



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

## Biennial panel discussion on the issue of unilateral coercive measures and human rights

### Mr. Michelle Bachelet - United Nations High Commissioner for Human Rights:

The **Security Council** is empowered to authorize necessary measures to maintain international peace and security, which include **sanctions** whether deployed against States, armed groups or individuals. At the same time, an increasing number of States have also resorted to sanctions of various forms.

Sanctions can create severe **suffering for individuals** who have neither perpetrated crimes nor otherwise bear any responsibility. When sanctions target an entire country, it is the **most vulnerable people** in that country who are likely to be **worst harmed**. And those sought to be targeted can perversely benefit through gaming sanctions regimes and **profiteering from the economic distortions**.

In some cases, it becomes difficult to **import even basic food items, health-care equipment** and other forms of **humanitarian aid into sanctioned countries**. Obstacles to the import of vital medical supplies in countries create **long-lasting harm** to vulnerable communities.

The High Commissioner called on sanctioning countries to **reassess and critically re-evaluate their use of unilateral coercive measures to avoid human rights-adverse impacts**. Ms. Bachelet also called authorities of countries subjected to sanctions to **provide transparent information**, accept offers of necessary **humanitarian assistance**, and prioritize the needs and rights of **vulnerable people**.

### Ms. Alena Douhan - Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights:

Today the world community faces a **large expansion of the scope, grounds, purposes, targets, means and mechanisms of unilateral sanctions**. The **negative humanitarian effects** of sanctions are exacerbated enormously by their extraterritorial application, the expanding use of secondary sanctions, and civil and criminal penalties against those who cooperate with states, companies and individuals targeted by primary sanctions.

Due to the **inter-dependence of the banking system**, banks all around the world either refrain from bank transfers involving targeted countries or make the process lengthy and costly. Such de-risking policies impede transactions, raise their costs and result in freezing funds.

**Humanitarian organizations** report the complexity and inconsistency of humanitarian exemptions. They also report a growing **reluctance among donors** to provide humanitarian aid or money to deliver to countries targeted by sanctions of the donor's state because these donors fear being listed.

### Mr. Tom Ruys - Professor of International Law, Ghent University, Belgium:

The last twenty years have seen a veritable **explosion of unilateral sanctions**, with important repercussions also for the **enjoyment of human rights** around the globe. This trend reveals the bluntness of sanctions as a **foreign policy tool**. Particularly worrisome is the increasing resort to **'extraterritorial' sanctions**, which raises fundamental legal concerns:

- Extraterritorial sanctions often go beyond what the **international law** of jurisdiction permits.
- Extraterritorial sanctions often contravene **international trade law**, including WTO law.
- Secondary sanctions can have **adverse humanitarian consequences** and **negatively affect human rights**, including the **right to development**.



Both the UN General Assembly, in resolution 75/181, as well as the Human Rights Council, in resolution 46/5, have called upon states to take effective administrative or legislative measures to **counter the extraterritorial application of unilateral coercive measures**. For the time being, however, such efforts have remained largely futile.

[Mr. Pouria Askari - Associate Professor of International Law, Allameh Tabataba'i University and Secretary General of the Iranian Association for United Nations Studies, Islamic Republic of Iran:](#)

Most of the current Unilateral Coercive Measures (UCMs) especially those taken by the US are mainly part of the sanctioning State policy to **force other States into taking a particular action**. Taking the example of Iran, the US officials clearly declared that the pressure is there to force Iran to behave "like a normal nation". The UCMs are not usually justified in terms of legal countermeasures but instead, as a **form of foreign policy to achieve national and international interests**.

Legally speaking, when the international responsibility of the targeted State for the breach of an *erga omnes* obligation is not established or when the obligation is not owed to the international community, **coercion in the form of UCM with negative impact on human rights is not permissible**. As raised by the UN Human Rights Council the **UCMs are against the enjoyment of Human Rights** because they prevent the sanctioned States from exercising "their right to decide, of their own free will, their own political, economic and social systems".

