


INTRODUCTORY NOTE TO RES. 2664 (U.N.S.C.)
AND RES. 52/13 (U.N.H.R.C.)
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[December 9, 2022 and April 17, 2023]

Introduction

Under Article 41 of the UN Charter, the Security Council has established 31 sanctions regimes since 1966.¹ Sanctions measures encompass a broad range of enforcement actions not involving the use of armed force. The measures have ranged from comprehensive economic and trade sanctions to more targeted measures such as arms embargoes, travel bans, and financial or commodity restrictions. In recent years, there have been increasing numbers of complaints from humanitarian organizations that sanctions cause or exacerbate humanitarian crises. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has estimated that at least 222 million people were experiencing acute food insecurity at the end of 2022, the largest global food crisis in modern history.² At the same time, the countries that need the most assistance are often subject to international sanctions regimes. As of March 2023, UN sanctions applied in nine of the top ten operations of the International Committee of the Red Cross.³

UN member states are now faced with two competing resolutions concerning sanctions and human rights, adopted within several months of each other. Security Council resolution 2664, adopted on December 9, 2022 by a vote of 14–0 with India abstaining,⁴ carves out a humanitarian exception to all UN sanctions regimes. This landmark resolution comes after more than ten years of efforts by humanitarian organizations and activists. Contrasting with the Security Council resolution, Human Rights Council (HRC) resolution 52/13, adopted on April 3, 2023, condemns all unilateral sanctions because of their claimed negative impact on a host of human rights, especially the right to development.

The Security Council's exemption, also known as a "safeguard" or "carve-out," is a legally binding exception to a sanctions measure, intended to permit certain organizations to carry out designated humanitarian activities without violating the sanctions regime. This provision applies to the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida sanctions regimes for a period of two years, within which the Council will decide on extending its application. The Council directed its Committees on sanctions implementation to assist member states through the issuance of Implementation Assistance Notices. These Committees are also to monitor implementation, including any risk of diversion. With all these measures, the Security Council resolution may be seen as an answer to those critics who claim that sanctions inevitably violate human rights.

States' Positions on the Resolution

During its meeting, the Security Council heard concerns and issues raised by states and non-state representatives about the impacts of sanctions. Linda Thomas-Greenfield, representing the United States, introduced the draft resolution on behalf of the United States and Ireland,⁵ saying "we must all do everything in our power to help humanitarian partners reach the world's most vulnerable regardless of where they live, who they live with and who controls their territory." She agreed that the impacts of some of the Organization's sanctions had created an impediment to providing humanitarian assistance in the field. This, she stressed, was not related to the merits of sanctions themselves as the Council had repeatedly reached consensus in upholding their use as an effective foreign policy tool to constrain bad actors, terrorists, and human rights abuses. She urged all states on the Security Council to vote in favor of the resolution.

China stated that the greatest legal and political risk to humanitarian agencies comes not from the Council's sanctions but rather from unilateral sanctions, which can create great chaos and disaster. Explaining India's abstention from voting on the resolution, its representative voiced her concern over the misuse of humanitarian carve-outs by terrorist groups to raise funds and recruit terrorist fighters. She emphasized that under no circumstances could the garb of humanitarian cover be used by such groups to expand their activities and facilitate their political mainstreaming. She expressed hope that the resolution's shortcomings would be corrected in the future.

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The Human Rights Council Resolution

The HRC has expressed its concern with sanctions since at least 2014, with its resolutions on the topic almost always provoking a divided vote by member states. This resolution was no exception: all developing states on the HRC, plus China, voted in favor, while all European states and the United States voted against it. The vote adopting the resolution was 33–13, with Mexico abstaining.

The HRC resolution was introduced by the Observer for Azerbaijan on behalf of the Movement of Non-Aligned Countries.⁶ He said it reaffirmed the principles of the sovereign equality of states, and non-intervention and non-interference in the internal affairs of states. It also “highlighted the negative impact of unilateral coercive measures on human rights, the right to development, the realization of the Sustainable Development Goals, international relations and international solidarity, trade, investment and cooperation.”⁷ He referred several times to the negative impacts of what he called “overcompliance” with sanctions.

