community (such as USA and EU) also followed suit by suspending its cooperation (bilateral assistances) with Burundi.<sup>250</sup> On August 3 Commonwealth Secretary General supported economic sanctions.<sup>251</sup> In line with this, on 30 August 1996 the UN Security Council adopted resolution 1072 that expressed "strong support for the efforts of regional leaders, including at their meeting in Arusha on 31 July 1996, of the Organization of African Unity and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis which it is undergoing"<sup>252</sup> But, it did not refer explicitly to the imposition of sanctions. This resolution also encourages neighboring countries, the international organizations and the concerned bodies to consider the provision of humanitarian

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<sup>247</sup>Havermans, J (2000); Willems, R. et al (2010)

<sup>248</sup>Wolpe, H. (2011). Making peace after genocide: anatomy of the Burundi process. United States Institute of Peace, Peaceworks, No. 70

<sup>249</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>250</sup>Nkurunziza J.D and Ngaruko, F (2005); Grauvogel, J. (2014).

<sup>251</sup>Ibid

<sup>252</sup>Decision of 30 August 1996 (3695th meeting): resolution 1072 (1996)

exemptions.<sup>253</sup> According to Hoskins E and Nutt S (1997), by withholding the explicit endorsement of sanctions, “the Security Council undoubtedly wanted to avoid taking measures that might further destabilize an already volatile situation in Burundi, possibly provoking more violence.”<sup>254</sup>

### **3.2. The Course of Sanctions on Burundi**

As it is widely accepted Coup d'états are one of the main norm violations in the international law. As a result, they could serve as a strong justification for intervention in the internal affairs of countries to maintain peace and order. As it is indicated in the previous topic, following the coup by the army on July 25, 1996, regional sanctions deployed against Burundi did not demand for the restoration of the previous government to the power and the removal of the Buyoya government who came to power through coup de tat. In other words, these sanctions did not explicitly call for the regime change. To achieve these purposes the regional governments involving seven countries met at Arusha on July 31, 1996 (six days after the coup) and announced the comprehensive economic sanctions. Even if, it is marred with many problems, this can be viewed as one step for African countries for they started to solve their problems by themselves. Here, one may raise a correct concern whether comprehensive economic sanctions are really necessary for the purposes short of a regime change. As proponents of Game Theory such as Drezner D.W. (2003) and Lacy D. and Niou Emerson (2004) observed the senders usually have distorted views concerning the potential of the threat of sanctions. They argued that sanctions are more likely to succeed at the threat stage and the threat of sanctions should precede the actual imposition of sanctions. From the case of Burundi we can observe that there was not enough time for the threat of sanctions as the actual imposition of sanctions was only came after six days following the coup. According to game theory, if the demanded concession is small the target is willing to comply mere at the threat stage. On the other hand, if high concession is demanded such as regime change the target is less likely to comply even after the actual imposition of sanctions.<sup>255</sup> In the case of Burundi the regional governments demanded not the replacement of the Buyoya government and the demanded concessions could have presumably

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<sup>253</sup> Ibid

<sup>254</sup> Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>255</sup> See also Hufbauer G.C, et al (2007).

been achieved at the threat stage and could prevent the damages caused by the deployment of economic sanctions. At least they should be tried.

What are other alternatives available for the sanctioning states? Salter G. M. (1999) identified four alternatives, available for regional governments, to the regional economic sanctions: military intervention, recognizing the Coup and the Buyoya's government as a legitimate government of Burundi, deploying smart/targeted sanctions, and calling for UN or OAU.<sup>256</sup> During the presidency of the third Hutu President Sylvestre Ntibantunganya, there were attempts to reach on consensus and deploy independent regional military forces to Burundi. Particularly the FRODEBU leadership was in favor of it. However, the idea was resisted by the Tutsi who believes/fears that the military intervention could weaken and curb its power. After the coup the regional leaders, instead of deploying military force, imposed sanctions with the intention of restraining the power of the government. In this sense the sanctions and the military intervention could serve the same functions and the regional leaders resorted to what is believed the less costly alternative which is deploying sanctions. The FRODEBU and the National Council for the Defense of Democracy (CNDD) and its militia, the Forces pour la defense de la democratie (FDD) supported the decision of the regional leaders to impose harsh sanctions. Though, still the Tutsis were against these sanctions. The second option was also futile since both the regional leaders and Hutu parties did not believed the Buyoya's government. However, it is not clear why they were not demanded the reinstatement of the Ntibantunganya's government if they have no trust on Buyoya. According to my interview with Ndabarushimana,<sup>257</sup> the leadership of Ntibantunganya was characterized by a mess which was developed after 1993 civil war. Nominally the power of the government and legitimacy was under Ntibantunganya, but the real power was still in the hands of the military. The president was unable to control the worsening situations during his leadership. Ndabarushimana suspected that may be this was the reason for the regional leaders, despite their mistrust of Buyoya's intention, not to call for the restoration of the Ntibantunganya government. Buyoya also claimed to have carried out the coup to prevent further human rights violations and violence.<sup>258</sup> The third option available to them according to Salter was "smart" sanctions, such as freezing of bank accounts and restrictions on visas and air

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<sup>256</sup>Salter G. M. (1999).An assessment of sanctions against Burundi. An action aid publication

<sup>257</sup> Interview, Ndabarushimana, D. (April 8/2016), Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>258</sup>Freedom House (1999).Freedom in the World: Burundi. From <https://freedomhouse.org/report/freedom-world/1999/burundi>

travel for members of the new government. Controlling such activities is beyond the capability of regional leaders that require global cooperation. Then why they are not called for UN or OAU to secure this cooperation? Salter pinpoints a problem of delay associated with these organizations in responding to the situation. As Drezner also observes it is unreliable alternative since one of the challenges for sanctions was lack of international support for them. The reasons to justify this point (the delay associated with UN and OAU) are too weak since the quicker responses by the regional leaders, which we are about to discuss in the next topics, further crippled the country.

The sanctions imposed on Burundi by the regional countries could be seen as a part of dealing with African problems by Africans themselves, though the concept of ASAP is not developed as such during that time. Lack of timely external intervention to stop genocide in neighboring Rwanda in 1994 was an alarm for the regional countries that they should not always have to wait for external rescuer.<sup>259</sup> Indeed, African solutions are practically not really African in nature. Since they are by and large funded by non-Africans, they could lose some control over the issues (they are being influenced). The solutions are also not really emanated from the long held traditions (cultures) of Africans. They are largely external solutions performed by Africans.<sup>260</sup> Thus, distinctions should be made to identify indigenous African solutions from external solutions performed by Africans. Indigenous solutions are advantageous in the sense that the people would not feel alien to them and they can be easily accepted by the people since they are rooted in their age-old traditions. African solutions should be clearly defined and further researches should be made to explore real African solutions rooted in African traditions and on the way they should be implemented to solve African problems.

The officers who undertook the coup made a planned choice in making Buyoya the figure head for he already had respect for his commitment to the democratic process in 1993. They hoped that this would reassure the international community that the coup was undertaken for a better.

But, following the coup, donors suspended their bilateral and multilateral development assistance and show their support for regional countries imposing sanctions.<sup>261</sup> According to

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<sup>259</sup>Interview, with an official in AU, (May 9/2016).

<sup>260</sup> *ibid*

<sup>261</sup>International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

Ndabarushimana, in 1993 the government was not ready for democracy. They did not consider democracy as a process when they jumped into the elections. But democracy does not come through decree rather it is the product of gradual processes and committed leadership. Burundi lacked this at that time. They (the first Buyoya government) thought that they would win the elections. The comeback of Buyoya to power through coup in 1996 is one demonstrative factor that can show he was not committed for democratic transition in 1993. Particularly the military wanted to maintain the status quo and did not want to go through democracy. In 1996 they arranged the coup, because they understand that it is difficult for them to capture the power through elections since they represented the interests of the minority group. On the other hand, the Hutu militias noticed that only to win elections is not enough (is not a guarantee) to stay on power. As a result, they engaged in armed confrontation with the government's military who undertook the coup. These rebel groups had a strong support from the population.<sup>262</sup>

Initially, sanctions on Burundi exempted “only human medicines” and “emergency basic food aid to Rwandese refugees.” Even these few exemptions were characterized by delays. It had caused extreme suffering upon the people and the country both at micro and macro level. On August 16, regional leaders met at Kampala, Uganda to review progress of the peace efforts and they established a Regional Sanctions Coordinating Committee (RSCC) to “harmonize, monitor and coordinate the activities of the national sanctions committees.” In spite of this development, humanitarian agencies had begun to express their concern about the civilian pain caused by the embargo.<sup>263</sup>

In 1997 the political parties and the National Assembly were restored. However, sanctions were ‘not successful’ in bringing the ‘warring factions’ and those parties in Burundi to unconditional negotiations. Despite the efforts to bring the conflicting parties to the negotiation table, fighting continued within Burundi between these warring factions.<sup>264</sup>

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<sup>262</sup> Interview, Ndabarushimana, D. (April 8/2016), Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>263</sup> Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>264</sup> Ibid

In the same year (1997) secret talks were held between the Buyoya government and the CNDD under the sponsorship of the Catholic Community of San'tEgidioin Rome.<sup>265</sup> It was preferred to be secret because since “the CNDD were demonized among Tutsis as “genocidires,” and any public acknowledgement of a prospective dialogue with the CNDD would be exceedingly dangerous for Buyoya” and the whole process.<sup>266</sup> Buyoya was criticized by the military and Tutsi extremists for he opened small space for political parties given the fact that sanctions were still maintained. So, disclosing the Rome talks were considered as additional disappointing for the military and Tutsi extremists which would make Buyoya under pressure and undermine the peace process.<sup>267</sup> But Ndabarushimana believed that Buyoya was playing a game while he made himself pro-democracy and present the military that reinstated him to power as a hindrance to his willingness and commitment to peace efforts. Buyoya appeared as there was a problem (the military) if he pushed further for negotiations. He played this game in order to get further concessions from sending countries in the name of persuading the military.<sup>268</sup> There were many parties in Burundi and these secret talks only between Buyoya and CNDD were not all-encompassing and thus unsatisfactory. Even after the talks were disclosed by the Buyoya for political consumption to show that he was committed for negotiations, CNDD felt betrayed and the main opposition party that lost power by the coup, FRODEBU, felt left aside. Later, unsurprisingly, these Rome talks were ended up without any praiseworthy success.<sup>269</sup>

Until June 1998 no significant negotiation was conducted. The first negotiations between parties in conflict which is known as Arusha I was conducted in June 1998. And Arusha II was in July 1998.<sup>270</sup> In Arusha II more parties were participated and Nyerere enabled them to own the process. However, the two armed groups (CNDD-FDD and PALIPEHUTU-FNL) were not participant of Arusha negotiations. Thus, the negotiations were fruitless since still violence and fighting were undertaken by these groups and the government. Arusha III also took place in October 1998. But, despite gathering different parties together, it too lacked any substantial

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<sup>265</sup>International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>266</sup>Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process.Pub.by the United States Institute of Peace.

<sup>267</sup> ibid

<sup>268</sup> Interview, Ndabarushimana, D. (April 8, 2016), Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>269</sup>International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>270</sup> Ibid

outcomes.<sup>271</sup> The political culture of Burundi that did not allow them to take criticisms at the negotiation venues, that didn't encourage a participative style of government, and lack of credible information which made negotiating parties suspicious of each others can be mentioned as some reasons of failure for the negotiations.<sup>272</sup>

In March 1997 another attempt to handle disputes through traditional institution of justice known as Bashingantahe consisting of forty men and women drawn from all ethnic and social groups were taken into consideration by the government of president Buyoya. Such traditional institutions have a great prospect of handling disputes since these values are owned by the societies themselves.<sup>273</sup>

Besides, the internal partnership agreement which is distinct from Arusha negotiations was reached between the Buyoya's government and the internal wing of FRODEBU. They viewed the Arusha negotiations as cumbersome and inconducive to agreement.<sup>274</sup> According to my interview with Ndabarushimana, seemingly the reasons for shift in position by internal-FRODEBU were that the FRODEBU was weak in power (even if it had legitimacy from the people and the international community). The party's leaders were assassinated, killed and expelled one after the other. Realistically speaking, they had no other better choices. Some improvements in government structure were seen after this agreement was reached which indicate that it was better to negotiate with Buyoya rather than fighting.<sup>275</sup> However, the external wing of FRODEBU was in favor of Arusha negotiations and denounced the internal partnership agreement. The facilitators of Arusha (mainly Nyerere) were also unhappy about this agreement which was out of their influence and feared that it would spoil the Arusha process and put Hutus at disadvantaged position.<sup>276</sup> Following this agreement, steps were taken to give key government posts to the Hutus (FRODEBU) including the prime minister position. However, still the main positions such as the military were under the command of the ruling party.<sup>277</sup> Moreover, following this partnership agreement, the internal FRODEBU that was previously in favor of

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<sup>271</sup>Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process.Pub.by the United States Institute of Peace.

<sup>272</sup>International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>273</sup>Havermans, J (2000). Burundi: Peace-Initiatives Help Stem the Violence. Doctors without Borders Netherlands

<sup>274</sup>Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>275</sup> Interview, Ndabarushimana, D. (April 8, 2016), Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>276</sup>Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process.Pub.by the United States Institute of Peace.

<sup>277</sup>Grauvogel, J. (2014). Regional Sanctions against Burundi: A Powerful Campaign and Its Unintended Consequences. GIGA working paper No. 255/2014, Institute of African Affairs.

regional sanctions voiced against sanctions and called for its confiscation.<sup>278</sup> However, the military was unhappy about Buyoya's stand of negotiating with the Hutus (FRODEBU) and granting them a degree of control over affairs of state.<sup>279</sup>

In the meantime, war erupted in neighboring DRC (former Zaire). This incident brings another (in addition to settling their dispute with internal FRODEBU) opportunity for Buyoya's government. First, it was a challenge and threatening for Hutu rebel groups because DRC was their main base in their struggle with the Buyoya's regime. Second, the regional governments who sanctioned Burundi became split over the issue of war in Congo.<sup>280</sup> The regional countries started to reevaluate their national interests. As a result, they took a less confrontational and critical stance toward Buyoya. Particularly, "Rwanda and Uganda, now found that they had interests in common in resisting the Rwandan and Burundian Hutu insurgencies within the DRC and Kabila's forces. (...) Tanzania was pro-Hutu and began to see the intentions of Uganda with suspicion."<sup>281</sup> These factors boosted the confidence of the Buyoya's government and he became in a more advantageous position.<sup>282</sup>

Following internal partnership agreement, the war in DRC, 'unproductive' Arusha negotiations and as a result of humanitarian consequences of the sanctions on the country different bodies and governments began to call for the suspension of the sanctions. For example, sanctioning States most notably, Kenya and Zambia were decided to stop enforcing the sanctions. The donors who sponsored the Arusha peace process started to publicly express their dissatisfaction with sanctions and called for its removal. Among the international communities who opposed the continuation of the sanctions is France as well as UNs Security Council, European Union and Pope John Paul II spoke out against the sanctions.<sup>283</sup> Additionally, Belgium, the Francophone countries and the OAU meeting in Ouagadougou published statements insisting that the region should lift or suspend sanctions.<sup>284</sup> Finally, on January 23, 1999 sanctions were suspended by the

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<sup>278</sup> Ibid

<sup>279</sup> International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>280</sup> Ibid

<sup>281</sup> Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process. Pub. by the United States Institute of Peace.

<sup>282</sup> International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>283</sup> Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>284</sup> International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

regional leaders.<sup>285</sup> Sanctions were suspended conditional on the success of the Arusha peace process and that they would be re-imposed if no progress towards peace were made. But they remained suspended.<sup>286</sup>

At the suspension of the sanctions no final and substantial agreement had yet been reached between negotiating parties.<sup>287</sup> The sanctions cannot be unquestionably credited with any political achievement.<sup>288</sup> The embargo has not brought about the fall of Buyoya, nor has it conclusively weakened the army.<sup>289</sup> Violence, civil strife and human rights violations were continued.<sup>290</sup> Violations of the basic rights such as respect for the integrity of the person, civil liberties and political rights continued. The Twa minority remains marginalized economically, socially, and politically.<sup>291</sup> No supremacy of law and no separation of power. “Prisoners were still tortured, preventive detention procedures were not respected and false charges were frequently laid. Part of the population continued to be displaced.”<sup>292</sup>

The Arusha process also continued to struggle with these challenges of ongoing violence and the absence of the armed groups on the negotiation table. Moreover, the death of Nyerere on October 1999 temporarily interrupted the process.<sup>293</sup> Even if the Arusha process was interrupted by the death of Nyerere on October 1999, later it continued with Nelson Mandela as a new facilitator.<sup>294</sup>

Some view the peace efforts (including sanctions) and initiatives of African nations as “reinventing the wheel” for it did not involve international experts,<sup>295</sup> while others view it as a good start for the principles of “African solutions for African problems” which later failed because of the suspension of the sanctions as a result of the external pressures.<sup>296</sup> Indeed, the

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<sup>285</sup> Ibid

<sup>286</sup> Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>287</sup> Freedom House (1999); International Crisis Group (1999)

<sup>288</sup> Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>289</sup> International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>290</sup> Freedom House (1999); International Crisis Group (1999); Mthembu-Salter G. (1999)

<sup>291</sup> Reliefweb (1999). U.S. Department of State: Burundi Country Report on Human Rights Practices for 1998. From <http://reliefweb.int/report/burundi/us-department-state-burundi-country-report-human-rights-practices-1998>

<sup>292</sup> International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>293</sup> Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process. Pub. by the United States Institute of Peace.

<sup>294</sup> Ibid

<sup>295</sup> Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>296</sup> Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

initiation from the regional countries to deal with the issues in Burundi could be mentioned as a good instance. But, lack of experience and resources which was on the side of the regional Sanctioning States was a main challenge in handling those issues. This is may be one factor that gave opportunity for the external powers to influence the peace process. The issues of race (Rwanda later eased the sanctions to show race solidarity with Burundi's Tutsi regime against the new power in DRC. However, some argued that the issue of national interest was the main reason for Rwanda to lessen the sanctions rather than the race issue) and previous relations between the countries (Tanzania was frequently cited as in favor of Hutus over Tutsis for historical reasons) can also be mentioned as factors that diluted the peace process. The recognition of norms and human rights as not only the issue of domestic politics and moreover the attempts to intervene in order to protect the international norms away from non-intervention stand of OAU could be seen as a positive step. However, it is important to approach the issue from its actual consequences in order to also justify the reasons for its use.

### **3.3. Background of Sanctions on Zimbabwe**

Zimbabwe is a landlocked country located in the Southern part of Africa. According to 2013 estimate Zimbabwe has 13.7 million populations.<sup>297</sup> Around 71% of the population of Zimbabwe are Shona; while the rest are 16% Ndebele and 11% other Africans. White, mixed and Asian descents represent only around 2% of the population.<sup>298</sup> When we look at the country's religious composition predominantly 85% of Zimbabweans are Christians. Shona, Ndebele and English are the principal languages of Zimbabwe.<sup>299</sup> Tonga, Nambyia, Venda, Chewa, Shangani and Kalanga are also spoken in Zimbabwe.<sup>300</sup>

Zimbabwe was colonized in 1890 through the British South African Company led by Cecil John Rhodes and renamed Southern Rhodesia after him. This period marked the beginning of extensive expropriation of land, massive displacement of the indigenous people from land, denial of any political rights for blacks, confiscation of their cattle and exploitation of their labor.<sup>301</sup>

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<sup>297</sup>BTI (2014). Zimbabwe: country report. Accessed at [www.bti-project.org](http://www.bti-project.org).

<sup>298</sup>Ncube, B. et al (n.d). The republic of Zimbabwe

<sup>299</sup>KPMG (2013). Zimbabwe: Country profile. [www.kpmgafrica.com](http://www.kpmgafrica.com)

<sup>300</sup>Mupunga, S. and van de Meer, A. (2004). Zimbabwe in Crisis. The Churches' Agency on international issues. Hot topics, issue 1, September 2004

<sup>301</sup>Mazingi, L and Kamidza, R (?). Inequality in Zimbabwe

In 1953 Britain combined Northern Rhodesia (now Zambia), Southern Rhodesia and Nyasaland (now Malawi) into the Central Africa Federation. In 1961 Joshua Nkomo and others formed the Zimbabwe African Peoples Union (ZAPU). Robert Mugabe and his comrades separated from this party and in 1963 they formed ZANU (Zimbabwe African National Union). In 1962 white supremacist party called the Rhodesian Front (RF), led by Winston Field was formed. After the Central African Federation was ended in 1963, Ian Smith became a leader of the RF. Following the independence of Zambia and Malawi in 1964, Ian Smith's RF party announced a Unilateral Declaration of Independence (UDI) from Britain in 1965 to allow Southern Rhodesia to remain in the hands of the white settler population.<sup>302</sup>

In Zimbabwe (formerly Southern Rhodesia), race was the basis for the ownership and distribution of resources. Resources including power were held in the hands of few whites. The Black Africans were discriminated virtually in all aspects of life. Chikwanha-Dzenga, A.B. et al (n.d) defined the rule of Southern Rhodesia as “rule of the whites, by the whites and for the whites.” Only whites were allowed to exercise democratic rights such as election.<sup>303</sup> It is often been argued that ZANU-PF is established and struggled to end this racial discriminations on the allocation of resources and enjoyment of basic rights.<sup>304</sup>

After the Unilateral Declaration of Independence (UDI) by the Ian Smith in 1965, Southern Rhodesia was under economic sanctions that aimed to end colonization and discrimination. The sanctions were maintained from 1966 until the end of 1979.<sup>305</sup> These UN economic sanctions on Southern Rhodesia were an almost complete ban of export and import.<sup>306</sup> Following the signing of the Lancaster House agreement on the future of Zimbabwe the sanctions on Rhodesia were removed.<sup>307</sup> Lancaster House Conference of 1979 called for election and marked an end to the white minority rule. In 1980 election was conducted and the Robert Mugabe's ZANU-PF party won. Afterward the country was renamed Zimbabwe (House of Stone).<sup>308</sup> Some attributed the end of the white minority rule and the advent of the majority black rule to the economic

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<sup>302</sup>Action for Southern Africa (n.d). Zimbabwe: country profile. [www.actsa.org/page-1429-Zimbabwe%20Update.html](http://www.actsa.org/page-1429-Zimbabwe%20Update.html)

<sup>303</sup>Chikwanha-Dzenga, A.B. et al (?). Democracy and National Governance in Zimbabwe: A Country Survey Report. Afro barometer Paper No.12

<sup>304</sup>Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>305</sup>Hove M. and Chingono H. (2013). National Interests and the Sanctions Strategy 1959-2013. Review of History and Political Science 1(1); June 2013 pp. 01-17.

<sup>306</sup>Galtung J. (1967a); Wallensteen P. (2000).

<sup>307</sup>Hove M. and Chingono H. (2013). National Interests and the Sanctions Strategy 1959-2013. Review of History and Political Science 1(1); June 2013 pp. 01-17.

<sup>308</sup>Action for Southern Africa (n.d). Zimbabwe: country profile. [www.actsa.org/page-1429-Zimbabwe%20Update.html](http://www.actsa.org/page-1429-Zimbabwe%20Update.html)

sanctions on former Rhodesia by United Nations which has been kept from 1966-1979. While for others the economic sanctions play a secondary role next to the armed struggle of the black guerrilla and the pressure imposed by South Africa on the Rhodesian government. For Rudolf (2007) these later factors are also the product of economic sanctions in a sense that they strengthen the armed struggle by weakening the target government and bear costs to neighboring countries.<sup>309</sup>

As Chikwanha-Dzenga, A.B. et al (n.d) argues even if the independence of Zimbabwe in 1980 was seen as a historical achievement, Rhodesian authoritarianism was reproducing itself in post-white rule Zimbabwe. The situations in Zimbabwe are largely characterized by more continuities, in political terms, than discontinuities.

The dominant-one party tendency continues to dominate the political landscape to this day. While the settler regimes tried to eliminate black politics by criminalizing it, the ruling ZANU (PF) government has tried to criminalize opposition politics by emasculating the opposition or rendering it impotent through various manifest and overt measures. Mugabe himself had at one point declared himself as an apostle of the one party state. All of these features had the effect of undermining the democratic foundations of the political system. (...) After the 1980 blacks captured the (political power), but the (economic power) is still in the hands of the white.<sup>310</sup>

In 1990s international financial institutions enforced Economic Structural Adjustment Program (ESAP) on Zimbabwe which has disrupted and held back the economy of the country.<sup>311</sup> The Zimbabwe's land reform measure too triggered the already unstable situation. The underlying reason for the land reform policy was to redress the land issue which was largely seized by whites after 1890s. As Derman (2006) described, it was a "means to address issues of inequality, historical injustices, inefficiencies in production and distribution, poverty in communal areas."<sup>312</sup> However, its practice has been problematic. Large commercial farms which were a backbone of the country's economy had been partitioned to subsistence farming. No compensation was paid to the commercial farmers, and hundreds of thousands of employed black farm workers were left without jobs. Due to the unplanned nature of the reforms, about 200,000 farm workers were

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<sup>309</sup> Rudolf P. (2007). Sanctions in international relations.SWP research paper, pp5-17. Berlin

<sup>310</sup>Chikwanha-Dzenga, A.B. et al (n.d).Democracy and National Governance in Zimbabwe: A Country Survey Report. Afro barometer Paper No.12

<sup>311</sup>Action for Southern Africa (n.d); Interview, SastonM.Machigere (April 22/2016); Mazingi, L and Kamidza, R (n.d).

