

***Sanctioning Zimbabwe: Comparing the European Union  
and Canadian Approaches***

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## Sanctioning Zimbabwe: Comparing the Canadian and EU Approaches

For nearly ten years, Western members of the international community have applied sanctions against Zimbabwe. Developed in response to the country's political crisis, these have sanctioned the government and regime members, and affected the Zimbabwean population. This paper examines the sanctions decisions of two actors in this process – the European Union (EU) and Canada. The EU in 2002 was the first entity to impose legally binding “restrictive measures”<sup>1</sup> against individual members of the Zimbabwean regime, while Canada did so only in 2008. What factors contributed to an initially different Canadian approach and what led Canada, in 2008, to ultimately converge with the EU's 2002 policy position? Table 1 summarizes the sanctions by both actors.

This paper argues that both the EU and Canada shared an international commitment to the norms of democratic governance and human rights. These norms were institutionalized into their foreign policies, albeit in differing priority, and implemented through different mechanisms. Both sanctioned Zimbabwe on these grounds. The role of a single lead actor was crucial to both EU and Canadian decision-making. British activism contributed to an early EU decision, while in Canada the role of the executive was key – first in delaying the imposition of binding sanctions, later in their adoption.

Theories of agenda-setting, decision-making and policy instrument choice, and foreign policy-making were reviewed, including EU- and Canadian-specific material. Following this introduction theories of policy instrument choice and decision-making are discussed. The next section discusses the EU's decision-making. Article 301 of the *Treaty on European Union (TEU)* delegates to Brussels the member-states' authority to impose sanctions against non-EU countries. Sanctions are now largely decided and implemented through EU legislation (de Vries and Hazelzet 2005: pp. 95-99). The EU and Canada can be compared, as they are both the authorized sanctioning entity.

Using the EU's decisions as a base, the factors that led Canada to apply “policy measures” in 2002 and to impose “special economic measures” in 2008 are compared and discussed. Semi-structured interviews were conducted in mid-2009 on a “not for attribution” basis due to the issue's currency. These interviews helped to confirm (or not) the factors used in decision-making, to identify policy preferences, and possible differences between units within government. Resource constraints prohibited gathering Zimbabwean perspectives about the sanctions decision-making.

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<sup>1</sup> The term “sanctions” describes the full range of legal and non-binding sanctions imposed, and “restrictive measures” is used for the legally binding measures implemented by the EU's Council. “Appropriate measures” is used to discuss the suspension of EU aid. Both Canada and the EU also use the phrase “targeted sanctions” to refer to the binding measures imposed against individuals.

**Table 1: Summary of Canadian vs. European Union Sanctions**

| Canada  | European Union  |
|---|---|
| <p><b>2002 Policy Measures:</b><sup>2</sup></p> <p>a) terminate GOZ participation in peacekeeper training;</p> <p>b) confirmation of “withdraw[al] of all funding from the [GOZ]” including aid and export credits<sup>3</sup></p> <p>c) “members of the present government will not be welcome in Canada”</p> <p>d) ban on arms exports.</p> | <p><b>2002 Restrictive Measures</b><sup>4</sup></p> <p>a) arms embargo</p> <p>b) ban on equipment that “might be used for internal repression”</p> <p>c) travel ban for listed individuals “who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law...”</p> <p>d) Asset freeze for listed individuals.</p> |
|   | <p><b>Extension of Sanctions</b></p>  |
|   | <p><b>2002</b><sup>5</sup>: Twice amended, increasing number of individuals under targeted sanctions to 72 and then 79.</p>   |
|   | <p><b>2003</b><sup>6</sup>:</p> <p>a) one year extension of aid suspension</p> <p>b) one year extension of restrictive measures.</p>  |
|   | <p><b>2004</b><sup>7</sup>:</p> <p>a) one year extension of aid suspension</p> <p>b) one year extension of restrictive measures; list expanded to 95 individuals.</p>   |
|   | <p><b>2005</b><sup>8</sup>:</p> <p>a) one year extension of restrictive measures; list expanded to 120 individuals and then to 126 “to incorporate those responsible for the current human rights violations known under the name ‘Operation <i>Murambatsvinda</i>’</p> <p>b) one year extension of aid suspension.</p>   |
|   | <p><b>2006</b><sup>9</sup>:</p> <p>a) one year extension of restrictive measures</p> <p>b) one year extension of aid suspension.</p>  |

<sup>2</sup> Canada 2002

<sup>3</sup> House of Commons 2005: pp.27-28

<sup>4</sup> Council 2002a

<sup>5</sup> Council 2002c, 2002d

<sup>6</sup> Council 2003b, 2003a; EC 2003

<sup>7</sup> Council 2004b, 2004a

<sup>8</sup> Council 2005a, 2005b, 2005c and 2005d;

