

# STATEMENT ON THE OCCASION OF SADC'S ANNUAL ANTI-SANCTIONS DAY CALLING FOR THE LIFTING OF ALL SANCTIONS IMPOSED ON THE REPUBLIC OF ZIMBABWE: 25 OCTOBER 2023

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## Background and Introduction

During the 39<sup>th</sup> Summit held in August 2019, the 16 Heads of State and Government of the **Southern African Development Community** (SADC) designated 25<sup>th</sup> October as the date on which the SADC Region would, each year, collectively reiterate its call for the removal of all forms of sanctions and other punitive measures imposed on Zimbabwe.

In a Statement issued by the Executive Secretary on 25 October 2019, SADC reiterated its call, *“for the removal of all forms of sanctions imposed on Zimbabwe to pave the way for socio-economic transformation and economic development”*. The Region also stressed that, *“the removal of sanctions will benefit Zimbabweans and the SADC Region as well as enhance cooperation of SADC with the European Union (EU) and the United States of America (USA)”*.

SADC Heads of State resolved that the Region would continue to come together on that day, each year, to campaign against the sanctions against Zimbabwe until such time as all such measures have been lifted.

The 25<sup>th</sup> of October 2023, marks the fifth time the SADC Region will be commemorating the occasion and renewing its call for the removal of all sanctions and other punitive measures imposed on Zimbabwe. Each year, Zimbabwe has commemorated the Anti-Sanctions Day each year under a selected theme. Previous themes were as follows:

- i) 2020-*“Resilience, Progress and Solidarity under an environment of sanctions.”*
- ii) 2021-*“Friend to All, Enemy to None: Forging Ahead and Enhancing Innovation and Productivity in the Adversity of Sanctions”*.
- iii) 2022-*“Realising Zimbabwe’s potential with/through the removal of sanctions.”*

The 2023 Anti-Sanctions Day will be held under the theme, *“Harnessing the youth for accelerated socio-economic development in the fight against sanctions”*. The theme takes into account the fact that youth constitute 67.7% of the country's total population and have borne the brunt of sanctions, but relentlessly displayed resilience and great fortitude in jealously guarding national sovereignty and territorial integrity. Therefore, the theme seeks to recognise the youth’s resilience, courage, fortitude, and unflinching determination in the face of illegal sanctions. In addition, youths have the capacity to play a critical role in the development of the country. This has evidently seen youth

playing a significant role in economic development, especially in agriculture, mining, manufacturing, tourism, ICT, entrepreneurship, among other spheres of economic activities, despite the presence of sanctions.

### **Solidarity with Zimbabwe concerning unilateral coercive measures**

Over the years, Zimbabwe has received solidarity and support at regional, continental and international levels, calling for the immediate and unconditional lifting of illegal sanctions imposed on the country. Zimbabwe is grateful for the solidarity and support received from SADC and countries outside the region in the fight against sanctions. The country has also used various fora to call for the removal of sanctions.

In his address to the 78<sup>th</sup> Session of the United Nations General Assembly 2023, His Excellency President E.D. Mnangagwa stated: “Zimbabwe has been under the illegal, unilateral economic sanctions for 23 years, imposed by some Western countries. These sanctions were designed to subjugate the sovereign will of the Zimbabwean people. We, therefore, demand that the unjustified unilateral sanctions be unconditionally lifted, including those imposed on countries like Cuba. We remain grateful for the support and solidarity of progressive countries in the comity of nations”. At the same meeting, other Regional leaders reiterated that, sanctions against Zimbabwe should also be lifted as they are imposing untold suffering on ordinary Zimbabweans and were impacting negatively on the Region. In addition, it was also noted that “Selective punitive measures against Zimbabwe must be lifted as these measures constitute the greatest obstacle to the implementation of the 2030 Agenda for Sustainable Development”.

### **Visit to Zimbabwe by the UN Special Rapporteur on the negative impact of Unilateral Coercive Measures on the Enjoyment of Human Rights – 18 to 28 October, 2021**

At the invitation of the Government of Zimbabwe, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights visited the country from 18 to 28 October, 2021. The Final Report of her fact-finding mission was presented to the 51<sup>st</sup> Session of the Human Rights Council in Geneva on 14 September, 2022.

