

İzmir Türk Koleji Model United Nations Conference 2025

**Office of the United Nations High Commissioner for
Human Rights (OHCHR)**

Study Guide

Under-Secretary-General: Duru Kılıç

Academic Assistant: Bensu Temel

Table of Contents

1. Letter from the Under-Secretary-General.....	2
2. Introduction to the Committee: Office of the United Nations High Commissioner for Human Rights (OHCHR).....	3
3. Agenda Item: The Impact of Unilateral Coercive Measures (UCMs) on Human Rights With a Special Focus on War-Torn Areas,.....	4
a. Glossary.....	4
b. Introduction to the Agenda Item.....	5
i. OHCHR's Work on UCMs.....	5
ii. Special Rapporteur on UCMs.....	7
c. How UCMs Affect Human Rights.....	10
i. Economic Sanctions.....	10
ii. Other.....	11
d. Recent Developments Regarding the Use of Unilateral Sanctions.....	12
e. International Community on UCMs.....	16
f. Recommendations of the Special Rapporteur.....	17
4. Questions to Ponder.....	19
5. Bibliography.....	20

1. Letter from the Under-Secretary-General

Esteemed delegates,

I wholeheartedly welcome you to the Izmir Turk College Model United Nations Conference 2025 and our committee OHCHR. I am Duru Kılıç, the Under-Secretary-General responsible for this committee. I am a sophomore at İzmir Atatürk High School, and this is my third year in my MUN journey. I am extremely excited to meet and conduct this committee with all of you. Reading this study guide will ensure your complete understanding of this agenda item: “The Impact of Unilateral Coercive Measures (UCMs) on Human Rights With a Special Focus on War-Torn Areas”, and give you the necessary ideas as to what you should talk about in order to conclude the committee. Furthermore, researching “HarvardMUN Rules of Procedure” will help you to understand how a committee in a Model United Nations conference is conducted. These two points- the study guide and the rules of procedure- are the main things I highly recommend you pay attention to before the conference. Additional research, especially about your allocated country, will also be to your advantage. Make sure you come prepared!

If you need guidance or have any questions, please contact me or the Academic Assistant. Aiding you is a pleasure. I wish all of you an enjoyable three days in this conference and the continuation of your MUN journey. Good luck!

Sincerely,

Duru KILIÇ

kilicdurukilic@gmail.com

2. Introduction to the Committee: Office of the United Nations High Commissioner for Human Rights (OHCHR)

Since the adoption of the Universal Declaration of Human Rights in 1948, the growth in activities of UN Human Rights has been attached to an increase in the need for human rights. The Declaration, conceived as a universal benchmark for all individuals and nations, introduced fundamental civil, political, economic, social, and cultural rights to which every human being should be entitled regardless of differences.

“Principal Responsibility” of the High Commissioner for Human Rights:

1. Promote and protect all human rights for all
2. Recommend to bodies of the United Nations system the improved promotion and protection of all human rights
3. Promote and protect the right to development
4. Provide technical assistance for human rights activities
5. Coordinate United Nations human rights education and public information programs
6. Work actively to remove obstacles to the realization of human rights
7. Work actively to prevent the continuation of human rights violations
8. Engage in dialogue with Governments to secure respect for all human rights
9. Enhance international cooperation
10. Coordinate human rights promotion and protection activities throughout the United Nations system.
11. Rationalize, adapt, strengthen, and streamline the UN human rights machinery.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

3. Agenda Item: The Impact of Unilateral Coercive Measures (UCMs) on Human Rights With a Special Focus on War-Torn Areas

a. Glossary

Unilateral Coercive Measures (UCMs) – Economic or political measures imposed by one State or a group of States to pressure another State into changing its policies, often affecting the targeted population's human rights.

Security Council Sanctions – Measures imposed by the UN Security Council to maintain or restore international peace and security, legally binding on all member states, distinct from UCMs.

Special Rapporteur on UCMs – A UN-appointed independent expert who examines and reports on the negative effects of UCMs on human rights and makes recommendations to mitigate their impact.

