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**Annual report of the United Nations High Commissioner
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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**

Outcome of the Human Rights Council panel discussion on unilateral coercive measures and human rights

**Report of the Office of the United Nations High Commissioner for
Human Rights**

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I. Introduction

1. The Human Rights Council held, pursuant to its resolution 27/21, its first biennial panel discussion on the issue of unilateral coercive measures and human rights, on 17 September 2015. The panel discussion had initially been scheduled to be held during the twenty-ninth session of the Council, but was postponed at the request of the sponsor States of the Non-Aligned Movement until the thirtieth session, in accordance with the Council's programme of work.
2. The objective of the panel discussion was to increase awareness among all stakeholders, including United Nations human rights mechanisms, of the negative impact that unilateral coercive measures have on the enjoyment of human rights in targeted and non-targeted countries. The panel sought to ensure a platform for the continuing exchange of views and exchange of experiences among all stakeholders in relation to the impact of unilateral coercive measures on human rights, especially of groups in a situation of vulnerability; to follow up and give an update on the recommendations made at previous workshops held in 2013 and 2014 (see A/HRC/24/20 and A/HRC/27/32) and the research-based report of the Human Rights Council Advisory Committee (A/HRC/28/74); and to build consensus on the development of basic principles and guidelines, as well as on the identification of mechanisms to assess and mitigate the adverse impact of unilateral coercive measures and to ensure accountability.
3. The panel discussion was chaired by the President of the Human Rights Council and moderated by the former Ambassador and Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations Office in Geneva, Seyed Mohammad Kazem Sajjadpour. The panellists were the Vice-Chairperson of the Committee on Economic, Social and Cultural Rights, Aslan Abashidze (Russian Federation); Associate Professor at Suez Canal University, Mohamed Ezzeldine Abdel-Moneim (Egypt); and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy.
4. After the opening statement, the moderator introduced the topic and defined the scope of the discussion. The panellists subsequently made their initial statements, which were followed by an interactive discussion chaired by the President of the Human Rights Council. The discussion comprised two rounds of interventions by representatives of States, observers and non-governmental organizations with comments and questions from the floor, followed by comments and replies by panellists. The discussion concluded with final responses from the panellists and concluding remarks by the moderator.

II. Opening of the panel discussion

5. The President of the Human Rights Council opened the panel discussion. Welcoming remarks were then made on behalf of the Office of the United Nations High Commissioner for Human Rights (OHCHR), read out by the Chief of the Rule of Law, Equality and Non-Discrimination Branch of OHCHR.
6. According to OHCHR, the Vienna Declaration and Programme of Action called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations and that impedes the full realization of human rights, 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. In 1997, the Committee on Economic, Social and Cultural Rights had considered the issue of economic sanctions being imposed internationally, regionally and unilaterally. More attention had to be paid to the impact of these measures on vulnerable groups, particularly

with regard to the enjoyment of economic, social and cultural rights, arguing for the need to inject a human rights dimension into deliberations on this issue. The challenges highlighted by the Committee included significant disruptions in the distribution of food, pharmaceuticals and sanitation supplies and clean drinking water, severely interfering with the functioning of basic health and education systems, and undermining the right to work.

7. The mandate of the special procedure on examining the negative impact of unilateral coercive measures, created by the Human Rights Council in 2014, had provided an opportunity to consider the adverse implications of unilateral coercive measures on the enjoyment of human rights. The biennial panel discussion would allow the Council to discuss the various aspects of this debate, also with regard to whether there was a need to develop basic principles, guidelines and mechanisms to assess and mitigate the adverse impact of unilateral coercive measures on human rights.