[Mr. Zhang Wanhong - Professor of Jurisprudence, Wuhan University School of Law, China](#)

International society generally does **not recognize the legitimacy of unilateral coercive measures** as they violate the purposes and principles of the UN Charter and also deteriorate the independence of national laws. **Some countries ignore these norms**, and wantonly impose unilateral sanctions on other countries such as **economic blockades, trade and financial sanctions, and diplomatic bully**.

It has severely disrupted the international political and economic order, and prevented from establishing a just global governance system. These sanctions have also sparked economic, development and **humanitarian crises** in targeted countries under the **pandemic** and violated **people's basic rights to subsistence and development**. In particular, the **rights of vulnerable groups** such as **women, children, persons with disabilities and elderly** have been affected disproportionately.

**United States' sanctions** imposed on **Venezuela, Iran and Cuba** clearly showed the negative impact of UCMs on the human rights of people, especially vulnerable groups during the **pandemic**.

[Mr. Joy Gordon - Ignacio Ellacuría, S.J. Chair in Social Ethics, Philosophy Department and School of Law, Loyola University Chicago, United States of America](#)

Although **United States sanctions** may be initiated unilaterally, in many ways they function as **global measures**. This occurs, for example, when US measures block target countries from access to global institutions, such as the **World Bank** and the **IMF** or block access to certain goods produced only in the US, including software, technology, pharmaceuticals. Additionally, it can be said that **the US has "weaponized" its financial system** by threatening banks and other private actors with exclusion.

Regarding the **blacklisting of individuals, companies and foundations**, these listings are considered by many to be the pinnacle of targeted sanctions, impacting only individual wrongdoers, while sparing civilian populations. In many cases, however, that is not at all how they work. On the contrary, when government officials with key roles in a country's economy are blacklisted, or nationalized industries such as oil or shipping, **the impact will almost certainly be sectoral, indiscriminate, and broad-based** in its impact on the **population as a whole**.



## INTERVENTION FROM STATE DELEGATIONS AND CIVIL SOCIETY

### States that took the floor during the Interactive Dialogue (16 delegations)

Azerbaijan on behalf of the Non-Aligned Movement, European Union, Venezuela, Iran, Cuba, Russian Federation, Belarus, China, Syria, Malaysia, Niger, Qatar, South Africa, Indonesia, Zimbabwe, Bolivia.

All the States who delivered statements expressed their **opposition to Unilateral Coercive measures** (UCMs), except the **European Union**, who took the time to clarify that its sanctions were always **respectful of human rights** and did not hinder **humanitarian activities** without targeting food and medicine supplies.

The remaining 15 States explained to which extent UCMs were **impacting human rights** through various examples. States also emphasized that UCMs had a **negative impact on humanitarian activities** and on the **delivery of food and medical aid**, impacting in turn the **most vulnerable populations**.

States shared the view that **UCMs' impact was exacerbated by the COVID-19 pandemic**, especially regarding to the **supply of medical aid**.

**Azerbaijan**, speaking on behalf of the **Non-Aligned Movement**, stressed the need to **increase international cooperation** and **multilateralism** to counter the negative effect of the UCMs.

Most of the States taking the floor denounced the **UCMs imposed by the United States** as well as other **Western countries**, including the **European Union**.

### 6 NGOs took the floor during the Interactive Dialogue:

Center for China and Globalization, World Evangelical Alliance, Organization for Defending Victims of Violence, Sikh human Rights group, Beijing Crafts Council, Charitable Institute for Protecting Social Victims.

Civil society also condemned the imposition of UCMs, which constitute **clear and grave violations of human rights**. Most of the NGOs also denounced the UCMs imposed by the **United States**, the **European Union** and other Western Countries.

NGOs explained the **detrimental effect of UCMs on human rights** and on **humanitarian and development aid in developing countries**.

*Watch the full Panel Discussion on Unilateral Coercive Measures: [HERE \(UN Web.TV\)](#)*