



# HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

## Item 3: Interactive dialogue with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (15-16 September 2021)

Ms Alena Douhan – Special Rapporteur on the negative impact of the unilateral coercive measures

- Thematic report on **notion, types and qualification of the UCMs**: [A/HRC/48/59](#)
- Country report on visit to **Qatar**: [A/HRC/48/59/Add.1](#)
- Country report on visit to **Venezuela**: [A/HRC/48/59/Add.2](#)

The Special Rapporteur presented her **first thematic report** and **two reports on country visits**. She pointed out that the approach of using UCMs as a means of protection peace, security and democracy has **no ground in international law**. The overwhelming majority of unilateral measures that applied today are not taken in compliance with international legal standards. Contemporary developments in applying unilateral sanctions are characterized by complicated and confusing legislation, insufficient transparency, the expansion of secondary sanctions and overcompliance. Not less important is the use of unclear, dubious, conflicting, and **misleading terminology**.

**Secondary sanctions** imposed for violations of primary sanctions are used as a means of implementation of primary unilateral sanctions. The former result in the growth of zero-risk and over-compliance policies adopted by a growing number of banks and private companies.

The Special Rapporteur is planning to **start a database of all academic works, documents of the UN and other organizations, reports by NGOs, decisions of international courts and individual cases** to make the real situation visible with the use of a fact-based approach.

Further, the Special Rapporteur **proposed a definition of UCMs** as *any type of measures or activity applied by a State, group of States or regional organization without or beyond the authorization of the Security Council; that is not in conformity with international obligations of the sanctioning actor; or the illegality of which is not excluded on grounds of the law of international responsibility, regardless of the announced purpose or objective. [...]*

The Special Rapporteur is convinced that **international law does provide necessary instruments to settle disputes** between states and instruments to promote and protect human rights: the UN Security Council, retortions and countermeasures, criminal prosecution, more than 125 judicial and quasi-judicial institutions around the world.

- **Visit to Qatar: a “good story” example**. On 5 June 2017, the Governments of Bahrain, Egypt, United Arab Emirates, and Saudi Arabia announced individually the imposition of various restrictive measures on Qatar. Since then, many cases related to these measures have been brought by all parties to the ICJ, the WTO Dispute Settlement body and the ICAO. The countries started cooperating with the Counter-terrorism Committee, the IOM, the ILO and the UN Special Procedures. The Special Rapporteur welcomes these efforts of the mentioned States, as well as **the Al-Ula Agreement and the pursuant implementation**, including the establishment of bilateral negotiation mechanisms between Qatar and the Four States. All States concerned should lift restrictive measures under the Al-Ula Agreement and continue negotiations in good faith.
- **Visit to Venezuela**: the **adverse effect of UCMs imposed by a number of states** including the United States, European Union, United Kingdom, Canada, Mexico, Switzerland and the Lima Group, do not correspond to the requirements of international law. **Sectoral sanctions** – on oil, gold and mining industries, etc. – targeted sanctions as well as over-compliance exacerbated the pre-existing economic and humanitarian situation. The lack of medical personnel and medicines resulted in the violation of the right to health, with high rates of maternal, neo-natal and infant mortality, as well as outbreaks of preventable and treatable diseases.



The Special Rapporteur called on States to organize a **multilayer and multi-dimensional conference to identify appropriate terminology of the UCMs**. She also called for the inclusion of assessments of the legality and humanitarian impact of UCM in the international agenda beyond that of the OHCHR, including the agendas of the WHO, UNICEF, UNPF, UNHCR, ILO and the ICAO.

### **Countries Concerned:**

**Venezuela:** the UCMs imposed on Venezuela have resulted in a reduction of 99 percent of Venezuela's oil revenues. Despite the abovementioned and the bank blockades of funds destined for Covax, Venezuela exhibits the lowest in the region COVID-19 death rates. Since 2015, Venezuela has suffered a multidimensional financial, economic and property attack, with more than 430 UCMs that have blocked its foreign and private trade, having directly affected around \$ 30 billion of its assets and a loss of more than \$ 130 billion. In February 2020 Venezuela requested an **investigation to the International Criminal Court** for crimes against humanity committed by the United States against the Venezuelan people due to the imposition of the UCM. Currently this preliminary examination has reached phase 2.

The Special Rapporteur's visit to Venezuela has laid the groundwork for five Special Rapporteur's that decided to make a joint appeal to the US Government to cease the sanctions. A Memorandum of Understanding was signed on 13 August 2021, between the Government of Venezuela and the opposition Unitary Platform of Venezuela, and on 5 September 2021, the Partial Agreement for the Social Protection of the Venezuelan People was signed, condemning the effects of the UCM. Next November, local elections will be held with the participation of more than 70,000 candidates from all sectors of political life.

