

## HUMAN RIGHTS COUNCIL – 54th SESSION

### Biennial panel discussion on unilateral coercive measures and human rights.

#### **Theme: The impact of unilateral coercive measures and over compliance on the right to development and the achievement of the Sustainable Development Goals.**

14 September 2023

In the opening remark, **Mr Volker Türk, UN High Commissioner for Human Rights**, stressed the **complexity of the topic**. Unilateral coercive measures (UCM), imposed outside the framework of the Security Council, under the UN Charter, can impact the enjoyment of human rights, including the right to development. We need **effective, clear, and universally respected systems for humanitarian exemptions from sanctions**, to enable the swift, smooth passage of medication, healthcare equipment, food, humanitarian aid, and other assistance to critical infrastructure and services, such as water, sanitation, and electricity. By their purpose, **sectoral sanctions** create significant economic disruption. Such impact can also extend, however, to the distribution of basic goods to populations in need. The effect of sectoral sanctions can push the prices of basic food items out of reach of people with low incomes and jeopardize the quality of available food items. They can also interfere with the ability to maintain the provision of clean water, sanitation, or electricity. They can have serious effects on the supply of medical equipment and medication and may disrupt the supply of educational products. He affirmed that these sectoral sanctions can also impact progress towards the Sustainable Development Goals (SDG).

The HC stressed that any imposition of sanctions must be **fully compliant with international law**. He **recommended that Member States suspend or lift any unilateral coercive measures that have a detrimental effect on human rights, and which are aggravating humanitarian needs**.

**Ms Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**, reported that her country visits, thematic work, and information received from various sources on a daily basis clearly indicate the detrimental impact of unilateral sanctions and over-compliance with them on the achievement of all and every single SDG, affecting, therefore, the right to development and well-being of all those living in targeted countries regardless of the types of unilateral sanctions imposed. In particular, SDGs 2 and 3 (Zero hunger and Good health and well-being) are severely affected despite the introduction of humanitarian carve-outs in different forms in sanctions regulations. Moreover, unilateral coercive measures directly affect the achievement of SDGs 4, 6, 7, 9, 11–15.

She finally affirmed that the impact of unilateral sanctions shall not be ignored when discussing the achievement of SDGs alongside other challenges; assessment of the impact of unilateral sanctions shall be done by all relevant UN entities and other international organizations, within the scope of their mandates; people from the countries under sanctions shall not be discriminated and deprived of their right to participate in, to contribute to, and benefit from economic, social, cultural and political development.

As the first panelist, **Mr Mihir Kanade, Member of the Expert Mechanism on the Right to Development**, focused on general principles. UCMs on their own generally violate international law, particularly the Charter of the United Nations. UCMs also generally violate the right of people to self-determination, including self-determined development. The Vienna Declaration called upon all States to refrain from any unilateral measure that impedes the full realization of all human rights, in particular the right of everyone to a standard of living adequate for their health and well-being including food and medical care, housing, and the necessary social services.

The right to development, as an inalienable human right of every human person and all peoples, entitles them to three things: the right to participate in, contribute to, and enjoy economic, social,

cultural, and political development. This self-determined development must be one in which all human rights and fundamental freedoms can be fully realized. He said that **the only circumstance** when UCMs may be permitted in international law is as countermeasures. Countermeasures, however, must be proportional and must not affect obligations for the protection of fundamental human rights. Considering that UCMs and overcompliance also decelerate progress in the achievement of many of the SDGs, he restressed that overcompliance is largely avoidable, but this requires systems to be instituted by sanctioning States for guidance and clarification to corporations and banks, including in impact assessments and due diligence.

As **Oxfam Country Director in Cuba, Ms Elena Gentili** shared direct experience of the negative and differentiated impact of Unilateral Coercive Measures and over-compliance on the achievement of Sustainable Development Goals and the right to development of the Cuban population, especially those in the most vulnerable situations. She reported how UCMs impact the differentiated needs of women and girls, and how they negatively affect family lives and livelihoods, deepening and perpetuating gender inequalities both in the private and public spheres. 78% of women and girls living in Cuba were born under the pressure of the USA sanctions. She stressed that Cuba is currently experiencing an unprecedented multidimensional crisis. USA sanctions are deepening the crisis and, in this increasingly digital age, are further restricting private entrepreneurs' and people's access to digital platforms and resources, which have become even more important tools for international cooperation, trade and knowledge exchange, and family relations.

In conclusion, she encouraged the international community to advocate for the normalization of USA-Cuba relations and the removal of Cuba from the list of State Sponsors of Terrorism. She called on UN member States, international aid agencies, civil society organizations, and networks to be more proactive in opposing USA sanctions against Cuba and in highlighting the real harm these sanctions are causing to the daily lives of Cuban families.

