**The International Alliance for Peace and Development**

The IAPD seeks to promote for peace and sustainable development all over the world. The IAPDA works to counter hatred, violence and extremism and to work side by side with the UN mechanism and other affective institutions all over the world. The IAPD follows its vision by networking in order to mobilize efforts, cooperation and integration.

**A Report on**

**“The notion, characteristics, legal status and targets of unilateral sanctions; tackling the Syrian Case”**

* **The identification of unilateral sanctions:**

The unilateral coercive sanctions were difficultly and differently defined by many organizations and researchers, the most definition which was widely known is “The use, or threat to use, ‘measures of an economic—as contrasted with diplomatic or military—character taken to induce [a target State] to change some policy or practices or even its governmental structure”[[1]](#footnote-1), and that was quite similar to the Human Rights United Nations definition which is “Economic measures taken by one State to compel a change in the policy of another State”[[2]](#footnote-2). They may be called exchangeably smart/targeted sanctions which may include trade sanctions or the interruption of the investment flows between the sender and recipient countries, to be more illustrative, there are two sides of the coercive sanctions; one which may be described as a legal one and the other illegal depending on the way the sanctions are used and implemented, to whom they are directed, in what case and to what extent taking into consideration their impact on the human rights of the targeted country, as there use was meant to target the change of certain governmental policies not to harm the people.

Unilateral sanctions were believed to be a peaceful tool that substitutes the military actions and wars which emerged since the emergence of trade and since the world started to be “Economic dependent/interdependent” so they exploited the economic sanctions to enter a peaceful war without turning it to a real war, historically it was believed that the economic sanctions proved to be ineffective and caused the destruction of many economies[[3]](#footnote-3), getting back into history the concept of unilateral sanctions didn’t include only the economic sanctions. However there were other types of sanctions as (Military, diplomatic, cultural, political) but the economic sanctions started to be the dominant type of used coercive sanctions between the countries, also the legality to impose sanctions can emerge from (breaking the international law, threat to the peace, breach of the peace of an act of aggression), which came in harmony with the international law (article 4) which states “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”[[4]](#footnote-4)

 All of that reveals the legality of the sanctions, but it doesn’t justify and specifies in which situation and under what conditions should these sanctions be imposed, and from that emerges the illegality of the sanctions. **From the International Alliance for Peace and Development (IAPD)’s point of view, the unilateral sanction can be defined as** ‘They are (political, diplomatic, cultural, economic) sanctions/tools which can be used to compel a targeted country to change inefficient, corrupt policies which may contradict the international law or act as a threat to the international world peace by concerning the situation and condition of the targeted country in order not to harm their people and their enjoyment of the human rights to ensure its legality’.

* **The legality of unilateral sanctions beyond the authorization of the UN Security Council:**

There should be some clarifications according to the term of the unilateral sanctions, as in most cases it was related to the actions done by states or organizations beyond the authorization of the UN security council. For instance, the actions took by the UN Security council differ from the actions done by the states but what is common between them is they are both should act in line with the international law and standards, including international human rights, refugee and humanitarian laws. The unilateral sanctions done by individual states are based on their analysis for their national interests and their targeted achievements however the ones done by the UN Security Council which include more international requirements depends on the presence of a threat to the international peace, breaching to the international law, etc.

Recalling that in both cases they should not contradict with the laws provide the basics of the enjoyment of the human rights and the accessibility of the people of targeted country to any of their basic needs and rights. 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”[[5]](#footnote-5), taking in consideration also the preamble, Article 1(3), Article 55 in the UN charter, articles 3, 5, 6, 8, 12, 13, 17, 22, 23, 25, 26, and 28 in the Universal Declaration on Human Rights which guarantee the enjoyment of the human rights[[6]](#footnote-6). Since all the previous are taken in consideration even if the unilateral sanctions done beyond the authorization of the UN Security council it cannot be excluded under general international law.

Regarding the cyber means which may be used, IAPD thinks that it’s better and less tough through its impact on the people as it targets the government and the elites not the people of the targeted country. Although some of their impacts are severe regarding the banks, ministries, and companies if targeted but its negative impact on the people cannot be compared to the severe drawbacks which the people suffer from by the imposition of economic sanctions.[[7]](#footnote-7)

 IAPD focuses here on the ***Syrian*** case, as the UN wasn’t the only organization that imposed unilateral sanctions against it but also the EU. The sanctions imposed on Syria led to the destruction of the whole economic Syrian system in all of its dimensions which made Syrian economy and needs dependent on the (Turkish, Iranian and even the Lebanese) economy. Also, it has many drawbacks, on their top is that any crisis or sanctions imposed to any of these economies it will negatively impact the Syrian economy. So, the Syrian situation is getting more complicated.

