

ADDITION TO THE NATIONAL EMERGENCY WITH
RESPECT TO ZIMBABWE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF AN EXECUTIVE ORDER THAT EXPANDS THE SCOPE OF THE NATIONAL EMERGENCY BLOCKING THE PROPERTY OF PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE ON MARCH 6, 2003, BY EXECUTIVE ORDER 13288, PURSUANT TO 50 U.S.C. 1701 ET SEQ.



JULY 29, 2008.—Message and accompanying papers referred to the
Committee on Foreign Affairs and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the “order”) that expands the scope of the national emergency declared in Executive Order 13288 of March 6, 2003, which was relied upon for additional steps taken in Executive Order 13391 of November 22, 2005, and takes additional steps with respect to that national emergency.

In Executive Order 13288, I found that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions constituted an unusual and extraordinary threat to the foreign policy of the United States and declared a national emergency to deal with that threat. Executive Order 13288 blocks the property and interests in property of the persons listed in its Annex and permits the designation of any person or entity owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any person listed in that Annex.

Executive Order 13391 took additional steps to address the national emergency declared in Executive Order 13288 and amended the provisions of that earlier order. Executive Order 13391 blocks the property of the persons and entities listed in its Annex and permits the designation of any person or entity determined: to have engaged in actions or policies to undermine Zimbabwe’s democratic processes or institutions; to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, such actions or policies or any person whose property and interests in property are blocked pursuant to Executive Order 13288, as amended; to be or have been an immediate family member of any person whose property and interests in property are blocked pursuant to Executive Order 13288, as amended; or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13288, as amended.

I have now determined that the continued actions and policies of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions, manifested most recently in the fundamentally undemocratic election held on June 27, 2008, to commit acts of violence and other human rights abuses against political opponents, and to engage in public corruption, including the misuse of public authority, warrant an expansion of the existing national emergency and the existing sanctions with respect to Zimbabwe. The order supplements the designation criteria set forth in Executive Order 13288, as amended by Executive Order 13391, and provides additional criteria for designation of any person determined by the Secretary of the Treasury, after consultation

with the Secretary of State: to be a senior official of the Government of Zimbabwe; to be owned or controlled by, directly or indirectly, the Government of Zimbabwe or an official or officials of the Government of Zimbabwe; to be responsible for, or to have participated in, human rights abuses related to political repression in Zimbabwe; to be engaged in, or to have engaged in, activities facilitating public corruption by senior officials of the Government of Zimbabwe; or to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Zimbabwe, any senior official thereof, or any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or the order.

The order also restates existing designation authority to block the property and interests in property of persons determined to have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions. Finally, the order restates existing derivative designation authority and adds derivative designation authority to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, or to be a spouse or dependant child of, any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or the order.

In the order, I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 25, 2008*.

EXECUTIVE ORDER

BLOCKING PROPERTY OF ADDITIONAL PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that the continued actions and policies of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, manifested most recently in the fundamentally undemocratic election held on June 27, 2008, to commit acts of violence and other human rights abuses against political opponents, and to engage in public corruption, including by misusing public authority, constitute an unusual and extraordinary threat to the foreign policy of the United States, and to deal with that threat, hereby expand the scope of the national emergency declared in Executive Order 13288 of March 6, 2003, and relied upon for additional steps taken in Executive Order 13391 of November 22, 2005, and hereby order:

Section 1. (a) Except to the extent provided by statutes, or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

Any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

- (i) to be a senior official of the Government of Zimbabwe;
- (ii) to be owned or controlled by, directly or indirectly, the Government of Zimbabwe or an official or officials of the Government of Zimbabwe;
- (iii) to have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions;
- (iv) to be responsible for, or to have participated in, human rights abuses related to political repression in Zimbabwe;
- (v) to be engaged in, or to have engaged in, activities facilitating public corruption by senior officials of the Government of Zimbabwe;

(vi) to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or this order;

(vii) to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Zimbabwe, any senior official thereof, or any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or this order; or

(viii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or this order.

(b) I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to paragraph (a) of this section would seriously impair my ability to deal with the national emergency declared in Executive Order 13288, as amended, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions of this section include but are not limited to (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

(d) The provisions of Executive Orders 13288 and 13391 remain in effect, and this order does not affect any action taken pursuant to those orders.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

“a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term “Government of Zimbabwe” means the Government of Zimbabwe, its agencies, instrumentalities, and controlled entities.

Sec. 4. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that, because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order

would render these measures ineffectual. I therefore determine that, for these measures to be effective in addressing the national emergency declared in Executive Order 13288, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 5. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in Executive Order 13288, as amended, and expanded in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703).

Sec. 7. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 25, 2008.*

