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ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND THE SECRETARY-GENERAL

Human rights and unilateral coercive measures

Report of the Secretary-General*

Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 6/7, in which the Council requested the Secretary-General to seek the views and information of Member States on the implications and negative effects of unilateral coercive measures on their populations and to report thereon to the Council.
2. On 15 April 2008, the Secretary-General sent a note verbale to Member States seeking their views and information. As at 30 June 2008, the Office of the United Nations High Commissioner for Human Rights had received responses, summarized below, from the Governments of Albania, Algeria, Belarus, Cuba, Ecuador, Iraq and Venezuela (Bolivarian Republic of). The full text of the submissions is available from the Secretariat.

* The present document is submitted late in order to include the most recent information.

Responses from Governments

Albania

[Original: English]
[24 April 2008]

1. The Government reported that Albania had not adopted nor implemented unilateral coercive measures towards other Member States in the context of Council resolution 6/7.

Algeria

[Original: French]
[13 May 2008]

2. The Government 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.
3. The Government indicated that the adoption of unilateral coercive measures constituted a violation of human rights, in particular, the right to a dignified life and the right to development. By seeking to impose the extraterritorial application of domestic laws, it also constituted a violation of the sovereignty of other States.
4. The Government pointed out that economic, social and cultural rights, in particular those guaranteed by the international covenants, were violated by unilateral measures because of their negative impact on the well-being of populations, development and international cooperation. The Government further stated that unilateral coercive measures hinder free trade relations among sovereign States and thus create obstacles to the enjoyment of all human rights, as stated at the World Conference on Human Rights, held in Vienna in 1993.
5. The Government reaffirmed that the respect for sovereignty, equality of States, non-interference in internal affairs of other States, the right of all peoples to self-determination and the freedom of choice of their political, economic and cultural systems were core principles of the foreign policy of Algeria. The Government also underlined that essential goods, such as food and medicines, should not be used as tools for political coercion.

Belarus

[Original: Russian]
[19 May 2008]

6. The Government condemned the use of any coercive unilateral measures that run counter to the fundamental principles and norms of international law and expressed concerns with respect to the number of coercive measures which, according to the Government, had been taken against Belarus by the United States of America and the European Union.

7. With regard to the United States of America, the Government was concerned by two measures adopted in 2007: visa restrictions against Belarus, extended to the directors of Belarusian State enterprises and their deputies, as well as to the representatives of security agencies in Belarus; and the freezing of bank accounts of the Belarusian corporation, Belneftekhim, which are under United Nations jurisdiction, as well as those of its representatives in Germany, Latvia, Ukraine, the Russian Federation and China, together with the accounts of the American subsidiary Belneftekhim USA. The latter measure was extended to all enterprises falling within the structure of the corporation in 2008. With regard to the latest action taken by the United States, the Government circulated a letter (A/62/743) to the General Assembly at its sixty-second session.

8. The Government stated that, in adopting the above-mentioned unilateral coercive measures, the United States of America violated a number of international norms, multilateral treaties and bilateral agreements. It further highlighted that such measures ran counter to General Assembly resolutions 62/162 and 62/183.

9. With regard to the European Union, the Government highlighted two measures: visa restriction and the freezing of assets of a number of Belarusian officials as well as the freezing of assets of individual and corporate bodies, organizations and structures connected with them; and the temporary suspension of the Generalized System of Preferences in relation to Belarus. According to the Government, the former measure was adopted in the context of the position of the European Union on the outcome of the presidential elections held in Belarus on 19 March 2006, and the latter was taken in connection with the alleged violation of the freedom of association in Belarus.

10. The Government indicated that the above-mentioned unilateral coercive measures adopted by the European Union were unacceptable and incompatible with the norms of international law and the Charter of the United Nations. At the same time, the Government hoped that those measures were temporary in nature and will be lifted soon.

Cuba

[Original: Spanish]
[7 July 2008]

11. The Government recalled that, in numerous resolutions and decisions, the General Assembly, the Commission on Human Rights and international summits and conferences had determined that economic coercive measures were contrary to the provisions of the Charter of the United Nations and to international law. It indicated that the main victims were the populations of the countries subjected to such measures, in particular the most vulnerable groups, such as children, women, the elderly and persons with disabilities. The Government assigned particular importance to this question, as Cuba was one of the developing countries whose people were victims of unilateral coercive measures imposed by developed countries, in particular by the United States of America.