III. Summary of the proceedings

8. During his initial remarks as moderator, Mr. Kazem Sajjadpour stated that sanctions and unilateral measures were usually used against developing countries as an easy solution for international disputes, in what seemed to be a “sanctions industry” in developed countries that currently affects more than 90 countries. He drew attention to what he described as the importance of assessing carefully the impact of these measures on the lives of people. The impact of unilateral coercive measures on human rights raises significant questions that need to be addressed, including the legality, morality and legitimacy of such measures. The possibility of legal remedy and redress for negative human rights implications caused by unilateral coercive measures should be considered.

A. Contributions of panellists

9. The Vice-Chairperson of the Committee on Economic, Social and Cultural Rights, Aslan Abashidze, affirmed that unilateral coercive measures lacked any legitimacy from the viewpoint of contemporary international law. He drew an analogy with international humanitarian law, where the issue of the legality of the use of force in international relations is decided by international law: the use of force in violation of the dispositions of the Charter of the United Nations is qualified as a crime against peace, with all the ensuing international legal consequences. In that context, any attempt to present unilateral coercive measures as not only legitimate but even permitted in exceptional cases goes against the mandatory provisions of the Charter.

10. Mr. Abashidze argued that unilateral coercive measures taken by individual States or regional associations violated the authority of the Security Council, as enshrined in Articles 39, 41 and 42 of the Charter, as well as Articles 103 and 53, which read that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”. According to the General Assembly in its resolution 2625 (XXV), unilateral coercive measures violated the principle of non-interference in the internal affairs of sovereign States. Unilateral coercive measures taken outside the framework of the Charter are not only illegal but also pose a threat to the collective security system based on the principles and norms of contemporary international law. Unilateral coercive economic measures applied with the objective of weakening or destroying the competitiveness of the economies of targeted countries should also be qualified as a violation of the mandates of the World Trade Organization.

11. The Vice-Chairperson of the Committee on Economic, Social and Cultural Rights described the wide awareness of global and regional human rights bodies that unilateral

coercive measures have a negative impact on the enjoyment of human rights; to that end, he quoted the Vienna Declaration and Programme of Action, resolutions of the General Assembly and the Human Rights Council, general comment No. 8 of the Committee on Economic, Social and Cultural Rights, and several other instruments and reports. Unilateral coercive measures were also immoral because of their particularly negative effect on marginalized populations, primarily in the social sphere of the countries targeted. An example of this was a study by the American Association for World Health on Cuba, which concluded that the blockade by the United States of America had had a considerably negative impact on the country's health-care system.

12. Mr. Abashidze argued that unilateral coercive measures taken outside the mandate of the Security Council should be classified not as "forced" but "hostile" acts, aimed at destabilizing the situation on a regional and a global scale. The measures were warfare by non-military means, entailing large-scale negative consequences for international security, and which should be more appropriately called "unilateral hostile measures". As a result, hiding the illegality and negative effects of unilateral coercive measures by their designation with terms such as "smart" or "restrictive" was doubly immoral. Some examples of "smart" measures that should rather be regarded as beyond any reasonableness included the closure of the airspace for aircraft carrying humanitarian aid to the population of the Syrian Arab Republic; the right to take the floor denied to Russian parliamentarians before the Parliamentary Assembly of the Council of Europe; and the refusal by the States belonging to the Group of Eight to discuss pressing international issues with the Russian Federation.

13. According to Mr. Abashidze, the discussions ongoing in treaty bodies aimed at creating monitoring mechanisms for unilateral coercive measures had no prospect for success, given that some countries were not a party to some of the core human rights treaties. In the light of the diametrically opposed views on this issue, reflected by the decision by some States to vote against Human Rights Council draft resolution A/HRC/27/L.2 (adopted as resolution 27/21), it had become necessary, first of all, to reach a consensus on the illegality and adverse consequences of unilateral coercive measures. To achieve this, States should build upon the experience of the Secretary-General, who organized in 2003 a high-level panel discussion on the theme "Threats, challenges and change" and presented a subsequent report in 2004 entitled "A more secure world: our shared responsibility" (A/59/565). He advocated for a similar comprehensive report on unilateral coercive measures and their real threat to the preservation of the system of collective security of the Charter.

14. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights welcomed the progress made recently in the implementation of multiple United Nations resolutions on unilateral coercive measures, including those of the General Assembly, specialized world conferences and the Human Rights Council. There has been some positive developments, such as the transition from comprehensive to targeted unilateral coercive measures (although it was sometimes difficult to draw a line between them); the introduction of some modicum of rule of law and due process in these matters; the end of two long-standing cases of embargo affecting two developing countries; and the establishment by the Human Rights Council, in its resolution 27/21, of the mandate to address the adverse impact of unilateral coercive measures on human rights, after decades of discussions. He regretted, however, the polarization in the vote on resolution 27/21, and appealed to all stakeholders to give dialogue and engagement a chance.

15. The Special Rapporteur noted that some conceptual difficulties remained. There was the question of compatibility between unilateral coercive measures and international law, human rights law and humanitarian law. The Vienna Declaration called upon all States "to refrain from any unilateral measure not in accordance with international law and the

Charter of the United Nations that create obstacles to trade”; the question remained, however, whether all unilateral coercive measures should be stopped for not complying with international law or whether some complied while others did not. The former view was supported by the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, while the second seemed to tally with the guidelines on implementation and evaluation of restrictive measures of the European Union, which stressed that “the introduction and implementation of restrictive measures must always be in accordance with international law”. Which criteria were actually used to determine whether a specific measure complied with international law, and what the consequence would be when a measure was found to be compliant but had egregious consequences for human rights, was still unclear. Determining the seriousness of the said consequences was, for the mandate, closely interrelated with the issue of legality.

16. The Special Rapporteur pointed out that the issue of legality was not yet ripe for a solution that could open the way for a ground-breaking decision that took the Final Act of the Conference on Security and Cooperation in Europe 1975 as a template.¹

17. The Special Rapporteur stated that Article 55 (c) of the Charter of the United Nations called for “universal” respect of human rights, meaning that all States should observe them in their domestic affairs as well as on the territory of other States through their own unilateral coercive measures. In its resolution 60/251, the General Assembly made the same point in deciding that the Human Rights Council should be “responsible for promoting universal respect for the protection of all human rights”. As far back as 1981, the Human Rights Committee had stated that “it would be unconscionable to so interpret the responsibility under article 2 of the Covenant on Civil and Political Rights as to permit a State party to perpetrate violations of the Covenant on the territory of another State, which violations it could not perpetrate on its own territory”.² A number of source States were nonetheless of the opinion that possible “violations of human rights on the territory of another State” did not fall within the mandate of the Human Rights Council.

18. In the light of the described recent advances and remaining challenges, the Special Rapporteur advocated for a pragmatic approach, starting with the simpler challenges before moving on to more conceptual issues. Firstly, he suggested that, given the lack of clarity in the data currently available, the establishment of a “clearing house” or registry for unilateral coercive measures within the United Nations be considered. To that end, the Human Rights Council would need to request the Secretary-General to establish and maintain a universal non-discriminatory registry, similar to the one established by the General Assembly in its resolution 46/36, for conventional arms. Secondly, he advocated for the formulation of parameters for an objective assessment of the adverse impact of unilateral coercive measures on the most vulnerable groups. Thirdly, he proposed reconciling the progress made in some source States with universality principles, and persuading other States to sign on, whether in terms of United Nations guidelines or in the form of appeal and review mechanisms, and establishing a reality check. Finally, he called for global coherence to unilateral coercive measures in a way that would effectively reduce their adverse impact on human rights and promote consistency with Security Council multilateral sanctions.

¹ Under section VI on “Non-intervention in internal affairs” of the Final Act, States pledged “in all circumstances [to] refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by any other participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind”

² A/36/40, Sergio Euben Lopez Burgos v. Uruguay, communication no. R.12/52, para. 12.3.