 It was estimated that impact of unilateral sanctions caused Syria to suffer from many as, it became a net importer of oil and its derivatives in 2012, with a deficit amounting to US$4.4 billion, which was gradually declining due to import barriers and lower consumption. The lack of fuel had a significant negative impact on electricity production, transportation, heating, and pumping for agricultural irrigation. U.S. exports to Syria, mostly corn and soybeans declined to less than US$20 million, transformation of large parts of the economy into informal sectors, inability to control the funding of the extremist groups. Moreover, Syrian pound (SYP) exchange rate became strongly dependent on the flow of foreign aid and the financing of combatant. A major reduction of irrigated planted land and crop production, complete halt of fertilizer imports into Syria, creation of illegal trade activities, illegal refining and smuggling of oil, lost its pharmaceutical production security for basic generic medicine, imported medicines were no longer available”[[8]](#footnote-8).

In addition to that it was believed that about 5.6 million Syrians are refugees, and another 6.2 million people are displaced within Syria. Nearly 12 million people in Syria need humanitarian assistance. Since the Syrian civil war began, an estimated [500,000 people have been killed,](https://www.nytimes.com/2018/04/13/world/middleeast/syria-death-toll.html) including more than 55,000 children, 95% of people lack adequate healthcare and 70% lack regular access to clean water, more than 80% of the population now lives in poverty. 3.6 million Syrian refugees are in Turkey, 915,000 Syrian refugees make up about one-sixth of Lebanon’s population, 656,000 Syrian refugees are in Jordan, 250,000 Syrian refugees are in Iraq, 130,000 Syrian refugees are in Egypt”[[9]](#footnote-9). These estimations reflect and show how the unilateral sanctions contributed into the perpetuation of the war in Syria and led to a creation of a severe humanitarian crisis and that what contradicts with the previously mentioned articles of the humanitarian and international law.

* **Unilateral sectoral sanctions and sanctions against legal persons:**

 Syria suffered from many sectoral sanctions which had a harsh and tough influence on the people as the sanctions were mainly related to trade, energy sector, sanctions which led to the prohibition of the assistance by the European Investment Bank (EIB) as well as new grants or loans by the member states. IAPD considers them illegal as they had many consequences in the deterioration of the economic system which increase the level of inflations and debt of Syria which led to the increase of the Syrians’ suffer. Also, the suffering was doubled through the Covid-19 pandemic, with the already deteriorated healthcare system and hospitals, lack of medicine as it was mentioned previously the pandemic attacked Syria brutally. It was estimated that “only 64% of hospitals and 52% of primary healthcare centers throughout Syria were functional at the end of 2019 (WHO 2019). Around 70% of the healthcare workforce has left the country, and there are only 325 intensive care unit beds with ventilators throughout Syria. With slow economic growth and high unemployment rates that range between 50% and 80%, economic experts from Damascus University estimated the economic losses due to the COVID-19 lockdown measures imposed by the Syrian government in March and April 2020 at two trillion Syrian pounds” [[10]](#footnote-10). To be more precise the imposition of sectoral sanctions against a fragile weak country as Syria will result in many impacts on all other sectors, not a specified one.

Concerning the sanctions directed to legal persons, Syria was exposed to this type of sanctions too but it doesn’t violate the human rights laws as soon as these sanctions are imposed based on evidence and incidents and bounded to the international laws, which led them to punish some leaders or public figures personally, in cases of counterterrorism, violating the world peace laws.[[11]](#footnote-11) This may be considered as a penalty or criminal punishment based on evidence and other incidents that this person or entity committed a huge violation for the international laws, IAPD believes that sanctions directed to the group of guilty people or the one person who committed the violation is a legal fair one rather than causing the harm for the whole population of innocent people especially by the cooperation between the UN and the EU for sanctioning Syria that was what contradicts the human rights laws and also contradict the beliefs and what the UN always ask for whether dignity, freedom of life, right to have access for health, food, water, etc according to the previously mentioned articles.