<sup>9</sup> Council 2006a, 2006b

**Table 1: Summary of Canadian vs. EU Sanctions**

|   |   |
|---|---|
|   | <p><b>2007<sup>10</sup>:</b></p> <p>a) one year extension of restrictive measures; list extended to 131 individuals following “recent brutality by the GOZ against opposition supporters, and the specific role of the police in these events...”</p> <p>b) one year extension of aid suspension.</p> |
| <p><b>2008: Special Economic Measures<sup>11</sup></b></p> <p>a) ban on arms export and transport</p> <p>b) assets freeze of “listed Zimbabwean persons and entities” totalling 177 individuals and 4 companies</p> <p>c) aviation ban.</p> | <p><b>2008<sup>12</sup>:</b></p> <p>a) one year extension of restrictive measures;</p> <p>b) one year extension of aid suspension.</p>  |
|   | <p><b>2009<sup>13</sup>:</b></p> <p>a) one year extension of aid suspension</p> <p>b) one year extension of restrictive measures; list extended to 203 individuals and 40 targeted entities named.</p>  |

<sup>10</sup> Council 2007a, 2007b, 2007c and 2007d

<sup>11</sup> Canada 2008

<sup>12</sup> Council 2008a, 2008b

<sup>13</sup> Council 2009b, 2009a

### ***Background: the Zimbabwean crisis***

The 1980 *Lancaster House Agreement* concluded the political negotiations for Zimbabwean independence. Land redistribution was not fully addressed in the *Agreement*: until 1990 a “willing- buyer, willing-seller” basis was required (Commonwealth Secretariat 2002: p.10), with general external commitments to finance “... land, agricultural and economic development programmes” (*ibid*: p.6). Zimbabwe’s leader, Robert Mugabe became an important African statesman, working internationally to fight against South African apartheid (Henshaw 2007: p.3 citing Canada 1990). In the mid-1980s he strengthened his power by the brutal integration of the main opposition group into his ruling party (Clapham 1996: p.204). Western pressure for improved Zimbabwean governance was “virtually non-existent” (Clapham 1996: p.204).

However, as Zimbabwe’s growth slowed and debt increased, Western pressure for economic reform intensified (Brown 1999: p.78). Zimbabwe’s *Economic Structural Adjustment Programme* (ESAP) was introduced in 1991, marking a significant change, both in policy and in relations with the international aid donors (*ibid*). “While [aiming] ...to create employment, competitiveness and budget stability, it turned out quite the opposite: it increased poverty, inequality and domestic instability” (Eriksson 2007: p.9). Tensions between the donors and the Government of Zimbabwe (GOZ) grew (Brown 1999). Facing these domestic political and economic pressures, the GOZ’s 1996 electoral support declined (Brett 2008: p.354).

Changes in international development thinking, and the end of the Cold War, led official donor agencies to consider “democratic governments as the best facilitators of development” (Marquette 2003: p.7). By the mid-1990s “[g]ood governance” which includes “...open and accountable government; and respect for the rule of law and human rights” (*ibid*: pp.39-40 citing Robinson 1993: p.90) was institutionalized via political conditionalities into both official development assistance (ODA) (*ibid*: p.38) and political relations with developing countries (e.g. *Cotonou Agreement*; *Harare Declaration*). ODA funds financed democratisation and human rights promotion, leading to “new expectations for conduct... and corrective action” when violations occurred (ICISS 2001: p.6).

The Movement for Democratic Change (MDC) led political opposition to the ZANU-PF regime, protesting economic conditions and corruption (Lindgren 2003). Commercial farm occupations by ‘war veterans’ began in 1998; donors and the GOZ again failed to agree on land reform and compensation (Commonwealth Secretariat 2002: p.11). Constitutional reform proposals (both land and executive powers) were defeated in the 2000 national referendum. Commercial farms were seized without compensation, and responsibility for compensation assigned to Britain (Holland 2008: p.138), attracting international media attention.

MDC won 57 of 120 seats in contested 2000 parliamentary elections (ICG 2002: p.4). Continuing illegal farm invasions, rising political violence and intimidation demonstrated

the extensive decline in the rule of law (ICG 2002). The 2002-2006 period was one “...of managing political disorder and economic breakdown,” with millions leaving the country (Brett 2008: pp.354-355). Following the ‘stolen’ 2008 elections pressure for a negotiated settlement increased (ICG 2008) and in September 2008 a Global Political Agreement for power-sharing was signed (ICG 2009).

### ***Selecting the Appropriate Policy Instrument***

Choosing *how* to respond is a critical challenge for policy-makers. Policy instruments are the “techniques available to governments to accomplish their policy objectives” (Howlett 1991: p.2). The choice of instruments “...is circumscribed by existing social, political and economic circumstances which may constrain or facilitate the use of particular instruments” (*ibid*: p.4). Hall and Taylor (1996) also discuss the impact of institutions on decision-makers’ choice, for institutional rules and mechanisms may also constrain, facilitate or create preferences for specific policy options. Both the EU and Canada chose sanctions as the appropriate policy instrument, although the timing and content of their decisions were influenced by different political and institutional circumstances.