Economic Sanctions – Restrictions imposed by one or more countries to limit trade, financial transactions, or other economic interactions with a targeted state or entity.

Humanitarian Impact of UCMs – The negative consequences of unilateral sanctions on people's access to essential services, including food, medical care, housing, and social welfare.

Universal Declaration of Human Rights (UDHR) – A foundational international document that outlines fundamental human rights and freedoms, including the right to an adequate standard of living.

International Humanitarian Law (IHL) – A body of international laws regulating armed conflict, ensuring the protection of civilians and restricting the use of harmful measures like UCMs that may violate humanitarian principles.

Committee on Economic, Social and Cultural Rights (CESCR) – A UN body monitoring the implementation of the International Covenant on Economic, Social, and Cultural Rights, including evaluating how UCMs impact these rights.

Economic, Commercial, and Financial Embargo – A form of UCM that restricts trade and financial transactions with a targeted country, often debated in UN resolutions.

International Law Compliance – The requirement that all measures, including UCMs, adhere to international legal frameworks, including human rights, refugee, and humanitarian laws.

Special Procedures (UN Human Rights Mechanisms) – Independent human rights experts are mandated to investigate and report on specific human rights issues, including the impact of UCMs.

b. Introduction to the Agenda Item

The term “unilateral coercive measures” usually refers to economic measures taken by one State to compel a change in the policy of another State. In today’s world, as the number of international conflicts that can be considered as “world war” by some sources rises, many states decided to put UCMs against the politically opposing side as a measure. However, unilateral coercive measures can negatively impact people’s rights to an adequate standard of living, including food and medical care, housing, and necessary social services. In this session, we will discuss these impacts assess the negative effects of UCMs on the enjoyment of human rights, and call for the easing or suspension of UCMs that may negatively affect human rights in countries targeted by such sanctions. OHCHR works with other UN bodies on this topic, supporting continuous work.

i. OHCHR’s Work on UCMs

Unilateral coercive measures have been defined by the Human Rights Council in its resolutions 27/21 and 45/5. These encompass economic and political measures imposed by one or a group of States to coerce another State into subordination of the exercise of its sovereign rights, intending to secure some specific change in its policy. These measures are distinguished from those taken by the Security Council under Article 41 of the Charter of the United Nations. In general, any unilateral measure, including domestic or international measures imposed by Members States to enforce the Security Council’s measures, should comply with international law, including international human rights, refugee, and humanitarian laws.

As part of its mandate, the Office carries out several tasks relating to unilateral coercive measures, including:

- Preparing and presenting reports on a number of related themes, including reports of the Secretary-General to the General Assembly and the High Commissioner to the Human Rights Council;
- Organizing workshops and panel discussions;
- Supporting the work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights;
- Assessing the negative impacts of unilateral coercive measures and other sanctions on the enjoyment of human rights; and
- Calling for the easing or suspending unilateral coercive measures that may negatively impact the enjoyment of human rights in countries affected by such sanctions.

The continuing practice of imposing various forms of unilateral coercive measures and the potential impact of such measures on human rights has drawn the attention of a large number of Member States (e.g. “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba,” adopted by a recorded vote of 184 to 2 with 3 abstentions.) Furthermore, United Nations human rights bodies and mechanisms including Special Procedures have considered this issue.

Several discussions, resolutions, and reports presented to the General Assembly, the Human Rights Council, and the former Commission on Human Rights have addressed the issue of the impact of unilateral coercive measures on the full enjoyment of human rights. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 called upon States to “refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impede the full realization of the human rights outlined in the Universal Declaration of Human Rights and in international human rights instruments, in particular, the rights 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”.

