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Statement by Ms. Alena Douhan

**SPECIAL RAPPORTEUR ON THE NEGATIVE IMPACT OF
UNILATERAL COERCIVE MEASURES ON THE ENJOYMENT OF
HUMAN RIGHTS**

Arria formula meeting

“The Impact of Unilateral Coercive Measures: Impact on Implementation of the
Global counter-terrorism Strategy”

25 March 2024



Honourable Chair, Excellencies, Ladies and Gentlemen,

It is a privilege to participate today in the Arria formula meeting focusing on the impact of unilateral sanctions and over-compliance with the latter on the Global fight against terrorism.

With great regret I have to admit that unilateral coercive measures, means of their enforcement, maximum pressure campaigns and consequent zero-risk policies constitute today one of the most serious challenges not only to solidarity, universality, development and human rights protection but also to the maintenance of international peace and security and undermine as a result the Global efforts to counter international terrorism, including implementation of every element of the UN Global Counter-terrorism strategy.

Excellencies, distinguished delegates,

Discussions around unilateral sanctions and their impact are often limited to the countries directly affected by such measures, and result in the acknowledgement of some humanitarian impact of economic sanctions only. **This approach, however, is fully wrong.** It is necessary to assess joint impact of all types of unilateral sanctions: economic, financial, transportation, cyber, targeted, means of their enforcement including secondary sanctions, civil and criminal penalties for circumvention of sanctions' regimes and over-compliance. Combination of these elements has comprehensive negative humanitarian impact, affecting all population of countries under sanctions with serious cross border and regional implications.

My communications and reports made, in particular, specific reference to challenges in the delivery of specialised life-saving medicine¹ and medical equipment², with medical and pharmaceutical companies unwilling to deliver the goods; disruptions in money transfers for any purposes including for medical operations to/from countries under sanctions³ due to banks' excessive de-risking; obstacles in delivery of humanitarian assistance to mitigate negative impacts of natural disasters⁴, impossibility to deliver goods necessary for maintenance of critical infrastructure and services, including water, electricity, gas and gasoline

¹ See communications by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Nos. AL USA 25/2022; AL CHE 5/2022; AL OTH 135/2022; AL OTH 134/2022; AL FRA 5/2022; AL USA 19/2022; AL SWE 4/2022; AL OTH 95/2022; AL SWE 3/2021; and AL OTH 230/2021.

Available at: spcommreports.ohchr.org/TmSearch/Mandates?m=263

² See communication No. [AL USA 13/2022](#) of 7 September 2022

³ See communications Nos. [AL USA 23/2021](#) and [AL OTH 207/2021](#) of 12 July 2021

⁴ See communications Nos. [OL USA 7/2023](#), [OL GBR 6/2023](#) and [OL OTH 21/2023](#) of 3 April 2023

supplies. All the above results in growing poverty rates, food insecurity, outbreaks of water-born diseases, reduction of life expectancy.

Excellencies, distinguished delegates,

In my country-specific and thematic reports I have repeatedly stressed how unilateral sanctions have disrupted regular economic, trade, communication and other channels with the sanctioned countries, undermine stability of economy. Poverty, food and health insecurity, unavailability of the decent work to ensure decent life result in the growing involvement of desperate people in the informal or '**gray**' economy, **illegal, criminal or extremist activities**. This may involve transboundary crimes, including human and drug trafficking, piracy, illegal trade of arms, natural resources, objects of cultural heritage, wildlife, prostitution, sexual exploitation among others.

It raises serious concerns not only about regional economic challenges, but also undermines **regional security**, including **national and regional efforts to combat terrorism and transboundary crimes**. In certain instances, an increased migration rate and outflow of people to neighboring countries (also as a result of sanctions-induced severe economic hardships), as well as many of the abovementioned crimes have been qualified as a **threat to international peace and security** in the multiple UN Security Council resolutions independently or as part of the struggle against international terrorism.

Excellencies, distinguished delegates,

Analysis of reports on implementation of the **UN Global counter-terrorism strategy** (in particular, in the UN GA resolution 77/298) clearly demonstrates that unilateral sanctions and over-compliance with them are affecting every part of the global counter-terrorism response.

In particular, unilateral coercive measures, means of their enforcement and over-compliance give rise to poverty, hunger, unavailability of education and decent work opportunities, and others, qualified as an integral part of the effective counter-terrorism strategy by the General Assembly, that means that they **facilitate the conditions conducive to terrorism**. Unilateral sanctions and over-compliance are also creating impediments for the delivery of humanitarian assistance to the countries affected by unilateral sanctions, even if the deliveries are sought to take place via collective action including based on the UN Security Council resolution 2664(2022). National legislations of sanctioning countries although formally adopting certain acts presuming to enable implementation of this resolution, in reality do not remove any of financial, delivery, insurance or punitive elements, that makes all presumably good intentions to stay on paper only, and **preventing access of those in need to life-saving goods and services**.