* **The extraterritorial application of unilateral sanctions:**

By definition, the extraterritorial unilateral sanctions are “sanctions that purport to apply to transactions with limited or no connection to the sanctioning state”, and that what the Caesar act does, has a secondary character as it threatens to sanction third countries, companies, or individuals dealing with the GoS, its central bank or listed persons or entities other than the US people, it targets and sanctions all of Assad’s partners and any sector whether foreign or regional which have trade and economic relations with Syria. They are trying to pressure syrian government economically, as they wanted it to give up and start implementing new policies to rebuild Syria while doing that the Syrians suffered from these decisions more. The results of the Caesar acts were estimated in 2020 as 83% of the Syrian population live below the poverty line as defined by the Syrian Government, more than 11 million people rely on humanitarian assistance, and more than six million have been forced from their homes.

It was forecasted that after the application of the new sanctions the Syrians will reach the peak of suffering as their economy deteriorated like never before, the prices are too high and change too fast, even before the imposition of the Caesar act there were already imposed sanctions by both EU and USA (restriction of trade and investment, prohibition of business dealings with the Syrian Government by U.S. individuals and entities or denominated in U.S. dollars, asset freezes, import/export restrictions, applicable to individuals or entities either in the EU or otherwise under EU jurisdiction).[[12]](#footnote-12)

The legality of the concept of “Secondary/extraterritorial sanctions” is similar to the legality or illegality of the unilateral coercive sanctions. They both proved to be legal in the international law but with conditions of not violating the humanitarian laws which were previously mentioned in articles (11,15,22,23,55,56).[[13]](#footnote-13)

* **Secondary Sanctions:**

Secondary sanctions can “put pressure on third parties to stop their activities with the sanctioned country by threatening to cut off the third party’s access to the sanctioning country”[[14]](#footnote-14). So, based on what was tackled before they are violating the international law and humanitarian law because the sanctions are imposed on any country which “provides significant financial (loans, credits or export credits), material or technological support to or engages in a significant transaction with, its senior political figures, persons sanctioned under U.S. sanctions relating to Syria, and persons operating in a military capacity inside Syria for or on behalf of the Syrian government; sells or provides significant goods, services, technology, information, or other support that significantly facilitates the maintenance or expansion of their domestic production of natural gas, petroleum, or petroleum products; sells or provides aircraft, spare aircraft parts, or significant goods or services associated with the operation of aircraft, that are used for certain military purposes in Syria for or on behalf of the Syrian government; or directly or indirectly provides significant construction or engineering services to the government of Syria)”.

Which mean that the secondary sanctions not only amplified and duplicated the Syrian crisis but also prevented third parties to provide them with any aid,[[15]](#footnote-15). It may be considered as inhabitation of the reform and construction of Syria as a country which will lead eventually to the persistence of deterioration, especially through the Covid-19 pandemic. Hence, the sanctions caused Syria to be unable to reach the medicine and health care equipment or even get them from other foreign countries which worsened their situation. It was mentioned by Dr. Ahmed Habbas, the assistant director of health in Damascus, “there could potentially be as many as 112,500 COVID-19 cases in the capital and its countryside alone. His estimate was based on assessments from burial offices, which showed an average of 800 deaths over an eight-day period in Damascus, or around 100 deaths per day”. Consequently, the lockdown resulted in an economic catastrophe as According to Dr. Ali Kanaan, the head of the Banking Department at the University of Damascus Faculty of Economics “ the [estimated economic loss](https://www.alwatanonline.com/%D8%A3%D9%83%D8%A7%D8%AF%D9%8A%D9%85%D9%8A-%D9%8A%D9%82%D8%AF%D9%91%D8%B1-%D8%AE%D8%B3%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF-%D8%A8%D9%86%D8%AD%D9%88-%D8%A3%D9%84%D9%81/) from the lockdown was 33.3 billion Syrian pounds per day — over $200 million at today’s rate of 2240 Syrian pounds to the dollar — with losses for the months of March and April totaling around 4 trillion Syrian pounds”[[16]](#footnote-16). IAPD believes that based on this estimates or even approximate ones the sanctions should be eased to be able to rescue the remnants of Syria.

* **Over-Compliance*:***

Syria warned and mentioned that increasing and imposing too much sanctions against it especially through the COVID era is considered to be “Economic Terrorism” according to the Syria's permanent representative to the United Nations in Geneva ***Hussam El-Din Ala***. He explained the situation by elaborating the whole situation of Syria mentioning the sanctions imposed against it in addition to the renewal of the EU to their imposed sanctions, from his point of view will lead to the obstruction of the Syrian government's efforts to rebuild, restore its stability, and create conditions for the return of the displaced Syrians[[17]](#footnote-17). They contributed to Syria's deterioration, as the people are suffering there from the pandemic too because of the inability of the health sector to respond to the people needs and to help in preventing the separation of the virus as it was estimated that the hospitals which are fully functioned in Syria are about 52% of the total number of hospitals there.