Numerous United Nations studies have also been carried out on unilateral coercive measures and human rights including the issue of legality of such measures. For instance, the Working Paper “The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights”; Human Rights Impacts of Sanctions on Iraq, Background Paper prepared by OHCHR for the meeting of the Executive Committee on Humanitarian Affairs of 5 September 2000; OHCHR thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, 11 January 2012; and Committee on Economic, Social and Cultural Rights, general comment No. 8 of 1997 on the relationship between economic sanctions and respect for economic, social and cultural rights. All these studies have analyzed the legitimacy of unilateral coercive measures from a human rights perspective and the complex and divergent views around this topic. They have also stressed the need to examine further the linkages between unilateral coercive measures and human rights.

ii. Special Rapporteur on UCMs

On 3 October 2014, the UN Human Rights Council resolution 27/21 and Corr.1 (17 November 2014) created the mandate of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. It defined the mandate, in paragraph 22, as follows:

- (a) To gather all relevant information, wherever it may occur, including from Governments, non-governmental organizations, and any other parties, relating to the negative impact of unilateral coercive measures on the enjoyment of human rights;
- (b) To study trends, developments, and challenges in relation to the negative impact of unilateral coercive measures on the enjoyment of human rights, and to make guidelines and recommendations on ways and means to prevent, minimize, and redress the adverse impact of unilateral coercive measures on human rights;
- (c) To make an overall review of independent mechanisms to assess unilateral coercive measures to promote accountability;
- (d) To contribute to strengthening the capacity of the Office of the High Commissioner to provide affected countries with technical assistance and advisory services to prevent, minimize, and redress the adverse impact of unilateral coercive measures on human rights.

The same resolution, in paragraph 23, requested the Special Rapporteur, within the framework of her mandate, to undertake the following:

- (a) To draw the attention of the Human Rights Council and the High Commissioner to those situations and cases regarding the negative impact of unilateral coercive measures on the full enjoyment of human rights;
- (b) To cooperate with other relevant United Nations bodies, including the High Commissioner, the human rights treaty bodies, the special procedures and mechanisms, specialized agencies, funds and programs, regional intergovernmental organizations and their mechanisms, to prevent, minimize, and redress the adverse impact of unilateral coercive measures on human rights.

In her first thematic report to the Human Rights Council, Prof. Alena Douhan, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, stresses that not every unfriendly act or means of applying pressure by a State can be qualified as a unilateral coercive measure. At the same time, States are free to choose their partners in

trade, economic, or other types of international relations. Customary international law provides for the possibility of unfriendly acts that do not violate international law and of proportionate countermeasures in response to the violation of international obligations, as long as they abide by the limitations set out in the draft articles on responsibility of States for international wrongful acts.

In carrying out the mandate, the Special Rapporteur is mindful of: the enormous discrepancies between sanctioning and sanctioned States, even concerning defining what is a legal or illegal activity, what unilateral activity (sanction) without or beyond the authorization of the Security Council could or should qualify as a unilateral coercive measure; the legality of unilateral action from the standpoint of the Charter of the United Nations, international humanitarian law, international human rights law and other areas of law; and the humanitarian impact on the enjoyment of human rights, the adequacy of the humanitarian exemptions and the insufficiency of mechanisms of delisting, control, reparation and compensation.

In her aforementioned report, the Special Rapporteur underscores that any progress on these matters can only be achieved through consensus and the development of an appropriate legal framework that reflects the legitimate concerns of those affected and that fills the gaps in the promotion of human rights and the protection from mass gross violations of human rights. The term “unilateral sanctions” is used in the present report without any prejudice as to the legality or illegality of such sanctions and to refer to any means of pressure applied by States or international organizations without or beyond the authorization of the Security Council.

In her first thematic report to the General Assembly, the Special Rapporteur stresses that Unilateral sanctions without or beyond Security Council authorization should be assessed for their legality under international law. The impact on human rights, including during emergencies, should be part of such assessments. International cooperation at the bilateral and multilateral levels should be based on the principles of legality and observance of the rule of law in full compliance with obligations arising from the Charter of the United Nations, international humanitarian and human rights law, and other international obligations, especially in the situation of the global challenge created by the pandemic.

Under no circumstances should trade in essential humanitarian goods and commodities, such as medicine, antivirals, medical equipment, its parts and relevant software, and food, be subject to any form of direct or indirect unilateral economic measure or sanction. Accordingly, any impediment to such trade or to appropriate contracts, financial transactions, transfers of currency or credit documents, and transportation that hamper the ability of

States to effectively fight the COVID-19 pandemic and that deprive them of vital medical care and access to clean water and food should be lifted or at least suspended until the threat is eliminated.

