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Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan on her visit to Zimbabwe

Comments by the State*

* The present document is being issued without formal editing.



The Republic of Zimbabwe

Response to the report by the Special Rapporteur on the negative impact of unilateral measures on the enjoyment of human rights, Ms Alena Douhan, on her visit to Zimbabwe between 18 & 28 October, 2021

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List of Abbreviations

BEAM	Basic Education Assistance Module
CSO	Civil society Organisation
NGO	Non-Governmental Organisation
ZUPCO	Zimbabwe United Passenger Company
WB	World Bank
IMF	International Monetary Fund

I. Introduction

1. The Republic of Zimbabwe expresses profound gratitude to the Special Rapporteur, Ms Alena Douhan, for her visit at the invitation of the Government, from 18 to 28 October 2021. The Mission availed, to the Special Rapporteur, an opportunity to independently and empirically assess the negative impact of the illegal unilateral coercive measures on the economy as well on the enjoyment of human rights by the people of Zimbabwe. The invitation was a clear demonstration of Zimbabwe's openness and commitment to work and cooperate with the UN human rights mechanisms, including the Special Procedures of the Human Rights Council.

2. The findings of the Special Rapporteur affirm the demand by the Republic of Zimbabwe for the unconditional lifting of the illegal sanctions imposed on Zimbabwe and evidently reveals the untold and unjustifiable suffering that has been visited on the ordinary citizens. The Republic of Zimbabwe also extends gratitude to the people of Zimbabwe and all stakeholders for their objectivity and sense of positive dialogue and the frank manner in which they engaged the Special Rapporteur throughout her visit. The visit was characterised by an atmosphere of transparency, independence and openness, without any interference from any quarter.

3. Unfortunately, and as observed by the Mission, Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) regrettably excluded themselves from participating in this fact-finding mission on the basis of conditions attached to their funding, which they feared to lose if they participated in this fact-finding exercise by the Special Rapporteur. Such testimony vindicates the Republic of Zimbabwe's constant averments that most foreign funded NGOs and CSOs shroud their sinister political agendas under the guise of civil causes, while actually engaged in subversive activities, inevitably aiding in destabilising the country.

4. The Government of Zimbabwe submits its response focused on the issues raised by the Special Rapporteur in her report, in which she interrogates the negative impact on the enjoyment of human rights due to the imposition of illegal sanctions on Zimbabwe. The response focuses on the country visit context, impact of the sanctions on public institutions, economic and humanitarian situation, international cooperation and aid, assessment of the legal basis for the imposition of sanctions, as well as the conclusions.

II. Country Visit Context

5. The Special Rapporteur's contextualisation of various illegal sanctions regimes imposed on Zimbabwe by a host of western countries and their allies accurately demonstrates and points at the root cause of the suffering endured, over two decades, by the people of Zimbabwe. Their nature, although veiled as "restrictive measures", targeting individuals or entities supporting the Republic of Zimbabwe, unjustifiably holds literally at ransom the entire nation of Zimbabwe, curtailing prospects of economic recovery and growth. The threats on third parties, for example, with possible criminal and civil penalties, cannot in any abstract deduction be considered as targeted or restrictive to those in support of the Republic of Zimbabwe, but they point towards unwarranted aggression towards a developing sovereign nation.

III. Impact of unilateral sanctions on public institutions, economic and humanitarian situation

6. The impact of the illegal sanctions on Zimbabwe's economy are widespread and threatens the stability of the country, as precisely noted in the Special Rapporteur's findings. The destabilising impact of these illegal sanctions mutate into forms not only limited to the economy, but also to the deterioration of the social and humanitarian fabric of the nation. Informalisation of the economy, trade deficits, irregular migration, breakdown of service delivery, even youth delinquency, due to economic hardships, can be traced to the decline in the economy from the onset of the illegal sanctions. It goes without mentioning that even the

ability of the Government to fulfil fundamental human rights of its people has become increasingly and unnecessarily difficult when the threats from sanctions encompass all aspects of Zimbabwean economic life.

7. The economic decline in the late 1980s and 1990s, partly attributed to economic mismanagement, could be a misnomer as a result of many factors, chief among them being the policy prescriptions promoted by Bretton Woods institutions, namely the World Bank (WB) and the International Monetary Fund (IMF,) which created fertile ground for widespread policy misalignment as well as limited policy space for Zimbabwe. The WB and IMF put forward economic Structural Adjustment Plans (SAPs) that had little to no imperial evidence, and were a complete departure from the development trajectory that developed countries had adopted in the course of their own development. Evidence from around the globe and from the same institutions now shows that the SAPs proffered were largely unsuccessful. SAPs advocated for neoliberal economic thinking that was grounded in free markets and minimum state intervention as pre-requisites for economic development. Crucially, implementation of SAPs was made a necessary condition for developing countries to access other sources of financing, thus, making it impossible for states like Zimbabwe to resist these policy prescriptions. The IMF, WB and the Group of 7 (the USA, Japan, Germany, the UK, France, Italy and Canada) at the time made sure that all loans extended to developing countries had conditionalities, which were intended to advance the Washington Consensus agenda, which was the prevailing economic ideology in the late 1980s.

8. The Republic of Zimbabwe, on one hand, acknowledges that during the pre-sanctions era and, albeit in good faith, some economic missteps occurred. These missteps ironically cannot be divorced entirely from the historical legacies and relationships with some of the institutions and countries, which are currently participating in the imposition of the illegal sanctions against Zimbabwe. Non consideration of this paradox extinguishes the reality of these illegal sanctions and the impact they have inflicted on the lives and livelihoods of the ordinary citizens. Regrettably, maintaining and modifying the illegal sanctions, as is the case, whether describing them as a minimum form of coercion or in which ever manner, impedes the Government from fulfilling its domestic and international obligations.