<sup>312</sup>Derman, B. (2006). After Zimbabwe's Fast Track Land Reform: Preliminary Observations on the Near Future of Zimbabwe's Efforts to Resist Globalization

displaced. Following this the economic growth is slowed, and government policies were less than efficient. In a nutshell, Zimbabwe's land reform has seemingly been unsuccessful in diminishing poverty and decreasing inequality.<sup>313</sup> This forced acquisition of land dragged the country into crisis. Civil societies, Britain and other Western nations criticized violation of property rights, violence, corruption and declining economy of the country.<sup>314</sup> The western nations threatened to impose sanctions on the main individuals believed to be the main actors of the violations and lawlessness. However, this threat of sanctions was not considered seriously by those individuals and did not change their behavior.<sup>315</sup>

In the mean time, MDC (Movement for Democratic Change), a political party formed from Zimbabwe's trade unions and labor movement, is created. Shortly after its creation, MDC participated in the parliamentary elections of June 2000 and captured 57 of the 120 available seats. It was described as the first credible threat to Mugabe's 20-year rule.<sup>316</sup> However, many domestic and international observers have judged elections in 2000 to be "far from free and fair." They have pointed out "high levels of corruption, political violence, and strictly enforced laws restricting basic freedoms."<sup>317</sup> It was one of the reasons that led to international sanctions on Zimbabwe in 2000s. Human rights violations, undermining democracy, disrespect for the rule of law, preferential treatment, inequitable distribution of resources, and banning and antagonizing Non-Governmental Organizations (NGO) and civil societies are among other factors that led to sanctions by the US, Australia and the EU. But the main cause of the imposition of sanctions was ignited by the government's attempts to redress the colonial land imbalances and violation of property rights because a significant number of white people were displaced from their homes.<sup>318</sup> According to my interviewee, sanctions are imposed on Zimbabwe after the government of Zimbabwe undertook the land reform in an effort to address a grave land imbalance. Britain internationalized a bilateral conflict with its former colony in race solidarity with the rest of the western world. The issues of democracy and human rights are used as a pretext. The fact that the relationship between Zimbabwe and the sanctioning states was good

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<sup>313</sup>Derman, B. (2006); *Richardson, C.J (2005)*; Mazingi, L and Kamidza, R (n.d).

<sup>314</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. *American International Journal of Contemporary Research* Vol. 4, No. 4; April 2014

<sup>315</sup>Masaka D. (2012). Paradoxes in the 'Sanctions Discourse' in Zimbabwe: A Critical Reflection. *African Study Monographs*, 33 (1): 49-71

<sup>316</sup>Tonini, D.C. (2005). *The Breadbasket Goes Empty: Zimbabwe - a Country in Crisis*.

<sup>317</sup>Ploch, L (2010). *Zimbabwe: Background*. Congressional Research Service

<sup>318</sup>Hove M. and Chingono H. (2013). National Interests and the Sanctions Strategy 1959-2013. *Review of History and Political Science* 1(1); June 2013 pp. 01-17.

until Zimbabwe touched the issues of land could indicate that the main drive for the sanctions was land.<sup>319</sup> My informant described the background of the land reform as follows:

In 1979 a negotiation famously known as “the Lancaster House negotiations” was conducted on which the British government promised to pay for the land acquired from the white settlers on the ‘willing seller willing buyer’ basis. The reason the government decided to buy land from the consented ‘willing sellers’ was because land was privately owned by the white settlers and at the Lancaster agreement all the parties agreed that the ‘willing seller willing buyer’ mechanism is the prudent decision to distribute land. However, the British government did not keep its promises and moreover the Zimbabwean government did not able to buy enough land from the land owners (white settlers) since the majority of them are in favor of keeping their land rather than selling it. As a result, the Zimbabwean government amended the constitution in order to acquire land compulsorily and started to take land from white settlers without compensations and distributed them to the disadvantaged blacks to redress the colonial imbalance.<sup>320</sup>

The then prime minister of British, Tony Blair, responded that payments for the land were not made, because of the failure from Zimbabwe’s side to meet the conditions necessary for the compensation process. The conditions include the guarantee of the rule of law, transparency, sustainability and fairness of the redistribution process.<sup>321</sup>

Following this, the disagreements between the government of Zimbabwe and British became heightened. The Zimbabwean government believes that the purpose of the British government is not bringing democracy in Zimbabwe but to create a surrogate government designed in the western model to replace ZANU-PF. The allegation of regime change could be one reason that the Zimbabwean government is refusing to yield to the demands of the sanctions and calling them illegal. The Zimbabwean counselor-minister also concurs with this idea:

(...) sanctions are being used as an imperialist tool to effect a regime change in Zimbabwe. After our (the government of Zimbabwe) effort to redress land imbalance issue which was the right thing to bring fairness, UK came with the purpose of regime change. Their (senders) purpose is to create a puppet government and to enslave Zimbabwe economically, socially and politically through cultural imperialism, through organizing and supporting youth movements, student unions, trade unions, activities of hostile intelligence organizations, creating and funding opposition parties and civil societies, even through church activities<sup>322</sup>

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<sup>319</sup>Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>320</sup> Ibid

<sup>321</sup>Stubig (2007) as cited in Smith-Höhn J. (2010). Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures.

<sup>322</sup>Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

According to Mr. Machigere, British pushed for the above mentioned activities, economic policy prescriptions and sanctions because of the stand out between British and its former colony (Zimbabwe). He further argues that, to achieve their goals and to materialize a regime change, the west (UK at the forefront) has funding and using the MDC. This claim of 'regime change' by the government of Zimbabwe is not groundless. As Grebe (2010) make evident by citing *The Independent* (2004), the then US Ambassador to South Africa, Jendayi Fraser, publicly requested the formation of a coalition to overthrow the Mugabe regime. The US, EU and their allies also finance the opposition groups.<sup>323</sup> As Chingono (2010) argues both the sanctioning States and ZANU-PF have partocratic mentality. ZANU-PF thinks that it is only them that clearly know the needs of the people and that can make best decisions for the people. As a result, ZANU-PF views the agenda of a regime change as serious threat directed towards "defenders" or "saviors" of Zimbabwean people. On the other hand, the sanctioning States thinks they can democratize developing countries by providing them prescriptions and by influencing them.<sup>324</sup> Another problem in Zimbabwean sanctions discourse is that the government of Zimbabwe considered itself as the most democratic state than those states which are the recipients of the US and EU support in Africa.<sup>325</sup> In relation to this, Ndakaripa (2014) indicated that another possible reason for the imposition of sanctions on Zimbabwe by the USA and EU is "to gain political support in their own countries as they wanted to be seen promoting human rights and democracy in the world."<sup>326</sup> But, can we say that there are only those countries that are sanctioned by US and EU, violated human and democratic rights? Obviously not! There are many countries out there that are not sanctioned by US and/or EU (even they are supported by US, EU and their allies), but who are often mentioned by Human Rights Groups for violations of certain human and democratic rights. Thus, there is inconsistency in sanctions practice. It can be assumed that a country often sanctioned another country not only for violations of human and democratic rights, but also if their national interest is at stake. The issue of inconsistency in sanctions practice can reduce the credibility, morality as well as the legality of sanctions. As a result, sanctioning states should be cautious in implementing sanctions to avoid such inconsistencies. The Zimbabwean

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<sup>323</sup> Grebe, J. (2010). And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe, *Africa Spectrum*, 45, 1, 3-29.

<sup>324</sup> Chingono H. (2010). Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees. *African Journal of Political Science and International Relations* Vol. 4(2), pp. 066-074

<sup>325</sup> Ibid

<sup>326</sup> Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. *American International Journal of Contemporary Research* Vol. 4, No. 4

government also felt unjustly treated because of such inconsistencies. Even if, it is not at the extent described by the sanctioning countries and the human rights groups, the government of Zimbabwe does not deny some violations of human and democratic rights in the country. But, it does not believe that they are the reasons for the imposition of the sanctions. The inconsistencies in the sanctions practice make the government of Zimbabwe to argue that it is the land issue that invited sanctions upon them not the violations of human and democratic rights. This could widen the gap of understanding between the sanctioning states and Zimbabwe and could elongate the time for the improvement of human and democratic rights in the country. To put the words of Machigere here: “if it was for such reasons (to promote human and democratic rights), there are many countries across the world who should be sanctioned for their violation of these rights. (...) Media propaganda is highly done to us (Zimbabwe) mainly by the British to retaliate us (Zimbabwe) for addressing the issue of land imbalance, while there are grave cases of human rights violations elsewhere.”<sup>327</sup>

Between 2000 and 2003, Zimbabwe received a set of sanctions mainly from the United States of America, United Kingdom, Australia, New Zealand, Canada and the European Union. For example, among the first set of sanctions on Zimbabwe is the US sanctions.

(In) March 2000, US senate passed the Zimbabwe Democracy Bill (ZDB) which made travel bans and froze assets belonging to President Mugabe, his family and other top government officials. It also denied Zimbabwe access to international loans and called her to withdraw forces from the Democratic Republic of Congo (DRC) and to respect existing ownership titles to property.<sup>328</sup>

In relation to Zimbabwe’s participation in DRC war, the sanctioning states criticized Zimbabwe for recklessly spending the country’s money on the war in DRC and for systematically looting the resources of DRC for personal enrichment. On the other hand, the Zimbabwean government argued that they entered into DRC to help stabilize the country and to avoid the incident like that of Rwanda in which the west tried to take advantage of the instability in the region.<sup>329</sup>

The international community has been divided on how to respond to Zimbabwe’s economic and political crises. USA, EU, Australia, Canada, Switzerland and New Zealand responded through

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<sup>327</sup>Interview, SastonM.Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>328</sup>Ibid

<sup>329</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

targeted sanctions and in 2003 the commonwealth countries suspended Zimbabwe from its membership.<sup>330</sup> These sanctions include travel bans on named individuals, freezing of individual funds and assets, financial restrictions, arms embargoes and trade restrictions on companies linked to President Robert Mugabe and ZANU-PF.<sup>331</sup> Despite western sanctions, countries like China, Iran Indonesia and Malaysia strengthened ties and deepened their involvement in Zimbabwe's economy. Zimbabwe's "Look East" strategy helps it to minimize the effects of the sanctions. Additionally, African states such as Zambia, South Africa, Namibia and the Democratic Republic of Congo continues to trade with Zimbabwe.<sup>332</sup>

The Zimbabwean government perceives the use of sanctions as an illegal tool meant to destabilize the internal political affairs of the country (particularly the land reform exercise) and as a serious breach of the principle of non-interference in political internal matters of the country (a threat on its sovereignty). Additionally, the government of Zimbabwe also cites the sanctions as "economic" in nature since the impact of these sanctions have caused an immense harm on the people of the country.<sup>333</sup> According to Machigere, two types of sanctions are imposed on Zimbabwe: Declared and Undeclared. Declared sanctions are those which are pronounced and normally legislated by the sanctioning countries. Such as: ZIDERA (Zimbabwe Democracy and Economic Recovery Act) of USA and Council Common Position 2002/145/CFSP of EU. Undeclared sanctions are not publicly announced by the sanctioning countries but implied from their declared sanctions. The closure of investment companies and the halted operations of NGOs since the imposition of sanctions on Zimbabwe is one example of undeclared sanctions. When the investment is halted and productive companies closed (which manufacture consumable and tradable products, create employment opportunities for the people and which also bring in foreign currency), it is the people who suffer more than the government. This fact put the smartness of the sanctions on Zimbabwe under question. The effects of the sanctions are felt throughout the entire country.<sup>334</sup>

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<sup>330</sup>Ploch, L (2010). Zimbabwe: Background. Congressional Research Service

<sup>331</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4; April 2014

<sup>332</sup>Hove M. and Chingono H. (2013); Ploch, L (2010).

<sup>333</sup>Chingono H. (2010). Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees. African Journal of Political Science and International Relations Vol. 4(2), pp. 066-074, February 2010.

<sup>334</sup>Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

On the contrary, the sanctioning countries and the political opposition MDC upheld that the sanctions on Zimbabwe are targeted not on the whole people but on the officials of ZANU-PF in order to force them stop oppressing their people. They further argue that ZANU-PF is using the sanctions as a shield for crisis caused by its economic policy failures.<sup>335</sup> This variation in understanding the causes, nature and purposes of sanctions on Zimbabwe has its own implications for current situations in Zimbabwe and for the effectiveness of sanctions.

According to my interview with an official in AU, sanctions are legal as long as they are implemented in accordance with the international law. i.e. they should be imposed for acceptable reasons (if the issue is believed to be a threat to the world security). Additionally, they should be targeted as much as possible on the persons who are believed to be a threat for the world security. If sanctions are implemented on invalid grounds and if they cause damage on the public at large, then they could be deemed illegal. The sanctions on Zimbabwe are indeed caused and causing harm on the people. Here the difficulty is to determine whether other better options are on the table than sanctions to deal with the issues in Zimbabwe. One option may be to give the mandate to AU to take the first step in their region. Within the AU, there is Peace and Security Council empowered to deal with peace and security in Africa. There is also African Peace and Security Architecture (APSA) which have five components under it. The first component is the AU Commission that is empowered to execute functions related to peace and security; the second one is the Panel of the Wise which is composed of prominent individuals in the continent that perform advisory role in large. Third, there is a continental early warning system which is there to anticipate and prevent conflicts. Fourth, there is also a common defense which is called African Standby Force to intervene militarily when it is find to be important. The last one is Peace Fund established to provide financial resources for the peace operations. The fund is collected from African and non-African countries and institutions. These all mechanisms are in place to deal with peace and security issues. But still there are peace and security problems in Africa as always. Although, there is an established institution and system to deal with African problems, there is lack of commitment from member states. There is no strong coordination

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<sup>335</sup>Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5; March 2012

between various departments in AU assigned for this task too. There is also shortage of resources and experts.<sup>336</sup>

AU took some efforts to deal with situations in Zimbabwe before and after the creation of a Unity Government. The sub-regional organization SADC also tries to mediate the parties in Zimbabwe and works to deal with the issues in Zimbabwe diplomatically. But so far, the result is not that much satisfactory.

Indeed, there is no problem if the outside countries or institutions try to deal with the issues in Africa in accordance with the international law. But the problem is, here in Africa, every external attempt to deal with the issues in Africa is skeptically observed as an aspiration of neo-colonialism. In most part, the notion of ‘neo-colonialism’ is being used to rush from taking accountability for violations. Prioritizing development over democracy is also a problem. Some violations of human and democratic rights are ignored as an excuse for the development.

Mugabe is a respected guy in the face of many African leaders for his leading role in the liberation movement of Zimbabwe and black people. Thus, they are not bold enough to criticize him. Some African leaders also do not dare to criticize their African counterparts for violations they did to avoid backlash since most of the African countries have in one way or another cases of violations.<sup>337</sup>In general, Western countries and institutions are critical of Mugabe’s government for its poor human rights record to the extent of imposing sanctions on his government, while the OAU and now AU and majority of its members are non-critical of him.

### **3.4. The Course of Sanctions on Zimbabwe**

As it is been indicated above, drawing a clear picture of the sanctions on Zimbabwe is a difficult task because of conflicting information from the sanctioned and sanctioning states. This absence of agreement on the cause, nature, purpose as well as impact of the sanctions could seem to prolong the sanctions period. Taking the extreme positions of the two camps (pro and against the sanctions on Zimbabwe) concerning the causes, nature, purposes, and impacts of the sanctions might be misleading. The scenario of the sanctions on Zimbabwe can be generalized as follows. In the efforts to compulsorily redistribute land to indigenous majority of population, the

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<sup>336</sup>Interview, with an official in AU, (May 9/2016).

<sup>337</sup>Ibid

government of Zimbabwe violated the property and human rights of the minority white farmers. This coupled with election violence and other mismanagements of the country led to the imposition of sanctions by western states to force the Zimbabwean government to respect human and democratic rights of its people. But in the later years the purpose of the sanctioning states has shifted to gradually replacing ZANU-PF with other parties mainly MDC. Again after the establishment of the unity government EU altered its position to encourage reform. The sanctions imposed on Zimbabwe are not precisely targeted as said by sanctioning states and they are not comprehensive economic sanctions as stipulated by ZANU-PF. They are in the middle of targeted and comprehensive economic sanctions. They do not block all trade relations between the sanctioning states and Zimbabwe, not to call them economic. On the other hand, they are directed toward restricting credits and development assistances, not to call them targeted. Thus, their impacts are not limited to specific sections of the population but they indiscriminately affect all. Here under this topic the major developments and progressions of the sanctions are highlighted.

It was a British government that started to isolate Zimbabwe as early as 1997 when the Zimbabwean government identified and announced the list of 150 white farmers to be evicted from the farming lands. The government of Zimbabwe called up on the British government to pay compensations for those farmers as it was agreed at the Lancaster agreement in 1979. But, the British government responded by blocking vehicles meant to be transported to Zimbabwe.<sup>338</sup> By the year 2000, UK cut its bilateral aid to Zimbabwe by about one-third.<sup>339</sup> Starting from the late 1990s, the international financial institutions have also suspended Zimbabwe from accessing credits, finances and development assistances.<sup>340</sup> They accused the Zimbabwean government for the lack of transparency, accountability and corruption in managing the country's financial resources.<sup>341</sup>

In 2002 EU imposed restrictive measures which include arms embargo, travel restriction and asset freezes on Zimbabwe. 20 individuals who are believed to seriously undermine democracy,

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<sup>338</sup> Smith-Höhn J. (2010). Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures.

<sup>339</sup> Ibid

<sup>340</sup> Chingono H. (2010); Hove M. (2012); International crisis group (2012b); Masaka D. (2012); Ndakaripa M. (2014); Smith-Höhn J. (2010)

<sup>341</sup> Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

human rights and the rule of law in Zimbabwe are listed on the EU's 2002 sanctions list.<sup>342</sup> The EU also restricted development assistance to Zimbabwe.<sup>343</sup> However, the EU's common position failed to adequately explain what it would do if the demands of the sanctions would not be achieved.<sup>344</sup> US also declared sanctions on Zimbabwe in 2001 following ZIDERA, but the full measures were implemented in 2003 after the president of US signed executive order which comprises measures like arms embargo, financial and travel restrictions on 77 government officials including Mugabe and business people.<sup>345</sup> Section two of ZIDERA explained the purpose of US sanctions as "to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law." According to ZIDERA (2001), US shall vote against any loan and credit provided by international financial institutions and shall vote against any cancellation of debt owed by Zimbabwean government.<sup>346</sup> Sanctions are also imposed on Zimbabwean financial institutions such as ZB Bank and Agribank.<sup>347</sup> Restrictions of development assistances by EU, ZIDERA and sanctions on Zimbabwean financial institutions show that the sanctions are not only limited to specific individuals; but also they are going to the extent of banning assistances directed to Zimbabwean people and disturbing the financial systems of the country.

Starting from 2003 Australia, Switzerland, Canada and New Zealand also implemented arms, financial and travel bans on Zimbabwe.<sup>348</sup> In this same year, Australia alone banned 127 individuals from doing business with Australian firms.<sup>349</sup> The list of sanctioned people has been amended different times by the sanctioning states. In 2004, Council Common Position 2004/161/CFSP expanded the people on the EU's sanctions list to 95.<sup>350</sup> One year later in 2005, the US also increased the list of banned individuals to 128 and added 33 entities to the sanctions

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<sup>342</sup>Council Common Position 2002/145/CFSP of 18 February 2002

<sup>343</sup> Smith-Hohn J. (2010). Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures

<sup>344</sup> Masaka D. (2012). Paradoxes in the 'Sanctions Discourse' in Zimbabwe: A Critical Reflection. African Study Monographs, 33 (1): 49-71

<sup>345</sup> Grebe, J. (2010). And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe, Africa Spectrum, 45, 1, 3-29

<sup>346</sup> Zimbabwe Democracy and Economic Recovery Act (2001). Public Law 107-99—Dec. 21, 2001

<sup>347</sup> Hove M. (2012). The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>348</sup> Smith-Hohn J. (2010). Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures

<sup>349</sup> Hove M. (2012). The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>350</sup> Masaka D. (2012). Paradoxes in the 'Sanctions Discourse' in Zimbabwe: A Critical Reflection. African Study Monographs, 33 (1): 49-71

list after its president G.W. Bush issued another executive order.<sup>351</sup> In 2008 there was growing political tensions and several controversies in Zimbabwe related with 2008 presidential election processes and results. EU responded to this situation by extending the sanctions list to include 203 people and 40 institutions.<sup>352</sup>

As we see from this evolution of sanctions, there were no significant improvements in Zimbabwe. As a result, the sanctioning states have been expanding the list of individuals who are believed to be responsible for the several violations in the country. From the beginning the Zimbabwean government has been defiant to the sanctions. Even in early stages of the sanctions in 2002, Zimbabwe imposed retaliatory sanctions on Britain which it accused for initiating the sanctions on it.<sup>353</sup> This fact, although it had inconsequential influence on Britain, shows that how much the Zimbabwean government is far from yielding to the demands of the sanctions. Additionally, the government of Zimbabwe amended the constitution to compulsorily acquired land for resettlement purposes. Even, this constitution barred the courts from challenging the forced acquisition of land.<sup>354</sup> Despite the sanctions, the government of Zimbabwe continued to act against the demands of the sanctions. However, the year 2009 represented the beginning of a new era in the Zimbabwean politics. From this year onward, Zimbabwe has been ruled by inclusive government after the representatives of ZANU-PF and the two MDC formations (MDC-T and MDC-M) signed an agreement which is officially known as Global Political Agreement (GPA) on September 15, 2008. This agreement was facilitated by Thabo Mbeki. The position of president is given for ZANU-PF; while MDC-T occupied the position of prime minister and MDC-M vice prime minister. Additionally, 31 Minister Bureaus were created with 15 designated by ZANU-PF, 13 by MDC-T and 3 by MDC-M. Moreover, in article 4 of the GPA the parties to the agreement recognized the decline of the economy of Zimbabwe because of the sanctions and call for the lifting of all forms of sanctions and isolations.<sup>355</sup> Following these relative improvements of the political situation of Zimbabwe, sanctioning states responded by

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<sup>351</sup>Malloy M.P. (2013). Human Rights and Unintended Consequences: Empirical Analysis of International Economic Sanctions in Contemporary Practice.

<sup>352</sup>Council Common Position 2009/68/CFSP of 26 January 2009. Renewing restrictive measures against Zimbabwe. Official Journal of the European Union

<sup>353</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

<sup>354</sup>Hove M. (2012). The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>355</sup>Global Political Agreement (Government of National Unity), (15 September 2008). Agreement Between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Two Movement for Democratic Change (MDC) Formations, on Resolving the Challenges Facing Zimbabwe

removing some individuals and companies from the sanctions list. Still the targeted sanctions remained on the members and sympathizers of ZANU-PF; because the sanctioning states cited that ZANU-PF is not committed to fully materialize the terms of GPA. The officials of MDC in the newly created government are not subject to the sanctions, though the renewed sanctions have affected the functioning of the unity government. With the power sharing arrangement and formation of unity government, situations look as if relatively improved after 2009; even if, the defiance of the government of Zimbabwe to yield to the demands of the sanctions ostensibly unchanged. Possible reasons for the marginal improvements after 2009 include multicurrency policy adopted by the government of Zimbabwe, look-east policy of Zimbabwe, and the increment of financial support from the international community (sanctioning states seem to reform their positions towards Zimbabwe from isolation to engagement). According to Machigere, after 2009 Zimbabwe is at a better-off condition. The living conditions started to improve, employments and salaries improved, inflations became low following the implementation of a multi currency system, domestic investments started to fill the vacuum coupled with East Asian companies. In fact, he further argues, sanctions are an opportunity for Zimbabwe for the sanctions helped Zimbabwe to search for new allies in the eastern world.<sup>356</sup>

In the same year, the EU also provided 90 million in the form of financial assistance to Zimbabwe which is channeled through NGOs and UN agencies. In addition to the political progress signified by the formation of coalition government, the collapse of the economy and hyperinflation forced EU to increase its aid.<sup>357</sup> Moreover, in 2011 EU removed 35 individuals from the sanctions list; but, kept 163 people and 31 entities on the list because EU believed that still there was lack of significant progress on the political condition.<sup>358</sup> According to the International Liaison Office of the Zimbabwe Human Rights NGO Forum as well as human rights watch country report on Zimbabwe, the violations of human rights such as the harassment of civil societies, human rights defenders and journalists continue despite the establishment of the inclusive government. Speaking differently, human rights violations have been continuing in different forms despite the existence of sanctions intended to improve human rights

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<sup>356</sup>Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>357</sup>Portela C. (2014). The EU's Use of 'Targeted' Sanctions: Evaluating effectiveness. CEPS Working Document No. 39, also available at <http://www.ceps.eu>

<sup>358</sup>International crisis group (2012b). Zimbabwe's sanctions standoff. Africa Briefing N°86 Johannesburg/Brussels

violations.<sup>359</sup> Such factors could be the reasons for the continuation of the sanctions regime. In 2011, New Zealand also lifted ban on Zimbabwe's Sportspersons to participate in an international tournaments.<sup>360</sup> Following the 2013's constitutional referendum, EU removed the majority of individuals and companies from the sanctioned list except 10 individuals including Mugabe and two entities.<sup>361</sup> As Giumelli (2013) argues the EU began to adjust its sanctions from constraining the activities of the government to consolidating the transitional process, a new constitution and encouraging cooperation among the parties<sup>362</sup> As of march 2016, USA maintained 98 individuals and 68 entities on the OFAC sanctions list.<sup>363</sup> It seems that the sanctioning states started to engage in Zimbabwe in a more positive ways after they noticed that the punishment strategy has not been working in improving the country's situation. One good thing is the sanctions on Zimbabwe have been amended several times by the sanctioning countries even if they do not still protect the innocents from harm and do not cause behavioral change in the ZANU-PF. Flexibility (hardened or softened the sanctions based the progresses) is one advantage of targeted sanctions. However, it is been noted that precisely targeting the sanctions without affecting innocent citizens is a pretty difficult task. Additionally, it is been noted that engagement rather than punishment is good for the people of Zimbabwe as data after 2009 indicate.