The Special Rapporteur welcomes every effort to provide humanitarian relief, but she underscores that humanitarian exemptions remain ineffective, inefficient, and inadequate. Humanitarian organizations refer to unilateral sanctions as the main obstacle to the delivery of aid. In general, and in particular, in the context of any emergency, including the COVID-19 pandemic, the humanitarian exemptions must not be administered based on permission but rather operationalized on the basis of registration. In other words, the exemptions should be designed on the presumption that the stated purpose is humanitarian, with a burden of proof on others to show it is not.

In this context, the Special Rapporteur urges States, international organizations and other relevant actors to lift, review, and minimize the whole scope of unilateral sanctions, to guarantee that neither doctors nor medical research centers are targeted, to ensure that the humanitarian exemptions are effective, efficient and fully adequate with the view to enable sanctioned States to protect their populations in the face of COVID-19, repair their economies and guarantee the well-being of their people in the aftermath of the pandemic.

With regard to concerns regarding the harmful effects of unilateral coercive measures, in particular, on the human rights of the populations of targeted countries, they have long been expressed by the United Nations, *inter alia* through many decisions and resolutions of the Human Rights Council and the General Assembly, as well as by the United Nations Conference on Trade and Development (UNCTAD) and other major international conferences.

Human Rights Council resolution 27/21 reiterates in that respect that the continuing implementation of unilateral coercive measures entailed “negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States”. The same resolution highlighted concerns regarding “the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work, and housing”, and referred to “the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States”.

c. How UCMs Affect Human Rights

i. Economic Sanctions

Sender states usually justify the use of sanctions by arguing that external trade and financial restrictions will force target governments to alter their policies in line with sender demands. Target governments may face a significant decline in their capacity to rule due to restricted access to essential military and economic resources. Reduced access to these resources then undermines the government's ability to project power. They may subsequently have less capacity to commit repression and eliminate domestic dissent to their authority.

In this scenario, sanctions-induced economic pain and shrinking resources could also decrease a target leader's ability to provide selective inducement to their support base in return for their loyalty. Selective enticements could include tax breaks, access to scarce luxury goods, better housing, and higher salaries. In the event that they no longer benefit from selective incentives, regime loyalists and other key public figures might choose to defect from the ruling coalition and join anti-regime groups. In addition, citizens who incur the economic costs of sanctions could develop more grievances against their government. Mounting grievances stemming from dire living conditions could help anti-regime groups recruit more supporters and mobilize against an incumbent government. According to this logic, the reduced coercive capacity of target regimes coupled with emboldened opposition should lead to less state repression and better human rights conditions overall. But sanctions rarely operate in the way this logic suggests. The adverse economic and humanitarian effects of sanctions in target countries are well-documented. It is also unlikely that leaders in target countries like Iran, Russia, and Venezuela are directly bearing the intended costs of coercion. This is largely because they use shrinking public resources in their favour to evade sanctions and keep their ruling coalitions intact, while their citizens suffer disproportionately. Targets can also gain access to sanctioned resources through third parties that are willing to bust sanctions. Just as Yugoslavia did during the 1990s, some target regimes will even use smuggling and other black-market channels to gain access to scarce goods. Accordingly, most target governments will continue to have enough state capacity to commit repression. As target leaders escape the costs of external pressure, there is often no discernible change in the balance of power between the incumbent leadership and opposition groups.

In some cases, sanctions can also contribute to the deterioration of human rights in target countries by undermining the state's ability and willingness to monitor and screen its bureaucratic agents. Since target leaders operate with fewer resources under sanctions, they might change spending

priorities at the expense of certain government programs. This can include budget cuts to the oversight capabilities of security, police, and other bureaucratic agencies. Left unmonitored, it is more likely that security and police forces will commit human rights abuses such as torture or the use of excessive force against peaceful demonstrators.