**Mr Jeffrey D. Sachs, Director of the Center for Sustainable Development at Columbia University**, focused on the consequences of actions taken by a few States that had profoundly detrimental consequences for the world. This was not really about the question of over-compliance, although this was, of course, an issue; sanctions were designed to harm national economies, indeed, to destabilize them, and in many cases to force a change of political regime. The fundamental aim of the sanctions was a massive disruption to social and economic life, which was bound to have catastrophic consequences, in particular for the poorest and most vulnerable.

To impose sanctions is only within the capacity of a few countries, which had the ability to shape international trade. Along with the EU, he reported about one country that imposed sanctions: the United States. Most countries have no capacity to impose meaningful sanctions on other countries. The United States applied targeted measures against roughly a quarter of the world and could thus end this abusive policy by reflecting on its illegality and the damage that it caused to other countries. These sanctions regimes are especially dangerous as there is no domestic, political, or legal oversight of these sanctions. There is no global legal review or court of appeal, making them highly dangerous. The use of this tool was highly damaging and highly inappropriate, and Mr. Sachs hoped that this kind of violation of the United Nations Charter could be brought to an end.

Finally, **Mr Amir Saed Vakil, Assistant Professor at the University of Tehran, focused the statement on the right to development.** Development is defined as a process entailing a realization of all human rights, which aims at constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free, and meaningful participation in development and in the fair distribution of benefits resulting therefrom. The added value of the right to development is that it describes a process that demands the realization of all rights. **UCMs intercept the way** of the international community to create international conditions that allow developing countries to achieve their national goals, including the realization of economic, social, and cultural rights.

He concluded that the profound impacts of unilateral sanctions on the realization of third-generation human rights and sustainable development goals are deniable. The negative effects of unilateral coercive measures are not limited to the targeted country alone. They have a ripple effect on neighboring countries and the international community as a whole. Additionally, the imposition of sanctions can exacerbate existing conflicts and tensions.

### Interactive dialogue

19 country delegations took the floor during the interactive dialogue. **The majority of the countries** stated that unilateral coercive measures are implemented continuously to create unbearable conditions for the people with the sole purpose of bending them into submission, driving them out of their ancestral homes, and depriving them of the right to master their own present and future. They affirmed that UCMs are illegal under international law and constitute a violation of the principles of the UN Charter. **Armenia**, considering UCMs imposed by Azerbaijan against the Armenian population, affirmed that this constitutes a gross violation of a number of human rights, including the rights to food, health, education, movement, an adequate standard of living, and the right to life itself. **Cuba**, focusing on its experience, stressed that these types of measures are used as a mechanism of political pressure against democratically elected governments. They are an imperialist and interventionist instrument. **EU** reiterated its principled position that the Human Rights Council is not the appropriate forum to address the issue of autonomous sanctions. It clarified the key principles and features of its sanctions to foster greater understanding and underscore their legitimacy and lawfulness.

**The Syrian Arab Republic and the Islamic Republic of Iran** agreed that UCMs and their extraterritorial nature constitute a major obstacle to realizing the Right to Development and the SDGs. The UCMs deprive not only the targeted countries but also the imposers and compliers of the synergic results of cooperation which is needed more than ever. **Venezuela** reaffirmed its strong condemnation of the sustained and ever-increasing application of unilateral coercive measures aimed at advancing interventionist and destabilization agendas, both of a political and economic nature, which dramatically impact the full enjoyment of human rights.

**The Russian Federation** categorically rejects the practice of using UCMs as a tool of pressure on sovereign states. Such politically motivated actions violate fundamental human rights and freedoms, generally recognized norms of international law, undermine the efforts of states to resolve crisis situations, and have been repeatedly condemned by the Human Rights Council and the UN General Assembly. World practice shows that the use of unilateral coercive measures to achieve opportunistic political goals is an ineffective method.

**NGOs** called on the international community and UN Bodies to identify UCMs as one of the main obstacles to the realization of the right to development and SDGs and to make tangible policy recommendations on how to overcome them. Sanctions can lead to economic hardships, and humanitarian crises with severe consequences for the targeted country's population. People with disabilities are among the vulnerable groups who have been severely impacted by the cruel system of unilateral sanctions.

#### Delegations that took the floor during the Interactive dialogue (19 country delegations):

*Syrian Arab Republic (on behalf of a group of countries), Azerbaijan (on behalf of the NAM), Venezuela (Bolivarian Republic of), EU, Islam Republic of Iran, Armenia, Russian Federation, Zimbabwe, Namibia, Venezuela, Cuba, Belarus, China, Algeria, Egypt, Malaysia, Gambia, Bolivia (Plurinational State of), South Africa.*

#### NHRIs and NGOs that took the floor during the Interactive dialogue (6):

Association of Iranian Short Statured Adults, Associazione Comunita Papa Giovanni XXIII, Bachehaye Asemane Kamran Rehabilitation Institute, Centre europe - tiers monde, Legal Analysis and Research Public Union Medical Support Association for Underprivileged Iranian Patients.

To watch the full meeting refer to the [UN WEB TV](#).