As the parties to the GPA agreed, they oppose any form of sanctions since it will have a negative impact on the functioning of the Unity Government. As it is remembered, the MDC was in favor of the sanctions before this agreement was reached. It seems that, as Ndakaripa (2014) argues, "MDC formations have shifted their stance on the sanctions debate because they are in charge of 'economic development ministries' (...) which are directly affected by sanctions."<sup>364</sup> However, on many fronts the representatives of the inclusive government accused each other on the responsibility of calling for their removal. As Prime Minister Morgan Tsvangirai expresses "he lobbied for sanctions on Zimbabwe to be lifted, but insisted that his efforts were defeated by supporters of President Robert Mugabe who "did not want to let go of the culture of violence,"

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<sup>359</sup>Human Rights Watch Country Report on Zimbabwe (2014); The International Liaison Office of the Zimbabwe Human Rights NGO Forum (2012)

<sup>360</sup>International crisis group (2012b).Zimbabwe's sanctions standoff. Africa Briefing N°86 Johannesburg/Brussels

<sup>361</sup>Portela C. (2014). The EU's Use of 'Targeted' Sanctions: Evaluating effectiveness. CEPS Working Document No. 39, also available at <http://www.ceps.eu>

<sup>362</sup>Giumelli F. (2013). How EU sanctions work: A new narrative. Chaillot Papers 129, EU Institute for Security Studies

<sup>363</sup>[http://harare.usembassy.gov/sanctions\\_facts\\_myths.html](http://harare.usembassy.gov/sanctions_facts_myths.html)

<sup>364</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

and concluded that, “it is difficult to convince the world in such situation.”<sup>365</sup> According to the arguments of the leaders of MDC “if ZANU-PF was to avoid sanctions, which it invited upon itself as a government, it must address key issues around human rights, restoration of law and order, respect for the judiciary and governance.”<sup>366</sup> On the other hand, ZANU-PF insisted that lifting of the sanctions should be prioritized than those reforms. According to ZANU-PF, MDC has the responsibility to call for the lifting of the sanctions since it (with its western funders) invited them in the first place.<sup>367</sup> As Masaka (2012) argued, the MDC may want the sanctions since they give them advantage over their rival ZANU-PF by weakening it. On the other hand, “the MDC may also feel that the targeted sanctions ought to be removed so that the GNU can achieve the political and economic objectives that it was formed to achieve.”<sup>368</sup>

It is not only the parties to the GPA that wanted the sanctions to be removed but also the regional organization SADC. SADC maintained a position that sanctions on Zimbabwe do not contribute to constructive solutions but rather they are impediment to reform, so they should be removed.<sup>369</sup> China and Russia also vetoed any decision in UNs Security Council for banning Zimbabwe.<sup>370</sup> Even these countries are providing assistances and increasing their trade relations with Zimbabwe to enable it copes-up with the effects of the sanctions. There are also other factors that reduced the pressure of the sanctions on the targeted individuals. They are not constrained to travel to non-sanctioning states for conducting personal as well as official matters. Among other things they can educate their children in those countries. The travel restrictions are also not absolute. Article 3 of the common position 2002 allows for some travel exemptions to enter in sanctioning states for attending religious events, international meetings and dialogues that promote democracy, human rights and rule of law in Zimbabwe. Another loophole in the application of the sanctions is that the enforcement of US sanctions in 2003 after it announced in 2001 could have gave an opportunity to make preparations for the persons who suspect themselves to be the subject of US sanctions.

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<sup>365</sup>Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>366</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

<sup>367</sup> Ibid

<sup>368</sup>Masaka D. (2012). Paradoxes in the ‘Sanctions Discourse’ in Zimbabwe: A Critical Reflection. African Study Monographs, 33 (1): 49-71

<sup>369</sup>International crisis group (2012b).Zimbabwe’s sanctions standoff. Africa Briefing N°86 Johannesburg/Brussels

<sup>370</sup> Smith-Hohn J. (2010).Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures.

The sanctioning states also do not adequately inform the people of Zimbabwe about the cause, purpose and nature of the sanctions. Let alone the people, the government itself has no clear picture of the sanctions or may be want to hide it. There are also limited open public discussions concerning the sanctions. Another reason for lack of clear public picture on sanctions could be limited access to independent information in Zimbabwe and the highly conducted government propaganda to draw the sanctions as an imperialist tool designed to harm the people of Zimbabwe. This fact could have resulted in lack of adequate information on the factors that led to sanctions, the nature of the sanctions, those who are targeted by the sanctions and the conditions to lift the sanctions. As a result, the likelihood of considering the sanctions as absolutely economic by the public (by looking at their impact) is high. This is not a baseless claim. As Machigere explained people are thinking that they are suffering because of the sanctioning States.<sup>371</sup>

By looking at the commitment of the government of Zimbabwe to fulfill the demands of the sanctions, it could be assumed that the sanctions would be maintained in the coming years too. As Ndakaripa (2014) argues, it seems that “ZANU-PF will not change its undemocratic ways in the near future in order to get sanctions removed. This is because the opening up of democratic space like media reforms, de-politicization of state institutions and security sector reforms are likely to result in its removal from power.”<sup>372</sup> The logic here is to remain in power by any other means and avoid persecutions. According to Machigere, the government of Zimbabwe is not worrying about the sanctions now. For him and his party, the purpose of the sanctions is to put Zimbabwe under modern colonialism. As a result, the government of Zimbabwe is not going to comply with the demands of the sanctions.<sup>373</sup> He further contends that the sanctioning States has two options: “to continue with their arrogant stance or to lift the sanctions.”<sup>374</sup>

Despite the more than decade-long sanctions, no significant change has been achieved in changing the behaviors of sanctioned persons. However, according to Grebe (2010) even if it does not led to any achievement of the principal goals of the sanctions, “there is some evidence that in a few cases sanctions led to a behavioral change of a few regime members who saw their

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<sup>371</sup>Interview, SastonM.Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>372</sup>Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

<sup>373</sup>Interview, SastonM.Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>374</sup>Ibid

own financial business threatened by the sanctions or were directly affected by the travel ban.”<sup>375</sup> Similarly, according to Chingono, Hove and Danda (2013), if the aim of the sanctions was to cause “volatile political disharmony, they have succeeded only thus far. However, if sanctions were aimed at causing the effectuation of “democratic” transitional mechanisms, they have failed dismally.”<sup>376</sup> By looking at the evolution of the sanctions it can be guessed that and for the sake of the general public, the sanctioning States may lift the sanctions. Continuing the sanctions after realizing that their negative side is greater than the positive one, by fearing loss of trustworthiness; will prolong the suffering of the people. It can also serve as a scapegoat for Zimbabwean government for its misdeeds. Once the sanctions removed, the government will be left with no other justifications and will easily be blamed for its mismanagements.

In the next chapter the impact of the sanctions on human security of the people of Burundi and Zimbabwe will be discussed.

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<sup>375</sup>Grebe, J. (2010). And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe, *Africa Spectrum*, 45, 1, 3-29

<sup>376</sup>Chingono H, Hove M and Danda S.J. (2013).Sanctions Effectiveness in a Globalized World.*International Journal of Humanities and Social Science* Vol. 3 No. 21

## CHAPTER FOUR

### 4. SANCTIONS ON BURUNDI AND THEIR IMPACT ON HUMAN RIGHTS

Studying the impacts of sanctions on Burundi (may be studying the impact of sanctions in general) was a bit challenging for different reasons. First, the information are limited and not available in detail; the second challenge is distinguishing between the effects other factors such as war and sanctions; the third is differentiating between direct and indirect impact of the sanctions (some factors do not necessarily have direct impact on the basic rights and livelihoods of the people. Rather they have indirect and unintended consequences); and forth some impact are observed immediately after the imposition of the sanctions while others have a potential to bring a long term consequences.

While doing this study a particular caution is taken to minimize the influence of these factors on the results of the study. Burundi had a long history of civil war particularly after the country got independence. We can say war was considered as a ‘new-normal’ in that country after the independence, even if some years like 1972 and 1993 are remembered as exceptionally catastrophic. In 1996 when the coup was undertaken and after that until the sanctions were suspended there were violence and the continued civil war. But it was not terrible as (comparable with) that between 1993 and 1996 that claimed nearly 200,000 lives. Thus, the impact of war during the sanctions period was minimum than the previous years. Additionally, during these years (prior to 1996) the civil war contributed for deteriorated situation in different aspects, such as in agriculture; it led to the displacement of the agrarian population and in the sector of health it led to the destruction of health facilities.<sup>377</sup> Sanctionsexacerbated these fragile conditions of Burundi and worsened the already bad life of the ordinary people. Different governments and non-governmental organizations had also expressed their concern about the embargos consequence of “inflicting supplementary sufferings on the people of Burundi, who were already

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<sup>377</sup>Hoskins E. and Nutt S. (1997).The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

suffering.”<sup>378</sup> The World Bank survey was also came up with similar conclusions. According to this survey, the embargo had more important than the crisis in rising poverty incidence during its implementation. According to this survey “14 out of 20 enterprises believed that the embargo was more important than the crisis in diminishing their revenues and decreasing employment, whilst only 4 out of 20 believed the crisis was more important than the embargo.”<sup>379</sup> Thus, sanctions were mainly responsible for the worst situations happened between 1996 and 1999. For example, about 80% of the country’s economy was dependent on the coffee production. In 1995 Burundi has produced about 30,245 tons. But in 1996 after the imposition of the sanctions its production dropped by more than half to 14,471 tons.<sup>380</sup> Moreover, because of increase in transportation costs and export ban its exportation became difficult. As a result foreign reserves declined and thus government spending on social services declined; commercial farming and export agencies reduced their employees.<sup>381</sup> All these burdens were mainly shouldered by the ordinary people. And these burdens were mainly brought by the sanctions. Therefore, to differentiate between the impact of sanctions and other factors I tried to look at how the target adjust its economy, the attempts to distribute the scarce resources affected by the sanctions, the context in which it is applied, and whether there are improvements in the situations the sanctions want to address.<sup>382</sup>

When we assess the impacts of sanctions on human rights it is better to consider different humanitarian conditions and different indicators (such as indicators of health, economy, politics, demographic and environment). Some indicators may not have direct impact up on human rights. But they may have indirect or unintended impact (impact on non-sanctioned sectors and non-sanctioned entities). Thus, worth studied. For instance unemployment and brain-drain could result in far-reaching consequences. Because of unemployment one cannot afford to buy food, as a result he/she may be exposed for health problems such as those related to mal-nutrition and because of these mal-nutrition related health problems or shortage (high price) of medicines or lack of money to get treatment or other associated factors death could result and among other things, the right to good standard of living and the right to life could be violated. Brain and brawn

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<sup>378</sup>Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>379</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

<sup>380</sup>IMF (1999a). Burundi: Statistical Annex. IMF Staff Country Report No. 99/8 (February), Washington, D. C.

<sup>381</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>382</sup>Kaempfer W.H. and Lowenberg A.D. (2007). The political economy of economic sanctions. Handbook of Defense Economics, Volume 2

drain could also have a great impact on a country by plummeting its professionals and work force. For example, take if health professionals fled the country. Among other things, it could increase the infant and maternal mortality rate due to lack of checkups and due to lack of health professionals who deliver the pregnant women.

The one fact regarding sanctions is that it has a disproportionate impact up on the ordinary people and the elites which will be discussed in the following sub-topics. Generally, the following categories are selected to show the impact of the sanctions on the basic rights and overall lives of the people though they may not thoroughly cover all the impact.

#### **4.1. The Impact of the Sanctions on the Economy of Burundi**

Burundi was overwhelmingly rural with 90% of rural population.<sup>383</sup> Its economy has been highly depended on Agriculture. About 90% of the total population was involved in this sector and this sector has been contributing about 50% to the country's GDP.<sup>384</sup> From the total of Burundi's population approximately 80% was engaged in subsistence agriculture, with few links to the modern economy.<sup>385</sup> According to Hoskins E. and Nutt S. (1997), Burundi remained self-sufficient in food until 1993.<sup>386</sup>

Cash crops, namely coffee, tea and cotton made up almost all Burundi's exports. Coffee alone accounted for more than 80 percent of total exports and export earnings.<sup>387</sup> On the other hand, Burundi's imports have consisted "primarily of machinery and manufactured goods, fuel, fertilizers and pesticides, foodstuffs, cement, textiles and medicines."<sup>388</sup> Being landlocked, Burundi exported and imported most goods through the neighboring countries mainly through the port of Dares Salaam, Tanzania and, to a lesser extent, through the Kenyan port of Mombasa.<sup>389</sup> From 1965 to 1990, Burundi's growth rates were higher than averages of Sub-Saharan Africa. Burundi's growth rates amounted 2.192% in average between these years

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<sup>383</sup>International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

<sup>384</sup>Nkurunziza J.D and Ngaruko, F (2005). Why has Burundi grown so slowly? UNECA, Addis Ababa, Ethiopia

<sup>385</sup>Freedom House (1999). Freedom in the World: Burundi. From <https://freedomhouse.org/report/freedom-world/1999/burundi>

<sup>386</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>387</sup>Nkurunziza J.D and Ngaruko, F (2002). Explaining Growth in Burundi: 1960-2000

<sup>388</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>389</sup>Grauvogel, J. (2014). Regional Sanctions against Burundi: A Powerful Campaign and Its Unintended Consequences. GIGA working paper No. 255/2014, Institute of African Affairs.

whereas growth rates of Sub-Saharan African countries was 0.936% in average.<sup>390</sup> Like most of African countries Burundi also highly relied on the foreign development assistance. Prior to the sanctions, Burundi annually received in average approximately \$250 million in the form of development assistance.<sup>391</sup> It accounted for almost 30% of its gross national income in the three years preceding the sanctions.<sup>392</sup>

After the sanctions imposed almost all sectors of the economy were threatened. Neighboring countries ceased to service Burundi's exports and imports. "Burundi's geographic location, its close economic ties with those who implemented the embargo and its dependency on bi- and multilateral aid magnified the sanctions' economic impact."<sup>393</sup> In 1996 Africa's average annual rates of GDP growth was 6.5%<sup>394</sup> whereas Burundi's annual rates of GDP growth was -8 which was among the lowest one in the world.<sup>395</sup>

The sanctions had a significant impact on the exports and foreign earnings of Burundi. Due to ban on exports, Burundi lost access to external markets. Burundi lost a significant amount of revenues due to ban on its main export items coffee and tea. According IMF (1999) report the production of Coffee dropped from 30,245 tons in 1995 to 14,471 tons in 1996 and the production of tea from 6,795 tons in 1995 to 3,412 in 1996.<sup>396</sup> Growers and exporters of these items and their employees were highly affected as a result. Due to deterioration of their revenue these companies were unable to pay for their employees and forced to reduce them. For example according to the Bujumbura Chamber of Commerce, more than 6,000 employees were laid off from their employment during the second half of 1996. Most of the employees were from export agencies, transport agencies and ports.<sup>397</sup> Particularly, the unskilled and the poor were the most

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<sup>390</sup>Nkurunziza J.D and Ngaruko, F (2002). Explaining Growth in Burundi: 1960-2000

<sup>391</sup>Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>392</sup>Grauvogel, J. (2014). Regional Sanctions against Burundi: A Powerful Campaign and Its Unintended Consequences. GIGA working paper No. 255/2014, Institute of African Affairs.

<sup>393</sup> Ibid

<sup>394</sup>UNCTAD (2001). Economic Development in Africa: Performance, Prospects and Policy Issues. UNCTAD/GDS/AFRICA/1TD/B/48/12

<sup>395</sup>World Bank Database. Accessed on 14/04/2016 from <http://www.data.worldbank.org/>

<sup>396</sup>IMF (1999a). Burundi: Statistical Annex. IMF Staff Country Report No. 99/8 (February), Washington, D. C.

<sup>397</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

affected since the firms appear to have been more willing to force out unskilled than skilled workers and the poor who were more likely to work on daily contracts than the non-poor.<sup>398</sup>

Burundi's foreign currency reserves were highly depleted because of ban on exports. According to the IMF (1999) report, the total exports declined from 112.5 million USD in 1995 to 40 million USD in 1996.<sup>399</sup> Additionally, the loss of development assistance also worsened the foreign currency problem. According to the 1999 World Bank report, Burundi received an average of USD 288 million in 1990-1992 which was reduced to USD 39 million in 1997.<sup>400</sup> By September 1998, "Burundi's gross official foreign reserves had fallen to some USD 75 million and amounted to just over one-third of their end-1995 level."<sup>401</sup> Domestic tax revenues of the government had also dropped from an average of 20 percent of GDP in 1991-93 to an average of 12.6 percent in 1995-97.<sup>402</sup> Likewise, taxes on international trade were dropped from 28.9 percent of total revenue in 1995 to 19.2 percent of total revenue in 1997.<sup>403</sup> Consequently, government expenditures (in percent of GDP) declined from 30.6 in 1995 to 24 in 1997.<sup>404</sup> However, the military expenditure rose from 22 percent of government expenditures in 1992 to 33 percent in 1997.<sup>405</sup> This was ill-advised since the government had diverted scarce resources from productive sectors and social investments to the military at that crisis time. May be one can argue that increasing the budget to the military could help to bring peace and hence create stable situation for economic development. However, the fact was that the allocations for social and economic sectors were deteriorated and soldiers were not participated in economic development. Rather according to ICG (1999), like that of rebellion groups they were participating in actions that violated human rights. It was also difficult for the government to punish those who participated in human rights violations since the government had been highly relied on the military to stay in power.<sup>406</sup> Thus, all these factors had greatly impacted the country's economic activities and

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<sup>398</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

<sup>399</sup>IMF (1999a). Burundi: Statistical Annex. IMF Staff Country Report No. 99/8 (February), Washington, D. C.

<sup>400</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

<sup>401</sup>IMF (1999b). Public Information Notice (PIN) No. 99/5. January 28, 1999. From <https://www.imf.org/external/np/sec/pn/1999/pn9905.htm>

<sup>402</sup> Ibid

<sup>403</sup>Ngaruku&Nkurunziza (2005) in Fransen, S. and Ong'ayo, A.O (2010).Migration in Burundi: History, Current Trends and Future Prospects. Paper Series: Migration and Development Country Profiles. Maastricht University

<sup>404</sup> Ibid

<sup>405</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

<sup>406</sup>International Crisis Group (1999). Burundi: Internal and Regional Implications of the Suspension of Sanctions. ICG Burundi Report No 3, 04 May 1999.

consequently the government entered into worse situations in paying for its employees and to finance social services. All these effects were directly and indirectly shouldered by the civilians.

Due to the difficulty of getting raw materials and spare parts different industries were closed and laid off their employees. Most of the companies were highly relied on external inputs for producing goods. But the embargo resulted in shortage of foreign currency which highly undermined their competitiveness and it denied them access to foreign markets. Due to the embargo and its effects they were unable to import inputs, pay for their employees and sustain their production.<sup>407</sup> Thus, Burundi was not only cutoff from imported goods but also domestic production. In relation to this, Burundi's rate of gross investment also declined from 17.5 percent in 1990 to 5.6 percent in 1998.<sup>408</sup> The effect of declined investment has been persistent which would have been transcending even after the suspension of the sanctions since the investors had no or little incentives and assurances to invest. This decline in investment is evident that the number of job opportunities associated with the investment sector and the government tax base were also plummeted. Additionally, as Nkurunziza J.D and Ngaruko, F (2005), observed due to the shortage of fuel and agricultural inputs which came as a result of the embargo and partly due to poor and destroyed infrastructures caused by the crisis, farmers had little access to markets. As a result they had little incentives to produce marketable surpluses and perishable goods. They were better off producing staple crops rather than coffee, tea or cotton; the three most exported commodities which was another reason for the depletion of foreign currency.<sup>409</sup>

Table 3: Burundi: Total Imports, 1993–1999 (US\$ million)

<b>Origin</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
World	197.1	233.3	233.0	125.0	122.7	157.0	117.7

Source: USAID (2006). Burundi: Expanding External Trade and Investment

As it is seen from the above table Burundi's imports declined in 1996 following the imposition of the sanctions. Shortage of foreign currency and devaluation of Burundian franc further

<sup>407</sup>Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>408</sup>Nkurunziza J.D and Ngaruko, F (2005). Why has Burundi grown so slowly? UNECA, Addis Ababa, Ethiopia

<sup>409</sup> Ibid

contributed for shortages of imported goods even not to substitute them through black-markets. According to IMF (1999) report the Burundi franc had depreciated against the U.S. dollar by about 37 percent between December 1996 and June 1998.<sup>410</sup> Shortage of imported goods and domestic production increased the inflation level to 40% in 1998.<sup>411</sup>

The USAID report was an optimistic one. Other estimations such as that of World Bank put the total import level much below the USAID report. For example according to World Bank estimation import levels of Burundi in 1998 was 103 USD million.<sup>412</sup> At the macro-level Burundi's growth domestic product had deteriorated which, as a result, affected the whole economic situation. According to Nkurunziza J.D and Ngaruko, F (2005),Burundi had recorded its highest levels of poverty during this period.<sup>413</sup>

Table 4: GDP and GDP per capita of Burundi from 1995 to 1998

	1995	1996	1997	1998
Total GDP (in \$US billions)	1.21	1.03	0.96	0.95
GDP per capita (in \$US)	199	166	140	140

Source: Hale, A. (2002). Burundi's Regroupment Camps: Environmental Decline and the Role of Collective Discontent.

The ban on imports to Burundi has resulted in acute shortages of fuel, spare parts, medicines, fertilizers, and other imported goods.<sup>414</sup> Particularly, the shortage of fuel was visible immediately after the implementation of the embargo. According to Hoskins and Nutt (1997), long lines of cars and individuals for diesel fuel and kerosene were observed only days after the imposition of sanctions. The importation of Kerosene was apparently prevented until September 6, at which time "limited quantities" were permitted. The regime introduced rationing of fuel, 20

<sup>410</sup>IMF (1999a). Burundi: Statistical Annex. IMF Staff Country Report No. 99/8 (February), Washington, D. C.

<sup>411</sup>Brachet, J. and Wolpe, H. (2005). Conflict-Sensitive Development Assistance: The Case of Burundi. The World Bank, Social Development Paper No. 27 / June 2005

<sup>412</sup>World Bank (1999a). Burundi: An Interim Strategy 1999-2001. Report No. 19592-BU

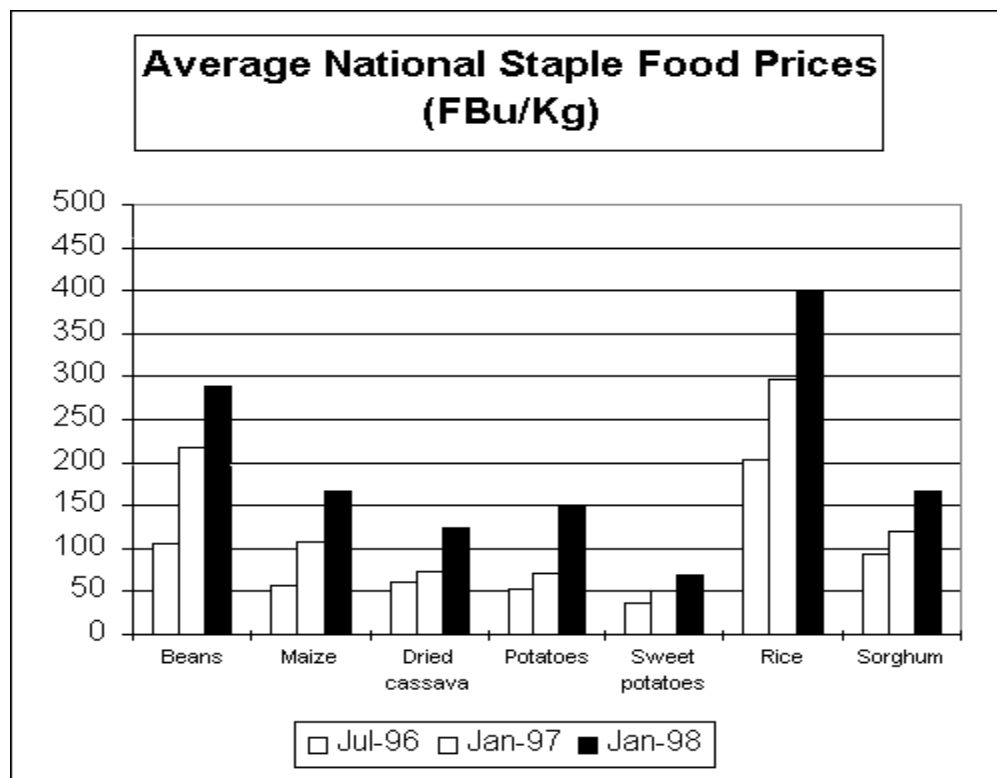
<sup>413</sup>Nkurunziza J.D and Ngaruko, F (2005). Why has Burundi grown so slowly? UNECA, Addis Ababa, Ethiopia

<sup>414</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

liters per month for each private car.<sup>415</sup> This was a small number and did not solve the problems. The price of fuel was dramatically increased and as a result transportation costs increased. A parallel market also quickly emerged and the price of fuel increased more than 500 percent above pre-sanctions levels which was unaffordable to many.<sup>416</sup> According to World Bank (1999) report the price of petrol had risen from 15 FBu (Burundian Franc) per liter in 1991 to 93 FBu/l in 1997.<sup>417</sup>

Because of high transportation costs needed to transport goods and food stuffs, as well as high demand due to the expectation of the people that the situation will be worse in the future, the price of food and other commodities skyrocketed. Additionally, shortage of fertilizers and other agricultural inputs reduced production of foodstuffs and increased price. This all affected the living standard and the basic rights of the regular people.