**Qatar:** Welcomed the Special Rapporteur's visit and her professionalism and objectivity. Qatar affirms its principled position against UCMs. Based on the developments after the forty-first Gulf Summit, and the Al-Ula Declaration issued last January, it was agreed to end UCMs against Qatar and to restore relations between Qatar and the four countries. Dedicated committees were established to discuss how to implement the agreement. Qatar welcomes these developments.

**National Human Rights Committee of Qatar:** Praised the visit of the Special Rapporteur and her report as objective and neutral. The Al-Ula Declaration at the conclusion of the GCC Summit on 5 January 2021 may become one of the best practices to end the dispute between the States.

## **INTERACTIVE DIALOGUE**

### **Country delegations that took the floor during the Interactive Dialogue (29 statements):**

*Syria (on behalf of a group of countries (Belarus, Bolivia, Cambodia, Burundi, China, Cuba, Iran, Democratic People's Republic of Korea, Lao People's Democratic Republic, Nicaragua, Russian Federation, Syria, South Africa, Venezuela, Zimbabwe), United Arab Emirates, State of Palestine, Armenia, Indonesia, Egypt, Iraq, South Africa, Venezuela, Cuba, Zimbabwe, Russian Federation, Belarus, Sri Lanka, Saudi Arabia, Malaysia, Namibia, China, Fiji, Libya, Iran, Pakistan, Syria, Sudan, Botswana, Malawi, Bahrein, Cambodia, Algeria*

The vast majority of the delegations that participated in the interactive dialogue **opposed to the imposition of the UCMs and advocated against them** (*Syria, Armenia, Indonesia, Iraq, South Africa, Venezuela, Cuba, Zimbabwe, the Russian Federation, Belarus, Sri Lanka, Malaysia, China, Syria, Sudan, Botswana, Malawi, Cambodia, Algeria*). Many of them used the COVID-19 pandemic to illustrate how harmful the UCMs could be in times of global instability and fragility. As the **alternative to the UCMs**, they appealed to cooperation between states, dialogue and peaceful settlements mechanisms.

*Syria in a joint statement* stated that UCMs impeded the implementation of SDG. The accelerated expansion of UCMs and the nonexistence of the "humanitarian exception" has aggravated the situation during the COVID-19 pandemic.

*UAE, Saudi Arabia, and Bahrein* regretted that the report on Qatar did not reflect the recent developments in the regional policy regarding the **implementation of Al-Ula Declaration**.

*State of Palestine* asked the Special Rapporteur how it was possible to **ensure accountability** of violators of international law when the actions and measures are only imposed to serve certain political agendas. *Armenia* said that *Turkey and Azerbaijan* had **blocked the land borders of Armenia** to exert pressure for





political purposes related to the Nagorno-Karabakh conflict. *Egypt* stressed that the difference should be made between **national measures** aimed at, for example, fighting terrorism in a country, and UCMs. *South Africa* supported the SR's initiative **to launch the proposed academic and humanitarian database** on sanctions. *Cuba* mentioned an extremely harmful economic effect on its economy of the UCM imposed on the country during **almost last six decades**. *Belarus* called on the OHCHR to fully provide the mandate of the Special Rapporteur with the necessary **human and financial resources**.

#### **Non-Governmental Organizations that took the floor during the Interactive Dialogue (10):**

Organization for Defending Victims of Violence, the Charitable Institute for Protecting Social Victims, China NGO Network for International Exchanges, International Association of Democratic Lawyers, Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, World Peace Council, United Nations Watch, International Human Rights Association of American Minorities, Partners for Transparency, Association for the Integration and Durable Development of Burundi.

Most of the NGOs **criticized the imposition of UCM on states** and advocated against them as they systematically violate all economic, social and cultural rights including the right to life. *Organization for Defending Victims of Violence* underlined the severe effect of the UCM on the protection of the right to health and mentioned that limitation of access to medicine, medical equipment, vaccine and food. *The Charitable Institute for Protecting Social Victims*, called on the Special Rapporteur to offer recommendations to the UN on how to approach the state parties' resort to UCMs and encourage the establishment of a compensation mechanism to mitigate for the widespread losses of UCM victims. *Partners for Transparency* expressed concerns regarding the construction and operation of the AI-Nahda dam in Ethiopia. *Association for the Integration and Durable Development of Burundi* brought up the UCMs imposed by India against Burundi. *United Nations Watch* said the narrative of the report on Venezuela sounded almost identical to the official line of Venezuela, was incomplete and non-objective.

#### **Concluding Remarks of the Special Rapporteur:**

Some countries are not participating in dialogue and see the mandate in white and black colours. This does not facilitate cooperation. These countries do not read her communications and reports carefully because of the perception that mandate is politically motivated. The Special Rapporteur invited everyone to participate in the discussion on UCMs. She used as an example the report on Venezuela: during her country visit, Ms. Douhan met with all representatives of opposition and all the meetings were reflected in the report. She insisted that UCMs were illegal and unacceptable. The Special Rapporteur further called on all the States to use all the exciting tools to seek accountability and do not resort to the UCMs.