



General Assembly

Distr.: Limited
26 January 2023

Original: English

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

21 February–1 March 2023

Identification of new subjects

Obligations of Member States in relation to unilateral coercive measures: guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures

Revised proposal by the Islamic Republic of Iran

Unilateral coercive measures without or beyond the authorization of the Security Council that cannot be qualified as retorsions or countermeasures under the law of international responsibility are unlawful and illegal measures under international law.¹ These measures include, but are not limited to, economic and political measures imposed by one State or group of States to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights with a view to securing some specific change in its policy. Such illegal measures can be extraterritorial because of the imposition of secondary sanctions which are initiated by one State or group of States and are imposed outside the national territory or jurisdiction of that State or group of States. The laws imposing them may have extraterritorial effect not only on targeted countries but also on third States, in a manner that will compel the latter to also apply the unilateral coercive measures to the targeted country, with non-compliance leading to heavy unilateral penalties. In addition, the actual use of secondary sanctions, as well as imposition of civil and criminal penalties, for the circumvention of the sanctions regimes in the domestic law of sanctioning countries generates fear of any interaction with the targets of those sanctions, leading to voluntary overcompliance.

In recent years, unilateral coercive measures, which have been imposed with an unprecedented increase, have alarmingly intensified, thereby causing economic hardship and human suffering and depriving many countries of their inalienable and basic rights, including the right to development. Such measures target first and foremost the daily life of civilians, causing serious humanitarian effects. In particular, access to health services and life-saving drugs is significantly affected as well, which would be comparable to collective reprisals and would therefore be banned under humanitarian law, as such actions adversely affect the basic human rights of peoples.

¹ [A/77/296](#), para. 6; and [A/HRC/51/33](#), para. 87.



Whether comprehensive or smart, unilateral coercive measures run counter to the Charter of the United Nations and the fundamental principles and norms of international law and international customary law and are considered international wrongful acts. Therefore, all Member States are under an obligation to stand against these unlawful measures that violate their freedom of trade as well as their sovereignty. In some circumstances, such measures have also run counter to Security Council resolutions adopted under Chapter VII of the Charter, and have even led to the penalization of nations across the entire world for abiding by such resolutions. These measures have, in some cases, violated the provisional measures of the International Court of Justice and are endangering international peace and security.

Given the unlawful character of such vicious and dangerous measures, which have resulted in serious implications for the international legal order and have affected third States, all States Members of the United Nations are under an obligation not to recognize such illegal actions as lawful. They are also under an obligation not to render aid or assistance in maintaining the illegitimate situation created by the wrongful act. It is also a duty for all Member States to cooperate to bring, through lawful means, such a situation to an end.

Therefore, considering the grave and adverse consequences of unilateral coercive measures for multilateralism, international law, the Charter, human rights and the right to development, it is time for the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to take seriously the matter of the maintenance of international peace and security, of which the Security Council is seized, and explore the ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures in the form of guidelines.

The guidelines will elaborate the obligations and commitments of Member States in confronting unilateral coercive measures and could work as a road map to help States to prevent, remove, minimize and redress the adverse impacts of such measures.

The elements below could be used as a basis for discussion and negotiation in the Committee and could eventually be adopted by the General Assembly, in due time.

Obligations of Member States in relation to unilateral coercive measures

Guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures

The General Assembly,

Renewing its commitment to the objectives and principles of the Charter of the United Nations,

Recalling its resolution [2625 \(XXV\)](#) of 24 October 1970, containing the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming its resolution [3281 \(XXIX\)](#) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, pursuant to which no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Reaffirming also its resolution [70/1](#) of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,

Recalling its resolution [77/214](#) of 15 December 2022, entitled “Human rights and unilateral coercive measures”, and Human Rights Council resolution [49/6](#) of 31 March 2022, entitled “The negative impact of unilateral coercive measures on the enjoyment of human rights”,

Mindful of the increasing number of unilateral acts in international relations, including the unilateral use of force, the threat of the use of force and unilateral coercive economic measures,