Figure 1: Burundi – Average prices of Selected Food Products (FBu/kg)



Source: FAO (1998). Special Report

<sup>415</sup> Ibid

<sup>416</sup> Ibid

<sup>417</sup> World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

As I have discussed in the previous chapter Burundi is/was one of the world's densely populated countries. Furthermore, according to FAO (1999) Burundi's population was growing by more than two percent<sup>418</sup> and its total fertility rate was 6.3 in 1997.<sup>419</sup> High population growth coupled with economic slowdown affected the purchasing power of individuals. The production of foodstuffs and other commodities declined and thus their prices dramatically increased. Contrarily, unemployment increased and individual income decreased which highly affected the purchasing power and living standard of individuals at household level. According to the World Bank (1999)report, food price index increased by 192% in 1997 from its 1992 level. And the general price index by 170%.<sup>420</sup>

According to Hoskins E. and Nutt S. (1997), the embargo influenced the price of foodstuffs in several ways.

First [...] the rising cost of fuel led to increased transport costs. Second, a shortage of seeds, fertilizers, pesticides, and other agricultural inputs resulted in lower crop yields and poor supply. Third, foods that otherwise would have been imported to offset poor harvests and to moderate prices (e.g. beans from Tanzania, potatoes from Rwanda) were blocked due to the embargo. Fourth, smuggled food had added to its price the cost of bribes and payoffs required to negotiate police and border controls.<sup>421</sup>

Sanctions affected the agricultural activities by blocking the delivery of thousands tons of fertilizer and hundreds tons of seeds in Tanzania.<sup>422</sup> Some argue that relatively the rural population was less affected by the sanctions due to its reliance on subsistence agriculture. The most affected were urban poor, displaced and other vulnerable portion of the populations.<sup>423</sup> However, a rise in the price of certain basic goods such as lamp fuel, transportation costs, clothes and school materials, had increased (rural) poverty.<sup>424</sup> Additionally, the embargo had prevented importation of veterinary products, most notably animal vaccines. Consequently it resulted in epidemics of transmissible diseases, death of animals and hence affected the livelihood of the

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<sup>418</sup>FAO (1999). The state of food insecurity in the world

<sup>419</sup>UNICEF (1999). The State of the World's Children 1999.

<sup>420</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

<sup>421</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>422</sup> Ibid

<sup>423</sup>Freedom House (1999); Hoskins E. and Nutt S. (1997)

<sup>424</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

people and reduced their nutritional values.<sup>425</sup> Therefore, the embargo had not only affected the urban poor and the displaced but also the rural population.

## **4.2. The Impact of the Sanctions on the Health Sector of Burundi**

The sanctions had degenerated the already ravaged health infrastructures and services of Burundi. The importation of medicines was practically prevented until August 16, 1996 at which some exemptions were made for human medicines. The exemptions were very few compared to Burundi's health sector demands. There were also difficulties in importing them. They were frequently stranded at the ports because of the bureaucracies and procedures for approving and importing. For example, a shipment of medicines by World Vision had blocked in Dares Salaam from August until November 25. Another example was:

When the State Company for Production and Distribution of Water and Electricity (REGIDESO) tried to import 34 tons of calcium hypochlorite for the treatment of drinking water, sanctions prohibited it from doing so. Eventually, the shipment was approved by Tanzanian authorities after intervention by the UN. By then, however, the cargo ship had already departed Dares Salaam, taking the calcium hypochlorite with it.<sup>426</sup>

Furthermore, the government and the private sectors were unauthorized to import those medicines and health facilities. The National Pharmaceutical Bureau (ONAPHA), the state company responsible for importing, manufacturing, and supplying medicines was unable to import medicines and to also obtain raw materials required for manufacturing essential drugs. The responsibility of importing human medicines was given for UNs agencies and humanitarian organizations. But they were financially and logistically unable to supply for the overall Burundi's health service.<sup>427</sup> Private pharmacies and clinics had gone out of medicines and had almost withdrawn from rural areas. The government ones were also either lacked or in short supply of medicines. The budget allocation for the Ministry of Health had remained constant, whilst the cost of importing drugs has risen and the Burundian franc has devalued.<sup>428</sup> Some tried to smuggle them. However, smuggled medicines were available only at high cost. As a result they were unaffordable to many Burundians who were highly impaired by the effects of the embargo.

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<sup>425</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>426</sup> Ibid

<sup>427</sup> Ibid

<sup>428</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

This all caused shortage of medical supplies, high price for medicines (where available) and deteriorated health conditions.

Some practical impacts include:

The embargo diminished the regime's ability to pay health workers.[...]Until the ban on travel was clarified by the RSCC on February 13, 1997, it was not possible to evacuate emergency patients to neighboring countries for advanced medical care.[...]Surgery was frequently canceled due to a lack of surgical materials (such as syringes and x-ray films) and anesthetics. [...]Needles and syringes were routinely reused without proper sterilization (as a result of shortage of fuel and power for sterilization), dramatically increasing the risk of transmission of HIV and hepatitis.<sup>429</sup>

The HIV/AIDS prevalence rate in cities has increased from 15.1% in 1993 to 21% in 1997 against 0.73% in 1989 to 5.9% in 1997 in rural areas. Population displacements, promiscuity in displacement camps and army and rebel movements were also exacerbated the problem.<sup>430</sup>

Declined household income, inflation, devaluation of Burundian franc and shortage of fuel exacerbated health problems at the micro-level. At the macro-level the embargo resulted in decline of GDP, shortage of government revenue to pay for health workers, to supply essential medicines and health facilities and to build and rehabilitate health infrastructures.

Bundervoet, T. and Verwimp, P. (2005) noticed that the economic blockade had a strong negative health effect on nutritional status of Burundian children. The possible reasons were price increase of food stuffs, the nearby availability of health centers, drinking water and market. The most important ingredient in Burundians diet was Beans and it was mostly imported from neighboring counties. Because of the sanctions the importation as well as the production of food stuffs (particularly Beans) declined and their price went high. As a result it greatly affected the nutritional status of Burundi people. According to their study the educational level and the marital status of the parents had also a significant impact on nutritional status of children. Children from single and less educated parents were the most affected.<sup>431</sup> The declined household

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<sup>429</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>430</sup>Nkurunziza J.D and Ngaruko, F (2002). Explaining Growth in Burundi: 1960-2000

<sup>431</sup>Bundervoet, T. and Verwimp, P. (2005). Civil War and Economic Sanctions: An Analysis of Anthropometric Outcomes in Burundi. HICN Working Paper No. 11.

income and the price increase of food stuffs resulted in a shift in household consumption patterns away from nutritious foods and toward less expensive, less nutritious foodstuffs, and a subsequent rise in malnutrition.<sup>432</sup> The situation was worse in displacement camps. During the first times an exemption for emergency food aid to displaced populations was denied, apparently due to concerns that such foodstuffs might be diverted from their target. Different humanitarian organizations also encountered difficulties to undertake supplementary feeding programs. Due to lack of fuel and slow procedures they were helpless to import and transport those few exempted goods to the needy.<sup>433</sup> Consequently, according to my interview with Ndabarushimana, food and sanitation related problems increased.<sup>434</sup> One data shows that the level of undernourished people increased with a great number from 38 percent to 63 percent between 1980 and 1996. The total number of undernourished population was 44% in 1990/1992 but it rose to 63% in 1995/1997. Average daily food intake also diminished from 2020 calories in 1980 to 1669 calories in 1996.<sup>435</sup>

Water supplies and quality as well as sanitation conditions also deteriorated as a result of the sanctions.

Water and sanitation programs were suspended due to inadequate supplies and equipment as well as the high cost of fuel. (...)The shortage of fuel reduced water distribution to these populations via tankers. Small scale water schemes organized by UNICEF were suspended due to transport problems and a lack of construction materials such as cement, pipe, and plastic sheeting. (...)As a result, more and more civilians were consuming untreated, contaminated water, increasing the risk of water-borne diarrheal diseases and epidemics.<sup>436</sup>

In addition to causing public health problems, the lack of available water also caused rural women to walk many hours a day to fetch water, taking their time away from cultivation and other activities.<sup>437</sup>

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<sup>432</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>433</sup> Ibid

<sup>434</sup> Interview, Ndabarushimana, D. (April 8, 2016), Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>435</sup>FAO (1999). The state of food insecurity in the world

<sup>436</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>437</sup>World Bank (1999b). Burundi: Prospects for social protection in a crisis economy. Report N°: 17909-BU

As a result of the sanctions on imported goods, there was high shortage of water purification agents. Therefore, water was not treated appropriately. Short supply of water, untreated water, low sanitation and malnourishment (which can cause low resistance to diseases) exposed the people to different diseases. Particularly, the displaced people in the camps could easily be exposed to the diseases because of the condensed nature of the situations of the camps. According to Hoskins E. and Nutt S. (1997), in October 1996 Burundi, in its history, recorded the largest outbreak of typhus since World War II.<sup>438</sup> Shortage of medicines, shortage of fuel and power to transport, store and sterilize the drugs and other related factors worsened the situations for the people especially for the rural community. For example, according the World Bank Data of 1999 Children's immunization coverage declined from 83 percent in 1993 to 54 percent in 1996 largely as a result of the embargo.<sup>439</sup> "Supplies of polio vaccine ran out by August 22, 1996. A national vaccination campaign was canceled in August due to the high cost of fuel. (...) UNICEF estimated that approximately 50 percent of 190,000 children under the age of one targeted for vaccination in 1996 would not get vaccinated as a result of the sanctions."<sup>440</sup> Children are obviously immunized to prevent them from potential future outbreak of diseases. If they failed to get vaccinated at the time, the probability of their exposure for diseases in the future (even after the suspension of the sanctions) would have been high.

Exposure for epidemics increased but the treatment decreased. Immunization coverage declined, whilst malnutrition rate increased. Not surprisingly, the death toll (such as infant and maternal mortality rate) increased. These impacts are indicated in more detail under the sub-heading of population indicators.

### **4.3. The Impact of the Sanctions on the Education Sector of Burundi**

The impact on education can be taken as an impact all sector of the country since education is a base for the overall development (economic, social and political) of the country. The civil war affected the education sector in many ways such as by destroying schools and displacing the pupils. Although the civil war was the cause of many education related issues, the problems were

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<sup>438</sup>Hoskins E. and Nutt S. (1997).The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>439</sup>World Bank (1999a). Burundi: An Interim Strategy 1999-2001. Report No. 19592-BU

<sup>440</sup>Hoskins E. and Nutt S. (1997).The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

worsened after the implementation of the embargo. Due to the declining of government revenue, the budget for education sector diminished; the efforts to rehabilitate the destroyed schools suffered as a result of the embargo; many students had left schools to search for jobs and to support their families and the high cost of fuel prevented transport of teachers and education facilities to rural areas. For example, the sanctions put UNICEF's plans to train 3,000 teachers at risk.<sup>441</sup>

Sanctions prohibited the importation of educational supplies, including exercise books, chalk, pencils, pens, and printing materials for text books. The cost of such items, where available, was prohibitive for most households whose incomes were already diminished. Families were increasingly unable to pay tuition and other education costs (for example, uniforms and supplies). With the imposition of sanctions, higher household expenses, as well as the ban on exporting coffee, made it more difficult for families to raise the income necessary for educational expenditures.<sup>442</sup>

For the reasons mentioned above the education sector in Burundi was highly affected by the combined effects of violence and the embargo. The students were left schools because of this and the already low quality of education was deteriorated. Children have the right to education and it is included in international conventions. The right of children to education is detailed under article 28 of the Convention on the Rights of the Child.<sup>443</sup>

Outside of Burundi measures were taken to provide education for the refugees from Burundi notably in the camps of Tanzania. The text books and the curriculum were the same with that of schools at home. However, children in the camps were taught some additional courses particular to their situation such as conflict resolution and English and Kiswahili.<sup>444</sup> Despite the efforts made to educate children in the camps, there were different difficulties such as shortage of funding, lack of text books, qualified teachers, poor conditions of the schools and the environment. As a result the performances of the students were very poor. Out of 1,233 students [from Tanzanian camps] who took the 1998 Burundian National Examination only 46 pupils (3.7 per cent) passed with marks above 50 per cent.<sup>445</sup>

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<sup>441</sup> Ibid

<sup>442</sup> Ibid

<sup>443</sup> UNICEF (1999). The State of the World's Children 1999.

<sup>444</sup> Ibid

<sup>445</sup> UNHCR, (1999) as cited in UNHCR (2001). Learning for a Future: Refugee Education in Developing Countries

#### **4.4. The Impact of the Sanctions on the Demography of Burundi**

The embargo and its effects which are discussed in the above topics had put their impact on demography of Burundi. Here under only few indicators are shown.

The negative GDP growth rate, the diminishing revenue of the government, the ban on imports of the basic goods and the ban on exports of main commodities, the declining household income, high inflation rate, the rising unemployment, mal-nourishment, water and sanitation problems, the shortage of medicines, transportation problems, brain drain, and etc had in one way or another impacted the demography of Burundi. These all factors are interrelated and one is the cause of the other. As it is indicated in previous sections, because of ban on exports, Burundi lost foreign earnings and employment opportunities. This in turn brought the depletion of government revenue to finance development activities and to pay for workers as well as the reduction of household income. On the other hand, the ban on imports prevented the importation of food stuffs, water purification agents, home appliances, construction materials, industrial and agricultural inputs and many others. It was also difficult to substitute these imported goods. Thus, it brought shortage of productions, imported goods and inflation. Particularly the shortage of fuel had an immediate impact on the people. As a result, the transportation cost increased. The people got in to the difficulty to access the market (to buy and sell some available products at a higher price than before). Sadly, the inflation rate increased and the Burundi's franc devaluated as the income of the people deteriorated. As a result it affected their purchasing power. Consequently, alongside the factors mentioned above, the health problems deepened. After some exemptions were made on August 16, 1996 human medicines were ordered by humanitarian agencies. But they were insignificant to address the rising health problems of Burundi. Moreover, they were tangled by the bureaucracies at the ports and because of the transportation problems they did not reach the intended place in time. Because of transportation problems it was difficult to transport a patient from rural areas to the cities where the situation is relatively better in terms of access to health sectors. The health workers also forced to find living elsewhere since things were unaffordable to them with a low salary. These all exacerbated health problems and increased the suffering of the people. As indicated in table below, during the sanctions period the health services such as prenatal consultations, contraceptive and

immunization coverage dropped. On the other hand, infant and maternal mortality rates increased.

Table 5: Burundi: -Some Demographic Indicators, 1993-1998

	1993	1996	1998
Infant mortality per 1000 births	110	136	N/A
Maternal mortality per 100,000	553	826	800 (1997)
Prenatal consultations (percent)	71	65	67 (1997)
Immunization coverage measles (percent)	62	50	44
Contraceptive coverage (percent)	4	3	1
Malnutrition children < 5 (percent)	6	20	N/A.
Life expectancy at birth	53.8	53.4	51.5

Source:FAO (2000). Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Burundi

The year 1993 was a turbulent year in the history of Burundi. One of the catastrophic civil war was took place in this year and many thousands of innocent lives were lost. But as we see from this table, things were worse in 1996 than in 1993. The sanctions' effects were stronger. Consistent with my previous arguments, as themalnutrition rate and problems of health services increased- the infant and maternal mortality rates were also increased. These indicators were also far below Sub-African average. For example, in 1996/1997 the infant mortality rate of Burundi was 136,whilst the average for sub-Saharan Africa is 105.<sup>446</sup>Consequently (as death tolls went up), life expectancy at birth fell. According to UNICEF (1999) the life expectancy at birth was even lower than estimated by the FAO (2000), 47 in 1997.<sup>447</sup>

Total fertility rate of Burundi had dropped from 6.8 in 1990 to 6.3 in 1997.The population of Burundi was growing by around 2 percent during the sanctions period.<sup>448</sup> The rate of population growth had shown slight drop from that of pre-sanctions period.<sup>449</sup> However, there was imbalance between economic and populationgrowth. As the economy of Burundi shrank in significant number, the population growth of the country had remained almost constant. This

<sup>446</sup>World Bank (1999a). Burundi: An Interim Strategy 1999-2001. Report No. 19592-BU

<sup>447</sup>UNICEF (1999).The State of the World's Children 1999.

<sup>448</sup> Ibid

<sup>449</sup>World Bank Database. Accessed on 15/04/2016 from <http://www.data.worldbank.org/>

could be seen as one of the challenges for Burundi. Moreover, the displacement of the people, policy of relocation by the Burundian government and migration had increased the burden of the country. According to World Bank over 14 percent of the Burundi's population had displaced during 1997.<sup>450</sup> In the same year the Net migration (the total number of immigrants less the annual number of emigrants) was -404,999 which was -250,000 in 1992.<sup>451</sup> That means in 1997 the people left Burundi exceeded those who entered Burundi by 404,999. They surely involve the working force whose absence could have been affected the development of the country.

Additionally, the war in Congo resulted in migration of the people, to flee the war, to neighboring countries including to Burundi. Congolese who were fled to Burundi were estimated at 20,000.<sup>452</sup> This again increased the burden for Burundi who literally unable to feed its own people. The government also carried out relocation (regroupment) operations. Around 350,000 people most of them were Hutu included in these operations. According to the government the reasons for the relocation program is to fulfill infrastructures and to facilitate easy provision of different social services. But according to the critics the main reason of the government was to depopulate the areas suspected of the bases for the Hutu rebel movements. Contrary to the government's claims, the camps were largely cut off from necessary services and the government lacked the budget to provide them with necessary services. The situations in the camps were also dreadful because of the absence of humanitarian organizations tasked with providing humanitarian assistances, since their operation was highly impeded by the embargo.<sup>453</sup>

#### **4.5. The Political Impact of the Sanctions on Burundi**

When the coup was undertaken by the military, the international community including EU, USA, United Nations and OAU condemned the coup. The regional leaders also expressed their disapproval of the Buyoya's government by imposing the regional sanctions. They discontinued their relations with Burundi which had a symbolic as well as instrumental effect on the Regime and the country. This implies the denial of recognition or legitimacy for the Buyoya's regime. In relation to this, particularly at its initial stage, sanctions most likely had strengthened the position

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<sup>450</sup>World Bank (1999a). Burundi: An Interim Strategy 1999-2001. Report No. 19592-BU

<sup>451</sup>World Bank Database. Accessed on 15/04/2016 from <http://www.data.worldbank.org/>

<sup>452</sup>Reliefweb (1999). U.S. Department of State: Burundi Country Report on Human Rights Practices for 1998. From <http://reliefweb.int/report/burundi/us-department-state-burundi-country-report-human-rights-practices-1998>

<sup>453</sup>Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

of the oppositions at negotiation tables. However, when the Buyoya's regime joined the negotiation table, it gained 'defacto recognition'. As I have indicated earlier, the sanctions requested three main political demands. Among these demands, in 1997 the political parties and the National Assembly were restored. The Buyoya's government contends that it took these moves because of its commitment to political change and in spite of the sanctions.<sup>454</sup> As it comes to power through internationally condemned coup, may be Buyoya's government did this to buy the support of international community and get legitimacy. The Buyoya government further contends that sanctions actually delayed the democratic process.<sup>455</sup> Despite the restoration of the Political Parties and National Assembly, however, "demonstrations and rallies were not permitted and intimidation and arrests still occurred and the national assembly lacked real constitutional authority or power."<sup>456</sup> Additionally, some party leaders and speaker of the National Assembly were not allowed to travel out of Burundi.<sup>457</sup> Indeed, reports indicated further escalation of violence and human rights abuses by all parties since the July 1996 coup. Even though, there is no clear evidence for whether the sanctions had contributed for the escalation of the violence.<sup>458</sup> On the other hand, according to the main opposition party FRODEBU, sanctions had actually brought about the restoration of the national assembly and political parties even if they were not politically free.<sup>459</sup> Although, it is difficult to assume what would have been happen if there were no sanctions and even if the political parties and the national assembly have lacked freedom, in the real sense at least we can say that the restoration of the national assembly and political parties were the results of sanctions.<sup>460</sup> However, the parties to conflict in Burundi did not come to unconditional negotiations. Despite the efforts to bring the conflicting parties to the negotiation table, fighting continued within Burundi between the government and the rebel groups.<sup>461</sup>

Even if the military brought Mr. Buyoya back for the respect he enjoyed by the international community for his commitment for democracy in 1993, the opposition FRODEBU believed that

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<sup>454</sup> Ibid

<sup>455</sup> Ibid

<sup>456</sup> Ibid

<sup>457</sup> Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process. Pub. by the United States Institute of Peace.

<sup>458</sup> Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>459</sup> Ibid

<sup>460</sup> Interview, Ndabarushimana, D. Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>461</sup> Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

after the coup the killings by the government military intensified.<sup>462</sup> According to HRW (1999), the sanctions did not stop the violence in Burundi. Both the government and the rebel groups were participating in violent activities and human rights violations including slaughtering unarmed civilians, imprisonment, arbitrary executions, rape, torture and the destruction of properties. Through policy of regroupment the government forcibly relocated the population to where there was no often adequate provision for food, water or health needs. Soldiers burned homes, destroyed crops, and pillaged other property in the process. And Tutsi dominance continued also after the coup.<sup>463</sup> Because of poverty and escalated violence, crime had also increased. Furthermore, the displacement of the people and migration increased. From November, 1996 to mid-January, 1997 alone some 150,000 civilians fled to Tanzania.<sup>464</sup> Presumably the sanctions had increased illegal activities and corruption. The regime and its elites were participating in illegal activities particularly smuggling.<sup>465</sup> Additionally, the multiparty system, freedom of expression and the press were undermined after the coup, even if the role of the sanctions in undermining them is unclear.<sup>466</sup> Though, the Buyoya's government tried to bring it under its control, the only feasible way of, particularly for the rural community, participating in and controlling over their affairs was the traditional institution of 'Ubushingantahe'.<sup>467</sup> According to Naniwe-Kaburahe, A. (2008), in areas where the traditional justice institution called 'Ubushingantahe' (Bashingantahe) existed strongly, "the damage in terms of loss of human lives was relatively limited."<sup>468</sup> From this we can understand that in traditional societies like that of Burundi the credibility and the acceptance of traditional institutions are strong. The people in general or the disputant groups in particular are highly adhered to such home grown traditional institutions than the modern ones that most likely viewed as alien to them. Thus, in such kind of societies the application of traditional justice mechanisms, alongside other mechanisms, is advisable to solve conflicts

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<sup>462</sup>Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process. Pub. by the United States Institute of Peace.

<sup>463</sup>HRW (1999). World Report: Burundi. Available at <https://www.hrw.org/legacy/worldreport99/africa/burundi.html>

<sup>464</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>465</sup>ICJ (2012). Burundi: A Deepening Corruption Crisis, Africa Report N°185 – 21 March 2012

<sup>466</sup>HRW (1999). World Report: Burundi. Available at <https://www.hrw.org/legacy/worldreport99/africa/burundi.html>

<sup>467</sup>Ubushingantahe is a system of councils composed of local elders who administer justice and guarantee social harmony. (International Crisis Group, 1999).

<sup>468</sup>Naniwe-Kaburahe, A. (2008). The institution of bashingantahe in Burundi. International Institute for Democracy and Electoral Assistance

Even if not all parties were participated, in later times, the government and some opposition leaders were met in different rounds at Arusha, Tanzania. The facilitators were dissatisfied with the process that was resulted in nothing tangible. After Buyoya joined the negotiation table and concerns raised about the humanitarian impact of the sanctions, the RSCC made more exemptions. According to Hoskins E. and Nutt S. (1997),

This action represented a major concession to the Burundi military regime and a political victory for Buyoya. It is unclear whether this action was offered as a “carrot” to give Buyoya more leverage against his right-wing opponents and encourage him to enter negotiations, or simply represented an acknowledgment by political leaders throughout the region of their humanitarian obligations. Regional leaders may have wanted to demonstrate to Buyoya that his cooperation would be rewarded.<sup>469</sup>

The shift in strategy by the regional leaders may be because of the malfunction of their previous belief that “the strong sanctions could result in required demands in months”. Here, consistent with Johan Galtung’s view, we can find that incentives have the danger of being misinterpreted by the target. The target could view it as the sender is becoming weak and unwilling to continue its sanction. As a result, the probability of the target to concede to the demands of the sender is minimum since it waits until the sender abandons the sanctions.