19. Mr. Abdel-Moneim stated that unilateral coercive measures, sometimes referred to as sanctions, had always been controversial. Some States affirmed they were counterproductive, while others considered them beneficial in certain contexts. He recalled the experience after the First World War, when the sanctions adopted in 1919 led directly or indirectly to the Second World War. Sanctions had a harmful impact on human rights; most literature on this issue concurred with this conclusion. From a historical perspective, in many cases sanctions had been welcome, appreciated and applied in spite of criticism, when used to fight human rights abuses, as was the case with apartheid. The fact remained that sanctions may continue to be applied in the foreseeable future.

20. Mr. Abdel-Moneim highlighted three recent processes used to introduce important changes with regard to sanctions: one by the Government of Germany (the “Bonn-Berlin process”), one by the Government of Switzerland (the “Interlaken process”) and one by the Government of Sweden (the “Stockholm process”). The processes raised three issues. Firstly, some of these initiatives had been adopted more than a decade ago and needed to be updated. Secondly, although the humanitarian perspective had been taken into account, the processes needed to elaborate on the human rights component. Thirdly, the processes emphasized targeted sanctions; while it was accepted, however, that “targeted” or “smart” sanctions were better than comprehensive sanctions, they were not easy to apply and had to be used carefully. The outcome of targeted sanctions was difficult to foresee and to channel. For example, if a main bank was targeted, the banking system and, consequently, the whole economy could be destabilized. Certain helpful conditions to mitigate adverse effects, defined by the Non-Aligned Movement at the time of the Interlaken process, included the periodic review of sanctions, their immediate lifting after compliance (limited time frame) and the establishment of clear and specific rules or conditions for the targeted country.

21. With regard to what could be done in the foreseeable future, the stage prior to the drafting of sanctions was of crucial importance. Factual information on and estimates of each relevant factor had to be thoroughly verified and evaluated in a careful, precise and balanced manner. A comprehensive collective approach should be consolidated in this regard.

22. Mr. Abdel-Moneim agreed that sanctions could be harmful to human rights, and that it was difficult to affirm the contrary. The critical challenge was to monitor the impact of unilateral coercive measures on human rights. Quantitative models for assessing such an impact were available and needed to be improved. In that sense, general comment No. 8 of the Committee on Economic, Social and Cultural Rights was worth considering, and treaty bodies could play a significant role, as appropriate, in this regard.

23. The moderator subsequently referred to three main elements. Regarding the nature of unilateral coercive measures, it seemed clear that their nature, legitimacy and legality were in question in a complex discussion, and they ran counter to moral common sense. Also, it was clear that the measures did not make a positive contribution to the advancement of human rights. Lastly, there was a need for an examination of the conceptual framework, be it by means of monitoring or re-examining and studying key concepts and issues with regard to unilateral coercive measures.

B. Interactive discussion

24. During the plenary discussion, representatives of the following States took the floor: Algeria (on behalf of the Group of African States), Armenia, Belarus, China, Cuba, Ecuador (on behalf of the Community of Latin American and Caribbean States), Egypt, Iran (Islamic Republic of) (one statement on behalf of the Non-Aligned Movement, another

on national capacity), Nicaragua, Pakistan, Russian Federation, Sierra Leone, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. A representative of the European Union participated in the discussion.

25. Representatives of the following non-governmental organizations took the floor: Africa Speaks, Agence pour les droits de l'homme, Global Network for Rights and Development, International-Lawyers.org, Indian Council of South America, Iranian Elite Research Centre, Organization for Defending Victims of Violence, Society Studies Centre and Verein Südwind Entwicklungspolitik.

26. The delegates who took the floor affirmed that it was an established fact that unilateral coercive measures had a negative impact on human rights, including and “above all” the right to development. In particular, the poor and groups in situations of vulnerability suffered more acutely as a result of the denial of access to medicines, food, clothing, housing and educational equipment, and of the restricted access to the job market. “Old approaches” based on coercion had proven, time and again, to be pointless and futile.