The understanding of the policy problem also shapes the available policy options (Rist 1998: p.150). Both actors understood the crisis as one of declining rule of law and democratic governance (Canada 2002; Council 2002a). This narrowed the land ownership issue into an argument based on sustaining the rule of law (i.e. respect for existing property rights) (Majone 1989). Their understanding also assigned responsibility for the problem to Zimbabwe (Stone 1989: p.289).

There are several different types of sanctions. These include diplomatic, “... which exclude [Zimbabwe] from engaging in normal diplomatic relations” (CCPFD 1998: p.28); ‘targeted’ sanctions, “... which target political leaders to provide maximum political effectiveness and minimum costs for the population...” (e.g. travel bans and asset freezes) (Herring 2005: p.316); and, aid suspension (Baldwin 1985: p.41 Table 2 note). For developing countries, diplomatic sanctions not only deny access, “...but the ability to make real deals involving real resources” (Clapham 1996: p.22). When relations with a developing country deteriorate, suspending aid is “the most common type of financial sanction...” (Hufbauer *et al* 2007: p.96).

Effectiveness concerns may lead to selecting both “carrots and sticks”, i.e. a sanctions packages combining both incentives and coercion (George and Simons 1994: p.16; Vedung 1998). This ‘bargaining model’ of sanctions is “...designed to encourage political compromise and...a process of dialogue and negotiation” (Cortright and Lopez 2000: p.28). The traditional ‘punishment’ model focuses on “retribution and isolation” (*ibid*: p.27). Sanctions may be also imposed for symbolic purposes, i.e. “...when sanctions are

meant as a signal of disapproval or as a gesture of support for international norms...” (*ibid*: p.16) or for domestic utility, “...helping to increase domestic support and to blunt criticism within the sanctioning state itself...” (Nossal 1994: p.155).

Howlett argues that the attributes of policy instruments vary by the level of coercion involved, the level of political risk, the degree of targeting, and resource implications (Howlett 1991: p.7 citing Linders and Peters 1989: p.47). This analytical framework is particularly appropriate to sanctions as policy instruments, for the degree of coercion involved varies by type (e.g. diplomatic sanctions vs. trade embargoes) as does the political risk.

Policy-makers need to consider not only the general success rate of a policy instrument (or mix), but also the likelihood of success in a specific situation. This varies according to the relationship between the sanctioning and target states (CCFPD 1998: p.16); the sanctioning state's motivation (George and Simons 1994: p.15); and, the seriousness of the policy change demanded (Baldwin 1985: p.191). Sanctions may demand regime change, whether through “...explicit targeting of a particular foreign leader [or] ...structural changes that imply new leadership, most notably the embrace of democracy.....[that] [f]rom the standpoint of target governments ....looks much the same as a campaign to drive the sitting president from power” (Hufbauer *et al* 2007: pp.67-68).

An analysis of policy instrument choices is crucial to achieving foreign policy objectives. Both EU and Canadian decision-makers have several different elements to consider: their understanding of the Zimbabwean crisis; their relationship with Zimbabwe (i.e. scale, scope); the likely effectiveness of a sanctions package comprised of a mixture of different types of sanctions; and, political and institutional constraints, both international and domestic. These choices are inputs into the policy process: ultimately decisions are needed.

### ***Decision-Making***

Several authors (Halperin 1974; Ingram and Fiederlein 1988; Hill 2003) discuss the role of domestic actors in foreign policy-making. A key actor is the Head of Government (or State), who ultimately decides between domestic and international interests (Halperin 1974: p.63). Foreign policy is an area “...where the expectations of Head of Government involvement, from inside and outside, are high” (Hill 2003: p.56; Barston 1997: p.5).

The ‘bureaucratic politics’ decision-making model highlights the role of domestic actors engaged in foreign policy issues, notably the differences which can arise as “...different features of [an] event...the rules of evidence, the choice of concepts and the very way that the questions are formed” are debated across units and actors (Smith 1989: p.112). Although developed to analyse state decision-making, the model is also useful in a case

study such as this, where a range of EU actors are involved in decision-making on *specific measures against a single target state: Zimbabwe*.

The 1991 *TEU* delegated to the EU the authority to impose sanctions against a third country. However this is qualified by the requirement to make a "...Community decision...subject to a preliminary decision in the [Common Foreign and Security Policy (CFSP)] framework", based on the EU's "inter-governmental method" (Keukelaire and McNaughton 2008: pp.104-105). Thus, decision-making approaches which consider issues of coordination, bargaining and commitment mechanisms are also important in analyzing EU decision-making.

Likewise, these issues of coordination and commitment mechanisms feature in Canadian decision-making. For a middle power like Canada, membership in international organizations creates a "utility" in being 'on-side' with the group's leaders (Nossal 1994: pp.18-19). Nossal argues that this dimension of organizational membership, and its implications for the sanctions policies of middle powers, has been neglected in the general sanctions literature (*ibid*: p.18). His argument suggests that membership in international organisations, and coordination and commitment with the decisions of the same, would be important factors in the Canadian decisions.