But still, after some exemptions were made, the unconditional negotiations were not successful since the main rebel groups (CNDD-FDD and PALIPEHUTU-FNL) were absent from negotiation tables. They were engaging in military operations against the Buyoya regime. Furthermore, the internal partnership between the government and the internal-FRODEBU was viewed as a political victory by the Buyoya’s regime and the government becomes more dispassionate with Arusha peace process. According to Mthembu-Salter (1999), when the internal partnership was attained “the sanctions ceased to be politically effective.”<sup>470</sup> Here also we should recall Wallenstein’s argument. He argued that to be successful, apart from external pressures, there should be strong political opposition in the target country.<sup>471</sup> However, the support for the sanctions from the internal wing of the main opposition party –FRODEBU– stopped when the internal partnership was achieved. Regional countries should have reacted appropriately to the changing circumstances. And Mthembu-Salter contends that by not lifting

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<sup>469</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>470</sup>Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>471</sup>Wallenstein P. (2000). A Century of Economic Sanctions: A Field Revisited. Uppsala Peace Research Papers No. 1

the sanctions immediately after the sanctions failed politically with the achievement of internal partnership, the sanctioning countries lost an opportunity to not undermine the regional initiatives. Without considering this big change (achievement of internal partnership) in the political dynamics of Burundi, the sanctioning countries continued the sanctions until it was lastly suspended on January, 1999 mainly because of the external donor pressures. Mthembu-Salter further contends “This was the wrong reason to end a regional initiative designed to provide an effective and home-grown alternative to military intervention, and has severely damaged the principle to which both Africa and the West subscribes, namely African solutions for African problems.”<sup>472</sup> The suspension of the sanctions had as well its own impact. The suspension of the sanctions had boosted the confidence of the government and made Mr. Buyoya to act more forcefully against its political opponents. Again it strengthened the position of MrBuyoya, the Burundian government and the internal wing of Frodebu, whilst marginalized those groups who supported sanctions.<sup>473</sup>

#### **4.6. The Status of Humanitarian Exemptions in Burundi**

Despite grave consequences of the sanctions, some exemptions were made in different time to ease the effects of the sanctions. However, the exemptions were not adequate and were not enough to tackle the grave consequences of sanctions. Days after the imposition of the sanctions, on august 6, UN expressed concern to OAU about potential humanitarian consequences of sanctions.<sup>474</sup> As it was expected, the sanctions effects were started to be seen in their first months of implementation. It extremely affected the livelihood of the people as well as the operations of the humanitarian agencies. As the availability of vital goods and services decreased, the humanitarian needs on the other hand increased. During that time the operation of the humanitarian agencies was vital as the government was unable (or may be uncommitted) to provide for its citizens. However, the humanitarian aid agencies were left helpless in the face of escalating humanitarian need and increasingly difficult working conditions. Because of this they were expressing their opposition to the sanctions, since it had also impacted their operations and

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<sup>472</sup>Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>473</sup> Ibid

<sup>474</sup>Hoskins E. and Nutt S. (1997).The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

forced them to suspend some of their programs.<sup>475</sup> The effects of the embargo were particularly terrible for vulnerable groups including the internally displaced populations since they were mostly depended on humanitarian assistances.<sup>476</sup>

On August 10, UN submitted to OAU Guidelines for Exemptions with proposed exemption list. The UN asked that special provisions be made for “foodstuffs, gasoline and kerosene, health items, items related to water and sanitation, education, shelter, and psychosocial trauma alleviation.” However, on August 16, the sanctioning countries agreed to exempt only a few items from the proposed lists namely “human medicines” and “emergency basic food aid to Rwandese refugees.” It was the first step to include exemptions in the sanctioning process.<sup>477</sup> More “humanitarian exemptions to sanctions against Burundi were granted by the Regional Sanctions Coordinating Committee (RSCC) on 6 September 1996, when UN agencies were allowed to import items including food, seeds, cooking materials, blankets, plastic sheeting, sanitary facilities and water purification agents.”<sup>478</sup> Additionally, a restricted number of regular UN flights to and from Bujumbura (with emergency flights) which was authorized on a case-by-case basis was allowed.<sup>479</sup> Despite these limited exemptions, however, humanitarian agencies had become extremely frustrated by the long bureaucratic delays at every stage which had affected the importation of the exempted goods in practice. For example, importation of fuel supplies began arriving in April 1997, despite exemptions being granted in September 1996.<sup>480</sup> Another example is, on September 21, 1996 the RSCC approved the request of FAO to import agricultural inputs. However FAO had received only 400 out of 4,000 tons of requested fertilizer. Moreover, the items reached Burundi lately after the harvesting seasons had passed. Likewise, a request from UNICEF to the RSCC for exemption of educational supplies was first turned down and later approved in April 1997.<sup>481</sup> One potential reason for delays was the case-by-case

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<sup>475</sup>Bossuyt M. (2000). The Adverse Consequences of Economic Sanctions on the enjoyment of human rights. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

<sup>476</sup>Bruderlein C. (1998). Coping with the Humanitarian Impact of Sanctions: An OCHA Perspective, New York.

<sup>477</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>478</sup>Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>479</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>480</sup> Ibid

<sup>481</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

authorization which was required for each item to be imported.<sup>482</sup> According to Bruderlein (1998), “the lack of resources and adequate expertise in the administration of sanctions regimes at the regional level” was another reason that affected the delivery of critical humanitarian assistance.<sup>483</sup>

On 16 April 1997, further important and broad exemptions were granted. It included food products, educational and construction materials, and medicines. The government and commercial agencies allowed importing these items with the authorization from the country of origin or transit, not from RSCC as previously was. This change relatively decreased the difficulties to import exempted goods even if still there were delays.<sup>484</sup>

Despite the establishment of RSCC, there was a serious problem of monitoring and giving timely responses to humanitarian situations.<sup>485</sup> In relation to this, UN’s Integrated Regional Information Network (IRIN) was assisting the humanitarian agencies by collecting and disseminating information on humanitarian developments in Burundi. However, most of these agencies were lacked “the means, expertise, or time to capitalize on the information available.” The shortage of fuel and transportation problem was one of the main reasons that affected the provision, supervision and monitoring of humanitarian programs.<sup>486</sup> Generally, because of the limited exempted goods, delays and bureaucracies to transport these limited goods, and monitoring problems, the effects of the sanctions were not reduced noticeably. As the Bussuyt report indicated humanitarian exemptions in no way halted the suffering of the people. Rather, their effects persisted even after the suspension of the sanctions.<sup>487</sup>

#### **4.7. The Survival of the Government of Burundi despite the Sanctions**

As it has been discussed in the previous sections, sanctions had further impaired the small country in the Great Lakes Region. Given Burundi’s vulnerability and its high dependence on neighboring countries for imports and exports, the initial believe was that it could easily

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<sup>482</sup> Ibid

<sup>483</sup> Bruderlein C. (1998). *Coping with the Humanitarian Impact of Sanctions: An OCHA Perspective*, New York.

<sup>484</sup> Mthembu-Salter G. (1999). *An assessment of sanctions against Burundi*. An action aid publication

<sup>485</sup> Ibid

<sup>486</sup> Hoskins E. and Nutt S. (1997). *The Humanitarian Impacts of Economic Sanctions on Burundi*. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>487</sup> Bossuyt M. (2000). *The Adverse Consequences of Economic Sanctions on the enjoyment of human rights*. The Bossuyt report, working paper, United Nations, Economic and Social Council, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, Item 12 of the provisional agenda

surrender to the sanctions. On the other hand, it is believed that sanctions had increased the position of the opposition groups vis a vis the government in the face of the international community and at negotiation tables. The rebel groups were also looking at the sanction favorably since it could weaken the army supply for the regime and increase their capability vis a vis the government. Furthermore, there were divisions between the pro-Tutsi parties and within the ruling party itself. Particularly, the military was critical of Buyoya for engaging in discussions with the oppositions. However, the government survived all this and later sanctions had suspended. Under this sub-topic, I will see nine factors that can give us a picture on how the government of Burundi survived the sanctions and the differential impact of the sanctions on the people and the regime.

The first factor that enabled the government to endure the sanctions is smuggling. Different economic actors as well as the government were highly involved in illicit activities. Different products were imported as well as exported through illegally established market networks. Even if with higher prices, the sanctioned items had started to become available in black markets.<sup>488</sup> The regime and its officials were the beneficiaries of these smuggling networks. Even they were participated in criminalizing economic activities and creating such networks.<sup>489</sup> Even humanitarian organizations were forced to purchase commodities such as fuel from smugglers in order to undertake their activities.<sup>490</sup> Because of the smuggling, the government's revenue started to increase and price of commodities and inflation started to fall particularly in the later years of the sanctions.<sup>491</sup>

The second one is lack of similar commitment among the countries imposing the sanctions. As I have indicated in chapter two Drezner argued that sanctions need strong cooperation. In the absence of this strong cooperation, sanctions could not meet their target and this lack of cooperation becomes an incentive for the target not to yield. Indeed, "Implementing sanctions is a huge administrative challenge, especially for states with weak capacity as it requires complex coordination among numerous parties including governments, NGOs, and the UNs."<sup>492</sup>

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<sup>488</sup>See Hoskins E. and Nutt S. (1997); Nkurunziza J.D and Ngaruko, F (2002); Nkurunziza J.D and Ngaruko, F (2005).

<sup>489</sup> See Hoskins E. and Nutt S. (1997); ICJ (2012); Mthembu-Salter G. et al (2011).

<sup>490</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>491</sup> See Hoskins E. and Nutt S. (1997); Mthembu-Salter (1999)

<sup>492</sup>Mthembu-Salter G. et al (2011). Prioritizing Protection from Mass Atrocities: Lessons from Burundi. Occasional paper series, Global Centre for the Responsibility to Protect.

In the case of Burundi, because of different reasons the countries imposing the sanctions became less committed with the passage of times and some even served as a transit and source for commodities from and to Burundi. Kenya and Zambia were the first countries to stop sanctioning. Some remained countries were violating the sanctions by allowing Burundi to import and export sanctioned-items through their land and air spaces. Particularly, Rwanda was the main gateway for commodities entering Burundi and even Burundian coffee was exported as if it was Rwandan. After the war erupted in Zaire (DRC), the smugglers had also got unsecured border that allowed them to import and export commodities even if it was in a small quantity since the route was expensive compared to others.<sup>493</sup>

The war in Zaire (later named DRC) further resulted in the divisions among the countries imposing the sanctions. They started to consider their national interests which divided them literally into two camps. The Uganda and Rwanda took the same position with the Buyoya's regime in resisting Mr. Kabila of Zaire and Hutu insurgencies supported by him. Thus, Uganda and Rwanda became less confrontational towards Buyoya. On the other hand, Tanzania remained in its strong position of supporting the sanctions and was critical of the actions by Uganda and Rwanda.<sup>494</sup> Thus, the war in DRC that divided the sanctioning countries is the third factor that helped the Buyoya's regime to survive the sanctions.

The fourth factor that reduced the pressure up on the Buyoya's regime was the lack of unity among the opposition parties. There was loose cooperation among the opposition parties. Moreover, within a single party there were significant ideological and political differences. The main Opposition party –FRODEBU- divided between internal and external wings. Likewise, the CNDD and PALIPEHUTU had split into two, between their armed and political wings. Initially, all these parties were in favor of sanctions. But later on, the internal wing of the main opposition party FRODEBU started to call for the removal of the sanctions.<sup>495</sup> This has weakened the pressures up on the regime since the parties were preoccupied with their own differences.

The fifth one is the partnership agreement reached between the Buyoya's regime, the internal wing of FRODEBU and the national assembly which is composed of mainly Hutus. This

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<sup>493</sup> See Hoskins E. and Nutt S. (1997); Mthembu-Salter (1999)

<sup>494</sup> See International Crisis Group (1999); Wolpe H. (2011).

<sup>495</sup> See Wolpe H. (2011). Making peace after genocide: anatomy of the Burundi process. Pub. by the United States Institute of Peace.

agreement was a political victory for Buyoya that showed Burundian parties could solve their problems without external involvement. On the other hand it was disastrous for Arusha peace process and the whole regional peace efforts. This agreement further helped the government to take upper hand at Arusha. Even it was one of the reasons for later suspension of the sanctions.<sup>496</sup>

The sixth factor is the criticisms of the sanctions by the donors and humanitarian organizations. The humanitarian organizations were vocal against the embargo which was destructive for their operations. These humanitarian concerns also made the donors to become unsupportive of the sanctions and they started to call for its removal. This thing –the fact that the sanctions became viewed unfavorably by donors who initially supported the regional efforts- also increased the Buyoya’s hope that the sanctions could end and made him to wait until the senders gave up.<sup>497</sup>

The seventh factor is the nature of the sanctions that punished the innocent (the people) over the guilty (the regime). The sanctions had widened the economic gap between the ruling elites and the ordinary people. The ruling elites were almost untouched by the effects of the sanctions, even they were benefited by engaging in the smuggling activities, whereas, the regular people were significantly affected by the sanction and its resultant effects. The burden of the sanctions is not equally shared between the elites and ordinary citizens. The government reshuffled the impact of the sanctions towards ordinary people. The people were suffered both by the government and the sanctions.<sup>498</sup> If the sanctions bring significant impact on the population but little impact up on the government officials, then the likelihood of the achievement of the sanctions purposes are very low, if there is any. Thus, the regime survived because of sanctions little effect on the government, even it is said that the regime was benefiting through sanctions-busting.<sup>499</sup>

The eighth factor is “the rally around the flag” effect. As some of the writers I discussed in chapter two indicated sanctions are sometimes counterproductive in the sense that they have a tendency to be exploited by the target regime to harness domestic support against the sanctions. This was true for Burundi. The government was engaged in extensive campaign against the sanctions and spread propaganda within the public. In other words, it used the sanctions for its

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<sup>496</sup> See further, International Crisis Group (1999); Wolpe H. (2011).

<sup>497</sup> See for further information Mthembu-Salter G. (1999). An assessment of sanctions against Burundi. An action aid publication

<sup>498</sup> Interview, Ndabarushimana, D. (April 8/2016), Ambassador of the republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA

<sup>499</sup> See also International Crisis Group (1999) and Mthembu-Salter G. (1999).

own political objectives. As Hoskins E. and Nutt S. (1997) put it “the Burundi regime accused neighboring countries of harboring secret agendas against the Burundi people. Sanctions also were used to deflect attention away from the regime’s own inadequacies and from well-documented human rights concerns.”<sup>500</sup> Some problems were actually attributed to the government. For example, the problem of the country was further exacerbated as a result of high proportion of foreign exchange allocation for the military. Additionally, the regroupment programs (even if they benefited the regime by destabilizing the bases of Hutu rebel groups) were affected the livelihood of the people in the absence of basic facilities and services. Furthermore, this all things happened because of the Coup carried out by the military (the regime).

The campaign seemed successful as the people did not rise against the government as it was expected by some. This was may be because of lack of independent media that could criticize the regime and lack of organizations that could organize such protests. The government used humanitarian impacts to gain the support of the people. When the donors, humanitarian organizations and the internal wing of FRODEBU voiced against the humanitarian impacts of the sanctions, presumably the credibility of the regime in the face of the people was increased. The internal wing of FRODEBU voiced against the sanctions because the sanctions were mainly impacted the more than 80% of the Hutu population for whom the party stands for. Again the campaign was successful since it “helped to lobby for exemptions, contributed to regaining some international legitimacy so that the international donor community renewed its engagement, and shifted the blame for economic problems to the embargo.”<sup>501</sup> Moreover, as I have also discussed previously, the regime managed to adapt to the economic impact of the sanctions.<sup>502</sup> As I have indicated in the Chapter two, Petrescu had also argued “if sanctions are not effective in their two or three years, their effectiveness in the later years will be minimum” because the target could adapt to the sanctions and search another means for its survival.<sup>503</sup>

Finally, the limited and gradually relaxed exemptions and increased assistances were among the factors that helped the regime. These exemptions were made after UN agencies and other

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<sup>500</sup>Hoskins E. and Nutt S. (1997). The Humanitarian Impacts of Economic Sanctions on Burundi. Occasional Paper #29, Pub. by the Thomas J. Watson Jr. Institute for International Studies

<sup>501</sup>Grauvogel, J. (2014). Regional Sanctions against Burundi: A Powerful Campaign and Its Unintended Consequences. GIGA working paper No. 255/2014, Institute of African Affairs. [www.giga-hamburg.de/workingpapers](http://www.giga-hamburg.de/workingpapers)

<sup>502</sup> Ibid

<sup>503</sup>Petrescu, I.M. (2010b). The Humanitarian Impact of Economic Sanctions.

humanitarian organizations raised their concern over the impact of the sanctions on the regular people. The regime viewed the exemptions as the product of its vocal campaign against the sanctions. Indeed, the exemptions had helped (though not significantly) the people. However, the exemptions as well helped the regime not to give up, boosting its confidence, made the regime expecting further exemptions and expecting further legitimacy. It apparently reduced the burden and pressure up on the regime from the people (if there was any), because the government appeared as the representative for the people by arguing for further exemptions and the suspension of the sanctions. When the exemptions finally made, the regime manipulated it to its advantage by appraising it as a political victory.<sup>504</sup>

#### **4.8. Examination of the Sanctions on Burundi**

Regional countries imposed sanctions on Burundi as a response to a coup d'état undertaken by the military. Since it was applied in a response to a norm violation we can say that it was applied for valid reasons. However, they undermined the basic rights and the living standards of the people. They may be politically important (to denounce human rights violations); however, the saddest fact is that they are detrimental from humanitarian point of view since they resulted in further human rights violations. Smith A. (1996) argues that even if the senders believe that the reasons to sanction are valid, however, the sanction has little chance of success, then they will not sanction.<sup>505</sup> But, in the case of Burundi by looking at the landlocked nature of the country, the senders (neighboring countries) believed that the sanctions could result in positive outcomes in a short period of time. They had valid reasons as well as they thought sanctions will succeed. Then they apply it and the sanctions ended without any praiseworthy success. From this we can understand that predicting the success of the sanctions is a very difficult task. Given the vulnerability of the country and the fact that the comprehensive sanctions were imposed by neighboring countries who service almost all foreign trades of Burundi, one cannot think that Burundi could endure the sanctions. But the country survived the sanctions despite its terrible consequences because of the nine factors listed above. The comprehensive nature of sanctions and the attempts to isolate the country from the world did not result in the desired behavior. Therefore, the success of the sanctions could be hampered by many factors that could alter its

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<sup>504</sup>For more See Clara Gomes, S and Ferreira, P.M (2001); Hoskins E. and Nutt S. (1997) and Mthembu-Salter G. (1999).

<sup>505</sup> Smith A. (1996). The success and use of economic sanctions. *International interactions*, vol. 21, no. 3, pp. 229-245.

outcomes. Particularly in the era of globalization it is difficult to isolate one state from the other. As a result, sanctions could not deliver the desirable outcomes. The possible consequences could be the suffering of the ordinary people.

Some may argue that sanctions are important to demonstrate disapproval for unfavorable actions and to deter similar norm violations in the future. From the case of Burundi I can safely generalize that to demonstrate a signal of disapproval a comprehensive sanction is too much and unnecessary. On the other hand, the sanctions on Burundi do not deter similar norm-violations. After a Burundian coup, more than a dozen of coups and coup attempts have been made. Smith A. (1996) argued in those cases where the size of the sanctions is small compared to the concession demanded (in which the probability of success is low), symbolism is the only reason to sanction.<sup>506</sup> But in the case of Burundi the size of the sanction is high while the demanded concessions are relatively small. Therefore, it is difficult to judge it was applied for a symbolic purpose. Kowalewski S. (2013) also argues that sanctions are a symbol of solidarity with the oppressed population in the target country<sup>507</sup> However, in Burundi we find that sanctions had negatively affected the people that it intended to stand with. If the aim of the sanctions on Burundi was to demonstrate a signal that the actions are not favorably seen, then the action become morally as well as legally wrong since it intends to deliver a signal of disapproval through terrible humanitarian sufferings.

As it is indicated in chapter two, contrary to the senders' intention, comprehensive sanctions and its humanitarian consequences could improve the images of the target from guilty to victim. In the later years of the sanctions Burundi received sympathy from the world and the donors decided to extend their support. Likewise, contrary to the senders' intention comprehensive sanctions have the ability to strengthen domestic support for the target government and develop hate (blaming the senders for the poor economic performance) towards the sanctioning countries which was also observed in the case of Burundi. The ruling elites on the other hand enjoyed such support and additionally benefited from corruption and illegal trade.

Multilateral sanctions may have advantages in avoiding the drawbacks of unilateral one since the target may view unilateral sanctions as invasion. In the case of sanctions on Burundi the

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<sup>506</sup>Galtung J. (1967a); Hovi J. and Huseby R. (n.d); Kaempfer W.H. and Lowenberg A.D.(2007); Smith A. (1996).

<sup>507</sup>Kowalewski S. (2013). Overcoming the State Centered Theory of International Sanctions: Non-State Actors Strategies towards the Implementation of International Sanctions. PP78-97

neighboring countries are weak and could not influence the regime in Burundi unilaterally. The cooperation of these countries may be necessary to increase the credibility of the sanctions and to influence the regime in Burundi. However, their coalition punished the people more than the regime. Moreover, the lack of similar allegiance among the sanctioning countries gave an incentive for the Buyoya's regime to wait out the fragmentation of the coalition. One may argue that UN sanctions are more legitimate and effective than the other sanctions. However, as the case of Iraq demonstrates it is not advisable for Burundi too. As the members of UN are obliged to implement UN decisions, the humanitarian effects of UN sanctions are more severe. Thus, as their humanitarian impacts are more severe, they could render UN sanctions illegitimate.

As different writers argue to make sanctions effective it should include both carrot and sticks. The improvements should be rewarded to encourage the target to make further improvements.<sup>508</sup> But, as we can understand from the case of Burundi it could send different and inconsistent message unless it handled properly. The target may look at incentives (particularly late incentives) as a weakness of the senders and as a political victory. Additionally, as I have indicated in chapter two different writers forwarded the conditions in which sanctions could be successful. These conditions include; when they are used against friends<sup>509</sup>, when they are multilateral<sup>510</sup>, when they are used against weak states<sup>511</sup>, when they demand minor concessions<sup>512</sup>, when they impose high costs on the target.<sup>513</sup> The case of the Burundi seemingly disproved all these assumptions. The above listed conditions punished the people and caused significant humanitarian sufferings without any tangible effect worth mentioning on the ruling elites. Causing dreadful civilian suffering through deprivation of means of survival and basic rights are in no way considered as a success. The sanctions on Burundi as well disapproved the Woodrow Wilson's statement that called sanctions a 'peaceful, silent, and deadly remedy' that no nation can resist.

Likewise, game theorists illustrate the possibility that imposed sanctions might work if their impact proves to be harsher than expected by the target at the threat stage (the target will not

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<sup>508</sup>see David Cortright, et al (1998); Galtung J. (1967b); Hufbauer G.C. et al (2007); Marks S.P. (1999); Nooruddin I. (2001)

<sup>509</sup>Drezner, D.W. (1998); Hufbauer G.C. et al (2007); Kaempfer W.H. and Lowenberg A.D. (2007); Lacy D. and Niou Emerson (2004); Smith A. (1996); United States General Accounting Office (1992)

<sup>510</sup> Davis L. and Engerman S. (2003); United States General Accounting Office (1992);

<sup>511</sup>Dashti-Gibson, J., Davis, P., and Radcliff, P. (1997); Davis L. and Engerman S. (2003); Galtung J. (1967a); Hufbauer G.C. et al (2007); Kaempfer W.H. and Lowenberg A.D. (2007).

<sup>512</sup>Drezner D.W. (2000); Hufbauer G.C. et al (2007); Lopez G.A. (2007); Pape R.A. (1997); Smith A. (1996).

<sup>513</sup>Baldwin D.A (1999); Dashti-Gibson, J., Davis, P., and Radcliff, P. (1997); Hufbauer G.C. et al (2007); Nooruddin I. (2001).

prepared to face the consequences of harsh sanctions). However, in the case of Burundi since there was no threat stage we don't certainly know the probability of the target to yield. But the imposed sanctions were the harsher one and unlike arguments of game theorists the country did not yield. On the other hand, according to domestic politics model to be successful sanctions should have differential impact up on the supporters and opponents of the sanctioned regime. Sanctions on the general public are ineffective in the sense that they impoverish the public, weaken the civil societies and opposition parties, and are also harmful for business organizations with in sanctioning state.<sup>514</sup> Here as I have discussed earlier, one factor for the survival of the Buyoya's regime was because of the nature of the sanctions that punished the people over the government. If the sanctions were designed in order to punish the regime separately from the government, there could be minimum humanitarian sufferings. As Giumelli F. and Ivan P. (2013) put it "a good deal is not defined in terms of the object bought, but rather by the price paid."<sup>515</sup> In the case of Burundi the paid price is high and unfortunately the bought object was trivial.

One way of deciding the success of sanctions is to look at improvements at the final year of the sanction. In the case of Burundi, sanctions were suspended by the pressures from the donors and on the condition of re-implementing them if the situation is not improved. Thus, it was mostly agreed that they were unsuccessful. Even if it is said that they were politically successful, they were definitely failed from humanitarian perspective. It could be argued that countries have the responsibility to protect. However, to undertake such responsibility they should not harm the people they intended to protect in the first place. African solutions to African problems should involve the real African solutions which particularly fit the situations. Countries and international institutions should consider traditional conflict resolution and justice mechanisms such as Bashingantahe. Such traditional institutions are long-lived in the society and have binding nature on the people as we can observe from Burundi.