27. Unilateral coercive measures had severely hampered the development process and had a potential negative impact on key objectives of the United Nations. Moreover, long-term unilateral coercive measures often resulted in social problems and raised humanitarian concerns. It was affirmed that, within the responsibility of the international community to protect and guarantee human rights, there was no room for unilateral coercive measures and that collaboration should be the cornerstone on this issue. Speakers recalled that the Charter of the United Nations and the Vienna Declaration and Programme of Action called upon States to refrain from any unilateral measure that created obstacles to trade relations among States and impeded the full realization of human rights. Unilateral coercive measures had also been recognized as a major challenge to the 2030 Agenda for Sustainable Development.

28. The Human Rights Council had to assess the impact on human rights of unilateral coercive measures imposed by industrial countries on developing countries. There was an urgent need for an independent mechanism within the United Nations for the victims of unilateral coercive measures to address the issues of remedies and redress with a view to promote accountability and reparations. One delegate recommended that the Special Rapporteur study and consider appropriate mechanisms, including a possible adjudicatory procedure for accountability of source States and reparations for affected States and victims. A plea was made to other special procedure mandate holders of the Council to tackle the negative impact of unilateral coercive measures on human rights in the context of their respective mandates.

29. One delegate expressed the view that the Human Rights Council was not the appropriate forum to address this issue and that the situation in Crimea deserved equal treatment by the Council. The introduction and implementation of restrictive measures was a legitimate part of foreign policy that should always be used in accordance with international law, respect for human rights – including the right to due process and effective remedy – and international humanitarian law, and should always be proportionate with its objective. Restrictive measures were not punitive, given that they targeted policies, the means implementing them and the individuals responsible for them. Targeted sanctions included clearly defined safeguards designed to limit any unintended effects. They should minimize adverse consequences for those not responsible for such policies, and provide for appropriate exemptions to take into account the basic needs of targeted persons. A call was made for the Special Rapporteur to visit countries and to determine the root cause of unilateral coercive measures, not just their consequences.

30. Several delegates condemned unilateral coercive measures, including unilateral actions, which were taken for political concerns against sovereign countries, in order to

prevent them from exercising their sovereign right to choose their own political, social and economic systems. Countries and regional organizations that took unilateral coercive measures, particularly under the pretext of human rights, should remember that such actions had a serious negative impact on human rights that, in some cases, was similar to a violation of international humanitarian law. States were called upon to stop imposing such measures as a political tool. An appeal was made for unilateral coercive measures by the European Union against the Syrian oil industry to be investigated, given that they jeopardized the full range of human rights and interfered with the sovereign rights of the State.

31. Delegates pointed out that since unilateral coercive measures had direct negative consequences on the enjoyment of human rights, particularly economic, social and cultural rights and the right to development, victims were entitled to reparation. Unilateral coercive measures were often contrary to international law, created an international spirit of suspicion and distrust, impeded good neighbourly relations, restricted transnational trade and had a long-term destabilizing effect on targeted countries. It was pointed out that the restriction of trade agreements and the obstruction of financial and investment flows between sender and targeted countries undermined the ability of States to meet their development commitments by, inter alia, hampering transit and communication routes, creating burdens on economic operators and businesses, and multiplying costs of basic products. Delegates stressed the importance of discussing ways to assess the tangible impact of these measures, and of the measures that could be taken to minimize that impact.

32. It was stressed that groups in situations of vulnerability from developing countries were the primary victims of unilateral coercive measures, which had led to the loss of thousands of lives and usually resulted in marginalizing those who were already marginalized. Sanctions were often applied without safeguards to protect the rights of local populations. Land blockades by neighbouring countries had negative human rights implications, which were further compounded in the case of land-locked countries. An example was offered regarding the unilateral coercive measures imposed on Zimbabwe; the measures were not selective, and had had a devastating impact on the population. Reference was also made to the long-lasting embargo against Cuba, which was regarded as the longest and most unjust system of unilateral coercive measures ever imposed. The panel was asked to discuss how to best rebuild fragile national frameworks in order to mitigate the impact of unilateral coercive measures on their citizens.

