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

Written statement* submitted by the Maarij Foundation for Peace and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Coercive measures and the unending cycle of mass misery

The 31st session of the UN Human Rights Council drew global attention to the negative impact of unilateral coercive measures worldwide but with particular reference to Sudan. In the months that have passed since the last session of the Council in February-March 2016, there has been little improvement in the plight of the millions of the innocent who are subject to the effect of unilateral coercive actions against nations.

A third of the humanity now lives under challenging conditions in countries that are subjected to unilateral coercive measures. This fact was spotlighted in the first report submitted to the UN General Assembly last year by the UN Special Rapporteur on human rights and international sanctions. It will soon be nine months since the independent expert called on member states to start negotiations on the use of unilateral sanctions.

The envoy pointed to the high human cost of these measures, considering that, as the UN expert points out, a third of the world population of seven billion lives in countries that are targeted by such punitive measures in one way or another.

In an appropriately sobering comment the UN Special Rapporteur on human rights and international sanctions told us, “The international community should refrain from recreating virtual Guantánamos at world level,” a reference to the United States’ continued use of its prison on Cuban soil. And yet what has been done in response to these pleas from the UN Special Rapporteur? There isn’t much progress for us to see.

The envoy’s message to all of us here was that nations need to start talking “with the ultimate objective of reducing the sufferings of the most vulnerable segments of the population of targeted countries.”

Amongst constructive measures recommended by the Special Rapporteur is the creation by the UN of a ‘consolidated central register’ recapitulating all unilateral coercive measures in force at any particular time. According to the proposal such a central register could be maintained by the Secretary-General according to agreed standards, drawing on the example of the UN register for conventional arms.

The Special Rapporteur has also suggested the setting up of a group of experts to define assessment parameters for an objective evaluation of the adverse human rights impact of UCMs. He points out that this is particularly crucial in complex crises with different source countries targeting simultaneously the same country, possibly on top of Security Council sanctions, thus making it difficult to distinguish causality from correlation between such a multiplicity of measures.

The Special Rapporteur has called on countries which are the source of sanctions “to follow the Security Council policy in renouncing to resort to comprehensive UCMs” to consult in advance with third countries likely to suffer unintended damage from UCMs, and to exempt humanitarian articles from the scope of UCMs. Multilateral consultations need to be engaged in appropriate fora to overcome divergences on claims to extraterritorial application of UCM legislation made by some UN member States.

The independent expert also urged the Security Council to make clear in its resolutions targeting a state’s specific activities “whether they call for implementation as such by UN member States or whether they are compatible with complementary autonomous measures.” On a related note, he suggested, “if a regional group of allied countries decides on UCMs targeting a given country, its member states should consider refraining from adding supplementary constraints of their own.”

Additionally, this esteemed expert has stressed that his mandate “involves calling also developed States to account for action they take through UCMs which have an adverse human rights impact on people of other nations.”

There is huge value in heeding these recommendations. In his first report to the UN General Assembly, the Special Rapporteur warns, “If UCMs inflict undue sufferings on the population of a targeted State, then, whatever the legal justification may be, they become clearly illegal and their source countries should be called to account.”

The expert in his report places due focus on basic rights such as the right to life, the right to self-determination and the right to development, as well as on the right to a fair trial which may be affected by the practice of listing of ‘persons of concern’.

All of the above is especially of concern in the case of Sudan and the UN expert, after a visit to the country, pinpointed the flawed regime of sanctions on the country. As the UN expert has pointed out “Sudan has been under unilateral coercive measures for two decades without any adaptation to the sustained evolution of the internal context.” Referring to the impacts of these measures, the expert added that “in fact, the evolution of the impact of the measures has only fluctuated subject to the whims of fate,” he added. As a country amongst the few that are still under comprehensive unilateral coercive sanctions, Sudan has suffered across the board.

“Sanctions do not affect officials and elites. Their full impact is on innocent populations, and they contribute to social stratification, inter-regional disparities and to the broadening of the black market, as well as to the loss of control over financial transfers,” the Special Rapporteur has pointed out. Particularly hit has been the country’s health sector.

At the next Council session in September the independent expert will present his comprehensive report on his visit to Sudan. But many of his recommendations are already public knowledge. It is therefore incumbent on governments’ participation in the coercive measures against the country to start implementing those recommendations. Likewise, implementation on the expert’s recommendations will go some way toward relieving the hardship faced by millions of innocent people under unilateral sanctions of one sort or other.
