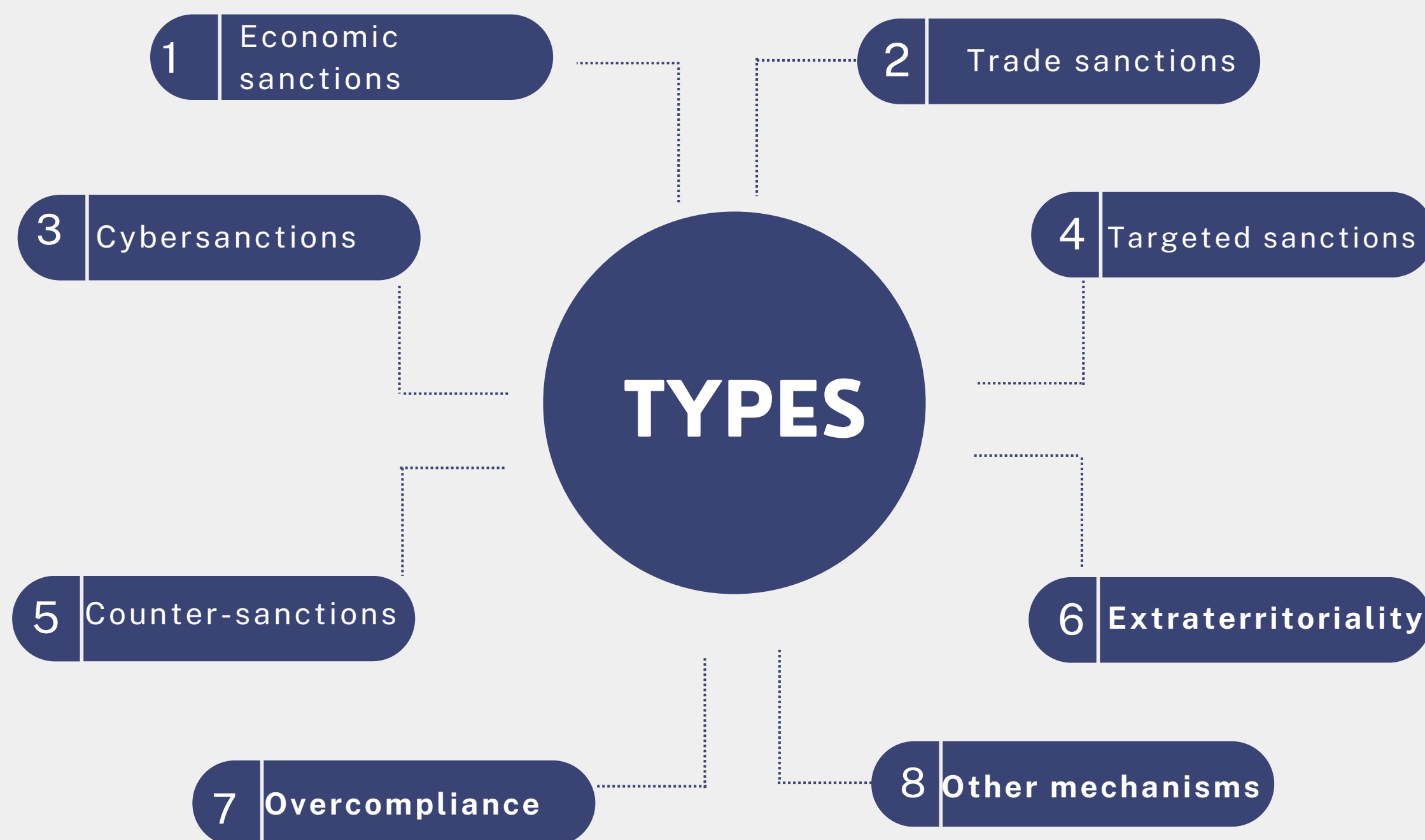


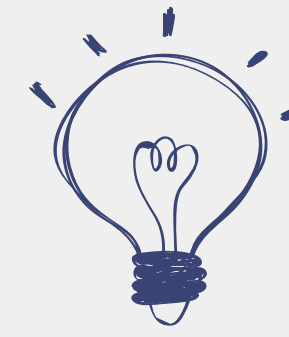
Unilateral Coercive Measures: A "What?" Guide for Everyone

Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

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- **Economic sanctions** encompass an extremely broad scope of unilateral measures, and include freezing the assets of central banks or Government-owned companies, introducing trade or economic embargoes, impeding bank transfers, and freezing the bank accounts and transactions of private individuals and companies.
- **Trade sanctions** are measures that prohibit trade with a country, companies or nationals of the country or might take the form of sectoral sanctions, which apply broadly to individuals and organizations within a specific economic sector without requiring any specific identifiable reason or violation that distinguishes them from those targeted by traditional sanctions. Trade sanctions have evolved to cover not only specific goods but also a wide range of items, including software.
- **Cybersanctions** include sanctions in response to malicious cyber-activities, blocking access to online commerce, limiting internet services, online platforms or connectivity essential for public administration and private use.
- **Targeted sanctions** are implemented against specific individuals and companies to reduce the humanitarian impacts of broader economic sanctions, typically including measures such as travel bans, asset freezes, and restrictions on trading certain goods and technology.



What is the definition?

- **UCMs** are any type of measures or activity applied by States, groups of States or regional organizations without or beyond authorization of the Security Council, 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. Such measures or activity include but are not limited to economic, financial, political or any other sort of State-oriented or targeted measures applied to another State or an individual, company or other non-governmental entity, in order to induce a change in policy or behaviour, to obtain from a State the subordination of the exercise of its sovereign rights, to secure advantages of any kind, or to signal, coerce or punish.



What are the types?

- **Counter-sanctions** are imposed by states under sanctions and usually qualified as countermeasures or retorsions in practice and in legal doctrine.
- **Extraterritorial unilateral measures** are incompatible with international law. States can only impose penalties over companies or individual if the latter fall under state's jurisdiction under international law.
- **Overcompliance with sanctions** includes measures not directly prescribed by sanctions regimes, and refers to the excessively cautious behaviour (de-risking, zero risk policies) by states, international organizations, banks, other businesses, civil society, individuals, to any possible negative implications for violation, circumvention or alleged circumvention of sanctions' regimes.
- **Other mechanisms** used in sanctioning practice include the designation of States as sponsors of terrorism, denial of trade privileges, denial of participation in international institutions, removal from office, shaming campaigns, denial of diplomatic status and denial of travel permission.



What is the legal criteria?

- **Under international law** the UN Security Council enjoys the unique authority to impose sanctions for maintenance of international peace and security. International organizations may impose sanctions on member States in accordance with their constituent documents and in conformity with principles of international law. States of international organizations can only impose measures without authorization of the UN Security Council if such measures do not violate any multilateral or bilateral obligations of such states or if measures are taken in response to previous violation of international law towards this state in accordance with standards of the law of international responsibility (counter-measures).



What is the qualification?

- Unilateral measures that violate the international obligations of States and therefore cannot be qualified as retorsion, countermeasures or implementation of resolutions of the Security Council constitute unilateral coercive measures. The illegal nature of these measures has been repeatedly affirmed by the Human Rights Council and the General Assembly. However, there is no consensus on the defining elements of unilateral coercive measures.



What are the recommendations?

- Unilateral sanctions should not be justified as a “better alternative” to armed force, means of foreign policy of administrative nature, or an attempt to demonstrate that states “do care”. States and regional organizations bear the burden of proof of the legality of any unilateral measures they are taking.
- Sanctions should not be used as a substitute for legal processes. If a crime cited as a ground for unilateral sanctions, has been committed under the jurisdiction of a state, it shall investigate a crime in full conformity with standards of due process and presumption of innocence and bear the burden of proof in accordance with international and criminal law requirements.
- States shall take into account the humanitarian concerns when deciding on the application or implementation of any unilateral measures, and conduct continuous assessments of the humanitarian impact.
- An extensive assessment of the legality and humanitarian effects of unilateral sanctions shall be integrated into the global agenda of all relevant UN organs and specialized agencies.
- States shall not shift responsibility to private companies by pushing them to commit overcompliance while limiting themselves to targeted sanctions only.

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[Unilateral coercive measures: notion, types and qualification](#)