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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Human rights and unilateral coercive measures

Report of the Secretary-General

I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 12/22, in which the Council requested the Secretary-General to submit to the Council, at its fifteenth session, an analytical report on the impact of unilateral coercive measures on the enjoyment of human rights.
2. On 8 January 2010, the Secretary-General sent a note verbale to Member States seeking their views and information. As at 12 March 2010, the Office of the United Nations High Commissioner for Human Rights had received responses, summarized below, from the Governments of Argentina, Belarus, Burkina Faso, Costa Rica, Guatemala, Jamaica, Serbia, Slovakia and the Russian Federation. Responses received from the Governments of Algeria and Qatar for the twelfth session of the Human Rights Council on the same item and which were not included due to their late submission are also included. The full text of the submissions is available from the Secretariat.

II. Responses from Governments

Algeria

[Original: French]
[3 July 2009]

3. The Government of Algeria stated that unilateral coercive measures were contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States. It further indicated that the adoption of unilateral coercive measures constituted a violation of human rights, in particular of the right to dignified life and the right to development, and a violation of the sovereignty of other States.
4. The Government underlined that economic, social and cultural rights of populations guaranteed under the International Covenants were violated by unilateral coercive measures with a negative impact on well-being, development and international cooperation. It also pointed out that unilateral coercive measures created obstacles to free trade relations among sovereign States and, as a result, impeded full enjoyment of all human rights, as reiterated at the World Conference on Human Rights held in Vienna in 1993.
5. The Government affirmed that Algeria respected the principles of international law and subscribed to the Charter of the United Nations, declarations and relevant resolutions adopted by the United Nations, and in particular to the Human Rights Council resolutions on human rights and unilateral coercive measures. It also indicated that with respect to the sovereignty, equality and non-interference in domestic affairs of other States, the right of all peoples to self-determination and their free choice of their political, economic, and cultural system constituted the core principles of the foreign policy of Algeria.
6. The Government was of the view that unilateral coercive measures were not favorable to peaceful and friendly international relations or to guaranteeing to peoples their inalienable right to development. The extraterritorial application of national laws disturbed international peace and security. The Government also requested the Secretary-General to give special attention to the implementation of the resolutions of the Human Rights Council on this issue in the light of the universality, indivisibility, interdependence and inter-relatedness of human rights, including the right to development.

Argentina

[Original: Spanish]
[21 January 2010]

7. With regard to support for Human Rights Council resolution 12/22 under its domestic law, the Government of Argentina drew attention to Act 24.871 of 1997. According to the Government, under that Act, foreign legislation that seeks, directly or indirectly, to restrict or impede free trade or the free movement of capital, goods or persons to the detriment of a particular country or group of countries shall not be applicable or entail any legal effects in Argentine territory.

8. The Government also pointed out that according to article 1 of the above-mentioned Act, foreign legislation designed to produce extraterritorial legal effects through the imposition of an economic blockade or limits on investment in a given country, with a view to bringing about a change in the Government of the country or to undermine its right to self-determination, shall also be absolutely inapplicable and devoid of legal effect.

Belarus

[Original: English]
[1 March 2010]

9. The Government stated that Belarus consistently rejected the practice of unilateral coercive measures and considered them as a tool for political coercion of sovereign States, which impeded the realization by their people of the economic, social and cultural rights.

10. The Government noted that unilateral coercive measures contradicted international law, the Charter of the United Nations as well as the norms and principles governing peaceful relations among States.

11. The Government indicated that it was necessary to consider establishing effective mechanisms to monitor the usage of unilateral coercive measures, including their negative impact and consequences for the State concerned. Such monitoring mechanisms could be established in the framework of the Human Rights Council or treaty-based bodies.

Burkina Faso

[Original: French]
[24 March 2010]

12. The Government of Burkina Faso pointed out that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter of the United Nations, unilateral coercive measures continued to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for social-humanitarian activities and the economic and social development of developing countries.

13. In that context, the Government of Burkina Faso confirmed its support for the resolutions and acts that prohibit those measures, notably General Assembly resolution 61/170, Human Rights Council resolution 6/7, the final document of the fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement in Havana, the recommendations of the World Conference on Human Rights held in Vienna in June 1993, and more recently, Human Rights Council resolution 12/22.

14. The Government highlighted that Burkina Faso had adhered to almost all of the agreements concluded under the auspices of the United Nations and the African Union. It considered that international organizations were the appropriate framework for the culture and the promotion of peace through an ultimate expression of international solidarity. The Government was of the view that the mechanisms established by certain organizations, including the Security Council of the United Nations and the African Union, were the only authorities which could decide on these issues. Accordingly, any coercive measure adopted unilaterally by one State against another, whatever the purpose, was contrary to international law, and as such should be prohibited. The Government of Burkina Faso stated that States must therefore conform to the norms and principles governing the peaceful settlement of disputes. For this reason, Burkina Faso had been actively involved in the settlements of disputes in Africa, particularly in Côte d'Ivoire, Guinea and Togo.