The representative of Eritrea followed with an even stronger condemnation, calling unilateral sanctions “brutal and inhumane by their very nature.”⁸ He asserted that unilateral sanctions were used “as a form of warfare, in order to bully and intimidate nations that pursued independent national policies and programmes for the benefit of their peoples.”⁹ He recalled that the African Union, at its thirty-sixth Summit, held on February 18–19, 2023, had reiterated its strong condemnation of the imposition of unilateral sanctions on three of its member states, namely Eritrea, South Sudan, and Zimbabwe, and had called for those sanctions to be lifted immediately.

The representative of Finland, speaking on behalf of the member states of the European Union, responded that restrictive measures were an essential tool for promoting peace, democracy, and respect for human rights, international law, and the rule of law. All restrictive measures imposed by the European Union, he said, were introduced and implemented in accordance with international law and were preventive and proportionate, targeted at specific policies or activities and imposed on the individuals or entities responsible for them.

The competing explanations of votes continued with only the U.S. representative referring to the Security Council resolution adopted several months prior to the HRC’s vote. The U.S. representative noted that the United States used sanctions in a manner consistent with international law, including the Charter of the United Nations, and had taken concrete action to minimize their unintended consequences. “For example, the United States, together with Ireland, had proposed Security Council resolution 2664 (2022), a landmark resolution that established a humanitarian exemption to asset freezes across United Nations sanctions programmes, thereby facilitating the delivery of humanitarian aid while ensuring that such aid was not diverted or abused by malicious actors.”¹⁰ She said the draft HRC resolution “inappropriately” contested the ability of states to determine their economic relations and protect legitimate national interests. Moreover, sanctions were used to deter abuses and promote accountability for human rights violations, corruption, and actions that undermined democracy. The U.S. Government “emphatically rejected the premise, apparently supported by some States, that the effects of sanctions on those responsible for human rights violations were more important than the violations themselves.”¹¹

Mexico objected to references to the right to development as a human right and to new terms such as “overcompliance” being used in the draft resolution. In addition, Mexico did not consider the Human Rights Council to be the appropriate forum for addressing the consequences of failures to comply with international law, such as those that might arise when unilateral coercive measures were applied in a manner contrary to established norms. China argued that unilateral sanctions were illegal, as they were contrary to the principles of the UN Charter and other norms of international law. Such measures jeopardized their people’s basic human rights, including their rights to life, health, development and education, thereby aggravating the suffering of the people of developing countries and even, in some cases, giving rise to humanitarian disasters.

Evaluation and Follow-Up

The binding landmark Security Council resolution should encourage UN member states to adopt similar provisions in their autonomous sanction regimes. In fact, immediately following adoption of resolution 2664, the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) took steps to further enable the flow of legitimate humanitarian assistance, supporting the basic human needs of vulnerable populations while continuing to deny

resources to targeted actors. To implement this new policy across U.S. sanctions programs and as the first country in the world to implement resolution 2664, OFAC issued or amended general licenses to ease the delivery of humanitarian aid and ensure a baseline of authorizations for the provision of humanitarian support.

Finally, it is worth noting that, pursuant to resolution 6224, the Security Council, for the first time, will consider the importance of “assessing potential humanitarian impacts prior to a Council decision to establish a sanctions regime,” a long-standing request by humanitarian groups. The preambular paragraphs of the resolution also note that sanctions are “intended to be temporary,” and that they may be “adjust[ed] and terminate[d]” depending on the evolving situation on the ground and the need to mitigate humanitarian impacts.

