

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

25 November 2020

Virtual Arria meeting on “End Unilateral Coercive Measures Now”

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

Honorable Chair, Excellencies, Ladies and Gentlemen,

It is an honor for me to speak at the Arria Formula Meeting and I would like to thank the sponsors of the event: China, Russia, Saint Vincent and the Grenadines, South Africa and Niger.

The UN Charter empowers the UN Security Council as the only organ able to take any enforcement measures in response to the use of force, the threat of force or an act of aggression. It does not provide any possibility for imposing unilateral sanctions for these or other purposes.

Unilateral sanctions are changing so much, that many existing forms were not envisaged even five years ago. Every day we discuss new types, means, methods and purposes of unilateral sanctions. We argue about extraterritoriality and over-compliance, identify direct or indirect targets, discuss the permitted level of human suffering caused by sanctions, and cannot find any consensus.

Unfortunately, very little attention is paid to assessing the legality and humanitarian impact of measures taken.

Excellencies, it has been generally recognized that the violations of fundamental human rights undermine stability within and between states, contribute to flows of migrants and may constitute a threat to international peace and security.

The humanitarian impact of unilateral sanctions is enormous. They affect all categories of civil, economic, social and collective rights, including the right to development. In the longer term, unilateral sanctions undermine existing regional and bilateral integration mechanisms, and impede targeted countries from developing or restoring critical infrastructure to guarantee the basic needs and well-being of their people.

The COVID-19 pandemic, as the Security Council noted in resolution 2532(2020), may endanger the maintenance of international peace and security. It has made the negative humanitarian effects of unilateral sanctions more obvious and more disastrous. Governments, international organizations human rights and humanitarian NGOs all say that a number of human rights are badly affected:

One is the **right to health**, as many targeted countries have insufficient medical personnel and shortages of medications and medical equipment necessary for the diagnosis and treatment of COVID-19 and other diseases. Another is the **right to food** – for countries that depend on food imports, unilateral sanctions disrupt existing food supply and payment chains and result in increasing prices for food and medicine.

Deteriorating economic situations are harming the exercise of **economic and labor rights**, giving rise to poverty. Denying the use of online resources violates the **right of access to information and the right to education**.

The impossibility to obtain proper medicine, medical care, food, electricity and fuel results in the violation of the **right to life** of those infected by COVID-19, and those who cannot get medical help and medication while suffering from other diseases, are malnourished, or cannot get to hospitals.

Existing unilateral sanctions exacerbate these calamities and thus **discriminate against the populations of targeted countries**, which are – about 20 per cent of UN Member States.

Unilateral sanctions by themselves affect all population groups in targeted states, third-state nationals falling under secondary sanctions, humanitarian non-governmental organizations active in the targeted states as well as beneficiaries of their aid all around the globe, with children, women, refugees, migrants, the elderly, and people suffering from chronic diseases being the most vulnerable.

It has been repeatedly reported by targeted states, targeted people and humanitarian organizations that **humanitarian exemptions and**

humanitarian aid cannot be relied upon. These mechanisms are slow, expensive, non-transparent, insufficient and ineffective.

Excellencies, despite repeated calls by the UN Secretary General, the UN High Commissioner, and numerous other reputable institutions and organizations, the world community has failed its test for solidarity and cooperation in the time of COVID. The absence of a common understanding of the legal framework for unilateral action, as well as the reported enormous humanitarian suffering, have pushed me to issue another call for inputs in the pursuit of a dialogue.

While recognizing that states are free to organize their international relations and choose cooperation partners, I would like to underline that any unilateral measures are only legal if they do not breach any international obligation of states; are taken with authorization of the UN Security Council, or their illegality is excluded in the course of countermeasures taken in accordance with the standards of international responsibility. Measures directly affecting fundamental human rights shall not be used as the means of influencing any government.

Excellencies, today the majority of unilateral sanctions do not fit the above criteria. This undermines in the long term the authority of the United Nations, brings uncertainty and fear to international relations, erodes international cooperation and the rule of law, and may constitute a threat to international peace and security.

I would use this chance to bring some more of my concerns to your attention today:

Unilateral sanctions are frequently imposed today to protect human rights, to suppress international terrorism or for other “common good” reasons. However, the application of economic or comprehensive sanctions often prevents the targeted population from having access to the means of subsistence, including food, housing and other essential goods, providing therefore grounds for insecurity.

Targeted individuals and companies are denied the right of judicial protection. Sanctions against them are usually decided by executive bodies in breach of the guarantees of due process and presumption of innocence.

Today the use of cyber means for recruiting, financing, planning or committing acts of terrorism is repeatedly cited by the UN Security Council as a threat to international peace and security. However, cyber means should not be used to unilaterally prevent people in targeted societies from online

banking, access to communication or educational resources, or as a means of inciting hatred.

Excellencies, today, despite the repeated calls of the UN bodies, states and international organizations are applying sanctions without or beyond the authorization of the Security Council to states, non-state entities and individuals.

That is why I use this chance to urge all states once again to lift, withdraw or minimize the use of unilateral measures which are not authorized by the UN Security Council or go beyond its authorization, in accordance with the rule of law and the criteria of legality, legitimacy, humanity and proportionality, with due account for the precautionary approach as concerns the humanitarian impact of measures taken, and preferably – under the control of the United Nations.

I also urge the UN Security Council to pay close attention to the application of unilateral sanctions and their disastrous effects on the enjoyment of the most vital rights. They cannot be expected to guarantee human rights by violating the human rights of those they seek to protect. It appears that the suppression of international terrorism, the application of measures aimed at the maintenance of international peace and security in different areas, as well as measures taken to protect and enhance human rights are very closely related to the functioning of the mandate, and I will be happy to provide my expertise.