According to Kondocho the principles of proportionality (avoiding unacceptable harm) and rule of distinction (sanctions should not punish the innocent with the guilty) should be applied while deploying sanctions. These two principles were obviously violated by the sanctions on

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<sup>514</sup> *ibid*

<sup>515</sup> Giumelli F. and Ivan P. (2013). The effectiveness of EU sanctions an analysis of Iran, Belarus, Syria and Myanmar (Burma). European policy center, EPC Issue Paper No.76

Burundi. Sanctions on Burundi also apparently approved that sanctions may not necessarily be less costly and less harmful than war. Similarly, if we judge the sanctions on Burundi by using the six-prong test forwarded by the Bossuyt report, the sanctions could only pass the first test (applied for valid reasons) and fail by the rest five criteria. Because the sanctions did not target the right parties, did not target the right items, they were not reasonably time limited, were not effective, and they were not free from the criticisms from the international community.

Therefore, sanctions on Burundi have to be questioned on the legal as well as moral grounds. The impacts caused by the sanctions on Burundi violated inter alia Article 23 of UDHR and Article 6 and 7 of ICESCR (the right to employment and work in favorable conditions), as they have increased the number of unemployed people and affect their livelihood. In relation to this, the real household income of the people dropped and as the result the general quality of their life deteriorated. This in turn the violation of article 25 of UDHR, article 11 of ICESCR, and article 27 of CRC (the right to adequate standard of living and well-being). With the deterioration of income, the right to have adequate food and standard of living which are stipulated in article 25 of UDHR, article 11 of ICESCR are compromised. Malnutrition, water related and other factors also contributed for the rise of health related problems against article 24 of CRC, article 12 of ICESCR (the right to the highest possible standard of physical and mental health). Even if the health related problems increased, the provision of medical services had deteriorated in the violation of article 25 of UDHR, article 12 of ICESCR, article 24 of CRC (the right to the provision of medical assistance and healthcare). Again the right to education is specified in various international instruments such as article 26 of UDHR, article 13 of ICESCR, article 28 of CRC, the quantity and quality of education had deteriorated. As it is discussed in previous sections, the effects of the sanctions were much stronger on the ordinary people (particularly on the vulnerable groups of the society) than the elites. This is again the violation of article 10 of ICESCR, article 6 and 27 of CRC (the right to adequate protections for vulnerable groups particularly mothers and children). Eventually, as the economic and health related problems worsened, the death rates particularly child and maternal mortality rates increased in violation of article 3 of UDHR, article 6 of ICCPR (the right to life).

According to Wondimagegn, Human Rights Laws are not superior to other International Laws (all treaties are equal), except in the case of Jus Cogens where Human Rights Law prevail over

the other. As such, states should not bar themselves from their responsibility of maintaining International Peace and Security, for the fear of violating some Human Rights. They should keep hand in hand their responsibility of maintaining International Order and promoting Human Rights.<sup>516</sup>

Sanctions on Burundi can also be morally questioned since they cause death and push vulnerable populations below subsistence levels. Additionally, from moral point of view, countries imposing sanctions have a responsibility to provide humanitarian assistance to affected vulnerable populations. In Burundi, despite some attempts, exemptions were characterized by frequent delays and bureaucracies. Sanctions on Burundi engendered illicit activities such as corruption, smuggling, contrabands which benefited the ruling elites and affected helpless innocents. So they were unethical since they paved the ways for such activities. Likewise, sanctions on Burundi apparently violated Kant's 'practical imperative' theory since they did not treat the humanity and the dignity of the people as an end. Rather it tried to bring political change through the suffering of the innocent people. It also violated the principles of consequentialist theory and its component, utilitarianism, as the bad consequences of the sanctions overwhelmingly exceeded the good ones. Particularly, they highly affected the basic freedoms of the vulnerable groups of the people.

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<sup>516</sup> Informal Interview with Wondimagegn (Dr), Assistant Professor at the Center for Human Rights, Addis Ababa University

## CHAPTER FIVE

### 5. SANCTIONS ON ZIMBABWE AND THEIR IMPACT ON HUMAN RIGHTS

As that of the cause, nature and purpose of sanctions, the sympathizers and opponents of the sanctions maintained different (contradictory) positions concerning the impacts of the sanctions. The senders are saying that they are not intended to harm the ordinary public. To verify this claim they raise that their sanctions only targeted those who are working to undermine the democracy and development of Zimbabwe. Even, the International Financial Institutions incompletely claim that the economic meltdown of Zimbabwe is the result of failed policies of ZANU-PF not the result of sanctions. On the other hand, ZANU-PF frequently asserts that the intention of the senders is to harm the people of Zimbabwe and ZANU-PF put the blame for the country's deteriorating economic performance on the sanctions. Even, it equates sanctions on Zimbabwe with a "declaration of war on a sovereign state"<sup>517</sup> which endangered the vulnerable groups and the civilians at large. The two positions are too extreme and misleading. Although, the impact of the sanctions on Zimbabwe is not adequately clear and difficult to calculate, there are virtually ample data that show the sanctions are not the only factors for the deterioration of life in the country. The poor social and economic performance is not solely attributed to sanctions. It is true that the suffering of the people precedes the imposition of the sanctions. Nevertheless, the extent of the suffering is high after the imposition of the sanctions. To deal with the deterioration of economic, social and political situation of Zimbabwe and to get a full picture of it, it is indispensable to have studied the situation of the country after the imposition of sanctions and the impact of the sanctions thereafter. Among the reasons responsible for the economic problems of Zimbabwe before the impositions of the sanctions are Economic Structural Adjustment Program (ESAP) implemented in 1990s<sup>518</sup>; poor governance, corruption and unsound economic policies<sup>519</sup>; the land reform policy which resulted in evacuation of more than 3,500 white farmers from the land and which resulted in loss of employment and income for about 300,000 farm workers and their farmers. It affected the export sector and resulted in

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<sup>517</sup>Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>518</sup>Chingono H, Hove M and Danda S.J. (2013); Grebe, J. (2010).

<sup>519</sup>International crisis group (2012b). Zimbabwe's sanctions standoff. Africa Briefing N°86 Johannesburg/Brussels, 6 February 2012

shortage of foreign currencies.<sup>520</sup> Following the imposition of sanctions the government tried to control the high rocketed inflation by cutting the prices of goods by half which resulted in shortage of products in the market.<sup>521</sup> These are some indicators that the causes of problems in Zimbabwe were not only limited to sanctions. However, in certain cases, it's difficult to separate sanctions from the problems caused by the government since they have intricate relationship. For example, in 2007 when the government tried to stabilize the economy by cutting the prices of products by half, it worsened the situations by causing the disappearance and shortage of goods from market. But this problem is not solely the failure of the government. That means, sanctions are not totally free from blames. Since, among other things, government is forced to undertake such reforms to alleviate problems which are partly resulted by the sanctions. Even if there is shortage of reliable data and there is a difficulty to identify which factor contributes to which problem, there is mounting agreement that the sanctions are one of the main factors for the hardships the country is passing through. The fact that GDP of Zimbabwe had dropped sharply in 2004 by over 30 percent from the reference point of 1998 could be demonstrative of this.<sup>522</sup> In a nutshell, in this paper my purpose is not to blame only the sanctions for the country's poor economic performance, but to show targeted sanctions too like comprehensive one has negative effect on the people. In doing so, the same cautions indicated under the sanctions on Burundi are taken.

## **5.1. The Impact of the Sanctions on the Economy of Zimbabwe**

The impact of the sanctions on the economy of Zimbabwe is unprecedented. Following the imposition of sanctions on Zimbabwe the country's GDP sharply fell; inflation went extremely high; the rate of new investments fallen; foreign reserves of the country depleted; unemployment increased; and etc. In general, the economic power of the country and its people deteriorated by any measurement. Especially, the impacts of the sanctions were worse during the first times of their implementation. Let us start by looking at the impact of the sanctions on the foreign trade of the country and then turn to the discussion of other impacts.

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<sup>520</sup> International Monetary Fund (2005); Ndakaripa M. (?).

<sup>521</sup> Ndakaripa M. (?). Sanctions or targeted restrictive measures?: The United States and European Union 'sanctions' on Zimbabwe, 2001 to 2010.

<sup>522</sup> The data is accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf> Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359 (2005).

Zimbabwe's exports are mainly dominated by agricultural products such as Tobacco and natural resources such as gold. On the other hand, Zimbabwe mainly imported commodities such as fuel, food and beverages.<sup>523</sup> At the time sanctions imposed on Zimbabwe in the early 2000s, following to South Africa, Germany, UK, USA and Japan were the main trade partners of Zimbabwe. Zimbabwe was importing and exporting a significant number of commodities from and to these countries. In 1999 before the full measures of sanctions were implemented, Zimbabwe exported 11.9% of its total exports to South Africa, 9.8% to UK, 8.1% to Germany, 7.3% to Japan and 5.9% to USA. However, after the full measures were imposed in 2003, Zimbabwe's exports to these countries declined. In this year export to UK dropped to (3.8%), USA (0.9%), and Germany (5.5%). On the other hand, Zimbabwe's export to neighboring South Africa increased to 20.6%.<sup>524</sup> In the same way, the imports to Zimbabwe from these countries (except South Africa) decreased significantly after the imposition of sanctions. In 2003 Zimbabwe's imports from UK decreased to 2.3% from 6.4 in 1999. Likewise, in the mentioned years, its imports from US decreased to 1.5% from 4.6% and imports from Germany to 2% from 5.2%. After the imposition of sanctions, Zimbabwe increased its trade relations with South Africa. For instance, in 2003 it imported around half of its total imports from South Africa.<sup>525</sup> The general trade balance (in millions of USD) in 1999 was 249, in 2000 was 293, in 2001 was 323, in 2002 is -18 and in 2003 is -108.<sup>526</sup> The balances of trade in the years preceding 2002 were positive. However, in 2002 the balance became negative. The new happening in 2002 that could bring such downward alteration is apparently the imposition of the sanctions. The amount and the value of exported commodities decreased after the imposition of sanctions on various individuals and companies. Particularly, the diamond mining companies are directly targeted by the sanctions.<sup>527</sup> This reduction of export earnings led to shortage of foreign currency. In 2003 the total gross reserves of Zimbabwe plummeted to USD131 million from USD479 million in 1999.<sup>528</sup> Shortage of foreign currency, among other things, traduced and complicated the

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<sup>523</sup>International Monetary Fund (2001). Zimbabwe: Recent economic developments, selected issues and statistical appendix. IMF country report No. 01/13. Accessed from <https://www.imf.org/external/pubs/ft/scr/2001/cr0113.pdf>

<sup>524</sup>International Monetary Fund (2005). Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

<sup>525</sup> Ibid

<sup>526</sup> Ibid

<sup>527</sup> See Ndakaripa M. (2014). United States / European Union 'Sanctions' and the Contestation for Political Space in Zimbabwe, 2000 to 2012. American International Journal of Contemporary Research Vol. 4, No. 4

<sup>528</sup>International Monetary Fund (2005). Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

importation of essential commodities, which have immediate impact on the daily life, agriculture and health of the people, such as petroleum, medicines, fertilizers, seeds and etc.<sup>529</sup> For instance, the imports of gasoline decreased from 10.3% of total imports in 1999 to 6.2% of total imports in 2003.<sup>530</sup> The challenges in importing petroleum products and other inputs such as spare parts are among the potential reasons for the closure of some factories which came up with the reduction or termination of employees from their jobs.

Shortage of foreign currency indirectly sanctioned Zimbabwe from importing commodities even from non-sanctioning countries such as China and Japan until recently. To just mention as example, in 2003 Zimbabwe managed to import 1.9% of its total imports from Japan which was 4% in 1999.<sup>531</sup> But later after Zimbabwe intensified to look east, trade relations with these countries revived. However, Zimbabwe continues preoccupied by various economic problems. Shortage of revenues from various sources also seriously hampered the government capability to invest on public infrastructures and services. According to the IMF report 2009 indicated, “with economic decline, budget revenue fell from almost USD1 billion (25% of GDP) in 2005 to US\$133 million (4% of GDP) in 2008. Expenditure shrank from about US\$1.4 billion (37% of GDP) in 2005 to US\$258 million (8% of GDP) in 2008 causing an almost complete collapse in the provision of public services.”<sup>532</sup> The sanctions imposed on the Banking sector also reduced the lending ability of the Banks for different personal, social and economic purposes which again could affect the whole economy.<sup>533</sup>

Additionally, the shortage of foreign currency was reinforced by the reduction of donor aid and decline of investments. Net donor aid has fallen from USD375 million to around USD240 million in 2004.<sup>534</sup> On the other hand, according to my interviewee Machigere, because of massive media propaganda and negative publicities on Zimbabwe, investments in the country have been depressed, some companies withdrew from the country and the larger economy has

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<sup>529</sup> See Hove M. (2012); IMF (2005)

<sup>530</sup> International Monetary Fund (2005). Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

<sup>531</sup> Ibid

<sup>532</sup> International Monetary Fund (2009). IMF Country Report No. 09/139. Accessed at <https://www.imf.org/external/pubs/ft/scr/2009/cr09139.pdf>

<sup>533</sup> Hove M. (2012). The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>534</sup> Ibid

been affected as a result.<sup>535</sup> Masaka (2012) also reinforced this idea by arguing that, as a result of sanctions, “investors willingly pulled out of the country, avoided making new investments, or were commandeered by their countries not to make new or further investments in Zimbabwe.”<sup>536</sup> According to World Bank database, foreign direct investment has fallen from USD9 million in 1999 to USD200, 000 in 2003 until later revived to USD 43.3 million in 2010.<sup>537</sup> The IMF reports also reiterate that gross investment has declined from 10 percent of GDP in 1999<sup>538</sup> to 1.1 percent of GDP in 2003.<sup>539</sup> This figure shows a significant change in gross investment compared to the decline of GDP. This gross investment is dropped extremely in absolute terms since the GDP was also falling momentarily. Decline of investments have indeed far reaching consequences. Deficiency of investments and lack of maintenance thereof led to “a significant reduction in electricity generation capacity, collapse of water supply, and major disruptions in railway services.” Due to such constraints, starting and sustaining a business is not easy and the likelihood of closing a started business is high.<sup>540</sup>

Another impact of sanctions is raising inflation to unprecedented level. According to Machigere, the rise of inflation is indeed very high (even, he doubts whether the war is capable of creating such hyperinflations) to the extent of affecting each individual in a country.<sup>541</sup> Even if the official figures show much lower rise in inflation than independent estimates, they are still higher than any other countries. According to IMF data, annual average of consumer price inflation is 58.2% in 1999, while it rose to 421% in 2003 and 500 billion percent in 2008.<sup>542</sup> With the steeped rise of inflation, the Zimbabwean dollar was lost value. In 1999, 1 USD was exchanged with 38 Zimbabwean dollar.<sup>543</sup> In 2000, the exchange rate for 1USD was set to be 55zimbabwean dollar and in 2003 the exchange rate per USD moved from 55 to 848zimbabwean

<sup>535</sup> Interview, SastonM.Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>536</sup> Masaka D. (2012). Paradoxes in the ‘Sanctions Discourse’ in Zimbabwe: A Critical Reflection. African Study Monographs, 33 (1): 49-71

<sup>537</sup> World Bank database <http://data.worldbank.org>

<sup>538</sup> International Monetary Fund (2001). Zimbabwe: Recent economic developments, selected issues and statistical appendix. IMF country report No. 01/13. Accessed from <https://www.imf.org/external/pubs/ft/scr/2001/cr0113.pdf>

<sup>539</sup> International Monetary Fund (2003). IMF country report No. 03/224. Accessed at <https://www.imf.org/external/pubs/ft/scr/2003/cr03224.pdf>

<sup>540</sup> International Monetary Fund (2009). IMF Country Report No. 09/139. Accessed at <https://www.imf.org/external/pubs/ft/scr/2009/cr09139.pdf>

<sup>541</sup> Interview, SastonM.Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>542</sup> International Monetary Fund (2001); International Monetary Fund (2003); International Monetary Fund (2009)

<sup>543</sup> International Monetary Fund (2001). Zimbabwe: Recent economic developments, selected issues and statistical appendix. IMF country report No. 01/13. Accessed from <https://www.imf.org/external/pubs/ft/scr/2001/cr0113.pdf>

dollar.<sup>544</sup> Later on, in 2008, the 1 USD was exchanged with 6 million Zimbabwean dollars on the parallel market though the official rate was 30, 000 Zimbabwean dollars.<sup>545</sup> According to Hove (2012), hyper inflation in Zimbabwe was a result of shortages of basic commodities caused by the sanctions.<sup>546</sup> As report of IMF (2005) indicates, the production of the major agricultural crops has declined while their price has risen. To show some, the production of Tobacco has declined from 199,000 tons in 1999 to 94,000 tons in 2003, the production of maize has declined from 1,544,000 tons in 1999 to 1,059,000 tons in 2003, the production of cotton has declined from 303,000 tons in 1999 to 228,000 tons in 2003, the production of wheat has declined from 286,000 tons in 1999 to 49,000 tons in 2003, the production of soybeans declined from 98,000 tons in 1999 to 41,000 in 2003, and the production of sorghum declined from 83,000 tons in 1999 to 71,000 in 2003.<sup>547</sup> Apparently, the decline of agricultural productions assisted the rise of inflations and it also reduced the export earnings of the country since Zimbabwe’s export is considerably dependent on those crops. The following table shows the subsequent price increase of these agricultural crops.

**Table 6:** Prices of Marketed Agricultural Crops (Unit values in thousands of Zimbabwe dollars per metric ton)

ITEMS	1997/98	1998/99	1999/00	2000/0 1	2001/0 2	2002/0 3	2003/0 4
Maize	1.2	2.4	4.2	5.4	15	31.9	300
Cotton	7.1	8.7	16.6	15.9	31.1	107.4	1900
Wheat	3.1	3.7	5.5	7.4	25	70	776
Tobacco: flue cured	26.6	34.8	66.2	83.8	174.7	361.3	8614
Tobacco: burley	20.3	24.8	50.7	36.9	92	205.8	4336
Soybeans	2.9	5	6.5	9.4	17	70	1000
Sorghum	2.2	1	3	3.1	5.5	28	300
Groundnuts (unshelled)	4	4	7	9.6	22	45	500
Coffee	13.8	60	80	80	80	350	1200
Sunflower seeds	1.5	2.3	6	5.6	14	40	350

Source: <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

<sup>544</sup>International Monetary Fund (2003). IMF country report No. 03/224. Accessed at <https://www.imf.org/external/pubs/ft/scr/2003/cr03224.pdf>

<sup>545</sup>Chingono H. (2010). Zimbabwe sanctions: An analysis of the “Lingo” guiding the perceptions of the sanctioners and the sanctionees. African Journal of Political Science and International Relations Vol. 4(2), pp. 066-074

<sup>546</sup>Hove M. (2012). The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>547</sup>International Monetary Fund (2005). Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

As it is clearly observed from the above table, the price of commodities sharply increased particularly following the year 2002. Indeed, the 2000 land reform policy of Zimbabwe has influence on the agricultural productions. However, the agricultural production is extremely influenced after 2002 (the year when the sanctions regime started). In relation to this, Chingono (2010) observed that another reason for the rapid rise of inflation was the money printed in a larger amount to finance the public sector in the absence or limited provision of external financing.<sup>548</sup> This hyper inflation finally led to the termination of Zimbabwean dollar from market. Since 2009, the Zimbabwean dollar completely lost value and disappeared from circulation. The country adopted a multicurrency system by using US dollar and South African rand. Most transactions are conducted in these currencies since then.<sup>549</sup> In addition to this transactions are also conducted with Chinese Yuan which is indicative of recent economic ties between the two countries. The adoption of South Africa's rand could have also been because the large trade between Zimbabwe and South Africa. After Zimbabwe started to use multicurrency system, things seem improved and inflation levels declined. The Unity Government also prepared a Short-Term Emergency Recovery Program (STERP) to minimize inflation and improve social conditions. According to IMF country report of 2015, consumer price inflation was significantly dropped to 3.7% in 2012 and it is estimated to be 1.2% at the end of this year (2016).<sup>550</sup>

Another impact that should be mentioned here is that of debt distress. Debt of the country has increased over time and debt servicing has remained difficult. Depletion of foreign reserves and hyperinflation are among the causes. According to the IMF data, the external debt of Zimbabwe was around USD 5 billion in 1999 which later rose to about USD 5.3 billion in 2003. On the other hand, debt servicing dropped from USD 621 million in 1999 to USD 441 million in 2003.<sup>551</sup> In 2008 the external debt was around USD6 billion (189% of the GDP) of which the

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<sup>548</sup>Chingono H. (2010). Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees. *African Journal of Political Science and International Relations* Vol. 4(2), pp. 066-074

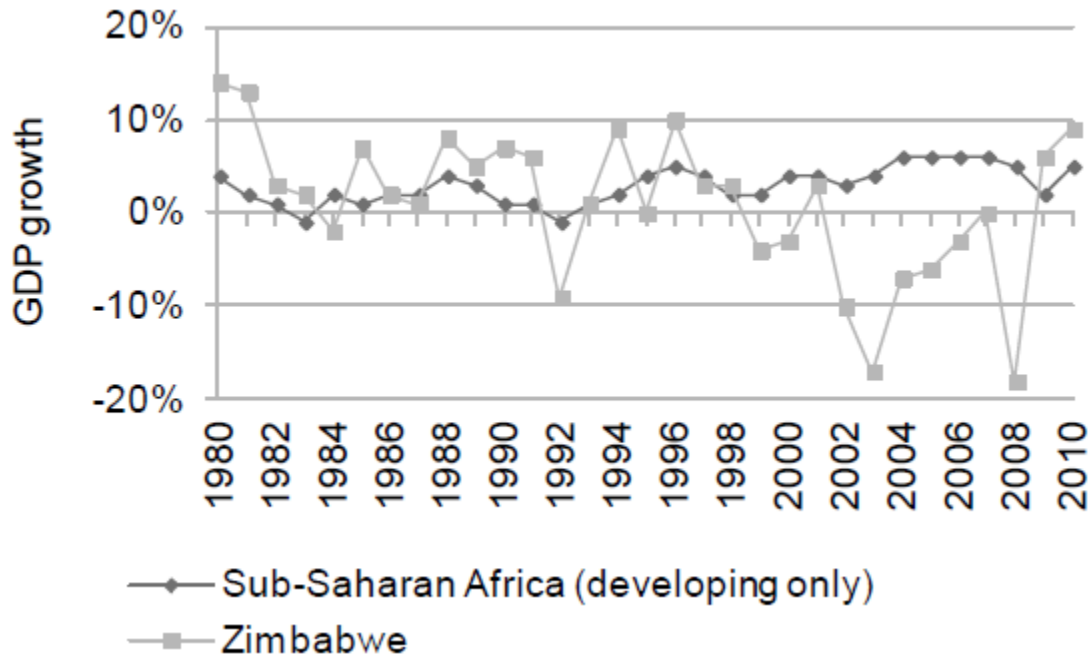
<sup>549</sup>Chingono H. (2010); International Monetary Fund (2005); Interview with Saston M. Machigere (April 22/2016).

<sup>550</sup>International Monetary Fund (2015). IMF Country Report No. 15/279. Accessed at <https://www.imf.org/external/pubs/ft/scr/2015/cr15279.pdf>

<sup>551</sup>International Monetary Fund (2003). IMF country report No. 03/224. Accessed at <https://www.imf.org/external/pubs/ft/scr/2003/cr03224.pdf>

accumulated arrears was around USD3.8 billion (120% of the GDP).<sup>552</sup> According to another data, the country's external debt reached USD8.4 billion at the end of 2014.<sup>553</sup>

**Figure 2:** Zimbabwe: GDP Growth compared to developing sub-Saharan Africa, 1980-2010



Source: Independent Commission for Aid Impact (2011).

The gross domestic production (GDP) of the country is generally affected. Nominal GDP at world price is decreased from about USD9 million in 1999 to USD6.4 billion in 2003.<sup>554</sup> In 2008 it was around USD5 billion.<sup>555</sup> With growth of population rate the GDP per capita also decreased subsequently. As it is indicated in the above data, in 2008, the GDP has fallen enormously by more than 40% from the 1999 level. According to World Bank data, GDP in 2010 is around USD9.4 billion, in 2011 (around USD11 billion), in 2012 (around USD12 billion) and in 2014 is around USD14 billion.<sup>556</sup> As it is understood from graph two, Zimbabwe's GDP was almost above the average GDP of Sub-Saharan African countries until the early 2000s. Zimbabwe's

<sup>552</sup>International Monetary Fund (2009). IMF Country Report No. 09/139. Accessed at <https://www.imf.org/external/pubs/ft/scr/2009/cr09139.pdf>

<sup>553</sup>Zimbabwe Economic Outlook accessed at <http://www.afdb.org/en/countries/southern-africa/zimbabwe/zimbabwe-economic-outlook/>

<sup>554</sup>International Monetary Fund (2003). IMF country report No. 03/224. Accessed at <https://www.imf.org/external/pubs/ft/scr/2003/cr03224.pdf>

<sup>555</sup><http://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=ZW>

<sup>556</sup>Ibid

GDP continued going on the downward track until the country managed to adjust its economy to revive again. In 2009, GDP has started to grow positively. It was around USD8 billion. In the subsequent years the GDP continues to grow numerically but the pace of the real growth rate is coming to fall. According to African Development Bank, in 2015 the GDP growth rate was estimated to be around 3.2% which was around 10% in 2012.<sup>557</sup>

Both urban and rural poverty has risen in the early 2000s. The people who are living under poverty line have almost doubled from the mid-1990s. The increasing number of street children, homeless people and the growing number of people who are dependent on food aid are some indicatives of the rising poverty.<sup>558</sup> USAID report of 2009 reveals that by early 2009 approximately 75% of the total population (which is a huge number) has relied on the World Food Program and other agencies.<sup>559</sup> Even there are reports of cases of deaths due to hunger in 2008.<sup>560</sup> The effects pointed out under this topic are some of the indicators that show the areas affected by the sanctions. They are indicative of the sanctions effects which are not limited to the targeted individuals. The impacts are not only economic in nature; they are affecting every aspects of citizens' life which are implied in the following sections.