ENDNOTES

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| 1 | The Security Council’s 31 sanctions regimes are: Southern Rhodesia, South Africa, the Former Yugoslavia (2), Haiti (2), Angola, Liberia (3), Eritrea/Ethiopia, Rwanda, Sierra Leone, Côte d’Ivoire, Iran, Somalia/Eritrea, ISIL (Da’esh) and Al-Qaida, Iraq (2), DRC, Sudan, Lebanon, DPRK, Libya (2), the Taliban, Guinea-Bissau, CAR, Yemen, South Sudan, and Mali. | 4 | U.N. Doc. S/RES/2664 (Apr. 17, 2022). |
| | | 5 | There were over fifty co-sponsors of the resolution in total. |
| | | 6 | HRC/52/SR.55, ¶¶ 127–140, “Draft resolution A/HRC/52/L.18: The negative impact of unilateral coercive measures on the enjoyment of human rights.” |
| 2 | OCHA, “Humanitarian Action at a Glance,” (Nov. 30, 2022), https://humanitarianaction.info/article/glance-0 . | 7 | <i>Id.</i> ¶ 127. |
| | | 8 | <i>Id.</i> ¶ 129. |
| 3 | Int’l Comm. Red Cross, “ICRC applauds UN Security Council’s adoption of a resolution protecting humanitarian activities” (Dec. 9, 2022), https://www.icrc.org/en/document/icrc-applauds-un-security-councils-adoption-resolution-protecting-humanitarian-activities . | 9 | <i>Id.</i> |
| | | 10 | <i>Id.</i> ¶ 133. |
| | | 11 | <i>Id.</i> |

RES. 2664 (2022) (U.N.S.C.)*
[December 9, 2022]

United Nations

S/RES/2664 (2022)



Security Council

Distr.: General
9 December 2022

Resolution 2664 (2022)

**Adopted by the Security Council at its 9214th meeting, on
9 December 2022**

The Security Council,

Recalling its previous resolutions imposing its sanctions measures in response to threats to international peace and security,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights law, international refugee law, and international humanitarian law, threats to international peace and security, stressing in this regard, the important role the United Nations plays in leading and coordinating this effort, including through use of its sanctions regimes,

Emphasizing that its sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, including in support of peace processes, countering terrorism, and promoting non-proliferation and stressing in this regard, the need for full implementation of all such measures imposed by this Council, consistent with international humanitarian law,

Bearing in mind the importance of assessing potential humanitarian impacts prior to a Council decision to establish a sanctions regime, while *accepting* the need for the Council to act swiftly in countering threats to international peace and security,

Recalling resolution [2462 \(2019\)](#), which decides that all States shall, in a manner consistent with their obligations under international law, including international humanitarian law, international human rights law and international refugee law, ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize in a manner duly reflecting the seriousness of the offense the willful provision or collection of funds, financial assets or economic resources or financial or other related services, directly or indirectly, with the intention that the funds should be used, or in the knowledge that they are to be used for the benefit of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a link to a specific terrorist act, and *urging* States when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law,

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Recalling the need for Member States to ensure that all measures taken by them to implement sanctions, including in the context of counter-terrorism, comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law, as applicable, and noting, in this regard, the rules of international humanitarian law, as applicable, regarding respect for, and the protection of, humanitarian personnel and consignments for humanitarian relief operations and the non-punishment of any person for carrying out medical activities compatible with medical ethics,

Emphasizing that such measures are not intended to have adverse humanitarian consequences for civilian populations nor adverse consequences for humanitarian activities or those carrying them out, and *noting* that humanitarian and basic human needs differ depending on the specific context,

Expressing its readiness to review, adjust and terminate, when appropriate, its sanctions regimes taking into account the evolution of the situation on the ground and the need to minimize unintended adverse humanitarian effects, *underlining* that sanctions measures are intended to be temporary, and *acknowledging* the perspectives of regional and subregional organizations in this regard,

Encouraging the United Nations, where appropriate, to take an active role in coordinating humanitarian activities in situations where its sanctions are applicable, recalling the United Nations guiding principles of General Assembly Resolution 46/182 of humanitarian emergency assistance, including humanity, neutrality, impartiality and independence, and noting that the intention of this resolution is to provide clarity to ensure the continuation of humanitarian activities in the future,