This section has discussed several considerations regarding sanctions as a policy instrument, for instrument options and selection are key elements of decision-making. However, foreign policy decision-making also includes other elements, including lead actors and international norms. This paper will now discuss the EU's decision-making on Zimbabwean sanctions.

### ***The EU Sanctions Zimbabwe***

The EU was the first entity to impose binding sanctions. The 1991 *TEU* included a new Common Foreign and Security dimension, reflecting institutional objectives of furthering European integration (Keukeleire and McNaughton 2008: pp. 44-48) but grounded in an inter-governmental method of decision-making (*ibid*: pp.48-50). Human rights are "...traditionally at the top of CFSP priorities" (*ibid*: p.165) and Smith argues that "...the EU has increasingly made 'benefits' - aid, trade concessions, political dialogue - conditional on the recipient protecting human rights and democratic principles..." (Smith 2006: p.156).

As one of the world's largest ODA donors (OECD/DAC 2007), aid is an important EU foreign policy instrument. Human rights and democratic governance are now institutionalized into the EU's ODA system. Governing much of European ODA to the Africa, Caribbean and Pacific countries, the *Cotonou Agreement* (2000) is the result of lengthy efforts to closely link European aid to human rights and democratic principles (Arts 2005a: pp.88-89). These are agreed as 'essential elements' at "...the core of



*Cotonou's* [political] dialogue", supported by "...a strict application of the rule of law" (Holland 2002: p.181). This institutionalised commitment in both *Cotonou* and the CFSP brought the issue of how to respond to the crisis into the EU decision-making process (Halperin 1974: pp.101-102).

The failure of 'political dialogue' between the EU and the GOZ triggered 'appropriate measures'<sup>14</sup> including the suspension of budgetary aid (EC 2002c; Commonwealth Secretariat 2004: p.198). These funds "...[will be] reoriented in direct support of the population, in particular the social sectors, democratisation, respect for human rights and the rule of law" (Council 2002a). Although the European Commission (EC) argues that they have not imposed "sanctions", only taken 'appropriate measures' (Interview 'R'), suspending aid is a financial sanction (Hufbauer *et al* 2007: p.96).

The same day, the Council imposed "restrictive measures", referring to the failed *Article 96* consultations. Citing the GOZ's engagement in "...serious violations of human rights and the freedom of opinion, of association and of peaceful assembly", the Council imposed "...for as long as these violations occur" restrictive measures "...against the GOZ and those who bear a wide responsibility for violations" (Council 2002a). Adopted as a Common Position, "the Member States are required to comply with and uphold such positions..." (EU: undated 'B').

In 2004, the EU outlined how these measures might lead to change. "The objective...is to encourage the persons targeted to reject policies that lead to the suppression of human rights, of the freedom of expression and of good governance" (Council 2004a). In early 2009, the basis for imposing these measures evolved to include "...the continued blocking of the implementation of the [global] political agreement signed on September 12<sup>th</sup>, 2008..." (Council 2009a).

The EU's rules require that the Commission or a member-state formally propose a foreign policy issue for decision (EU: undated 'A'). Under *Cotonou*, the interviews did not clarify whether it was the Commission or one (or more) member-states that requested *Article 8* political consultations/dialogue. For the Council, its decision-making rules based on the inter-governmental method and the use of 'constructive abstentions' promotes "decision-making by unanimity" (Keukelaire and McNaughton 2008: pp.105-108). Both the EC and member-states have the right of initiative, "...[with] most proposals coming from one or more member-states and voiced through the Presidency..." (*ibid*). In this case, the proposals came from member-states, with the UK being the most active (Interviews 'R' and 'L'; Holland 2008: p.121). As one Canadian observed, "the UK is the only Western state for whom the Zimbabwean issue is both a

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<sup>14</sup> Under *Article 96* of *Cotonou*

domestic and foreign policy issue” (Interview ‘I’), and thus their interests far exceed that of other Western actors.<sup>15</sup>

Other member-states may engage in human rights diplomacy (Müllerson 1997: pp.111-112) or believe sanctions are important (Interview ‘R’) and therefore support a Council decision. Overall, “[t]his was an easy issue for the Europeans to agree upon and to show some support to Britain” (Interview ‘P’). No other member-state appeared to have interests which would have led to a veto. As Nossal argues, for middle powers, there is a utility for them, inside international organisations, to be “on-side” with the preferences of the group’s leaders (Nossal 1994: p. 19). This dynamic may also have been at play inside the Council, facilitated by decision-making rules that encourage unanimity.

As the Commission had already supported ‘appropriate measures’ under *Cotonou*, it did not block the similar measure proposed by Council and therefore risk its isolation (Interview ‘R’; Halperin 1974: p.27). This would be against its interests, which include coordinating with Council on EU development and foreign policy.

