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

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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

Further 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 Unilateral coercive measures constitute a flagrant violation of the fundamental principles of international law and the principles set forth in the Charter of the United Nations, in particular, sovereign equality and non-intervention. Such illegal measures also violate and impede the realization of all human rights while negatively affecting the enjoyment of human rights.

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. Unilateral coercive measures contravene the Charter of the United Nations, as well as the norms and principles governing peaceful relations among States, and threaten freedom of international trade, investment and cooperation among States. 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

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



generates fear of any interaction with the targets of those sanctions, leading to voluntary overcompliance.

In recent years, the frequency, type, target and scope of application of unilateral coercive measures have expanded enormously in the international arena.² The unprecedented, alarming intensification of the extent and magnitude of the promulgation, application and implementation of such unlawful measures has caused more severe economic hardship and human suffering, also 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 and exact heavy, disproportionate and indiscriminate human costs upon the whole affected population, including women, children and the elderly.

As a case in point, the imposition of unilateral coercive measures has impeded or disrupted, *inter alia*, access to health-care services, access to and procurement of medicine, medical supplies, equipment and services, and the development, purchase and delivery of vaccines, as well as access to life-saving medicines, thus creating serious impediments to the management and mitigation of diseases, as well as treatment of diseases, including but not limited to rare diseases such as epidermolysis bullosa. These illegal measures, which have deliberately inflicted detrimental conditions of life upon the affected population, *inter alia*, through the deprivation of access to medicines and have caused serious humanitarian effects, are tantamount to crimes against humanity and would be comparable to collective reprisals and punishment, and are therefore proscribed under humanitarian law, as such actions adversely affect and compromise the basic human rights of peoples, including the right to life and the right to health.

To underline another non-exhaustive instance of the deleterious impact of unilateral coercive measures, it could be noted that such unlawful measures also hinder international cooperation and limit the ability of affected States to access and acquire the foreign investment and technologies, as well as goods and services, necessary to address environmental issues, while such illegal measures also block international funding from lending agencies that support environmental improvement projects. In countries facing environmental degradation, impediments arising from unilateral coercive measures as a significant contributing factor exacerbate environmental degradation, thereby affecting people's rights to a healthy and sustainable environment and to an adequate standard of living, and even the right to health, to the extent that the right to life is also being endangered.

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 internationally wrongful acts entailing the international responsibility of States promulgating and applying such unlawful measures, as well as States aiding or assisting in the commission of such internationally wrongful acts. Therefore, all Member States are under an obligation to desist and refrain from promulgating and applying or otherwise providing any aid or assistance for the implementation of unilateral coercive measures; in a similar vein, all Member States have the obligation to stand against and counter these unlawful measures that violate freedom of trade, as well as sovereignty. In some circumstances, unilateral coercive 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,

² General Assembly resolution [78/202](#).

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,

Recalling its resolutions [77/214](#) of 15 December 2022 and [78/202](#) of 19 December 2023, entitled “Human rights and unilateral coercive measures”, and Human Rights Council resolutions [49/6](#) of 31 March 2022 and [52/13](#) of 3 April 2023, entitled “The negative impact of unilateral coercive measures on the enjoyment of human rights”,

Bearing in mind the purpose of the Charter of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Reaffirming the need for strengthening international cooperation for development,

Desirous of contributing to the creation of conditions for overcoming the main obstacles in the way of the economic development of the developing countries,

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 measures – other than those enacted by the Security Council acting under Chapter VII of the Charter of the United Nations – taken by a State, group or association of States, in violation of the principles of sovereign equality of States and non-interference in internal affairs of States, including pressure in any form, whether political, judicial, financial or economic, in order to compel a change in policy of another State by causing costs and damage to that State and those who support its political course,

Condemning and rejecting unilateral coercive measures and underlining that unilateral coercive measures are a flagrant violation of the fundamental principles of international law and the principles set forth in the Charter of the United Nations,

Bearing in mind that unilateral coercive measures hinder the realization of all human rights and negatively impact the enjoyment of human rights,

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,

Expressing grave concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

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 that unilateral coercive measures create obstacles to the full enjoyment of human rights and impede the full realization of the rights set forth in major international human rights instruments,

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. Recourse of any State to unilateral coercive measures is unlawful and contrary to the Charter of the United Nations and international law, and will entail international responsibility. States are strongly urged to refrain from adopting, promulgating and

applying unilateral coercive measures that impede the full achievement of economic and social development, particularly in developing countries.³

2. States shall not recognize or implement or otherwise give effect in any other manner to unilateral coercive measures.
3. Any foreign judgment arising from the application of national laws, orders and regulations imposing unilateral coercive measures, on other States should not be recognized or enforced by national courts.
4. State and private properties and assets, including bank accounts, bonds, real estate and consular and diplomatic facilities, shall be immune from and not subject to freezing, forfeiture or any other form of confiscation or restriction arising from the implementation of unilateral coercive measures by any authorities. The jurisdictional immunities of States and the immunity of their properties 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 adoption of unilateral coercive measures, the State that, by its action or request, has inflicted such loss on an affected State, individuals and legal entities by its actions or extraterritorial application of its national laws 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 eliminate 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. Executive and judicial authorities 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. The evasion or circumvention of unilateral coercive measures by individuals shall not be considered as a ground for extradition.
10. Under no circumstances shall trade in humanitarian goods and commodities, such as foodstuffs and agricultural commodities, animal products, medicines and medical devices, as well as spare parts, equipment and associated services necessary for the safety of civil aviation, be subject to any form of direct or indirect coercive economic measures. 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, academic and sports activities, revenues arising from art and sport, the income of workers abroad, resources pertaining to the functioning of diplomatic missions and consular posts, 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.

³ Resolution [70/1](#), para. 30.

12. Any unilateral coercive economic measure that adversely affects the entire population of a State 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 unilateral coercive measures.

14. States are also encouraged to raise awareness globally of the negative impact of unilateral coercive measures on the enjoyment of human rights, including the right to life and the right to health.

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