33. Delegates emphasized that the imposition of unilateral sanctions was often influenced by political objectives to force smaller States to bow to the wishes of powerful ones. It was affirmed that unilateral coercive measures jeopardized peace and international security. Delegates expressed serious concern at the absence of a comprehensive mechanism for monitoring the negative impact of sanctions, and called upon the Human Rights Council to play a proactive role in the establishment of such a mechanism. One delegate stated that the violation of the sovereignty of States constituted a flagrant violation of human rights, and that the Council should work to promote dialogue among States. Quantitative and qualitative documentation of violations resulting from the illegitimate and illegal use of unilateral coercive measures was particularly important to ensure accountability, avoid impunity and allow enhanced access for redress for victims, including compensation and guarantees of non-recurrence.

34. The representatives of non-governmental organizations taking the floor advocated for the immediate lifting of unilateral coercive measures, which were widely regarded as politically motivated and contrary to international law. Some participants qualified the measures as a systemic and egregious violation of human rights. There was agreement that unilateral coercive measures particularly affect marginalized people, and that they should not target civilians. It was stressed that economic embargoes were a form of collective

punishment of individuals not responsible for political decisions. Unilateral coercive measures were also thought to undermine economic transparency, aggravate corruption, impede the delivery of remittances by the diaspora and create an environment conducive to the spread of unethical business practices. They were believed to ultimately ruin the infrastructures of society.

35. The rights of indigenous peoples suffered from many unilateral coercive measures, given that their resources and intellectual property were being taken from them simply because States thought that they had the right to do so. A plea was made that the rights of peoples, as well as those of individuals, be taken into account when considering the negative impact of unilateral coercive measures on human rights. Non-governmental organizations welcomed the creation of the mandate of Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and expressed gratitude for his first report (A/HRC/30/45).

36. Specific situations of unilateral coercive measures imposed on developing countries, with devastating effects on human rights, were raised by non-governmental organizations. Representatives stated that sanctions against the Islamic Republic of Iran had targeted civilians for years, and had had a negative impact on their human rights, in particular their rights to health and to access to food. The sanctions had put a great amount of pressure on the population rather than the Government.

37. Reference was also made to the importance of recognizing the harmful effects of the blockade and trade embargo imposed against the Sudan, which has obstructed the State's progress and had a severe impact on human rights, including the right to development. There was particular concern with regard to access to medicines in the Sudan, given that the sanctions prevented the local population from importing medicines. All development indicators had dropped owing to the sanctions imposed on the Sudan. Lastly, attention was drawn to the devastating effect of the sanctions imposed on Iraq and Afghanistan, in particular on the health of children. The panel members were asked to discuss the individual responsibility of government actors and leaders who had imposed those sanctions.

C. Responses by panellists

38. The moderator summarized the questions asked during the two rounds of interactive discussion concerning the mechanisms that could prevent the adverse impact of unilateral coercive measures on human rights. The panellists were given the opportunity to respond to questions and issues raised from the floor and to make concluding remarks.

39. The Vice-Chairperson of the Committee on Economic, Social and Cultural Rights stated that the Human Rights Council was a part of the United Nations, the reference document of which is the Charter of the United Nations. After quoting the Preamble to the Charter, he affirmed that the Organization had been created to act and to take measures together, to be a centre in which activities would be agreed, and to address threats to international peace and security through its Security Council. In the twentieth century, the adoption of sanctions had led the world to global conflict. In current times, the Security Council was the one place where threats to international peace and security could be discussed and actions thereto agreed upon; unless this was respected, the world would slide into war.