Sanctions are often considered to be a non-violent and relatively peaceful tool. However, the track record suggests that they are likely to do more harm than good when it comes to human rights conditions in target countries. From a policy standpoint, sanctioning states should ensure that human suffering and other adverse effects of sanctions do not outweigh the intended political gains. Given the relatively low success rate of sanctions in attaining their objectives, it is even more imperative for policymakers to consider the possible human rights impact of sanctions. While sanctions might be construed as a lesser evil, it is still the policymakers' responsibility to design sanction regimes that minimize harm to civilians and prevent long-lasting economic dislocation and political instability. In cases where sanctions have been in place for years with no desired change in target regime behavior, policymakers should consider lifting them to minimize the sanctions-induced instability and civilian harm.

ii. Other

While the negative effects of economic sanctions are broadly researched, the effects of other types of UCMs remain in the shadows. These include political sanctions and sanctions on humanitarian aid.

d. Recent Developments Regarding the Use of Unilateral Sanctions

Islamic Republic of Iran

The Special Rapporteur restates at the outset that the reimposition of a comprehensive trade embargo on the Islamic Republic of Iran, purporting to apply to third parties worldwide under the threat of adverse consequences for corporations also doing business in the United States is a significant step backward, especially since it violates Security Council resolution 2231 (2015) and deprives the Islamic Republic of Iran of the relief to which it is entitled under the Joint Comprehensive Plan of Action and Council resolution 2231 (2015). Multiple credible sources point to instances of undue compliance with United States measures against the Islamic Republic of Iran. In particular, there has been a virtual collapse in trade between the European Union and the Islamic Republic of Iran in recent months, which is strong evidence that a number of firms are unwilling to take the risk of losing access to United States markets or of facing huge financial or criminal penalties in the United States if they keep doing business with the Islamic Republic of Iran. There are reports of significant losses for European Union firms related to the termination of their activities in the Islamic Republic of Iran, despite the recent entry into force of updated Regulation No. 2271/96 of the Council of the European Union.

Cuba

In previous reports to the General Assembly, the Special Rapporteur noted that the expectations raised by the United States' recognition, under President Barack Obama in 2014, that the embargo on Cuba in place since 1960 was a failed policy and that, in the words of Mr. Obama, "isolation hasn't worked" and by the subsequent moves towards normalizing relations between the two countries have been shattered since 2017 when the current United States Administration returned to a hard-line policy of comprehensive economic isolation.

Bolivarian Republic of Venezuela

In recent months the Bolivarian Republic of Venezuela has witnessed an escalation in the political standoff between the Government and the opposition, which has turned into a legitimacy struggle. An intense international media campaign has taken place, most of it hostile to the government of President Nicolás Maduro. The decision taken by the United States and by a number of Western States to stop recognizing the Maduro government in favor of the self-proclaimed interim "president" Juan Guaidó has been met with threats, both veiled and open, of military intervention in the name of humanitarian intervention. All this has added to an already unstable

political situation and a disastrous economic situation which have, in turn, had terrible repercussions on the enjoyment of human rights. Given the propaganda-filled rhetoric often used by all sides, it is difficult to gauge the respective importance of the various causes of the virtual collapse of the Venezuelan economy. However, international observers generally agree that the unilateral economic sanctions adopted by the United States and other countries, coupled with a multifaceted “economic war”, have played a non-negligible role in crippling the economy of the Bolivarian Republic of Venezuela.

The United States has been applying a growing number of economic sanctions on the Bolivarian Republic of Venezuela for more than a decade and has “blacklisted” the country on various grounds.

By contrast, the sanctions imposed by the European Union, in force since November 2017, have remained limited to an embargo on the export of weapons and equipment for internal repression and to a travel ban and an asset freeze targeting 18 Venezuelans “holding official positions and responsible for human rights violations as well as for undermining democracy and the rule of law in Venezuela”. However, it was reported in February 2019 that the European Union was considering imposing more sanctions on the Maduro government, although the option of an oil embargo is excluded at this stage.