Reaffirming its previous determinations regarding the threats to international peace and security that prompted its imposition of all extant sanctions measures,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that without prejudice to the obligations imposed on Member States to freeze the funds and other financial assets or economic resources of individuals, groups, undertakings, and entities designated by this Council or its Sanctions Committees, the provision, processing or payment of funds, other financial assets, or economic resources, or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by the United Nations, including its Programmes, Funds and Other Entities and Bodies, as well as its Specialized Agencies and Related Organizations, international organizations, humanitarian organizations having observer status with the United Nations General Assembly and members of those humanitarian organizations, or bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or OCHA-coordinated humanitarian “clusters,” or their employees, grantees, subsidiaries, or implementing partners while and to the extent that they are acting in those capacities, or by appropriate others as added by any individual Committees established by this Council within and with respect to their respective mandates, are permitted and are not a violation of the asset freezes imposed by this Council or its Sanctions Committees;
2. *Decides* that the provisions introduced by paragraph 1 above will apply to the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida sanctions regime for a period of two years from the date of adoption of this resolution, and expresses its intent to make a decision on the extension of its application to that regime prior to the date on which its application to that regime would otherwise expire, *emphasizes* the role of the 1267/1989/2253 Sanctions Committee in monitoring the implementation of paragraph 1 of this resolution as per paragraph 6, *calls upon* all States to cooperate fully with that Committee and its Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) in the fulfillment of its tasks, including supplying such information as may be required by that Committee in that respect, and *emphasizes* the importance of this Council’s consideration of any information, including that provided by the Committee or Monitoring Team, regarding implementation of the measures imposed by resolution 1267 (1999) and other relevant resolutions, including possible violations thereof, as well as briefings received from the United Nations Emergency Relief Coordinator (ERC) as per paragraph 5 of this resolution;
3. *Requests* that providers relying on paragraph 1 use reasonable efforts to minimize the accrual of any benefits prohibited by sanctions, whether as a result of direct or indirect provision or diversion, to individuals or entities

designated by this Council or any of its Committees, including by strengthening risk management and due diligence strategies and processes;

4. *Emphasizes* that where paragraph 1 of this resolution conflicts with its previous resolutions, paragraph 1 shall supersede such previous resolutions to the extent of such conflict, clarifies in that regard that paragraph 1 shall supersede and replace paragraph 37 of its resolution 2607 (2021) and paragraph 10 of its resolution 2653 (2022), but that paragraph 1 of its resolution 2615 (2021) shall remain in effect, and decides that paragraph 1 of this resolution shall apply with respect to all future asset freezes imposed or renewed by this Council in the absence of an explicit decision by this Council to the contrary;

5. *Requests* the United Nations Emergency Relief Coordinator (ERC) to brief or arrange a briefing for each relevant Committee within its mandate 11 months from the date of adoption of this resolution and every 12 months afterwards on the delivery of humanitarian assistance and other activities that support basic human needs provided consistent with this resolution, including on any available information regarding the provision, processing or payment of funds, other financial assets or economic resources to, or for the benefit of, designated individuals or entities, any diversion of funds or economic resources by the same, risk management and due diligence processes in place, and any obstacles to the provision of such assistance or to the implementation of this resolution, *further requests* relevant providers to assist the ERC in the preparation of such briefings by providing information relevant thereto as expeditiously as is feasible and, in any case, within 60 days of any request from the ERC, also *emphasizes* the importance, in the process of preparing its briefing, of the ERC's consideration of any information provided by the 1267/1989/2253 Sanctions Committee or its Monitoring Team, acting within its mandate, regarding implementation of the measures imposed by resolution 1267 (1999) and other relevant resolutions, including possible violations thereof, and *recalls* the Committees' ability to engage with Member States to ensure the effective implementation of this Council's decisions, including by requesting additional information from such Member States, including with respect to providers under their jurisdiction, as needed to support such implementation;

6. *Directs* the Committees established by this Council with respect to sanctions implementation to assist Member States in properly understanding and fully implementing paragraph 1 of this resolution by issuing Implementation Assistance Notices to provide further guidance to give full effect to paragraph 1 that takes into account the unique context of the sanctions falling under their respective mandates, and *further directs* these Committees, assisted by their respective panels of experts, to monitor the implementation of paragraph 1 of this resolution, including any risk of diversion;