The coordination *amongst* EU institutions in imposing these sanctions is striking. The documents studied reveal both coordinated *timing* and *cross-referencing*. The Council’s decisions refer to the continuing imposition of ‘appropriate measures’ under *Cotonou* due to violation of those elements (Council 2002a; EC 2002c). This coordination advanced the EU’s institutional interests by strengthening the internal, horizontal consistency of policy towards Zimbabwe (Keukelaire and McNaughton 2008: p. 121).

EU press communiqués refer to the sanctions package while carefully delineating the different institutional mandates and responsibilities (EC: undated). Each EU organisation drew upon its own evidentiary and decision-making rules (Majone 1989; Smith 1989: p.112). In so doing, each benefited from ‘deniability’ as to the scope of the whole sanctioning package. By coordinating to overcome institutional autonomies, the EU increased the coercive effect of their sanctions against Zimbabwe. By including ODA flows in the package, the EU withdrew significant funding (current and future) from the GOZ, and, by its redirection, increased support to non-governmental actors.

### ***Canada Responds***

Canada’s middle power status creates a strong desire for a rules-based international system and for Canada the “...cornerstone multilateral instrument [is] the UN system” (Knight 2005: p.102), although the Commonwealth has also been an important instrument (*ibid*: p.103). Canada’s ODA programme helped build relationships with developing countries, particularly Commonwealth members (Noël *et al* 2004: p.31).

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<sup>15</sup> For example, Zimbabwean asylum seekers increased dramatically in 2001 (UK Home Office 2008: p.29 Table 2.1). In 2008, an estimated 10-12,000 British Nationals resided in Zimbabwe (UK FCO 2008).

Canada's performance in acting on human rights abuses is mixed, particularly against countries that are not Canadian ODA recipients (Barrett 2006), for Canada is rarely a sufficiently important player to make a unilateral difference (Keenleyside 1989: p.339). In the human rights area, Canada has exhibited a policy preference for a coordinated, multilateral response.

In 2002, Canada hosted the G8 Summit, where the G8 responded to the New Partnership for African Development (NEPAD). This African initiative included improved African governance and peace and security as key elements (Rioux 2006: p.226). NEPAD strongly advocated African ownership and leadership of the [African] development agenda (African Union 2001). NEPAD, and the emergence of the African Union, were institutional commitments to improving African governance, and provided a "broad outline for the promotion of human rights" and "the protection of democracy" (Murithi 2005: p.272). From 2001 onwards, Canada "...invested a lot of political capital" in NEPAD (Rioux 2006: p.227). Africa's priority in Canadian foreign policy increased, and influenced the Canadian approach to sanctioning Zimbabwe.

In March 2002, Prime Minister Chrétien responded to the Zimbabwean crisis with a series of policy "measures" addressing the official relationship between the Governments of Canada and Zimbabwe (Table 1). No measures were targeted to named individuals. The objective was to "...exert pressure on the Zimbabwean government to respect their own undertakings (e.g. *Harare Declaration*, the African Union [Constitutive Act])" (Interview 'K').

Canada's statement deliberately avoided the term "sanctions". There were concerns whether Canada could legally impose sanctions (Interviews 'D' and 'I'). In the absence of a Security Council decision, sanctions under Canada's *United Nations Act* were not an option (Canada 1985) and it was unclear whether Canada's *Special Economic Measures Act (SEMA)* applied (Canada 1992) (Interviews 'B' and 'D'). In particular this related to targeted sanctions against named individuals (*ibid*; Interview 'G').

Imposing policy-based "measures" limits the traditional 'bluntness' of binding sanctions, given the different policy enforcement mechanisms and the greater range of possible responses. Sanctions under either *Act* are limited by their scope (Interview 'G') and are legally binding on the Canadian government and Canadians. However, policy-based measures are government decisions that can be amended (or withdrawn) quickly. This flexibility offers both rational and functional advantages in light of the second reason for avoiding the term "sanctions". As interviewees noted, sanctions "...fundamentally change the relationship" and "...take you out of the [diplomatic] game..." (Interviews 'C'; 'P' and 'L').

In 2002, Canada was balancing two further diplomatic concerns: the Zimbabwean dynamic within the Commonwealth and the dynamic of Canada's G8 leadership. Canada had invested considerable diplomatic effort in developing a Commonwealth

commitment to human rights and democratic governance (DFAIT 2009b). The *Harare Declaration* of 1991 “codified the fundamental political values of the association” which included democracy, human rights and the rule of law (Commonwealth Secretariat 1991). Canada catalysed the development of the Commonwealth Ministerial Action Group, the institutional mechanism to monitor and address violations of the *Harare Declaration* (DFAIT 2009b). Zimbabwe was the first non-military government to be suspended by the Commonwealth for *Declaration* violations; Zimbabwe formally withdrew in late 2003 (Bourne 2005: p.54).