“For some time now, the United States had been using Venezuela’s vulnerabilities to engage in a low-grade economic war. Instead of military action, the US has imposed selected economic sanctions against certain Venezuelans, ... with threats of worse to come. But, as of January 28, 2019, the US has declared a full-scale economic assault. Indeed, it declared an embargo against *Petróleos de Venezuela* ... that controls the world’s largest oil reserves and produces virtually all of Venezuela’s foreign exchange”.

Attempts at using humanitarian supplies to fuel tensions within the Bolivarian Republic of Venezuela and ultimately provoke regime change arguably fall under the definition of unilateral coercive measures, which, based on Human Rights Council resolution 27/21, could be understood as measures including, but not limited to, economic and political ones, imposed by States or groups of States to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights to secure some specific change in its policy. Concerns have been expressed that “using what was apparently an aid mission to challenge a president stood against the principles of humanitarianism”. Responding to a question on the situation in the Bolivarian Republic of Venezuela, the Spokesperson of the United Nations Secretary-General has said that “humanitarian action needs to be independent of political, military or other objectives”.

Russian Federation

The restrictive measures imposed by the European Union on the Russian Federation were extended again in 2018, until 31 July 2019, whereas those enacted by the United States have gradually been expanded. Amid reports that the sanctions have unintended effects, including boosting the domestic (indigenous) capabilities of Russian industries and the agricultural sector, to the detriment of Europe, there are regular indications that Russian workers experience the adverse effects of the sanctions in their daily lives, especially through price increases.

Qatar

The restrictive measures imposed by various Gulf countries on Qatar remain in force. The Special Rapporteur has received an invitation to visit Saudi Arabia, one of the Gulf countries applying such measures, and Qatar. The International Court of Justice may be expected to render, in the course of 2019, its judgment in the contentious proceedings initiated by Qatar claiming that the measures amount to violations of the International Convention on the Elimination of All Forms of Racial Discrimination.

State of Palestine

In 2018, the State of Palestine submitted an inter-state communication under the International Convention on the Elimination of All Forms of Racial Discrimination against Israel. In it, the State of Palestine claimed discrimination and other practices and policies that violate State obligations under the Convention. The detailed contents of the communication have not been made public yet, but it may be assumed that the State of Palestine could seek to challenge, inter alia, the continuing blockade implemented by the occupying Power, as constituting a breach of obligations under the Convention.

It should be recalled that the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 has found that the blockade constitutes collective punishment of the people of Gaza, contrary to Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). The Special Rapporteur also cannot but draw attention to an alarming recent report in which the United Nations Relief and Works Agency for Palestine Refugees in the Near East states that more than one million people in Gaza – half of the population of the territory – may not have enough food by June 2019 as a result of the blockade coupled with other factors such as successive conflicts that have razed entire neighborhoods and public infrastructure to the ground.

Syrian Arab Republic

Measures which, when superimposed, become comprehensive economic sanctions continue to be imposed on the Syrian Arab Republic by a number of States and regional organizations, such as the European Union, which again in 2018 extended its restrictive measures until 1 June 2019. The measures are being maintained as the political-military process toward peace evolves and as the situation on the ground becomes more stable. The reason for extending sanctions is that the human rights of Syrians continue to be violated by the Government. This effectively means fighting the blaze of human rights violations not with a hose but with a flamethrower.

In recent months, the United States has strongly tightened the measures that prohibit oil exports to the Syrian Arab Republic through targeted sanctions on foreign entities accused of facilitating transactions on oil deliveries to that country, as well as through the issuance of an advisory to the maritime petroleum shipping community issued by the Office of Foreign Assets Control to “alert persons globally to the significant US sanctions risks for parties involved in petroleum shipments to the Government of Syria.” The stated objective of these measures is to “disrupt support for the Assad regime by preventing the normalization of economic and diplomatic relations and the provision of reconstruction funding, as well as permanently denying the regime the use of chemical weapons. The United States is committed to isolating the Assad regime and its supporters from the global financial and trade system in response to the continued atrocities committed by the regime against the Syrian people.”