7. *Requests* that the Secretary-General issue a written report on unintended adverse humanitarian consequences of Security Council sanctions measures, including travel ban and arms embargo measures, as well as those measures that are sui generis to particular sanctions regimes, within 9 months of the adoption of this resolution, requests that such report contain recommendations on ways to minimize and mitigate such unintended adverse consequences including via the promulgation of additional standing exemptions to such measures, and expresses its intent to consider further steps as necessary, taking into account the Secretary-General's report and recommendations, to further minimize and mitigate such unintended adverse consequences; and

8. *Decides* to remain seized of this matter.

RESOLUTION 52/13 (U.N.H.R.C.)*

United Nations

A/HRC/RES/52/13



General Assembly

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Human Rights Council

Fifty-second session

27 February–4 April 2023

Agenda item 3

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

Resolution adopted by the Human Rights Council on 3 April 2023

52/13. The negative impact of unilateral coercive measures on the enjoyment of human rights

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Recalling further Human Rights Council resolutions 46/5 of 23 March 2021 and 49/6 of 31 March 2022 and General Assembly resolutions 76/171 of 16 December 2021 and 77/214 of 15 December 2022,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which all States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter, that impede the full achievement of economic and social development, particularly in least developed and developing countries,

Recalling Human Rights Council resolutions 46/14 of 23 March 2021 and 49/25 of 1 April 2022, on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic, in which the Council expressed deep concern about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasized the importance of human rights in shaping the response to and inclusive recovery from the pandemic,

Recalling also Human Rights Council resolution 27/21 of 26 September 2014 and the corrigendum thereto, in which the Council decided to organize a biennial panel discussion on the issue of unilateral coercive measures and human rights,

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Taking note of the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial panel discussion on unilateral coercive measures and human rights,¹ held on 16 September 2021 during the forty-eighth session of the Human Rights Council,

Stressing that unilateral coercive measures and legislation and secondary sanctions are contrary to international law, international humanitarian law, international human rights law, the Charter and the norms and principles governing peaceful relations among States,

Deeply concerned by the negative impact on human rights of widespread compliance and overcompliance with unilateral coercive measures among financial institutions, transport companies and other entities whose goods and services are necessary in the provision of humanitarian aid to populations in vulnerable situations,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its grave concern at the negative impact of unilateral coercive measures on human rights, including the right to development, international solidarity, international relations, trade, investment and cooperation,

Reaffirming that no State may use, encourage or threaten to use any type of measure, including but not limited to economic or political measures, to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Reaffirming also, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recognizing that unilateral coercive measures, inter alia in the form of economic sanctions, and secondary sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and persons in the most vulnerable situations,

Alarmed by the fact that all forms and manifestations of unilateral coercive measures have been imposed, at great cost in terms of the human rights of the poorest and of persons in vulnerable situations, on least developed and developing countries by developed countries, and in this context condemning this inhumane approach in the strongest terms possible,

Underlining that under no circumstances should people be deprived of their basic means of survival or access to critical infrastructure, services and goods,

Recognizing that unilateral coercive measures may result in social problems and give rise to humanitarian concerns in the States targeted,

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

Expressing its grave concern that the laws, regulations and decisions imposing unilateral coercive measures have, in some instances, an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law, in a manner that will coerce the latter also to apply the unilateral coercive measures,

Welcoming the final document and declaration adopted at the eighteenth summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku on 25 and 26 October 2019, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

Reaffirming that each State has full sovereignty over the totality of its wealth, natural resources and economic activity, exercising it freely, in accordance with General Assembly resolution 1803 (XVII) of 14 December 1962,

Recalling that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

Deeply concerned 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, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of least developed and developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights, including the right to development, by peoples and individuals under the jurisdiction of other States,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing, as well as the right to development and the right to a clean, health and sustainable environment,