## **5.2. The Impacts of the Sanctions on the Health Sector of Zimbabwe**

With the economic decline, the health related problems have been pouring throughout Zimbabwe. Shortage of health facilities, health professionals, pharmaceuticals, access to sanitary services, clean water, and nutritional food are among the predicaments of health sector. These all factors increased the exposure of the people to different diseases and sudden outbreaks. Responding to the increasing health problems with declining economy is indeed very challenging for the country. Particularly, at the household level, for those people who are already suffering from income loss, inflation and food shortage among other things, the increasing health problems are like entering from frying pan to fire. The impacts are obviously severe on the larger poor who are basically unaware of what's going on in the political sphere. As it is indicated above around

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<sup>557</sup>Zimbabwe Economic Outlook accessed at <http://www.afdb.org/en/countries/southern-africa/zimbabwe/zimbabwe-economic-outlook/>

<sup>558</sup>International Monetary Fund (2005).Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

<sup>559</sup>Howard-Hassmann R.E. (2010). Mugabe's Zimbabwe, 2000–2009: Massive Human Rights Violations and the Failure to Protect. Human Rights Quarterly 32 (2010) 898–920

<sup>560</sup>Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

three-fourth of the total populations are in the difficulty of fulfilling their daily consumptions let alone affording to buy a drug which its price has been hitting the roof. Although, it can't be said that the rich are totally spared from the impacts of the sanctions, they can relatively afford the increasing prices of getting health services in the country or otherwise to get treatments outside of the country. Under this section the health impacts of the sanctions on the larger public are highlighted briefly.

Following the imposition of sanctions, access to clean water and basic sanitation services has been deteriorated. The water problem gets worsened due to lack of adequate funds to build and maintain pipelines. Additionally, shortage of purification agents such as chlorine has been a problem. Due to this, the provision of safe water is worsened and people are forced to use alternative water sources that are not safe like open wells and rivers. Even in the capital Harare, due to the above reasons, the water and water related problems are dwelling for quite long period.<sup>561</sup> The percentage of the people who have access to improved sanitation facilities are also do not improved. According to World Bank database, the percentage of population with access to sanitation facilities was 39.3% in 1999. In 2003 it became 38.9%, in 2008 and 2014 it was 38.1% and 37% respectively.<sup>562</sup> With low production and quality of food, nutritional problems also increased particularly among the children. The malnutrition among the children under five years old increased from 29.4% in 1999 to 35% in 2009.<sup>563</sup> As a result, the lives of the people are endangered by various diseases particularly the outbreak of cholera epidemic in 2008 was worth mentioning. Within few months, because of inter alia failed water and sewerage system, more than 100,000 cholera cases were reported and more than 4,000 have lost their life.<sup>564</sup> Apart from this, the high prevalence of HIV/AIDS placed a great burden on the health system of the country. In 2005, almost a quarter of the population from age 15-49 (25%) are infected with HIV/AIDS and approximately up to 70% of the hospital beds were occupied by HIV patients.<sup>565</sup> Due to their high price and low availability, the HIV patients found accessing the drugs difficult.<sup>566</sup> Because

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<sup>561</sup> See also Hove M. (2012); United Nations Country Team Report (2010)

<sup>562</sup> <http://data.worldbank.org/indicator/SH.STA.ACSN?locations=ZW>

<sup>563</sup> United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

<sup>564</sup> See Hove M. (2012);Howard-Hassmann R.E. (2010); United Nations Country Team Report (2010).

<sup>565</sup> International Monetary Fund (2005).Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

<sup>566</sup> Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

of the lack of medicines and medical attention, patients (including HIV/AIDS patients) were dying.<sup>567</sup> The UNICEF report indicates that, as of the end of 2009, access to drugs and supplies has been greatly reduced with stock availability of 60% for categories under vital items and 32% for all essential drugs.<sup>568</sup> The economic crisis in Zimbabwe which is worsened by sanctions is not only resulted in shortage of drugs but also medical equipments. It led to a sharp deterioration of treatment materials, protective materials, and general medical infrastructures.<sup>569</sup>

As various data indicate, despite the worsening medical problems, the public health expenditure is not growing simultaneously. In 2010, the WHO recommends the budgetary allocation for health to be at least USD34; but Zimbabwe lagged behind by far to reach that specific number by attaining only USD12 per capita.<sup>570</sup> According to another data, the health expenditure per capita (in current USD) of Zimbabwe represents 37 in 2000, 29 in 2003, 16 in 2008, 37 in 2009 and 57 in 2014.<sup>571</sup> Even if, these data have some variations, all indicate that the health problems in 2000s in Zimbabwe have been worsening. In the current decade, although there are some improvements, the health problems are below the standard level. That's why Zimbabwe has experienced difficulties to meet the MDGs (Millennium Development Goals) regarding health. The health problems in Zimbabwe are also manifested by the increment of infant, under-five and maternal mortality rate. Life expectancy decreased as a result. It is one of the lowest in the region and in the world. Water, sanitation problems, malnutrition, HIV and home deliverance are among the reasons for death particularly for infant mortality. As the United Nations report indicates the proportion of home deliveries without skilled birth attendant stood at 69% in 2009.<sup>572</sup> Hospitals and other health service providers are also do not have enough equipment such incubators and respirators to deliver pregnant.<sup>573</sup> They have also a general challenges in providing immunization among other things.<sup>574</sup> As a result it paves the chance of the children to get infected by diseases in the future.

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<sup>567</sup> Ibid

<sup>568</sup>United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

<sup>569</sup>Interview with SastonMchigere. See also Hove M. (2012);International Monitory Fund (2005); United Nations Country Team Report (2010).

<sup>570</sup>United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

<sup>571</sup><http://data.worldbank.org/indicator/SH.XPD.PCAP?locations=ZW>

<sup>572</sup>United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

<sup>573</sup>Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>574</sup>United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

Another major problem in the health system of Zimbabwe is the severe shortage of health professionals. The percentage of physicians per population was low even before the imposition of the sanctions. However, after the sanctions inflicted on the country it gets worsened. A number of them have fled the country in search of better living which their absence affects the competence of the health sector to deliver services. By the 2005, the public health sector “has a deficit of 843 medical doctors from an established complement of 1,530, and a deficit of 4,700 nurses from an established complement of 11,640.”<sup>575</sup> After the imposition of the sanctions, various governmental and non-governmental organizations that were working to improve the health conditions of Zimbabwe had either ceased their operations or changed their seats to some other countries which among other things affected the health sector and left the employees of these organizations at risk.<sup>576</sup> The health sector problems were further exacerbated by the end of November 2008, when three of the country’s major hospitals shut down and those that remained had no staff and drugs.<sup>577</sup> In 2009/2010 the health vacancy levels stood high that exhibited the severe shortage of health professionals. In average, the vacancy level for specialized doctors, environmental health technicians, midwives, nursing tutors, pharmacists, and radiography and laboratory personnel was around 60%.<sup>578</sup> Thus, the multidimensional health effects are deteriorated following the imposition of sanctions. The intention of the sanctioning states was perhaps not to cause harm on the health of the people, but the uncontrolled effects of sanctions and the complex relations between the people, business men and leaders are resulted in such a mess to the health of the people. Thus, targeted sanctions, if they are not effectively designed and implemented or maybe if they do too, can cause such harm to the common people.

### **5.3. The Impact of the Sanctions on the Education Sector of Zimbabwe**

The education system of Zimbabwe was going on a promising track following independence until 2000s as compared to African countries. As the country entered to the new millennium, the quality and quantity of education has been reduced significantly. The government has been dealing with shortage of funds to expand schools, fulfill learning/teaching materials and paying

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<sup>575</sup>International Monetary Fund (2005).Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

<sup>576</sup>Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>577</sup> Ibid

<sup>578</sup> See Hove M. (2012); United Nations Country Team Report (2010)

for the teachers. Because of low real income and uninviting working conditions, the number of teachers who leave their job to search for a better opportunity in or out of the country increased (teacher absenteeism became common). The burden on the people is much worse. They get into difficulty, to buy school materials for their children (such as school uniforms, exercise books, reference books...), to pay for school fees and levy. Because of the economic hardships parents are not able to cover the school and other related expenses for their children. Cognizant of these, school enrolment rates decreased, school dropouts increased and the general quality of education deteriorated.<sup>579</sup> The dropout rate was around 30 percent in 2009.<sup>580</sup> Especially, in public schools the dropouts are high and they are believed to be low in quality. The private schools are relatively better in quality but they are inaccessible or unaffordable to the larger public. The rich and the elites are relatively in a better condition to send their children to the private schools or abroad to the non-sanctioning states. Moreover, the capacity of the government to control these private schools has been weakened. For instance, a number of private schools which do not have permission (license) from the government were in service in the country.<sup>581</sup>

In the late 2000s, most public schools were closed particularly in rural areas.<sup>582</sup> At the same time, the government has significantly reduced the passing mark for the primary education from 46 percent in 2003 to 20 percent in 2009.<sup>583</sup> This is one indication for the deterioration of quality of education. To improve the education sector the government has made some efforts, adopted different programs and increased the number of vocational training centers. However, the enrolment and school completion rates declined. Between 2007 and 2009 alone, universities, polytechnics and teachers' colleges registered a 7.70 percent, 6.99 percent and 21.50 percent drop in enrolment respectively (with 2006 as a base year). In the same way, completion rates declined from 82.6 percent in 1996 to 68.2 percent in 2006.<sup>584</sup> These are some impacts on the education sector. The impacts on the education sector should not be undermined since they have far reaching consequences. If the children are out of school today, then it implies that the country is losing tomorrow's potential minds to transform the country.

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<sup>579</sup> See Hove M. (2012); International Monetary Fund (2005); United Nations Country Team Report (2010)

<sup>580</sup> United Nations Country Team (2010). Country Analysis Report for Zimbabwe. Harare

<sup>581</sup> See Hove M. (2012). The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>582</sup> International Monetary Fund (2009). IMF Country Report No. 09/139. Accessed at <https://www.imf.org/external/pubs/ft/scr/2009/cr09139.pdf>

<sup>583</sup> United Nations Country Team (2010). Country Analysis Report for Zimbabwe. Harare

<sup>584</sup> Ibid

## 5.4. The Impact of the Sanctions on the Demography of Zimbabwe

The sanctions, directly or indirectly, affected the demography of Zimbabwe. As the economy of the country and its health systems deteriorated, the quality of life also declined. One expression of this deteriorating quality of life is the increment of the death rates and the fall of life expectancy rates particularly at the first stages of sanctions.

As various data indicate, in the first decade of the 21<sup>st</sup> century, the infant, under-five and maternal mortality rates of Zimbabwe worsened. As a result, the country was in vain in achieving the MDG 4 and 5. The infant mortality and under-five mortality rates rose from 53 and 77 per 1000 live births in 1994, to 67 and 94 per 1000 live births respectively in 2009.<sup>585</sup> Similarly, the maternal mortality of Zimbabwe rose significantly. Its target was to cut the maternal mortality rate as minimum as 174 per 100,000 live births. However, data indicate that Zimbabwe was very far from reducing the maternal mortality to that level. According to the 2010 MDG Status Report, maternal mortality ratio increased from 283 per 100 000 live birth in 1994, to 695 in 1999, 555 in 2005/06 and 725 in 2007.<sup>586</sup> Consequently, life expectancy at birth dropped. It was dropped averagely from 56.4 years in 1990-1995 to an estimated 37.3 years in 2005-2010 which was one of the lowest in Africa as well as the world.<sup>587</sup> The World Bank data also indicate that life expectancy is dropped to 40 in 2003 from 44 in 1998, and later improved (even if again it is low) to 47 in 2009.<sup>588</sup>

Moreover, the demography as well as the economy of Zimbabwe is affected by the massive exodus of the working force. Sanctions contributed to the deteriorating situations and its resultant brain drain. It is understandable that the outflow of the public sector workers undermined the service of the government. According to the 2002 National Population Census, Zimbabwe experienced a substantial brain drain, with 3.4 million people living outside the country.<sup>589</sup> By

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<sup>585</sup>United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

<sup>586</sup> Ibid

<sup>587</sup>Howard-Hassmann R.E. (2010). Mugabe's Zimbabwe, 2000–2009: Massive Human Rights Violations and the Failure to Protect. Human Rights Quarterly 32 (2010) 898–920

<sup>588</sup><http://data.worldbank.org/indicator/SP.DYN.LE00.IN?locations=ZW>

<sup>589</sup>International Monetary Fund (2005).Zimbabwe: Selected Issues and Statistical Appendix. IMF Country Report No. 05/359. Accessed from <https://www.imf.org/external/pubs/ft/scr/2005/cr05359.pdf>

2007 “there were an estimated 3 million refugees in South Africa (alone), with another 200,000 in Botswana and many others seeking asylum elsewhere.”<sup>590</sup>

## **5.5. The Political Impact of the Sanctions on Zimbabwe**

Sanctions also affected the political system of the country. Their impact can be seen as twofold. On the one hand, the sanctions seem benefited the oppositions by relatively weakening the ZANU-PF. The sanctioning states have been providing moral and financial support to the opposition MDC and to other private and civil society organizations deemed ‘pro-democracy’. Since MDC is not targeted by the sanctions, it is believed to be benefited from the sanctions that targeted ZANU-PF members and supporters. It is also believed that the sanctions created disharmony among members of the ZANU-PF who are targeted by the sanctions and who are not. This in turn improved the position of MDC vis a vis government. This could be a contributing factor to the MDC to secure a vote that enabled it to form a coalition government. Thus, sanctions could be a factor that contributed to the formation of a unity government and to the making of the new constitution.<sup>591</sup>

On the other hand, it is believed that sanctions could likely affect the supporters of the MDC too. Even if it is said targeted by sanctioning countries, sanctions indiscriminately affect all citizens of the country. The so called pro-democracy groups are also not barred from the economic and overall effects of the sanctions. As the positions of the main sectors of the economy are occupied by the MDC after the creation of the Unity Government, sanctions could likely affect the functions of the MDC too. This could be a reason for the MDC to shift its position on the sanctions and support that they should be lifted. On the part of ZANU-PF, there are also evidences that show the sanctions actually strengthened the anti-reform positions of the targeted individuals. Instead of making reforms towards the promotion of human and democratic rights, they are using the sanctions to their benefits as a propaganda and campaign tools.<sup>592</sup>

In relation to this, even if ZANU-PF formed an inclusive government with the MDC, there is no strong cooperation among them. Sanctions take the main part of the problem. These parties

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<sup>590</sup>Howard-Hassmann R.E. (2010). Mugabe’s Zimbabwe, 2000–2009: Massive Human Rights Violations and the Failure to Protect. *Human Rights Quarterly* 32 (2010) 898–920

<sup>591</sup> See also Masaka D. (2012); Ndakaripa M. (2014); Portela C. (2014); The International Liaison Office of the Zimbabwe Human Rights NGO Forum (2012)

<sup>592</sup> See also Hove M. (2012); Hove M. and Chingono H. (2013); International crisis group (2012b); Masaka D. (2012)

continued to blame each other on the cause, nature, purpose and on the lifting of the sanctions. For MDC it is ZANU-PF's mismanagement of the country that brought the sanctions. Thus, ZANU-PF should end the sanctions by promoting human and democratic rights. But, for ZANU-PF, it is MDC who has the responsibility to end the sanctions, because it was MDC that collaborated with the sanctioning countries to affect the people of Zimbabwe. This apparently creates mistrust between these parties and hardened the functioning of the Unity Government. Thus, although the sanctions arguably contributed to the Global Political Agreement (GPA), they also delays the full implementation the measures in GPA.<sup>593</sup>

Sanctions on Zimbabwe also believed that they contributed to the spread of illegal practices such as corruption both in the private and public sectors.<sup>594</sup> Corruptions became a part of Zimbabwe's day to day activity from the top to the low levels. The low real incomes of the public servants also gave them an incentive to engage in such practices. World Bank indicators too show that Zimbabwe is one of the countries in which corruption is high.<sup>595</sup>

Generally speaking, sanctions are less effective in changing the behavior of the ZANU-PF and its sympathizers in fulfilling the demands of the sanctions (the respect for property rights, rule of law, democracy, human rights and economic recovery). Sanctions do not result in quick political responses to these demands. No significant economic, social and political progress is made. They are maintained still because of the belief of sanctioning states that they are not brought the desired change. Even if, according to the words of the senders, the sanctions on Zimbabwe were imposed to force the regime to stop the violations of human and democratic rights, the evidences show that these violations are not halted by the sanctions instead they continued as a sign of defiance by the ZANU-PF hardliners. Individuals from media groups, women's association, religious organizations and artists are among those targeted and continuously intimidated by the regime among other things for exposing violations. The country continues to enact restrictive laws and it also ranked the lowest according to freedom indexes.<sup>596</sup> The judicial system of the

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<sup>593</sup>Hove M. and Chingono H. (2013). National Interests and the Sanctions Strategy 1959-2013. Review of History and Political Science 1(1); June 2013 pp. 01-17.

<sup>594</sup>Hove M. (2012).The Debates and Impact of Sanctions: The Zimbabwean Experience. International Journal of Business and Social Science Vol. 3 No. 5

<sup>595</sup><http://data.worldbank.org/indicator/IQ.CPA.TRAN.XQ?locations=ZW>

<sup>596</sup> See also Chingono H, Hove M and Danda S.J. (2013); Hove M. and Chingono H. (2013); International crisis group (2012b);Masaka D. (2012); Ndakaripa M. (2014); Smith-Hohn J. (2010); The International Liaison Office of the Zimbabwe Human Rights NGO Forum (2012)

country is also not functioning smoothly. The interplay of financial, human, material resources and political power contributed to accumulation of cases and long appointments.<sup>597</sup>

## **5.6. The Status of Humanitarian Assistancess in Zimbabwe**

Sanctions on Zimbabwe (even it is said targeted by the senders) had damaging long term impact on the people they intended to protect. With the imposition of sanctions, the level of aid also declined. Although, the level of aid seems constant in the first stages of the sanctions because of the decline of the GDP, in real terms they remained low.<sup>598</sup> The sanctioning countries including the international financial institutions reduced the net aid flows to Zimbabwe. They are reduced but not completely halted. The international financial institutions were also operating in providing technical assistances.<sup>599</sup> As the EU argues, the aid flows to Zimbabwe has not been affected, instead EU only altered the channel through which the aid reach the needy people. Their motive is to minimize the abuse of funds in the hands of the government by channeling the funds through non-governmental organizations.<sup>600</sup> Concerning US's ZIDERA, even if it instructs US representatives in International Financial Institutions to oppose credit and loan to Zimbabwe, it allows exemptions for basic human needs and good governance purposes.<sup>601</sup> The sanctions on Zimbabwe also have travel exemptions to participate on international meetings that can contribute for the promotion of rule of law, human and democratic rights. These travel exemptions also applied on the grounds of humanitarian needs and religious obligations.<sup>602</sup>

According to International Crisis Group (2012), because of the deteriorating economic conditions, donors forced to increase humanitarian aid. Between 2002 and 2010, USA provided USD 900 million while EU provided around USD600 million through NGOs and through a Multi-Donor Trust Fund which was launched in March 2010 to fund the urgent infrastructure programs of the Inclusive Government.<sup>603</sup> In 2009, after the creation of the Inclusive

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<sup>597</sup>United Nations Country Team (2010).Country Analysis Report for Zimbabwe. Harare

<sup>598</sup>International Monetary Fund (2009). IMF Country Report No. 09/139. Accessed at <https://www.imf.org/external/pubs/ft/scr/2009/cr09139.pdf>

<sup>599</sup>Smith-Hohn J. (2010).Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures.

<sup>600</sup>Chingono H. (2010). Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees. African Journal of Political Science and International Relations Vol. 4(2), pp. 066-074

<sup>601</sup>International crisis group (2012b).Zimbabwe's sanctions standoff. Africa Briefing N°86 Johannesburg/Brussels

<sup>602</sup>Masaka D. (2012). Paradoxes in the 'Sanctions Discourse' in Zimbabwe: A Critical Reflection. African Study Monographs, 33 (1): 49-71

<sup>603</sup>International crisis group (2012b).Zimbabwe's sanctions standoff. Africa Briefing N°86 Johannesburg/Brussels

Government, EU donated 90 Million Euros to Zimbabwe.<sup>604</sup> After the Government of National Unity created, after the sanctioning states seemingly make a shift to persuasion (engagement) and humanitarian assistances increased, the humanitarian situations seemed relatively improved.<sup>605</sup> However, according to Saston M. Machigere -Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia- the situations are improved because of the policies of the government such as Multicurrency and 'Look-East' policies.<sup>606</sup>

## **5.7. The Survival of the Government of Zimbabwe despite the Sanctions**

Sanctions on Zimbabwe have a tremendous impact on the civilians. Although, the people felt the impacts of the sanctions as well as they are unsatisfied by the performance of their government, they do not rose against their government as it was expected. They also look the sanctions as detrimental and they do not have clear picture of them. Even if, the deteriorating economic and social conditions increased the burden of the government, it does not yield to the demands of the sanctions. Following, seven factors that helped the government to survive are identified.

The first factor is the time gap between the design and the actual implementation of the sanctions' measures. ZIDERA of 2001 is actually implemented in 2003 after nearly two years time. Before it implemented EU also made the financial sanctions public for discussions. The member states of EU disagreed on the nature of the sanctions. Some wanted strong measures that resulted in quick results while others prefer to stay engaged in dialogues.<sup>607</sup> These differing positions on the sanctions delayed the implementation of the measures. Because of this, the targeted individuals buy time to withdraw their money and make necessary preparations.

The second factor is the travel exemptions included in the sanctions measures and the poor coordination in implementing those measures. The targeted individuals are free to participate on the international meetings. Some sanctioning countries also allowed them to enjoy these travel exemptions, while others not. There are also reported cases of violations of travel and financial restrictions.<sup>608</sup> These travel exemptions and some violations of travel and financial restrictions

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<sup>604</sup>Hove M. and Chingono H. (2013). National Interests and the Sanctions Strategy 1959-2013. Review of History and Political Science 1(1); June 2013 pp. 01-17

<sup>605</sup> See Masaka D. (2012); Ndakaripa M. (2014)

<sup>606</sup> Interview, Saston M. Machigere (April 22/2016). Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia

<sup>607</sup> See Grebe, J. (2010). And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe, Africa Spectrum, 45, 1, 3-29

<sup>608</sup> Ibid

gave targeted individuals an opportunity to get what they want from within sanctioning states. As a result, the targeted persons are less pressured by the sanctions effects.

The third factor is that the sanctions affect the civilians more than the targeted individuals and entities. The meltdown of the economy and social services of the country more affected the already impoverished poor than ZANU-PF and its sympathizers. The poor, unlike the elites, has no capacity to get commodities at higher price with its low real income or has no capacity to travel abroad to fulfill its economic and health needs. Among other things, because of the delay and violations of financial and travel restrictions as well as because of their healthy relations with non-sanctioning Asian and African states, ZANU-PF and its Sympathizers are not seriously affected by the sanctions. They have able to relocate the effects of the sanctions to the opponents and the larger public. Thus, they are less pressured by the sanctions.

The fourth one is that helped the government to survive is that sanctions forced the government and the people to find other illicit means of survival to get basic goods and income. High levels of commodities have been smuggled in and out of the country. These smuggling activities apparently more helped the riches and those who are related with them. They managed to sustain their wealth through these smuggling and sanctions busting activities. Although temporarily, these illicit activities could help the targets in minimizing the effects of the sanctions, in the long term they remained to be a problem for the country. Even after the suspension of the sanctions, these illicit activities will remain a challenge for the country since breaking the channel of long-lived smuggling activities is very challenging.

The fifth factor is using the sanctions as a propaganda tool could have possibly likely helped the government. Most of the time sanctions are portrayed by ZANU-PF as an imperialist tool to hart the black people of Zimbabwe. The government controlled media and the party leaders often tell the people that sanctions are intended to forcefully impose the western values on the people of Zimbabwe and they often used the sanctions as the sole justification for the country's economic meltdown. They also used it as a theme for the election campaigns. As a result, the people have no clear picture of the sanctions and there the trends of looking the sanctions as entirely economic. The people do not clearly know who the targets of the sanctions are. They consider themselves as the targets too. So, this media propaganda seems partly worked for the regime and minimized the pressure up on itself to some extent at least for the time being.

The sixth factor is the less tightening of the sanctions by removing individuals and companies from the sanctions list. Literally speaking, this could be a good thing in solving problems in Zimbabwe through more positive engagements. However, on the other hand it could be misunderstood as a reward by ZANU-PF's hardliners who are presumably maintained their former behavior. In this way the ZANU-PF could see it as a victory by reinforcing its former position that says sanctioning states should lift the sanctions since they are illegal. The ease of the sanctions on its members and supporters will also reduce the pressure on the government.