Such an overt claim that sanctions are being used to prevent the normalization of economic and diplomatic relations and reconstruction funding is a crude admission of disregard for the principles of the Charter of the United Nations, human rights, and humanitarian law. The restrictions imposed by the United States are reportedly having a catastrophic impact on the Syrian economy and population and forcing the Government of the Syrian Arab Republic to ration gasoline. This situation, coupled with the effects of the random piling-up of 52 packets of other, so-called “smart” sanctions and the comprehensive sanctions, effectively means imposing misery on an entire population. The measures are clearly indiscriminate and thus arguably unlawful under international law, as previously stressed by the Special Rapporteur. This is all the more disturbing given that there used to be flexibility concerning the implementation of sanctions on the Syrian Arab Republic in order to alleviate the situation of the civilian population.

Yemen

The Special Rapporteur, who has previously drawn attention to the humanitarian crisis in Yemen, notes with concern that the flow of essential foodstuffs and other commodities into Yemen continues to be restricted de

facto, even though the naval blockade was lifted after the United Nations Verification and Inspection Mechanism for Yemen was set up. Obstacles to the flow of goods identified by United Nations agencies present in Yemen include obstacles on all sides to safe passage for aid delivery and delays in approving project agreements. This includes what the World Food Programme has identified as “the obstructive and uncooperative role of some of the Houthi leaders in areas under their control”.

e. International Community on UCMs

Rejection of the United States embargo on Cuba has become so widespread within the international community that in 2018 a near-universal consensus was reached by the General Assembly. Moreover, successive Assembly resolutions nominally concerned with the Cuban embargo actually have a broader scope and broader implications, since they contain language that clearly applies to unilateral coercive measures in general, whatever the context.

In the preamble of its resolutions, the General Assembly refers to certain general principles, including the sovereign equality of States, non-intervention and non-interference in their internal affairs, and freedom of international trade and navigation, which are also enshrined in many international legal instruments. It also refers to declarations and resolutions of different intergovernmental forums, bodies, and Governments that express the rejection by the international community and public opinion of the promulgation and application of measures of the kind referred to above. It would thus appear that the international community views as unlawful those unilateral coercive measures the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction, and the freedom of trade and navigation. Being almost universally proclaimed as such by the international community, that view therefore qualifies as an emerging rule of customary international law.

There is a legal argument that States may be under a legal obligation not to recognize the effects of unlawful sanctions, especially those applied extraterritorial and secondary economic sanctions. There exists in international law an obligation of non-recognition of (at least certain) unlawful situations. Such an obligation derives from the well-established general principle of law *ex injuria jus non oritur*, meaning that legal rights cannot derive from illegal acts.

What are the peremptory norms the violation of which can give rise to the obligation of non-recognition? The forcible acquisition of territory is the most well-known example and appears to be the unlawful situation *par excellence* covered by the obligation of nonrecognition under customary international law.⁶⁷ But breaches of other peremptory norms can arguably be directly relevant to the same obligation, such as the right to self-determination, the prohibition of racial discrimination and apartheid, and basic principles of international humanitarian law.

The International Court of Justice has found in two cases that States were under an obligation to not recognize an unlawful situation. In 1971, the Court held that the presence of South Africa in Namibia was illegal and that Member States of the United Nations were under an obligation to refrain from any act and in particular any dealings with the Government of South Africa implying recognition of the legality of its presence in and administration of Namibia. In 2004, the Court found that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, was contrary to international law. It held that Israel had violated certain obligations erga omnes including the obligation to respect the right of the Palestinian people to self-determination, certain rules of humanitarian law applicable in armed conflict which are fundamental to the respect of the human person and elementary considerations of humanity, and article 1 common to the four Geneva Conventions. The Court then stated: Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction.

f. Recommendations of the Special Rapporteur

The Special Rapporteur has previously requested that Member States begin consultations on a draft declaration on unilateral coercive measures and the rule of law, to be presented at an upcoming session of the General Assembly, to establish an international consensus on the minimum human rights protections which must be applied to the use of unilateral coercive measures. He appreciates the fact that the Assembly took note with interest of the proposals he had put forward in his report to the Assembly at its seventy-first session, which included a call for the Human Rights Council and the Assembly to restate in a solemn manner, through a declaration, the right of victims to an effective remedy, including appropriate and effective financial compensation, in all situations where their human rights have been adversely affected by unilateral coercive measures.