Alarmed by the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 on 4 December 1986, which establishes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Reaffirming also that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and to the realization of the Goals and targets of the 2030 Agenda for Sustainable Development,

Expressing concern that unilateral coercive measures have prevented humanitarian organizations from making financial transfers to States where they work,

Concerned also that unilateral coercive measures impede the provision of humanitarian assistance to populations in countries affected by natural and other disasters,

Underlining that, in each situation worldwide, unilateral coercive measures have a direct or indirect negative impact on human rights,

Underlining also the necessity of examining the wide range of impact of unilateral coercive measures on international humanitarian and human rights law and on the economy, peace, security and social fabric of States, as well as on global trade relations,

Highlighting the need for the Human Rights Council to take fully into account the negative impact of unilateral coercive measures, including that caused by the enactment and extraterritorial application of national laws and decisions that are not in conformity with the Charter and international law, in its task concerning the implementation of all human rights, including the right to development,

Recalling the recommendations set forth in research-based progress report of the Human Rights Council Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability,²

Highlighting the need to monitor and report human rights violations associated with unilateral coercive measures, to promote accountability to deter future violations and to provide redress for victims,

Welcoming the continuing efforts of the open-ended Working Group on the Right to Development, and reaffirming that unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, according to which, *inter alia*, in no case may a people be deprived of its own means of subsistence and its fundamental rights,

1. *Urges* all States to stop adopting, maintaining, implementing or complying with unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extra-territorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;
2. *Calls upon* States and relevant United Nations agencies to take concrete measures to mitigate the negative impact of unilateral coercive measures on humanitarian assistance, which should be delivered in accordance with General Assembly resolution 46/182 of 19 December 1991;
3. *Strongly urges* all States to refrain from imposing unilateral coercive measures, also urges the removal of such measures, as they are contrary to the Charter and norms and principles governing peaceful relations among States at all levels, and recalls that such measures prevent the full realization of economic and social development of nations while also affecting the full realization of human rights;
4. *Urges* States to resolve their differences through dialogue and peaceful means and to avoid the use of economic, political or other measures to coerce another State with regard to the exercise of its sovereign rights;
5. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;
6. *Strongly condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of pressure, including political and economic pressure, against any country, particularly against least developed and developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;
7. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights and peremptory norms of customary international law, and entails adverse consequences for the enjoyment of human rights by innocent people;
8. *Expresses its deep concern* over the increasing negative effects of unilateral coercive measures on the environment and natural resources, leading to serious violations of human rights of targeted populations, and strongly condemns the continued unilateral application of such measures, which result in various environmental transboundary and transgenerational implications for present and future generations;
9. *Expresses its grave concern* that, in some countries, the socioeconomic conditions of family members, particularly women and children, are adversely affected by unilateral coercive measures, imposed and maintained contrary to international law and the Charter, that create obstacles to trade relations among States, restrict movement through various means of transport, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;
10. *Reiterates* its call upon States that have initiated such measures to commit themselves to their obligations and responsibilities arising from relevant provisions of the international law and human rights instruments to which they are a party by putting an immediate end to such measures;

11. *Reaffirms* in this context the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;
12. *Also reaffirms*, as enshrined in the Charter, its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State;
13. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;
14. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their means of subsistence and development;
15. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development, and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of least developed and developing countries;
16. *Rejects* all attempts to introduce unilateral coercive measures, and the increasing trend in this direction, including through the enactment of laws with extraterritorial application that are not in conformity with international law, and urges the States Members of the United Nations to take fully into account the negative impact of those measures, including through the enactment and extraterritorial application of national laws that are not in conformity with international law in their task concerning the implementation of the right to development;
17. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;
18. *Stresses* the need for an impartial and independent mechanism of the United Nations human rights machinery for the victims of unilateral coercive measures to address the issues of remedies and redress, with a view to promoting accountability and legal, equitable, timely and effective remedies and reparations;
19. *Urges* all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling her mandate;
20. *Recognizes* the importance of the quantitative and qualitative documentation of the negative impact associated with the application, promotion, compliance with, promulgation and implementation of unilateral coercive measures in the context of ensuring the accountability of those responsible for human rights violations resulting from the application of unilateral coercive measures against any State;
21. *Acknowledges* the need to ensure that all relevant United Nations human rights treaty bodies and subsidiary organs of the Human Rights Council mainstream the issue of the negative impact of unilateral coercive measures on the enjoyment of human rights and perform specific activities, such as during the review of periodic reports submitted by States to such bodies and in the context of the universal periodic review;
22. *Decides* to give due consideration to the issue of the negative impact of unilateral coercive measures on human rights in its tasks concerning the implementation of the right to development;
23. *Recalls* the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and the addendum thereto on elements for a draft General Assembly declaration on unilateral coercive measures and the rule of law, submitted to the Human Rights Council at its forty-second session,³ and