The Report details the widespread collateral damage, inflicted across all socio-economic sectors, by the sanctions since their imposition more than 20 years ago. In so doing, the Report contradicts and indeed challenges the repeated assertions by those who impose sanctions that their measures are “targeted” in nature and do not have any punitive effect beyond those so-targeted.

The visit to Zimbabwe by the UN Special Rapporteur was a welcome development. The final report on her findings reaffirmed that sanctions have a negative impact on the economic and social well-being of the people of Zimbabwe. In her recommendations, The UN Special Rapporteur reminded “...all parties of their obligation under the UN Charter to observe principles and norms of international law, including principles of sovereign equality, political independence, non-intervention in the domestic affairs of states, and peaceful settlement of international disputes.” She further called “on the United States, United Kingdom, Canada, Australia to review

*and lift sanctions on natural and legal persons of Zimbabwe in accordance with principles and norms of international law and human rights law.”*

On 14 September 2022, the United Nations endorsed the findings and recommendations contained in the report. It is hoped that this endorsement by the UN will lead to a positive outcome and relief, for Zimbabwe, from more than 23 years of sanctions.

## **Background to the Imposition of Sanctions**

The rationale for the imposition of sanctions 23 years ago was primarily given as ‘concern for rule of law and human rights violations and concern at the overall state of governance in Zimbabwe’. It is clear, however, that the decision by western governments to isolate Zimbabwe both diplomatically and economically was indeed triggered by the implementation of Zimbabwe’s Fast Track Land Reform Programme in 2000.

The history behind the Land Reform Programme is long and complicated. Suffice it to say that the main reason for and objective of Zimbabwe’s 15-year Liberation War against the century-long settler colonial occupation was the recovery of land forcibly seized by those settlers from indigenous Zimbabweans, without any compensation.

Funding and other support-related assurances given during the Lancaster House meetings which led to a cessation of hostilities and Zimbabwe’s independence in April 1980, failed to materialise as quickly and as fully as originally promised or expected, and what support was provided became increasingly stringent and conditioned.

The frustration, disillusionment and anger of thousands of indigenous Zimbabweans who had fought for their freedom and patiently waited for their Government to honour its promises of land reform and re-distribution, erupted. The Fast Track Land Reform Programme was launched. Reaction from western countries, in the form of sanctions and other punitive measures was swift. Originally imposed by the USA, in 2001, in the form of the Zimbabwe Democracy and Economic Recovery Act (ZIDERA), and by the European Union, in 2002, the sanctions (including an arms-embargo) have been renewed at the beginning of every year since that time. The most recent renewal occurred in February (EU) and March (USA), 2023. ZIDERA was amended, indeed strengthened, in 2018, immediately prior to the holding of Zimbabwe’s harmonised elections (July 31). On 15 September 2022, the US Department of the Treasury’s Office of Foreign Assets Control (OFAC) added one more Official on the sanctions list. In addition, eleven (11) individuals were removed from the list. These are either deceased or have been deemed to no longer undermine Zimbabwe’s democratic processes and institutions. The arms embargo and the targeted assets freeze against one company, Zimbabwe Defence Industries, have been maintained by the European Union.

In addition to ZIDERA, a Presidential Executive Order was issued in 2003, declaring “a national emergency” and characterising the “actions and policies of certain members of the Government of Zimbabwe” as constituting an “unusual and extraordinary threat to the foreign policy of the United States”. This in turn led to the “designation” of a number of individual Zimbabweans and Zimbabwean State Entities, and the imposition upon them of a raft of restrictions: which restrictions, by way of extraterritorial application, then applied to any individual engaging in any business or commercial dealings or transactions with the so-called “designated” persons/entities. The Presidential Executive Order has been renewed annually since 2003.

As the United Kingdom (UK) left the European Union, in January 2021, it too imposed its own sanctions on Zimbabwe, by way, initially, of designating 4 senior members of the Zimbabwean security services and placing them under “restrictive measures”. The UK has amended its sanctions list by retaining two individuals and one company, the Zimbabwe Defence Industries.