Canada was also leading the G8 response to the NEPAD initiative. For many, Zimbabwe became a ‘test case’ of the African commitment to “find African solutions to African [governance] problems” (Sidiropoulos 2004: p. 80). Canada wanted a “successful [G8] Summit and NEPAD...was part of that [success]...” and worked to ensure that the Zimbabwean issue did not derail the Summit (Interview ‘D’). A strong Canadian position publicly sanctioning individuals in the Zimbabwean regime would have undermined Canada’s diplomatic G8 efforts, by being a ‘vote of non-confidence’ in the NEPAD approach.

Canada’s 2002 sanctioning differed from that of the EU in three key ways: a more flexible ‘measures’ approach, not legally binding sanctions; a focus on the official relationship rather than targeting individual regime members; and, explicit references to Commonwealth and African mechanisms to address the crisis (Canada 2002).

From 2002 through 2005/06, Canada’s decisions continued to be heavily influenced by Canadian political support for NEPAD’s African-led approach. Continuing G8 engagement in NEPAD allowed Canada to press African leaders for a stronger African response (House of Commons 2005: p.27). Although the EU was renewing and extending its sanctions, Canada imposed no further sanctioning measures, addressing the issue through “conventional diplomacy” alone (Cohen 1987: p.21; Interviews ‘D’, ‘K’ and ‘P’; House of Commons 2005: pp.27-30). This approach rationally respected Canadian political and diplomatic investments, and G8 commitments. It also reflected a perceived institutional constraint regarding Canadian authority to unilaterally impose sanctions.

As Pratt (1989: p.170) notes, the bureaucracy is an extremely influential actor in defining Canadian foreign policy, reaffirming the importance of foreign policy officials discussed more generally by Halperin (1974), Smith (1989) and Hill (2003). Given Zimbabwe’s status as an ODA recipient, the Canadian International Development Agency (CIDA) was involved although its role in decision-making became limited following the decision to suspend Canadian aid projects with the GOZ. CIDA’s concerns included sustaining CIDA’s programming operations supporting Zimbabwean civil society and the delivery of humanitarian assistance (Interviews ‘H’ and ‘J’; House of Commons 2005: p.30).

Two other official actors play key roles in defining and managing Canadian foreign policy: the Department of Foreign Affairs and International Trade (DFAIT) and the Privy Council Office (PCO). Much of this section has already focused on DFAIT's core diplomatic activity supporting the Prime Minister's G8 engagement and the resulting priority focus on Africa. In Ottawa, however, DFAIT also worked closely with PCO officials who directly advise the Prime Minister and his Office on key foreign affairs issues (Noble 2008: p.42). The PCO's role has increased as diplomatic summitry at the Head of Government/State level has become more important (Barston 1997: p.5), requiring Canadian Prime Ministers to increasingly engage in foreign policy issues (Noble 2008: pp.40-42).

Other domestic actors also influence decision-making and in this case there are three main possibilities: Parliament, Canadian NGOs and the business community. Neither documentation nor interviews cited the involvement of the private sector. Canadian NGOs have a long-standing relationship with Southern Africa (Interview 'N'). As the Zimbabwean crisis deepened these NGOs formed the *Zimbabwe Reference Group*, which advocated for a supportive Canadian response. They never called for sanctions but rather for a constructive and engaged Canadian role (e.g. additional aid, a Special Envoy) (Interviews 'N', 'J' and 'P'; House of Commons 2005).

Parliamentary attention was intermittent, peaking after media coverage of key events in the political crisis that helped to "...bring the crisis into our [homes]" and contributed to parliamentary pressure for government action (Interview 'L'). Hearings in 2005 provided an additional platform for the *Zimbabwe Reference Group* to advance its agenda. These hearings helped to inform (i.e. through the discovery of new information), and persuade Parliamentarians (i.e. by helping to justify a possible decision) to call for further measures (Majone 1989: pp.29-31). Parliament was the first and only actor to call for Canada to "...consider freezing the personal assets and reinforcing the travel restriction[s] on Mr. Mugabe and others responsible for the most serious human rights abuses" (House of Commons 2005: p.21).

### ***Towards Binding Sanctions***

By 2007 several of the factors sustaining Canada's different approach had weakened. Zimbabwe's 2003 Commonwealth withdrawal closed this channel of engagement. NEPAD's vision of African leadership and solutions had been tarnished, in the eyes of Westerners observers, by the demonstrated African reluctance to act firmly against the Zimbabwean regime (Sidiropoulos 2004: p.80).

Institutionally, several key bureaucratic actors (DFAIT, CIDA and National Defence) underwent significant reorganisations (Cooper and Rowland 2005: pp.14-17). New officials and new organisational strategies created opportunities for re-examining

decisions, and also altered the personal and official interests which factor into decision-making (Halperin 1974: pp.84-95).