Considering that “unilateral coercive measures” refers to coercive transnational measures – other than those enacted by the Security Council acting under Chapter VII of the Charter of the United Nations and that are consistent with the law of international responsibility – taken by a State, including the threat or use of pressure in any form, whether military, political, judicial or economic, in order to compel a change in the policy of another State, or to coerce another State to perform any act relating to the conclusion of an agreement or a treaty in violation of the principles of sovereign equality of States and freedom of consent,

Recognizing that hostile unilateral acts can pose a threat to international peace and security,

Bearing in mind the importance of free trade for the development of States and the well-being of their peoples,

Reiterating its commitment to the fundamental rights of persons, including the rights to life, liberty and property and the right to be free from arbitrary measures,

Stressing the right of people to a decent standard of living and the right to development,

Concerned about the negative effects of unilateral measures, including coercive economic measures, on the enjoyment of human rights and compliance with international humanitarian law,

1. *Condemns* the fact that certain States continue to use unilateral coercive measures against other States, hindering the receiving State’s full realization of its rights as set forth in major international legal instruments, including in the Charter of the United Nations;

2. *Expresses deep concern* that, in some circumstances, unilateral coercive measures run counter to Security Council resolutions adopted under Chapter VII of the Charter, leading to the penalization of nations across the entire world for abiding by such resolutions and thus endangering international peace and security;

3. *Adopts* the Guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures, contained in the annex to the present resolution.

Annex

Guidelines on ways and means to prevent, remove, minimize and redress the adverse impacts of unilateral coercive measures

1. States shall consider the recourse of any State to unilateral coercive measures to be unlawful and to incur international responsibility.

2. States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries.²

3. National courts and tribunals of States shall not recognize, give effect to or enforce any foreign judgment arising from the application of national laws, orders

² Resolution 70/1, para. 30.

and regulations imposing unilateral coercive measures, including unilateral coercive economic measures, on other States.

4. State and private properties and assets, including bank accounts, bonds, real estate and consular and diplomatic facilities, shall be immune from freezing, forfeiture or any other form of confiscation or restriction arising from the implementation of unilateral coercive measures. The jurisdictional immunities of States shall at all times be observed and protected against the implementation of unilateral coercive measures.

5. In the event of economic or financial loss incurred as a result of the implementation of unilateral coercive measures, the State that, by its action or request, has inflicted such loss on a receiving State shall be primarily held liable for compensation and damages.

6. States shall draw up a road map to reduce the dependency of international trade on national currencies that are prone to being used to implement unilateral coercive economic measures or to sustain a particular State's monetary hegemony over the global economy.

7. States shall make efforts to create regional or other forms of inter-State financial institutions to strengthen their bilateral and multilateral financial relationships and supplant the inequitable practices and processes that presently characterize certain global financial and development institutions.

8. No one shall be deprived of liberty or freedom of movement or be subject to any other form of judicial restriction grounded in the unilateral coercive acts, laws or policy of a State. Courts and tribunals shall conduct a rigorous review of all documents and evidence presented to them in order to avoid giving unwarranted judicial effect to unilateral coercive measures.

9. States shall consider the evasion or circumvention of unilateral coercive economic measures by natural persons as political in character and therefore not an extraditable offence.

10. Under no circumstances shall trade in humanitarian goods and commodities, such as food, medicine and agricultural and animal products, be subject to any form of direct or indirect coercive economic measure or sanction. Accordingly, any impediment to such trade, including impediments to transportation, financial transactions and the transfer of currencies or credit documents, shall be removed.

11. Tangible or intangible cultural properties, cultural activities, revenues arising from art and sport, the income of workers abroad, resources pertaining to the functioning of diplomatic missions, contributions to international organizations, funds pertaining to students and academic activities, and other activities of a similar character shall at no time be affected or interrupted even temporarily by any unilateral coercive economic measure or any form of restriction affecting their smooth functioning.

12. Any unilateral coercive economic measure that adversely affects the entire population of a nation by hindering the humanitarian needs of that population or impeding the full enjoyment of that population's fundamental human rights, including its essential economic, social and cultural rights as enshrined in international human rights instruments, shall be considered a grave violation of international law and an international criminal act.

13. Humanitarian aid in kind or in cash in cases of natural and other disasters shall not be subject to any direct or indirect restriction.

14. States are encouraged to adopt laws and regulations to enforce the measures stipulated in these guidelines.