### **Impact of Sanctions – Collateral Damage beyond the ‘targeted few’**

The cumulative effect of 23 years of sanctions has been immense, impacting very negatively on all sectors of the Zimbabwean economy and its people as a whole, and severely undermining progress towards attainment of the UN Sustainable Development Goals.

Those measures have resulted, *inter alia*, in

- The suspension of balance of payments support
- Ineligibility of any access to finance support windows of institutions such as the IMF and the World Bank.
  - ZIDERA expressly directs the US representatives at all such institutions to oppose/vote against any request by Zimbabwe for such access and/or any form of debt relief, rescheduling etc
- The suspension or complete cessation of direct bilateral development cooperation
  - Everything channelled via the UN system or Civil Society
- The interception and/or seizure of mineral export revenues
- The sanctioning of key agricultural and infrastructural developmental institutions
- Reduced access to international markets
- The severe incapacitation of the Banking Sector
  - Only 6 out of 27 commercial banks are able to transact internationally : international banks have severed correspondent banking relationships with all others
    - The imposition, in 2017, by OFAC,<sup>1</sup> of a US\$ 385 million fine on CBZ,<sup>2</sup> Zimbabwe’s largest indigenous commercial bank, although

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<sup>1</sup> OFAC - **The Office of Foreign Assets Control** is “the Department of the US Treasury responsible for administering and enforcing economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States”. (US Treasury Department website)

<sup>2</sup> Apart from CBZ, the **Agricultural Development Bank** (Agribank), and the **Infrastructure Development Bank of Zimbabwe** (IDBZ), were subjected to OFAC sanctions from July 2008 until May 2020; **Zimbabwe Banking Corporation** (ZBH) was sanctioned from 2008 to 2016 and, together with the **Standard Chartered Bank**

finally lifted (August 2020), crippled the bank's operations for more than 2 years (affecting hundreds of thousands of ordinary Zimbabweans) and triggered a raft of international banks into serious overcompliance and de-risking procedures, further isolating Zimbabwe from international financial and banking operations

- Disruption of diaspora remittances (via formal channels) to Zimbabwe
  - No access to concessionary funding for infrastructure and other developmental projects
  - Exorbitantly high risk-related premiums for commercial loans, trade finance facilities etc
- An estimated US\$ 21 billion reduction in GDP over 20 years of isolation
- Highly damaging negative publicity about Zimbabwe
  - Negative impact on trade, investment and tourism flows

### **Impact of Sanctions on the SADC Region**

SADC's solidarity with Zimbabwe on the issue of sanctions is anchored in its recognition that, since the advent of the Second Republic, in November 2017, the Government of President E.D. Mnangagwa has made a sustained and serious effort to introduce deep-rooted and wide-ranging economic, political and legislative reforms. These reforms are aimed at correcting past errors and to set the country on a new trajectory towards more fully inclusive, sustained economic growth and development, in order to further entrench democracy, good governance and rule of law, and to improve the lives and livelihoods of all who have made Zimbabwe their home.

This development and reform agenda by the Government of the Republic of Zimbabwe would have been faster and broader had it not been for the constraints and impediments caused by the gruelling sanctions.

Contrary to claims that the sanctions are “targeted” at a few individuals, the coercive measures continue to have a markedly negative impact beyond the “targeted” few. They have seriously undermined Zimbabwe's credibility, its national image, its ability to engage and interact and the ability of Zimbabwean companies, small, medium and large, to trade and transact beyond its borders. The advent of COVID-19, coming in the wake of Cyclone Idai (March 2019) and three consecutive years of drought (2019-21) exacerbated the already fragile socio-economic situation in the country. In his address to the 76<sup>th</sup> UN General Assembly, His Excellency President E.D. Mnangagwa stated that *“the COVID-19 pandemic has increased the vulnerability of our economy which is already crippled by the adverse effects of unilateral illegal sanctions imposed*