The 2006 election of a Conservative minority government shifted foreign policy priorities. Prime Minister Harper spoke of the "...restoration of an assertive foreign policy that serves Canadian values and interests" (Noble 2008: p.45). Their 2008 election platform promised a more assertive foreign policy and...that Canadian ODA meets the "objectives of respect for human rights and good governance" (Conservative Party of Canada 2008). Foreign policy priority shifted from Africa to the Americas region (Noble 2008: p.49 citing *The Record* 9/6/2007).

Canada's stated sanctions policy remained oriented towards a multilateral approach (DFAIT 2009c) and Canada continues to implement UNSC sanctions<sup>16</sup>. However, the Conservatives have questioned Canada's prior unwillingness to impose unilateral sanctions, authorizing their use against Belarus (2006) and Myanmar (Burma)(2007) under the *SEMA* (DFAIT 2009c).

With these institutional constraints, so influential in 2002, diminishing, and a new executive reinforcing the respect for, and promotion of, human rights, Canada was now better positioned to impose binding sanctions. In Zimbabwe, the on-going exodus of Zimbabweans to neighbouring countries, the politicisation of humanitarian assistance, the failed 2008 elections and continuing post-election violence (ICG 2008) reinforced Canadian determination to act (Interviews 'B', 'H' and 'L'). In June 2008, the G8 Foreign Ministers stated "...they would not accept the legitimacy of any government that does not reflect the will of the Zimbabwean people" (G8 2008a). G8 Leaders then stated: "We will take further steps, *inter alia* introducing financial and other measures against those individuals responsible for the violence" (G8 2008b).

Days after the G8 statement, a draft UNSC resolution on sanctions failed, closing off the UN sanctions route for the foreseeable future (United Nations 2008). As Nossal (1994) foresaw, Canada's participation in international organizations was an important decision-making influence. Canada's stated, preferred policy instrument, UN-led sanctions, was not a viable option in the Zimbabwean case. With the G8 calling for tougher sanctions, unilateral Canadian sanctions was the only policy option available. Unilateral sanctions allowed the Canadian government to demonstrate their commitment to acting on the 2008 G8 decisions (Nossal 1994).

On June 29<sup>th</sup>, 2008, Canada's Minister of Foreign Affairs "condemned" the GOZ's manipulation of the recent elections and announced that "Canada will immediately put in place measures designed to seriously restrict its relationship" with the GOZ. These

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<sup>16</sup> Including targeted sanctions against individuals. This helped to expand Canadian procedures for sanctions management, identified as a concern by officials regarding the 2002 decision-making (Interviews 'H' and 'K').

included travel restrictions against GOZ members and their families...and an aviation ban (DFAIT 2008b). On September 5<sup>th</sup>, 2008, the Minister announced that:

Canada has put in place targeted sanctions against those in leadership positions in Zimbabwe. [They] send a clear message that we abhor the current Zimbabwe regime's perversions of a legitimate democratic process and the continuing human rights violations. These sanctions target those in power and will not affect the Zimbabwean people. We will continue to provide humanitarian assistance and support civil society (DFAIT 2008a).

These sanctions were authorized under the *SEMA (Zimbabwe) Regulations* (Canada 2008). The 2008 G8 statement appears to be the "...decision, resolution or recommendation of an international organization...or association of states, of which Canada is a member, that calls on its members to take measures against a foreign state...", enabling Canada to use the *SEMA* (Canada 1992). The Regulatory Impact Assessment states that Canada:

...impose[s] targeted economic sanctions...in response to the gravity of the crisis in Zimbabwe; in order to send a strong message that ZANU-PF cannot act in this undemocratic manner with impunity and to encourage Robert Mugabe and ZANU-PF to negotiate with the opposition to reach a resolution to the crisis reflecting the will of the electorate. As such, Canada joins like-minded states in implementing measures holding the [GOZ] accountable for its actions... (Canada 2008: Schedule)

These legally-binding measures announced matched those originally implemented by the EU in 2002. Canadian policy decisions and instruments to sanction Zimbabwe had in 2008 converged on the early EU position.

### ***Concluding Analysis***

This paper has compared the decision-making of the EU in sanctioning Zimbabwe – the first entity to impose legally-binding targeted sanctions against both the regime and its members – and Canada, who did so in 2008. In both cases, a key lead actor – the UK, in the case of the EU, and the executive in the case of Canada – played a determining role in the decision.

Beginning with the Zimbabwean crisis, this paper highlighted the gradual institutionalisation of the norms of democratic governance and human rights in the aid and political dialogue with Zimbabwe. Earlier diplomatic efforts, by both the EU and Canada helped to institutionalise these norms. Both entities referred to these institutional developments in their sanctions decisions.

This institutionalisation was critical, for helping both the EU and Canada to define the crisis as a policy problem and for turning these concepts from vague principles to

“...standards of behaviour defined in terms of rights and obligations...” (Krasner 1982: p.3). This institutionalization also “...legitimate[d] the claims of domestic opposition groups against norm-violating governments” (Risse and Sikkink 1999: p.5) and provided justification for responding to these demands.