In its most recent resolution on the negative impact of unilateral coercive measures on the enjoyment of human rights, the Human Rights Council requested the Special Rapporteur, taking into account the views of Member States, to continue his work on identifying a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights, and to submit those elements to the Council in his next report. The Council also requested the Office of the United Nations High Commissioner for Human Rights to organize a biennial panel discussion, entitled “The way forward to a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development”, for the forty-second session with the

participation of Member States, relevant United Nations bodies, agencies, and other relevant stakeholders. In that respect, it requested the Special Rapporteur to act as rapporteur for the panel discussion and to prepare a report thereon, and to submit and present the report to the Council at its forty-third session. In response to that request, the Special Rapporteur has started preparations for the panel discussion, the outcomes of which will be presented in his next reports to the Council and the Assembly.

The Special Rapporteur proposes that the draft declaration (or treaty or convention) be supplemented by a statement stressing the existence of an obligation on States under international law not to recognize unlawful situations arising from the imposition of unilateral extraterritorial (secondary) sanctions, nor to render any aid or assistance to the sanctioning party in that respect, and affirming that States are expected to take appropriate measures, including in their domestic laws, to deny giving any effect to or recognizing or enforcing in any manner, in their respective jurisdictions, extraterritorial secondary sanctions.

The Special Rapporteur has suggested, in his previous reports to the Human Rights Council and the General Assembly that the Secretary-General appoint a special representative on unilateral coercive measures with a remit that would be broader than that of the Special Rapporteur and that would include facilitating a dialogue to solve the underlying causes of such measures (or, alternatively, several special representatives, each in charge of a country-specific sanctions regime, as appropriate). The Special Rapporteur believes that this would be a welcome step by the United Nations, especially in light of recent worrying developments related to the increased use of comprehensive sanctions and embargoes. It is a step that would permit the United Nations to be involved in mitigating initiatives and to provide support to affected people and communities. The Special Rapporteur also expresses hope that the vast majority of countries, as part of their commitment to protecting innocent segments of the population, in particular the most vulnerable, would support the idea of appointing such a special representative of the Secretary-General.

4. Questions to Ponder

1. What are all of the negative effects of UCMs and what should be implemented in order to broadly understand every negative impact of all types of UCMs?
2. What is the role of OHCHR in working on the negative impacts of UCMs and how can it work with other UN bodies?
3. How can Member States reach common ground on unharmful UCMs, especially those involved in active interterritorial conflicts?
4. What should international agreements promise to be globally inclusive and effective in the matter of ensuring unharmful UCMs?
5. What legal document (Resolution Paper, Agreement, Declaration, Convention, etc.) is the most effective in ensuring unharmful UCMs, considering how legally binding they are and which one should OHCHR use?
6. What are the countries most affected by the negative impacts of UCMs and how can it be fixed through international cooperation?

5. Bibliography

<https://www.ohchr.org/en/unilateral-coercive-measures>

<https://www.ohchr.org/en/documents/reports/ahrc4336-report-hrc-panel-discussion-unilateral-coercive-measures-and-human>

<https://documents.un.org/doc/undoc/gen/g20/087/59/pdf/g2008759.pdf>

<https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures>

<https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures/mandate-special-rapporteur>

<https://www.ohchr.org/en/unilateral-coercive-measures/un-human-rights-work-unilateral-coercive-measures>

<https://www.ohchr.org/en/unilateral-coercive-measures/un-human-rights-work-unilateral-coercive-measures>

<https://www.ohchr.org/en/news/2023/09/human-rights-council-hears-unilateral-sanctions-and-over-compliance-prevent-countries>

<https://digitallibrary.un.org/record/3823888?ln=en&v=pdf>

<https://freepolicybriefs.org/2022/05/10/effects-economic-sanctions/>

<https://reliefweb.int/report/world/human-rights-effect-economic-sanctions>