takes note of the reports of the Special Rapporteur submitted to the Human Rights Council at its fifty-first session⁴ and to the General Assembly at its seventy-seventh session;⁵

24. *Requests* the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to continue her work on identifying and proposing concrete measures to ensure the removal of unilateral coercive measures affecting the enjoyment of human rights of victims and on the human rights impact of secondary sanctions and overcompliance, including through the organization of multi-stakeholder consultations towards the development of guiding principles for relevant stakeholders, and to focus on the resources and compensation necessary to promote accountability and reparations for victims in her next report to the Human Rights Council, at its fifty-fourth session, and to the General Assembly, at its seventy-eighth session;

25. *Notes* the Special Rapporteur's initiative for the development of an impact assessment methodology, through expert consultations with the United Nations system and with other international organizations, civil society and academia, and calls upon the Special Rapporteur, with the support of the Office of the United Nations High Commissioner for Human Rights, to study establishing an effective, impartial and responsive mechanism to assess, document, report on and follow up on the negative impact of unilateral coercive measures on the enjoyment of human rights of individuals and their complaints, submitted by individuals and their States, and to promote accountability;

26. *Invites* the Special Rapporteur to engage with scholars, researchers and others in the academic community to encourage research that is relevant to the mandate, including but not limited to the areas of law, economics, political science, social science, medicine and agriculture, and also through the establishment of a sanctions research platform;

27. *Requests* the Office of the High Commissioner to organize, in accordance with Human Rights Council resolution 27/21, a biennial panel discussion, to be held at the fifty-fourth session of the Council, on the impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals, with the participation of States, relevant United Nations bodies, agencies and other relevant stakeholders, and requests the Special Rapporteur to act as rapporteur of the panel discussion and to prepare a report thereon, and to submit and present the report to the Council at its fifty-fifth session;

28. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of her tasks, and to provide all necessary information requested by her;

29. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil her mandate effectively, in particular by placing adequate human and material resources at her disposal;

30. *Recognizes* the importance of the role of the Office of the High Commissioner in addressing the challenges arising from unilateral coercive measures and their negative impact on the human rights of peoples and individuals who wish to realize their economic and social rights, including the right to development;

31. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of least developed and developing countries, to give priority to the present resolution in his annual report;

32. *Also requests* the High Commissioner, and urges relevant special procedures of the Human Rights Council and the treaty bodies, to pay attention, within the framework of their mandates, to the situation of persons whose rights have been violated as the result of unilateral coercive measures;

33. *Requests* the Secretary-General to provide the assistance necessary to the High Commissioner to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

34. *Urges* States and other stakeholders to promote and preserve multilateralism and to take the measures necessary to strengthen bilateral, regional and international cooperation aimed at addressing the negative impact of unilateral coercive measures on the full enjoyment of all human rights;

35. *Decides* to continue its consideration of this issue in accordance with its programme of work.

*55th meeting
3 April 2023*

[Adopted by a recorded vote of 33 to 13, with 1 abstention. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Mexico]

NOTES

- 1 A/HRC/50/66.
- 2 A/HRC/28/74.
- 3 A/HRC/42/46 and Add.1.
- 4 A/HRC/51/33.
- 5 A/77/296.