40. The key questions to be asked concerned the actions available to measure the impact of unilateral coercive measures taken outside the Security Council, and how to determine the legitimacy of unilateral coercive measures. In no way should unilateral steps outside of the United Nations system be accepted. The draft articles of the International Law

Commission on States' responsibility made reference to "other actions"; consequently, any attempt to apply coercive sanctions or measures unilaterally was not legitimate under international law. Practitioners and academics should pay more attention to assessing the legitimacy of unilateral coercive measures. Once agreement was reached regarding their legitimacy and legality, the global community would be able to move forward to discuss in the Security Council the measures that could be adopted to address specific situations.

41. The Special Rapporteur stated that a large number of United Nations resolutions and documents did not favour unilateral coercive measures, and pointed out their negative impact on human rights. Although efforts made by some source States to scale back unilateral coercive measures were welcome, a number of States continued to maintain unilateral coercive measures as an important element of their foreign policy. It was regrettable that little had been said about the 2005 World Summit Outcome,³ in which Heads of State and Government called for fair and clear procedures for listing individuals of concern on sanctions lists. This was a huge issue, and some progress had been made. The Special Rapporteur hoped to see similar progress in the listing of States using or being subjected to unilateral coercive measures, given that mass of data on this issue was unfortunately not transparent.

42. The Special Rapporteur made a plea to rethink the concept of "humanitarian access"; this was exemplified by the case of the Islamic Republic of Iran, where although medicines were excluded from the sanctions, more than 85,000 additional people per year suffering from cancer were unable to obtain the proper medicines. Concerning the relationship between the right to self-determination and unilateral coercive measures, the right was deemed to have been violated where people were deprived of their own means of subsistence. He clarified that, as a special procedure mandate holder, he could not make any judgement about the causes of current international crises, but focused exclusively on his mandate, which was the negative impact of unilateral coercive measures on human rights.

43. Mr. Abdel-Moneim noted with appreciation the comments made and questions asked by delegates and civil society organizations. International peace and security could be best maintained when human suffering was eliminated and when human dignity was safeguarded. Since 2003, the Security Council had imposed a great number of sanctions. The priority should be to alleviate suffering; once that has been addressed, the discussion may move on to the design of international sanctions.

44. It was important to make a distinction between the legality of decisions on the use of unilateral coercive measures and the legal implications of the effects of the implementation of those decisions. These are two related but separate things. The fact to be addressed immediately is the human rights implications of sanctions. Economic measures have an impact first and foremost on economic, social and cultural rights, including the right to development, and it is logical that the United Nations treaty bodies concerned deal with this issue, in addition to the Charter-based bodies.

IV. Conclusions

45. In closing the discussion, the moderator offered brief conclusions and a summary of the recommendations drawn from the panel discussion:

(a) Looking ahead, an "ABC" (assumptions, building blocks and common ground) approach might be adopted for unilateral coercive measures;

³ General Assembly resolution 60/1.

(b) The international community is now in a position to assume that unilateral coercive measures are counterproductive with respect to all dimensions of human rights, affecting mainly developing countries. There is broad agreement that such measures are illegitimate, illegal and immoral, and do not reflect the purposes of promoting and protecting human rights as reflected in the Charter of the United Nations;

(c) The practice of imposing sanctions on developing countries raises the issue of the right of access to medicines and the right to food. The ideology behind sanctions should, like the sanctions industry itself, which includes government officials, lawyers and other parties concerned, be defeated mercilessly. The ideology should be replaced by a more humane approach that will lead to the delegitimization of unilateral coercive measures;

(d) There is the need for more discussion on the different aspects of unilateral coercive measures, including accountability and remedy for victims that had endured them for years. All special procedures should address the issue from the perspective of their specific mandate. More collective efforts are needed at the international level to achieve further consensus based on respect for, and the protection and fulfilment of, all human rights, including the right to development;

(e) The Secretary-General should be urged to appoint a panel of experts to address these issues, aimed at building-consensus and proposing solutions.