9. The findings by the Special Rapporteur on the nexus between the illegal sanctions imposed on Zimbabwe and food insecurity, not only serves to solidify the plea by the Government for the unconditional lifting of these measures for the suffering they have inflicted on the country, but also corroborates the findings of another Envoy, Professor Hilal Elver, the Special Rapporteur on the Right to Food. In her report, following her November 2019 visit, she pointed out that Zimbabwe, with all its agrarian potential, will always fall short and will find it hard to be food self-sufficient and secure due to illegal sanctions. In spite of the resilient efforts and, as the two Special Rapporteurs have revealed, the illegal sanctions on Zimbabwe will remain a stumbling block as the country cannot access credit lines to finance agrarian initiatives, access certain markets for its produce or even receive tools and technologies necessary to enlarge the country's food basket.

10. In spite of the relentless onslaught by the illegal sanctions on Zimbabwe's economy and society in general, the Republic of Zimbabwe continues to avail safety nets to cushion the most vulnerable in society through initiatives that are supported by very limited local resources. Programmes such as the harmonised cash transfers , free access to medical care for children under the age of five and the elderly, Basic Education Assistance Module (BEAM),¹ among others, stand as testimony to the Government's commitment towards better livelihoods of its citizens. Sadly, these programmes fall short of desired outcomes as Government is handicapped on the one hand by general global pressures such as the Covid-19 pandemic, climate change, 2019 Cyclone Idai and cyclical droughts, and on the other, by illegal sanctions which restrict the pool of available resources such as credit lines and aid.

¹ BEAM is an abbreviation for Basic Education Assistance Module which is a social safety net programme that assists disadvantaged children in primary schools who cannot afford to pay fees. The Government through this programme pays school fees for these disadvantaged children. This BEAM programme however caters for a small percentage of the disadvantaged children leaving quite a number still in need but unable to get assistance through this initiative.

11. Ultimately, as the Mission has rightfully noted, it is the ordinary Zimbabwean in the street who bears the full brunt of these illegal sanctions. The citizens are continuously threatened by uncertainties and insufficiencies towards attaining the most basic needs, such as employment opportunities, access to health, education, food and water, among other basic human rights.

IV. International Cooperation and Humanitarian Aid

12. Supported by the observations highlighted in the Report of the Special Rapporteur, the Republic of Zimbabwe reiterates that conditional donor support and its politicisation has one clear outcome, which is the destabilisation of Zimbabwe. When donor funding is channelled through NGOs and CSOs to the exclusion of the central government due to over compliance with sanctions requirements, the outcome is a government at the mercy of unscrupulous NGOs and CSOs, which seize the opportunity to drive agendas other than their core mandates. In most cases, these NGOs and CSOs have dabbled in politics, abusing the funds in their hands for critical humanitarian purposes, which has created an untenable climate of conflict and instability. This is a disturbing situation, which is a legacy of the illegal sanctions.

13. At face value, it may appear that only specified individuals and entities are affected, but the findings by the Special Rapporteur point to a grim reality. At a secondary level, victims of these unilateral measures suffer grave consequences, with no recourse. As the findings have indicated, the withdrawal of donor funding, for example, left many irrigation schemes incapacitated as they could no longer access funding needed to sustainably establish themselves. It is the farmers and their dependents, in such a case, who sank into poverty.

14. Further, the Republic of Zimbabwe reiterates that in a sanctioned climate, it finds it increasingly complex to receive proceeds from exports and creates further difficulties in making external payments due to over-compliance by third parties who fear adverse implications when dealing with Zimbabwe. Foreign companies operating in Zimbabwe are also failing to repatriate profits and dividends. The Special Rapporteur correctly notes that such a situation aggravates Zimbabwe's position on the international arena. Such observations, without doubt, fully support Zimbabwe's case for the lifting of the illegal sanctions immediately and unconditionally.

V. Assessment of the legal basis for the imposition of sanctions

15. The literature and evidence availed by the Special Rapporteur in her findings continue to point at unwarranted aggression towards Zimbabwe on an illegitimate basis, void of conformity to international laws, norms and standards. The sanctions on Zimbabwe, as observed during the Mission, are unilateral, arbitrary, without legal basis and stand foul to principles of sovereignty and equality of states. On this moral and legality test, Zimbabwe continues to affirm its call for the unconditional removal of the illegal sanctions.

VI. Conclusions and Recommendations

16. The Republic of Zimbabwe appreciates the visit by the Special Rapporteur to assess the impact the illegal sanctions on Zimbabwe have had on the enjoyment of human rights. The issues raised in the report are, without doubt, pertinent and shed light on the illegal sanctions, whose implications had previously never been independently assessed. The observations by the Special Rapporteur acknowledge and buttress Zimbabwe's position that the illegal sanctions, are without due cause and cause untold suffering.

17. The constitutional responsibility to ensure the full realisation and enjoyment of rights by all remains a priority of the Government and complements efforts towards the target of building an upper middle-income economy by the year 2030. This Mission by the Special Rapporteur, the third in recent years, points to a full and growing commitment by the Republic of Zimbabwe in strengthening democracy and accountability. If the call for the

unconditional removal of the illegal sanctions is amplified, supported and heeded, it is without doubt that Zimbabwe will prosper in all aspects. In this regard, assistance from the international community, including Development Partners, is welcome. Zimbabwe wishes to reiterate its commitment to the protection and promotion of fundamental human rights of its citizens, as well as its undying desire towards the enjoyment of its own sovereign rights.
