

**REPUBLIC OF NAMIBIA**

**INFORMATION ON THE NEGATIVE IMPACT OF UNILATERAL COERCIVE MEASURES ON THE ENJOYMENT OF HUMAN RIGHTS IN THE CONTEXT OF THE COVID-19 PANDEMIC**

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**RESPONSE TO QUESTIONAIRE**

1. Yes, unilateral coercive measures imposed by individual states have an impact on the enjoyment of human rights by the citizens in targeted states especially during times of natural or man-made emergencies. Namibia is not a party to international, or multilateral, investment agreements and continues to review its bilateral agreements to assess their human rights implications. Many bilateral investment treaties and free trade agreements have been concluded between unequally dominant and weak partners, rendering them not being mutually beneficial, but abusive and breaching fundamental norms of international law. In situations of natural or man-made emergencies like the COVID-19 pandemic states with weaker economies are mostly at risk of being unable to meet the demands posed to its health, food, and other sectors. The imposition of unilateral coercive measures is in violation of the Charter of the United Nations and it has an adverse effect on the enjoyment of all human rights and there are several UN resolutions since 1992 to condemn these measures.

2. There are no unilateral coercive measures imposed against Namibia, however, the impact on targeted states is not lost on Namibia. The pandemic has impacted on all states and has led to various precautionary and cautionary measures aimed at reducing and preventing infections and controlling the rapid spread of the virus. For targeted states, these measures are an additional strain on already limited resources and present as different challenge affecting the enjoyment of basic human rights for the citizens of targeted countries. The indivisible nature of all human rights means that when one right is impacted, all rights are affected. The supreme right - the right to life – is inevitably compromised if other interdependent rights such as the right to health, the right to food, the right to water and sanitation and the right to adequate housing etc. are compromised. The existence of unilateral coercive measures in targeted states further limits and restricts the full enjoyment of all human rights during a time when these rights are limited (reasonably) anyway by the various national regulations aimed at addressing the spread of COVID-19 pandemic.

3. Yes, sanctions impact on non-targeted third states and their citizens because the impact of these sanctions places a burden on non-targeted states to provide aid and share their resources with the targeted states. In many instances the impacted non-targeted states do not enjoy a surplus in resources to cater to the needs of their own citizens yet they bear the obligation to share these already limited resources in order to assist the citizens of the targeted states resulting in a scarcity of resources for their own citizens.

4 & 9. Yes, unilateral sanctions do have an impact on the targeted state’s ability to react to emergency situations because more often than not the sanctions imposed are economic in nature and put a strain on the state’s access to resources necessary for effective reaction to emergency situations. Due to sanctions, targeted states are unable to import critical medicine and food, and at times impact on their ability to receive much needed humanitarian aid. In addition, the financial strain caused by sanctions hinder with the ability of states to provide financial relief and assistance to their citizens when the emergency situation causes loss of income and restricts the right to social protection. Vulnerable groups such as persons with disabilities, women, children, the elderly, the unemployed and homeless people are largely impacted by the existence of unilateral sanctions and their vulnerability is highly increased by emergency situations. The fundamental right to health, education, food and shelter, development and social security appear as the most affected especially for vulnerable groups.

5. Economic sanctions have the most negative impact on the enjoyment of human rights especially during the course of an emergency situation such as COVID-19. The impact on the economy stifles state efforts in ensuring the enjoyment of human rights of its citizens. A stable and functional economy is necessary for the state to be able to respond to emergency situations, the state critically needs to be able to afford critical medication, food and health services, provide financial assistance to its affected citizens and receive aid from other states. When economic sanctions are imposed the state, private sector within the targeted state and other agents who would have been in a position to offer the necessary assistance in emergency situations are essentially prevented from doing so. Access to loans and emergency relief offered by international organisations and other states is constrained and the available resources within the targeted states are often unable to meet the demands created by the emergency situation. Although Namibia is not subject to any unilateral sanctions, the consequences of these measures on neighbouring Zimbabwe are felt within the region. No matter their efforts, the targeted states will not and cannot adequately respond to the global emergency situation and effectively protect the human rights and freedoms of their citizens - the existence of unilateral sanctions does not allow them to.

6. Namibia agrees with the call by the High Commissioner for Human Rights, Ms Michele Bachelet that humanitarian exemptions to unilateral sanctions are necessary to allow targeted states to fight against the global pandemic. However, these targeted states and their citizens still face the vulnerable state they were in before the pandemic which state is now exacerbated by the pandemic. The humanitarian exemptions will not be sufficient, effective nor efficient in responding to emergency situations because targeted states are often found without bear minimum resources when confronted by natural or man-made disasters such as COVID-19. Unilateral sanctions have crippled economies and resulted in the inability of a state to protect the human rights and freedoms of their own citizens. These consequences cannot be fixed or eliminated by anything other than the complete lifting of all unilateral sanctions - unilateral coercive measures need to be eliminated and not only restricted. Namibia will therefore continue to call for the immediate lifting of unilateral sanctions.

7. His Excellency, Dr Hage Geingob, the President of the Republic of Namibia proclaimed a state of emergency by Proclamation No. 7 of 18 March of 2020 due to COVID-19, and in terms of the powers vested under Article 26 (4) of the Namibian Constitution, His Excellency suspended the operation of certain laws. Amongst the suspended legislation is the Public Procurement Act, 2015 (Act No. 15 of 2015) which regulates the procurement of goods and services in the public sector, certain provisions of this law are suspended during the state of emergency to allow for the expedited procurement of critical equipment, private protective equipment, medicine, cleaning material and other goods and services necessary for the fight against COVID-19. In addition, His Excellency the President also addressed the expiration of licenses impacted by the pandemic and the state of emergency.

8. No.

10. Namibia maintains that unilateral coercive measures and their consequences are contrary to a number of provisions of international law and do not respect human rights and fundamental freedoms, especially those of the most vulnerable. The international community should demand the lifting sanctions, and call for targeting states to allow economic activity to take place unrestricted in targeted states. We reiterate our call for unilateral coercive measures to be eliminated and not only restricted in its use.