At the side event organized by my mandate in Geneva on March 13, 2024 3 huge humanitarian organizations (in particular, Caritas, World Evangelical Alliance and Oxfam) unanimously reported about the impossibility or high complexity of getting necessary licenses, other operational and administrative challenges, inefficacy of humanitarian exemptions and growing risks for them and humanitarian workers for their efforts to deliver even the basic food and medicine to the affected countries. They foresee that the recent adoption of legislation aimed at the criminalization of circumvention of sanctions regimes by the US, UK and the one being in the process of adoption within the EU, will make situation even more complicated.

Respect to the rule of law is an integral part of struggle against terrorism. At the same time unilateral coercive measures, sanctions regulations and administrative means **violate fundamental principles of international law, the rule of law and human rights while countering terrorism**, in particular, via extending jurisdictions extraterritorially, unilaterally qualifying states as sponsoring terrorism, denying immunities to states and their property without any access to justice and fair trial guarantees. Lawyers in the sanctioning countries report of their fear to represent targeted individuals or companies due to the risks for reputation or even criminal charges. Non-designated nationals and companies from targeted countries are deprived from any possibility to protect their rights in the courts. I repeatedly addressed these issues in communications but did not receive any response.

Use of alternative ways of payments and deliveries in the face of unilateral sanctions and over-compliance **increases the risks of money laundering and reduces transparency** preventing thus proper implementation of the UN Security Council resolutions on terrorism financing. In particular, some countries under sanctions drop down in the transparency index of the FATF after introduction of unilateral sanctions.

Moreover, UCMs also **reduce national capabilities in prevention and investigation of acts of terrorism as well as other transboundary crimes** due to absence of sufficient financing, brain-drain of experts, operational officials and judges; lack of specialized equipment, materials, and STI for forensic expertise; limited possibility or impossibility of training; insufficient regional cooperation and technical-level synergies in criminal matters; disruptions in the implementation of the universal counter-terrorism and suppression of other types of transboundary crimes conventions, bilateral agreements on cooperation in criminal matters among others.

I also have raised **concerns about existing national counter-terrorism regulations and policies** and their impact on the work of humanitarian actors. Coupled with the already complex and overlapping nature of unilateral sanctions

regimes, counter-terrorism regulations and policies may exacerbate uncertainty and fear among humanitarian actors and significantly raise the costs of their operations, if not rendering them unfeasible. In the face of such complexity and often given their limited human and financial resources, humanitarian actors prefer to “over-comply” and to completely discontinue their life-saving activities in sanctioned countries.⁵

Excellencies, distinguished delegates,

There is a broad number of other issues I want to address within this discussion, as well as multiple evidences and reports of devastating humanitarian impact of unilateral coercive measures, means of their enforcement and over-compliance. But for the sake of the time, I will move to some of my conclusions and recommendations

Multiple resolutions of the UN General Assembly and the UN Human Rights Council reflect on illegality of unilateral coercive measures, means of their enforcement, and consequent zero risk policies, emphasize their negative and non-selective effect on fundamental human rights of all people under sanctions. I want to underline that besides that they also create favorable environment / conditions conducive to international terrorism and other transboundary crimes, prevent proper implementation of the Global efforts to struggle terrorism. Their joint effect constitutes a threat to the maintenance of international peace and security. Therefore, **the use of UCMs and their consequences in the sphere of maintenance of international peace and security can and shall be considered within the Agenda of the UN Security Council.**

As respect to the rule of law constitutes an inalienable part of the maintenance of international peace and security and to combat international terrorism, I call upon all states and regional organizations to review measures taken within the scope of their foreign policy and to lift those, not in accordance with international law, that in practice will means **to lift all unilateral coercive measures and minimize over-compliance.**

Political concerns and announced “high goals” cannot be used as a justification for the use of illegal measures, therefore states and regional organizations shall stop to use rhetoric of sanctions but rather start to act in accordance with international law and the principle of humanity, based on facts and figures.

Recent development of national legislation in sanctioning countries aimed to increase punishment for circumvention or alleged circumvention of sanctions regimes, uncertainty of legislation and its interpretation, their joint fight against

⁵ <https://reliefweb.int/report/world/iasc-policy-paper-considerations-screeningvetting-persons-need-humanitarian-assistance-counter-terrorismsanctions-contexts-august-2023>

so-called defamation, disinformation and misinformation further undermines the standards of the rule of law, access to justice and access to information which have been always considered as a safeguards for all other human rights, solidarity and security as well as reduces any possibility for the dialogue.

States, regional organizations and businesses shall stop shifting responsibility for any negative effect at each other but rather start to act in accordance with the principles of due diligence and humanity making sure that their activity as well as activity under their jurisdiction and control does not violate either international law or human rights.

We hear today too much of political rhetoric, forgetting sometimes **what is** the real impact of unilateral coercive measure and other accompanying processes. Reports are not read, facts are ignored. For the purposes of objectivity, after more than a year of calling for joint action, I took a lead to develop Sanctions Monitoring tool to identify the real impact of unilateral coercive measures, and I invite all stakeholders to help me to develop it.

I will continue to work on cross-cutting issues related to sanctions, security and counterterrorism, and I am open to engage with all stakeholders, including relevant UN entities and bodies.

I thank you for your attention.