12. The Government referred to the economic, trade and financial embargo imposed by the United States of America on Cuba as the longest and cruellest in the history of humanity as well as constituting an act of genocide, an act of war and an international crime. The Government estimated that, as at May 2007, the direct economic damage caused by those measures exceeded 89 billion United States dollars.

13. The Government pointed out that, in the period from January 2007 to June 2008, the United States authorities had taken further unilateral coercive measures against Cuba and intensified their efforts to promote subversion in Cuba. According to the Government of Cuba, the objective of such measures was to deprive Cuban people of their sovereignty and the exercise of their right to self-determination. Referring to some of the examples of measures taken in that period, the Government indicated that senior officials of the Government of the United States had visited various countries in Europe to lobby for the application of the strategy of the United States against Cuba; that the extraterritorial application of the economic embargo by the United States Department of the Treasury resulted in the cancellation of a leasing agreement for Boeing aircraft by Cuba from an airline; that the United States Office of Foreign Assets Control had fined a number of companies and individuals for conducting financial transactions with Cuba; and that the Government of the United States had denied permits to American musicians to travel to Cuba for an international festival.

14. The Government stated that some sectors, such as food, health, education and transport, had been among the main targets of these policies, and provided detailed examples of the negative impact observed in these sectors. According to the Government, in the food sector, it was estimated that \$6.8 million had been lost in egg production and \$2.26 million in coffee, honey and charcoal exports owing to the denial of access to technologies or markets. In public health, one of the examples provided by the Government indicated that the National Institute of Endocrinology and Metabolic Diseases of Cuba had been forced to purchase hypodermic syringes from China and Japan at a higher cost in order to administer insulin to diabetic patients, as it could not obtain them from the United States. In the education sector, the embargo prevented Cuba from obtaining educational materials for schools from the United States and, in the transportation sector, railways were affected by the denial of access to train materials and technologies mostly found in the United States. The purchase of construction materials from abroad was also affected by the embargo.

15. The Government indicated that further information would be presented in its response to the Secretary-General on resolution 62/3 on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, adopted by the General Assembly on 30 October 2007.

16. The Government invoked its sovereign right to denounce the harm that the embargo had caused to its people, the people of the United States, third countries and international law, and indicated that it was more important than ever for the international community to condemn such practices vigorously.

Ecuador

[Original: Spanish]
[8 May 2008]

17. The Government indicated that Ecuador was not a victim of unilateral coercive measures affecting the human rights of its population.

Iraq¹

[Original: Arabic]
[24 September 2007]

18. The Government reported that Iraq had not taken any unilateral coercive measures against other States that might have a negative impact on the right to life, development and food.

19. The Government further stated that unilateral coercive measures can reach a point where affected States declare war or take preventive economic measures.

20. The Government also indicated that a negative impact could be felt on the rights of citizens in the territory of Iraq if the military measures hinted at by Turkey were taken on the Turkish-Iraq border. The decision on an agreement on water sharing that the Syrian Arab Republic and Turkey were considering might also have a negative impact on the enjoyment of the right to development of citizens in Iraqi territory.

Venezuela (Bolivarian Republic of)

[Original: Spanish]
[19 June 2008]

21. The Government guided its international action based on the principles established under its Constitution, including those on non-intervention, respect for sovereignty, independence and equality between States, self-determination and non-intervention in internal affairs, the peaceful solution of international conflicts, cooperation and universal and indivisible guarantees of human rights, the democratization of international society and the realization of solidarity among peoples in the fight for their emancipation and well-being as well as for the consolidation of international peace. The Government observed that people in developing countries were the main victims of unilateral coercive measures taken by developed countries.

¹ The information from the Government of Iraq in response to decision 4/103 of the Human Rights Council was not submitted in time for inclusion in the report of the Secretary-General to the Council at its sixth session. The Government of Iraq agreed to include its submission in the report of the Secretary-General to the Council at its ninth session under the same item.

22. The Government emphasized that it was important to comply fully with the Charter of the United Nations and international law in solving differences between States. In this context, the Government highlighted the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV).

23. With regard to human rights, the use of unilateral coercive measures not only constituted a breach of international law but also undermined the enjoyment of human rights in a country subjected to such measures, and threatened international peace and security.

24. According to the Government, the unilateral coercive measures that the United States of America had exercised in the world may be intended to impose its concepts of development, democracy, good governance, poverty reduction and human rights, regardless of the fact that such measures violate international law, international humanitarian law and the most basic principles of international human rights law. The Government mentioned that the country had not been exempted from the unilateral coercive measures taken against it in recent years.