Costa Rica

[Original: Spanish]
[9 March 2010]

15. The Government indicated that Costa Rica, as a member of the World Trade Organization, respected and fulfilled the principles that govern the World Trade Organization, including the rejection of unilateral coercive economic measures. The Government further mentioned that, as a State Member of the United Nations, it respected international law, favoured the freedom of international trade and would endorse a limitation to such freedom only if it were imposed in accordance with international law and within the framework of the United Nations or the World Trade Organization.

Guatemala

[Original: Spanish]
[10 March 2010]

16. The Government of Guatemala expressed its view that it had complied with Human Rights Council resolution 12/22 and as such it had not adopted unilateral coercive measures that would be contrary to international human rights law and the Charter of the United Nations, and to the principles of a State that was taking action to strengthen its democracy and respect for human rights.

Jamaica

[Original: English]
[10 March 2010]

17. The Government of Jamaica remained opposed to the adoption of unilateral coercive measures as they impeded the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments. It noted that in addition to being contrary to the principles of international law, unilateral coercive measures also contravened the sovereign equality of States, non-interference in the internal affairs of States and peaceful coexistence.

18. In that context, the Government confirmed that it had not promulgated any law, legislation or measure, or taken any other action that would infringe on the sovereignty of a State or its lawful national interests.

Qatar

[Original: Arabic]
[8 June 2009]

19. The Government of Qatar reaffirmed that unilateral coercive measures were contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing relations among States and constituted gross violations of human rights, particularly economic, social and cultural rights, the right to a decent life and the right to development.

20. The Government indicated that Qatar had adopted numerous measures designed to highlight the risk that unilateral coercive measures posed on society as a whole. In the legislative area, the Government underlined that the Constitution of the State of Qatar stipulates that the country's foreign policy is based on the principle of consolidation of international peace and security through encouragement of the peaceful settlement of international disputes, support for the right of peoples to self-determination, non-intervention in the internal affairs of States and cooperation with peace-loving nations.

21. The Government also reaffirmed the need to give precedence to dialogue and to have recourse in all cases to international law for the settlement of disputes or disagreements at both the regional and international levels. The Government highlighted that in accordance with its belief in these principles, it had offered its services as a mediator in the settlement of international disputes and disagreements, such as in the Lebanese crisis, the dispute between the Sudan and Chad and the current negotiations to address the Darfur issue.

22. The Government highlighted its efforts to sensitize the international community to the risks that such measures posed for human rights, development and free trade, including through numerous international conferences and seminars on the subject as well as by convening the annual Doha Forum on Democracy, Development and Free Trade since 2001. It also hosted the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus in December 2008.

Serbia

[Original: English]
[3 March 2010]

23. The Government of Serbia confirmed that in accordance with the Universal Declaration of Human Rights and the international human rights treaties it had ratified, Serbia did not undertake any legal, administrative and economic coercive measures against any State Member of the United Nations.

Slovakia

[Original: English]
[4 February 2010]

24. The Government of Slovakia stated that it "supports necessary and inevitable unilateral coercive measures which do not contradict international law or international human rights standards".

Russian Federation

[Original: Russian]
[12 February 2010]

25. The Government of the Russian Federation expressed its strong opposition to the application of unilateral coercive measures. The Government considered that the application of unilateral coercive measures destabilized international relations, provoked and deepened intergovernmental tensions, threatened the security of other States, increased strains in inter-civilization relations and violated human rights and fundamental freedoms. It pointed out that the application of the coercive measures in violation of the Charter of the United Nations and the resolutions of the Security Council would not eradicate socio-economic, interethnic and other tensions that formed the basis of conflicts. According to the Government, such measures undermined the foundation of international law and led to the extension of conflicts.

26. The Government stated that it would continue advocating for a multilateral approach in international affairs. It further noted that such an approach could be based upon acknowledgment by the international community of the principles of indivisibility of security and of diversity in today's world.

III. Analysis

27. As summarized above, 11 States submitted their views on human rights and unilateral coercive measures. Most States responded with reference to the requirements of international law. Most also reconfirmed their adherence to Human Rights Council resolution 12/22 and other international standards relevant to unilateral coercive measures, including through their national legislation and foreign policy. Some States expressed the view that under some circumstances, some unilateral coercive measures might be acceptable, provided that they comply with international law. A few States stressed the importance of solving international disputes through regional and international mechanisms. One State suggested the establishment of mechanisms to monitor the application of unilateral coercive measures within the framework of the Human Rights Council or the United Nations human rights treaty monitoring bodies.
