Сontribution to the study on the contribution of development to the enjoyment of all human rights

When analysing interrelation of the development on the enjoyment of human rights, it is necessary to take into account negative humanitarian impact of unilateral sanctions on the system as such.

Unilateral coercive measures (UCMs), notably sanctions, prevent development from contributing to the enjoyment of all human rights by harming the development process itself. The damage they inflict on human rights in this regard occurs in two ways. First, sanctions negatively affect the enjoyment of rights that are essential for development to occur; these include the right to food, the right to health, the right to an adequate standard of living, the right to freedom of expression, the right to freedom of movement, and many others, including the right to life. The second way is a consequence of the first: sanction negatively affect the enjoyment of all human rights that would be protected or enhanced as a result of development, either because the development is impeded, or because the sanctions erode the state of development that had been reached prior to their imposition. Thus, UCMs prevent the development process from achieving its full potential with respect to human rights.

The development process is harmed by various types of UCMs: (1) comprehensive sanctions against a target country’s economy; (2) sectoral sanctions against key parts of a target country’s economy; and (3) “targeted sanctions” against entities (companies, organizations, etc.) or individuals that may be critical actors in a target country’s development.

An example of how UCMs harm development and consequently the human rights that benefit from it is the regime of “Caesar Act” sanctions recently implemented by the United States. These are targeted sanctions that may be imposed against persons anywhere in the world who aid the Government of Syria in certain of its activities, including its efforts to rebuild the national civilian infrastructure after years of conflict, and its restoration of oil and gas production. These block the Syrian economy from flourishing to its maximum possible extent, and consequently the well-being of its population, regardless of any simultaneous efforts toward economic and social development. While the rights of sanctioned individuals are violated directly by the fact that they are targeted, the rights of the Syrian population are also affected because the sanctioned individuals are deterred from engaging in activities that constitute the country’s development. In the same way, targeted societies (e.g. Venezuela), which have to guarantee basic needs of the population (right to life, right to food, right to health) have to stop all developmental projects (both in economic and environmental spheres). as a result economic, social and cultural rights are affected badly.

Another important aspect is often cited by humanitarian NGOs. They refer to the fact that the possibility (although rather limited) to deliver humanitarian goods is usually limited to the food and medicine. No humanitarian licenses can be received as regards reconstruction or developmental projects. this statement is reflected in the wording of humanitarian licenses and humanitarian exemption clauses.

Moreover, the fact that unilateral sanctions are frequently complex, with extraterritorial enforcement and heavy penalties for violators, has led to widespread over-compliance with sanctions on the part of individuals and entities that export goods or provide services, including essential financial and transportation services, to the targets of sanctions, out of fear of accidentally breaching the rules. This artificially exaggerates the direct and indirect impact of sanctions within a nation whose economy or citizens are targeted, undermining both the possibility of development and the whole scope of human rights.

As the world has moved toward greater economic globalization, more liberal capital flows and reduced barriers to international trade in goods and services, states have become increasingly dependent on other states for their economic performance and thus their ability to pursue effective domestic development policies and programs. Imports of certain goods and services may be advantageous in terms of availability and cost relative to domestic sources due to factors such as a state’s natural or financial resources, geographic location, etc. Exports of national assets (natural resources, expertise, etc.) to foreign markets, as well as foreign investment inflows, can be critical sources of income for national development. However, this growing interdependence also makes domestic economies and their development progressively more vulnerable to UCMs ranging from trade embargoes to financial sanctions imposed by developed countries or others whose goods, services or markets for the same would otherwise play a role in a targeted country’s economy.

Although UCMs are frequently of questionable legality under international law, their use is increasing, and the number of countries using them is also growing. The scope of grounds, purposes, direct and indirect targets, means and mechanisms are all expanding, as is their extraterritorial character. Consequently, their impact on development, and by extension on the human rights that development protects and enhances, can be expected to grow.

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