Institutionalisation therefore encouraged a decision to go beyond ‘conventional diplomacy’ to find compliance oriented, and in this case, coercive, policy instruments. As Arts (2005b: p.162) argues, the institutionalisation through *Cotonou* “...strengthen[ed] the legal certainty...” that the norms will be applied, monitored and enforced. A similar argument applies to the Commonwealth’s *Harare Declaration*. Failure to respond may “...further weaken those norms and may embolden other would-be transgressors” (Cortright and Lopez 2000: p.17). The documentation review, and the interviews conducted, revealed that the primary motivation in both the EU and Canadian decision-making was one of punishing the violations of international commitments made by the GOZ.

In responding, European and Canadian decision-makers both selected sanctions as the appropriate policy instrument. The literature discusses the many uses of sanctions: as a coercive instrument to deter, punish, purchase policy change, and reinforce international regimes, or as a symbolic gesture. Table 1 summarised the types of sanctions selected by the EU and Canada.

Whereas a mixture of “carrots and sticks” may encourage sanctions compliance (George and Simons 1994: p.16; CCFPD 1998: p.20), this paper’s analysis reveals that neither the EU nor Canada offered any incentives (“carrots”) to the GOZ, only negative sanctions. Their decisions curtailed diplomatic relations, halted key ODA financing to the GOZ and limited access to arms, although Canada’s 2002 efforts were policy-based measures rather than legal sanctions. The EU in 2002, and Canada in 2008, also imposed negative targeted sanctions on individuals.

Both entities redirected their ODA towards non-governmental Zimbabwean actors, providing a clear incentive to continue their work (e.g. strengthening monitoring of government abuses). The EU and Canada applied the “sticks” exclusively against the GOZ, and offered the “carrots” exclusively to the regime’s opponents. This packaging, *among Zimbabwean actors*, underscores the EU’s and Canada’s motivation of compliance with democratic governance and human rights norms, but also, *de facto*, demonstrates a policy preference for regime change (Hufbauer *et al* 2007: pp.67-68).

The EU’s stated objectives for its targeted sanctions are more modest: “...to encourage the persons targeted to reject policies that lead to the suppression of human rights, of the freedom of expression and of good governance” (Council 2004a). In 2008, Canada stated that its targeted sanctions “...send a strong message that ZANU-PF cannot act in this undemocratic manner with impunity and...encourage[s] Robert Mugabe and ZANU-PF to negotiate with the opposition to reach a resolution ...reflecting the will of the



electorate” (Canada 2008: Schedule). Imposing these sanctions reflects a model of retribution for Zimbabwe’s violations of the accepted norms of democratic governance.

### **Analysing the Role of Lead Actors**

These decisions by the EU and Canada both depended on the intervention by one lead actor. The interviews and literature confirmed the UK’s critical role in the 2002 sanctioning decision. Their interests, disproportionate to other European (and Western) actors, led the UK to seek to apply the enforcement mechanisms within the *Cotonou Agreement* and the *TEU*. The functional advantages of the sanctioning were institutional: sanctions reinforced *Cotonou’s* ‘essential elements’ as a commitment mechanism and helped to strengthen the EU as a foreign policy actor. The lead actor therefore drew upon the institutionalised norms, and perhaps these institutional advantages offered, to persuade the Council to act. Sanctions were sustained, year over year, by the decision-making procedures of the EU which made a veto difficult. Continuing abuses in Zimbabwe itself demonstrated on-going norms violations and non-compliance with the EU’s decisions.

In Canada, the executive was the clear lead actor in determining policy towards sanctioning Zimbabwe. The initial Canadian approach in 2002 reflected its G8 leadership and the NEPAD file. Canada’s ‘policy measures’ prioritised this, and therefore, the overall Canada-Africa relationship, over the matching of the EU’s sanctioning decisions. This Prime Ministerial leadership, and set of preferences, influenced decision-making through 2006/07, albeit with diminishing effect. The election of a new Conservative government in late 2006 resulted in policy change. New foreign policy priorities helped to strengthen the argument of acting against Zimbabwe’s norms violations (i.e. more assertive policy, greater attention to human rights and governance issues).

As Nossal (1994) argued, Canada’s membership in international organizations created a ‘utility’ to acting upon the G8’s 2008 statements calling for further Zimbabwe sanctions. The Prime Minister’s policy preferences for assertiveness, following-up on international Summit commitments, and privileging Canada’s relationships with the Americas, in 2008 combined to impose binding sanctions, including against individual regime members. Canadian sanctions policy is now being influenced by international organisations beyond the UNSC, leading to the enactment of unilateral sanctions outside of the UN process.

This case study confirmed the importance of a key actor in decision-making and the significance both actors attached, despite their different characteristics, to enforcing democratic governance norms that they had institutionalized their commitment. As the sanctions are on-going, it is too early to assess their effectiveness. It is hoped that this paper contributes to a greater understanding of their imposition.

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