The seventh factor identified here as the factor that helped the government to withstand the sanctions is its relations with the non-sanctioning third party states. As it is known, the sanctions on Zimbabwe are unfavorably seen by a handful of states. They increased their ties with Zimbabwe to fill the gap created by the sanctions. The third parties are seemingly benefited by the sanctions since it helped them to trade with Zimbabwe with less competition from the West countries. The African States including the sub-regional organization SADC are frequently expressing their objection to the sanctions. According to them, the sanctions are detrimental to the people and a threat to the reforms. Zimbabwe also enjoyed support from Veto Powers China and Russia as well as from other Asian countries such as Iran, Malaysia, and Singapore. The trade relations with these countries and the support Zimbabwe enjoyed from such countries are very essential to Zimbabwe in withstanding the economic problems caused by the sanctions and in boosting its confidence to defy the sanctions.

The sanctions are counterproductive for sanctioning states in producing the above mentioned factors. As a result of these factors, even if they are not all-inclusive, the government of Zimbabwe managed to resist the effects of the sanctions to some extent. Since the sanctions have less impact up on the elites than the regular people, it seems that the targeted individuals would not be as much as concerned about the existence of sanctions.

## **5.8. Examination of the Sanctions on Zimbabwe**

When the sanctions are imposed on targeted individuals and companies in the early 2000s, it was not seen by many, particularly by the sanctioning countries, that the sanctions have harmful impacts on the larger public. However, shortly after its implementation the impacts of the sanctions started to be felt by the people. If it is been said the sanctions are intended to harm only

those targeted individuals and entities, then it could be ascertained that the unintended consequences of the sanctions are more severe than the intended ones.

As the effects of the sanctions are felt virtually by every citizen, it is difficult to call them targeted. The so called targeted sanctions are not targeted as it is been said. It is implausible how such arguably targeted sanctions could result in such crisis. Targeted sanctions are preferred by the nations particularly after the end of the cold war believing that they are less harmful and effective as they punish the guilty without or with minimum effect on the innocents. However, if it is said targeted, the sanctions on Zimbabwe proved otherwise as they have had detrimental effects on the whole people. They do not punish the transgressors without affecting the ordinary people; instead they indiscriminately punish all. From this it could be understood that it is often difficult to maintain the smartness of the smart sanctions as it needs adequate information on the real perpetrators of the situation, wonderful espionage, researches on the ways to avoid unintended consequences, genuine relations with non-sanctioning states and etc. The targeted entities and individuals also make necessary preparations such as withdrawing their money, transferring their money to someone else, registering their assets with someone else's name, changing their business directions to non-sanctioning states, and engaging in smuggling activities to maintain their fortune to minimize the effects of the sanctions.

Sanctions on Zimbabwe again proved that sanctions are not always succeed when implemented on weak states. Likewise, if the government believed that the intention of the senders is to bring regime change, like the case of Zimbabwe, then it will not yield to the demands of the sanctions. Additionally, there is no credible information to say that sanctions on Zimbabwe are implemented for valid reasons and they targeted the right persons or goods. The sanctions on Zimbabwe are also not reasonably limited by time. It is been more than a decade since sanctions are imposed on Zimbabwe. In these years, no positive significant change could be attributed to the sanctions without disputes.

Human rights groups often mentioned Zimbabwe in their list of countries that intrude up on the human rights of its people. To respond to such breaches of human rights some countries resorted to the use of sanctions against those individuals who are believed responsible for the breaches. However, the government of Zimbabwe accused the sanctioning states for interfering in the internal affairs of Zimbabwe through sanctions. It saw the sanctions as a breach of its

sovereignty. Yet, the recent developments tell us the world community has the responsibility to protect if the government of that country has failed to do so. The issues of human rights are universal and they are not only the internal matters of the country. I.e. the sovereignty and humanitarian interventions are not mutually exclusive. Thus, the countries that commit violations should know it is been difficult to oppose the humanitarian interventions in the name of defending the principle of sovereignty. Nevertheless, the sanctions on Zimbabwe ended up by affecting the ordinary people that they intended to protect. If the sanctions were imposed to promote human rights (to increase international reputation as defenders of human rights), then why it only targeted Zimbabwe is another part of the problem. This leads us to the claim of ZANU-PF that the sanctions are not intended to help the ordinary people; instead they are intended to punish the government with its people for re-distributing the land for the majority of black population. Thus, if any one expects a positive way out from the mess in Zimbabwe, first the sanctioning States, ZANU-PF and other representatives of the people should agree on the actual causes, nature and purposes of the sanctions. Expecting the fulfillment of the demands of the sanctions with the lack of consensus on the demands of the sanctions by itself is ridiculous. From this, it is been understood that lack of agreement between the senders and receivers on the demands of the sanctions is among the reasons that undermines the success of the sanctions in a reasonable timetable. Additionally, as the targeted sanctions listed out individuals or entities as wrongdoers, the targets may think that yielding to the demands of the sanctions is like testifying on themselves. For this reason, they may not agree with the demands of the sanctions even if they are beaten hard. The case of Zimbabwe is also consistent with the arguments of the Game Theorists that if the threats of the sanctions failed; then it will have less chance of success. Even if we do not know the end result, from the evolution of the sanctions to this date we can say that their chance of success is low. Moreover, success is not only determined by what is gained at the end, but also the prices paid to achieve that result. As domestic politics model too concurs sanctions should not harm both the supporters and the opponents of the regime indiscriminately.

The sanctions on Zimbabwe apparently violated major principles of legal and moral rights. Morally speaking, sanctions brought more harm than good to the people of Zimbabwe. The harm done is greater than the prevented damage. They also punished the innocents who are not responsible for the violations. Thus, they are morally wrong.

According to Wondimagegn<sup>609</sup>, in some circumstances even war can be chosen by the sovereign states. Thus, it is difficult to say sanctions (which are relatively less costly and harmful than war) are completely unnecessary. The best thing is to timely redress their consequences and evaluate their effects so that to take necessary measures to minimize their impact. However, according to Wondimagegn, sanctions which are intended to bring civilian pain in order to pressurize the target government are illegal as well as unethical. That is one of the reasons that currently sanctioners preferred targeted sanctions (the issue of individual responsibility over collective responsibility), though the targeted elites (government) could easily shift the burden from themselves to the people.

As it is illustrated in the several economic, health and other impacts that are discussed in the previous sections, the sanctions caused or worsened the general quality of the life of the people. Particularly, after the imposition of the sanctions, the things which are necessary to the wellbeing of the people are either disappeared or declined. The closure of companies increased the number of unemployed people, the real income of the people reduced, the price of food stuffs and other commodities increased, the provision and quality of water deteriorated, the malnutrition rate increased, the supplies of imported commodities such as pharmaceuticals affected and etc. According to various human rights instruments such as Article 54 of the Geneva Convention of 1949, starvation of civilians is prohibited; things indispensable to the survival of the civilian population such as foodstuffs and water should not be targeted for whatsoever reason. Article 69 of this same convention also reinforced this idea of the prohibition of any action that impedes the fulfillment of objects essential to the survival of the civilian population. Article 11 of ICESCR and 25 of UDHR also acknowledge the right to the continuous improvement of living conditions, adequate food, clothing and housing, the right to security in the event of unemployment and other lack of livelihood in circumstances beyond his control. Article 23 of UDHR and article 6 and 7 of ICESCR again ensures the right to work and the right to have fair wage. These rights include the right to have safe and healthy working conditions and to have decent life for workers and their family.

The immunization activities are hampered and infant and maternal mortality rates also increased in Zimbabwe. But according to Article 6 of ICCPR and Article 3 of the UDHR, every human

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being has the inherent right to life and these rights should not be arbitrarily deprived of anybody whatever the motive is. Additionally, according to article 10 of ICESCR and article 25 of UDHR, mothers and children should be entitled to social protection and they need special attention. CRC (6): 1 and 2 read as “1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.” Article 24 and 27 of CRC also ensures the rights of the child to the enjoyment of the highest attainable standard of health and living conditions adequate for the child’s physical, mental, spiritual, moral and social development. These articles oblige states to diminish infant and child mortality, ensure appropriate pre-natal and post-natal health care for mothers, combat disease and malnutrition through the provision of adequate nutritious foods and clean drinking-water and parents should be informed and supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents. Article 12 of ICESCR too recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health which includes improvement of all aspects of environmental and industrial hygiene.

The quantity and quality of education system are also affected by the sanctions against article 26 of UDHR, article 13 of ICESCR and article 28 of CRC. These articles guarantee that the right of everyone to education (especially primary education should be compulsory and freely available to all).

In a nut shell, the ‘targeted sanctions’ on Zimbabwe are not precisely targeted on the persons on the sanctions list. Their effects go beyond those targeted persons and affected the day to day activities of virtually the whole population. Therefore, they have been punishing the innocent people they are intended to protect in the first place. As a result, immediate action should be taken to modify or lift the sanctions at all or to engage through other means that are less harmful and more productive for the sake of the general public.

## **CONCLUSION AND RECOMMENDATION**

### **Conclusion**

The comprehensive sanctions against Burundi were targeted on the whole population and they brought severe consequences on the people. Since they are comprehensive, they are not flexible enough. Unlike the comprehensive sanctions on Burundi, the sanctions on Zimbabwe are modified at different times. Even if it is arguable, some improvements are recorded overtimes. Yet, the country is still struggling with the effects of the sanctions which were particularly harsher at their earlier times. Even if they are flexible and targeted than economic sanctions on Burundi, they do not bar the regular people from injury. It is been difficult to precisely target those individuals who are responsible for the violations. As a result, the effects of the sanctions have been affecting the general populace even if they are not a total trade embargo as that of economic sanctions. Those targeted individuals are owners of large companies, business men and officials. Disrupting the businesses of such individuals could mean disrupting the employees of the companies, increasing the number of unemployed people, reducing the exports of the country, reducing the foreign earnings, discouraging the flow of new investments to the country and on the other hand it could mean forcing the closure of the existing ones, encouraging illicit trade activities, encouraging money laundering, and hence inflation. Thus, keeping the innocents from the effects of these sanctions is difficult since they are dependent on those individuals in one way or another. Moreover, the Suspension and reduction of credits and development assistances have an immediate impact on the ordinary people than on the elites. If the targeted elites are not affected or otherwise if they are benefited from the sanctions they may not concede. Therefore, sanctions whether targeted or not have negative effects on the population particularly on the ordinary people.

Even if policy makers argue that sanctions can reduce the human rights violations by the target government through weakening its coercive capacity, the cases of Burundi and Zimbabwe indicate that sanctions do not necessarily weaken the coercive capacity of the target government and in fact, as it is in both cases, sanctions may miss their target and worsen the human rights violations of citizens.

Some may argue that sanctions are preferable since they are less harmful, costly and risky than war. One of the risks of war is that it could increase the number of refugees to neighboring countries and to countries that wage war. As a result, countries more likely pick sanctions from their choice list as a safer alternate to war. However, cases of Zimbabwe and Burundi proved that (particularly when they are assessed from the human rights perspective) sanctions are (whether comprehensive or targeted) damaging, harmful, costly and risky as war. Thus, there is a need to resort to less harmful and more productive measures. The saddest fact is sanctions often ended by affecting the innocent and leaving the guilty unaffected. Even worse, they benefited the guilty by opening different opportunities to them. Thus, in this globalized era the targeted regimes have a number of options to evade the effects of the sanctions.

As stipulated in this paper, the sanctions are responsible for worsening the already bad situations in Burundi and Zimbabwe. Although, the crisis in both countries is not only the results of sanctions, Burundi and Zimbabwe could serve as a good example in showing that sanctions could also result in crisis as that of war. Even if the sanctions are used for political consumptions to cover the failures of the government, it is also assumed that the sanctions are at the same time responsible for retarded progress of these countries. It can be safely generalized that the economic, social and political problems of Burundi and Zimbabwe are attributed to both failure of their respective governments to do their job properly and the undesirable consequences of sanctions.

The sanctions on Burundi and Zimbabwe do not result in quick concessions from the governments. Thus, it can be said that sanctions on these countries failed two times. One, they are not resulted in concessions from the government. Two, they do not protect the people from the damaging effects of the sanctions. If the objectives of the sanctions were to destabilize these countries and put psychological pressure on their government, it might be successful to this extent. But, it failed to democratize these nations and also ended up with failure in isolating the general populace from sufferings. Thus, it could be said that based on ethical principle of utility sanctions on both Burundi and Zimbabwe are unacceptable since they brought more misery than happiness for the larger populace. The case of Burundi failed from both the perspectives of ‘the means justifies the end’ and ‘the end justifies the means’. However, for the case of Zimbabwe, we have only evidence on the means and the means are disappointing. Both the sanctions

regimes are also apparently violated other legal human rights principles. Previous works such as Grebe, J. (2010) indicated that sanctions are ineffective and they failed to achieve political objectives. This paper goes further and concludes that, though measuring the success of the political objectives of the sanctions is not the primary concern of this paper, sanctions are also failed from the perspective of human security. The saddest fact is that they are not only failed to achieve political objectives but also deteriorated the basic rights and livelihoods of the people they are intended to help in the first place.

Although, the future of the sanctions on Zimbabwe is uncertain (may be the sanctioning states maintain them until the political objectives are fully achieved or lift them because of its negative consequences that they bear on the general public), the sanctions should not have to bring more harm than benefits. Sanctioning states, while sanctioning, should consider the effects of the sanctions in order to redress them in time. Most importantly, while using sanctions senders should maintain the balance between the maintenance of the international peace and security and the protection of human rights.

## **Recommendation**

The efforts of the world countries to respond to security threats should be encouraged. However, their efforts are not always successful in minimizing sufferings. Particularly, sanctions are becoming the frequently used but failed foreign policy tools. Under this section, some ways to make sanctions more effective and options to the sanctions are recommended.

As both countries (Burundi and Zimbabwe) were struggling with the remains of the colonial period, the sanctioning states should have considered other positive ways of impacting the country. Thus, diplomatically solving the problem could be an option. Engaging more to help the building of democracy and democratic institutions is harmless option than suspending the development assistances and stopping or minimizing the contacts between countries. If the donors think the governments of the sanctioned countries are using the assistances and loans from the IFIs or from other donors to oppress their people then channeling the aid through local or international NGOs could be an option than withholding the money intended to help the helpless citizens. Rather than sanctioning the regime in the name of promoting human and democratic rights, it is advantageous to build people's awareness on human rights and

democracy through different civil societies. This could make the people tasked in promoting as well as protecting their human and democratic rights. If the use of sanctions is must, the use of threats should precede the actual imposition of the sanctions. Even if the threats may fail, the senders can morally justify their action (actual imposition) that comes after they consider every other possible option. It is also better if the sanctions are authorized by the UN to avoid the problem of legitimacy and if the sanctions should gain multilateral support. Moreover, the problem of inconsistencies in responding to crisis should be avoided as much as possible. Senders should avoid double standards in order to be credible. It is encouraged for senders to apply people centered human security approach even if it may harm their short term and middle term interests. Doing so will pay them finally (in the long term).

Before the actual implementation of sanctions every other options (other than military) should be exhaustively used, assessments and researches should be made about the nature of the target government, the likelihood of the sanctions to result in the desired behavior or policy change and about the possible negative consequences on the ordinary people and the means to avoid such unnecessary consequences, sanctions should be applied for valid reasons, the objectives of the sanctions should be clearly portrayed (in the objectives there should be the conditions to lift the sanctions) and there should be clear understanding of objectives both by the sender and the target, should be proportionate (the measures (sanctions) should not be excessive), should discriminate between the innocent and guilty, its effects should be assessed overtime and adjustments should be made if necessary to avoid or minimize its negative effects and maximize its success, humanitarian assistances should be provided for those affected by the effects of the sanctions and should be terminated if the likelihood of its success is low or if their objectives are achieved. Doing assessments before the imposition of the sanctions is helpful in reducing the dilemmas whether to lift them or maintain them after the measures are failed.

Since satisfying the above conditions is a very difficult task, avoiding using sanctions is another option.

In the case of Zimbabwe, Sanctioning Countries should send a clear picture of the sanctions to the people in order to reduce (avoid) the portrayal of the sanctions as entirely comprehensive not to dilute the objective of the sanctions. In democratic countries (if the target is democratic)

because of the availability of various independent media communicating the objectives of the sanctions to the public and influencing the target government is easier.

Accusations of each other (senders, target and independent bodies) would not be the solution for the problems surrounding sanctions. They should come to practical solutions through discussing in round tables and design a solution pertinent to a particular situation. The Zimbabwean government should make genuine positive (steps) concessions for the sake of its people. The senders also should end the sanctions since the sanctions are counterproductive.

The senders may prefer to maintain the sanctions not to likely lose their bargaining positions in the future. However, if the sanctions are causing harm rather than bringing merits then they should be lifted. It is meaningless to maintain the sanctions for not to be mentioned as losers after knowing that they are not producing good results. The senders might be caught between two dilemmas: On the one hand, there is a fear that may be the violations (of democracies and human rights) go unpunished or felt that way. Or give confidence for other violators if they are lifted without tangible results. The other dilemma is maintaining sanctions could aggravate the humanitarian conditions. Middle ground solutions are needed here. The safest option for the senders is may be to gradually lift the sanctions based on the improvements in Zimbabwe. This option may reduce the likelihood of depicting the senders as losers and to show that the intention of the senders is to promote reforms and is not to punish the people of Zimbabwe. It could also have a symbolic purpose in showing that good deeds are always rewarded. Thus, senders should acknowledge any positive steps taken by the Zimbabwean government in order to give an incentive for the government to concede more.

Similarly, if the sanctions have no influence on the elites in ZANU-PF and if they continue to be blamed for the worse situations in the country; then maintaining them would be worthless. If the sanctioning states believed that it's the failures of the government policies that are causing hardship in Zimbabwe (rather than the sanctions) lifting the sanctions would be a good strategy to show the people of Zimbabwe that what have been advocated by the government against the sanctions are baseless. Therefore, lifting the sanctions is a good solution in the both sides (if they are causing hardships as it's argued by the ZANU-PF and if they are not responsible for worsening the crisis as it is argued by the sanctioning states).

The differences of understanding on the cause, nature, purpose and impact of sanctions may be one of the reasons that prolonged the sanctions period. Thus, there should be a consensus on the causes, purposes and impacts of the sanctions between the Zimbabwean government, the senders and the MDC. There should be constructive dialogue between the senders and the Zimbabwean government as well as between the ZANU PF and MDC for the benefit of the people who are affected by the effects of the sanctions. It helps to clarify the issues that led to sanctions and on the way forward to come to terms of agreements.

SADC also should play a leading role in solving the Zimbabwe's problems by engaging all concerned bodies together. SADC should unequivocally show its commitment in bringing the real democracy and the real solution which accepted by all. Its members should stand with the people of Zimbabwe. They should strengthen their positive role in building peace in Zimbabwe. They should be bold enough to say enough is enough to the suffering of the people and blame those who are responsible for the situation. They should work with the grassroots associations in Zimbabwe, with the ZANU PF officials, with MDC and the international community to improve the situations in Zimbabwe and to the better future of Zimbabwe. But the main responsibility to the problems of Zimbabwe should be borne by the people of Zimbabwe, the representatives of the people, different civil associations and political parties of the country.

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## APPENDICES

### Appendix 1

#### Tables

**Table 1: Human Rights which may be violated by Sanctions**

<b>Human Rights</b>	<b>Relevant United Nations Instruments</b>
Right to life	UDHR(3), ICCPR(6)
Right to liberty and security of person	UDHR(3); ICCPR(9)
Right to freedom of opinion and expression	UDHR(19); ICCPR(19); CRC(13)
Right to adequate food, and to be free from hunger	UDHR(25); ICESCR(11)
Right to the highest possible standard of physical and mental health	CRC(24); ICESCR(12)
Right to the provision of medical assistance and healthcare	UDHR(25); ICESCR(12); CRC(24)
Right to adequate clothing and housing	UDHR(25); ICESCR(11)
Right to adequate environmental conditions	ICESCR(12)
Right to a standard of living adequate for health and well-being	UDHR(25); ICESCR(11), CRC(27)
Right to education	UDHR(26); ICESCR(13); CRC(28)
Right to work, and to just and favorable conditions of work	UDHR(23); ICESCR(6,7)
Right to social security	UDHR(22); ICESCR(9); CRC(26)
Right to participate in government	UDHR(21); ICCPR(25)
Adequate protections for mothers and children	ICESCR (10); CRC (6 and 27)

Source: Garfield R. (1999). The impact of economic sanctions on health and wellbeing. Relief and Rehabilitation Network (RRN) paper.

**Table 2: Ethnic Disparities in Public Senior Civil Service Posts in 1987**

Positions	Ethnicity		
	Hutu	Tutsi	Twa
Office of the President	1	98	0
Central Committee of Single Party (UPRONA)	2	50	0
Administration of Single Party	3	52	0
Ministers	5	13	0
Ministerial Cabinet Directors	1	17	0
Ministry Permanent Secretaries	0	40	0
Province Governors	2	13	0
Ambassadors	1	21	0
Embassy Diplomats	0	88	0
Army Barrack Commanders	0	20	0
Army High Ranking Officers	2	398	0
Army Sergeant and Privates	30	11,970	0
State-owned Company Directors	5	252	0
Hospital Directors	1	19	0
University Lecturers	10	80	0
Secondary School Directors and Inspectors	6	89	0
Prosecutors	0	66	0
Magistrates	5	92	0
High Court Presidents	1	7	0
Judiciary Police Officers and Inspectors	0	400	0

Source: Ntibazonkiza, R. (1993) in Nkurunziza J.D and Ngaruko, F (2005).

## **Appendix 2**

### **Interview Questions**

#### **A. Interview questions prepared for Officials working at Embassy of Zimbabwe**

1. What has been the relationship between Zimbabwe and Sanctioning Countries before and after the deployment of sanctions?
2. What do you think are the purposes of the sanctions on Zimbabwe?
3. From your point of view, what is the nature of the sanctions on Zimbabwe?
4. What are the humanitarian impacts of these sanctions on health, economy, socio-demographic situations and governance?
5. What opportunities or challenges do these sanctions have? How Zimbabwe is dealing with these effects and endured with sanctions?
6. How do you assess the success, impact and legality of the sanctions on Zimbabwe?

#### **B. Interview questions prepared for Officials working at Embassy of Burundi**

1. How do you assess the successes of the Sanctions on Burundi (1996-1999)? Do those sanctions improve the existing situations or exacerbate the existing problems? Could we say that they are completely ended up with failure or instead lead to some policy concessions during the sanctions period or in the later years?
2. How do you assess their human rights impact on the people of Burundi?
3. Do you believe that high costs on the target will result in policy concessions?
4. What do you think about their monitoring mechanisms and the status of the humanitarian exemptions?
5. What other more humane measures could be suggested instead of sanctions?

### **C. Interview questions prepared for Officials working at African Union**

1. How do you assess the legality of sanctions in general and regional sanctions in particular? In relation to this how do you look at Sanctions on Zimbabwe and Burundi?
2. How do you assess the impact of the sanctions on the people of Burundi and Zimbabwe? What was and is the role of AU in peace processes in Burundi and Zimbabwe?
3. Could the Regional Sanctions on Burundi (1996-1999) be seen as an attempt to deal with the African Problems by Africans themselves? Could we say that, in this globalized era, Africans can solve problems emerging in the continent (such as security, human and democratic rights) by themselves?
4. Are there any other African Centered solutions that can be alternative to sanctions?
5. How the AU is dealing with the Human and Democratic Rights issues? What are the challenges facing the continent (may be in terms of finance, capacity, experts, and uniformity of members' belief) in dealing with problems in Africa particularly in relation with Human and Democratic rights?

### **D. Interview questions prepared for Academicians**

1. How do you assess the legality of Sanctions?
2. Could it be argued that Sanctions are more effective and more humane ways of improving the human rights records of the countries? Or rather they are blunt instruments of foreign policy that can harm the same people they are intended to help?
3. Do you suggest the replacement of sanctions with other instruments of foreign policy or improving the existing sanctions in order to be more effective and more humane? How do you think can we make sanctions more effective and more humane?
4. What are, in your opinion, the factors that can undermine the credibility and effectiveness of sanctions?
5. Could we call the instances of sanctions that could result in policy concessions but through adverse humanitarian consequences, successful?

## **Appendix 3**

### **List of Interviewees**

1. Anonymous official at the African Union, Department of Political Affairs. Date: May 9, 2016, 10:05-11:20 AM
2. Ndabarushimana, D, Ambassador of the Republic of Burundi to Ethiopia, Djibouti, Chad, and South Sudan as well as Permanent Representative to the African Union Commission and to the UNECA. Date April 8, 2016, 3:30-5:00 PM
3. SastonM.Machigere, Minister-Counselor at Embassy of the Republic of Zimbabwe in Ethiopia. Date April 22, 2016, 2:00-3:30 PM
4. Wondimagegn, Assistant Professor, Center for Human Rights, Addis Ababa University. Date April 27, 2016, 2:20-3:00 PM

### **Declaration**

I declare that this thesis is my original work and has not been presented for a degree in any other university, and that all sources of materials used for the thesis have been duly acknowledged.

BonsaDuressa \_\_\_\_\_

Signature Date

### **Advisor's Approval**

This thesis has been submitted for examination with my approval as a university advisor.

Solomon Mebrei (Dr.) \_\_\_\_\_

Advisor Signature Date