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(Zimbabwe), were forced to pay multi-million dollar fines by OFAC. Standard Chartered Bank (Zimbabwe) has since announced that it is withdrawing its presence from Zimbabwe; the **Industrial Development Corporation of Zimbabwe (IDCZ)**, the **Mineral Marketing Corporation of Zimbabwe (MMCZ)**, the **Zimbabwe Mining Development Corporation (ZMDC)** were sanctioned in July 2008 and remain on the OFAC list of *“designated entities”*. In addition, in December, 2011, just days after the **Kimberley Process (KP)**, under American chairmanship, had resolved to allow Zimbabwe to export diamonds from the Marange Region, OFAC sanctioned **Mbada Diamonds** and **Marange Resources**, two of Zimbabwe's major diamond producing entities, effectively preventing them from selling their product anywhere.

*on my country. Sanctions have further worsened our capacity to respond to the pandemic for the good of our citizens.”*

During the 77<sup>th</sup> United Nations General Assembly, His Excellency President E.D. Mnangagwa noted the progress that Zimbabwe had made on the economic and social front despite the sanctions. He said, *“Despite the illegal economic sanctions imposed on Zimbabwe, Zimbabwe successfully implemented its COVID-19 national response strategy covered largely by our own natural resources and institutional capacities”*. The President once again called for the immediate removal of the illegal sanctions.

It is disconcerting that, even at the height of the COVID-19 pandemic, sanctions were renewed and tightened, when the sanctioning countries could have demonstrated empathy and implemented relief measures.

The resilience demonstrated by the people of Zimbabwe in the face of these devastating sanctions is applauded.

SADC’s solidarity with Zimbabwe arises as well from the realisation that sanctions against Zimbabwe have also impacted the broader SADC Region, most notably by way of Zimbabwe failing to meet agreed regional macro-economic convergence and other integration targets - even prior to COVID-19 - thereby negatively affecting overall regional economic performance.

Zimbabwe has been unable to meet agreed tariff-phase down schedules under the SADC Trade Protocol, the Tri-Partite Free Trade Area (TPFTA) and the broader Africa Continental Free Trade Area (AfCFTA).

Zimbabwe’s ineligibility to access concessional funding from multilateral financial institutions, the exorbitant (sanctions and country-risk-related) premiums levied on commercial loans and the marked reluctance of international investors to engage in any major investment and or infrastructure development projects in or with Zimbabwe (for fear of contravening, even inadvertently, existing sanctions measures) has retarded progress in rehabilitating key road, rail and electric power infrastructure in Zimbabwe - key to the Region’s broad industrialisation and integration blueprint.

On the occasion of the 2<sup>nd</sup> observation of Anti-Sanctions day, in October 2020, SADC leaders stated that they were *“acutely aware that the continuation of sanctions not only impacts negatively on socio-economic progress in Zimbabwe itself, but also on the attainment of SADC’s Vision 2050, the AU’s Agenda 2063 and the 2030 UN Agenda for Sustainable Development”*.

*“For SADC as a region, the call for the removal of sanctions assumes even greater importance. It is not just a solidarity call in support of Zimbabwe, but also a clarion call for justice, fairness and full enjoyment of human rights. The sanctions are no longer relevant”*.

## **The Call**

As a Region, SADC has noted and welcomed the resolve and progress made by the Government of the Republic of Zimbabwe and of President Emmerson D. Mnangagwa in implementing their reform agenda aimed at further stabilising the economy and improving the lives and livelihoods of all Zimbabweans. The Region has also noted the commitment by the Government of the Republic of Zimbabwe to continue dialogue through its engagement and re-engagement drive as evidenced by the dialogue processes between the Republic of Zimbabwe and the European Union, the United Kingdom and the International Financial Institutions, its creditors and development partners.

Once again, in alignment with the collective global commitment “to leave no one behind”, and in practical furtherance of the spirit of multilateralism, we call for the urgent removal of all sanctions imposed on Zimbabwe, for the good of the country itself and its people, as well as for the good of the Region and the world.

Sanctions imposed without the endorsement of the United Nations constitute a violation of the UN Charter, and run fully counter to the spirit and practice of multilateralism which we all hold so dear.

October 2023