The unilateral and coercive sanctions could contribute to the humanitarian crisis of Syria, especially with the decision of extending the imposed sanctions by EU for another year which released after the new Caesar US pact. The Syrian people might be left helpless with all these conditions even after the EU promise to relieve them a bit from the sanctions and provide them with the needed aid through the pandemic.

* **Targets of the Unilateral sanctions:**

From the US and EU point of view, they were targeting the Syrian government and some of the important public figures by these economic sanctions, but on the practical level, the sanctions are impacting and targeting the Syrian people themselves not the government. They are barely impacted and consequently they took very little steps forward improving the Syrian government and stop its corruption. The political situation and civil war inside and the EU and US sanctions from outside continue harming the people. The Syrian population are the victims of this whole tragedy, they were stripped of most or almost all their rights (economic, political, humanitarian, health care, education, food, and water). They are living a humanitarian crisis, by all means, they lacked the basic infrastructure which could provide the basic support in any country. More than 80% of them are living under the poverty line, lack any access to their basic needs in addition to the increase of the refugees' number. And, what worsens the situation is the new decisions of the Caesar act and the EU extraterritorial and secondary sanctions which not only apply sanctions on Syria but also apply sanctions on countries which try to help and provide them by aid in contradiction with the human rights laws and the international law.

In this case, the unilateral sanctions are inefficient as a smart tool to help and promote human rights but it turned to be weaponized rather than being a peaceful tool to reform the Syrian policies. **The International Alliance for Peace and Development (IAPD) recommends to all parties**; to take into consideration the impact of these sanctions on the Syrian people, especially, during the Covid-19 pandemic, and to provide health assistance to Syria in a try to save Syrian people from another recent threat.

1. #  E Carter,Barry.” Economic Coercion.”Oxford Public international Law. [https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1518](https://opil.ouplaw.com/view/10.1093/law%3Aepil/9780199231690/law-9780199231690-e1518) .

 [↑](#footnote-ref-1)
2. “Human rights and unilateral coercive measures.”United Nations Human Rights office of the high commissioner. <https://www.ohchr.org/EN/NewsEvents/Seminars/Pages/WorkshopCoerciveMeasures.aspx> . [↑](#footnote-ref-2)
3. COATES,BENJAMIN.” [A Century of Sanctions](https://origins.osu.edu/article/economic-sanctions-history-trump-global).”ORIGINS. <https://origins.osu.edu/article/economic-sanctions-history-trump-global> . [↑](#footnote-ref-3)
4. Ilieva,Jana. Dashtevski, Aleksandar. Kokotovic, Filip.”ECONOMIC SANCTIONS IN INTERNATIONAL LAW.” UTMS Journal of Economics. <http://www.utmsjoe.mk/files/Vol.%209%20No.%202/UTMSJOE-2018-0902-09-Ilieva-Dashtevski-Kokotovic.pdf> . [↑](#footnote-ref-4)
5. “Resolution adopted by the Human Rights Council on 6 October 2020 45/5. Human rights and unilateral coercive measures.”Human Rights Council. <https://undocs.org/en/A/HRC/RES/45/5> . [↑](#footnote-ref-5)
6. Alberto Velasquez Ruiz,Marco.” INTERNATIONAL LAW AND ECONOMIC SANCTIONS IMPOSED BY THE UNITED NATIONS' SECURITY COUNCIL. LEGAL IMPLICATIONS IN THE GROUND OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.”Scielo. <http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S1692-81562012000200008> . [↑](#footnote-ref-6)
7. “Foreign Policy Responses to International Cyber-attacks.”Clingendael.September,2015. <https://www.clingendael.org/sites/default/files/pdfs/Clingendael_Policy_Brief_Foreign%20Policy%20Responses_September2015.pdf> . [↑](#footnote-ref-7)
8. Aita,Samir.” The Unintended Consequences of U.S. and European Unilateral Measures on Syria’s Economy and Its Small and Medium Enterprises.”The Carter Canter.December,2020. <https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/syria-unintended-consequences-aita-12-20.pdf> . [↑](#footnote-ref-8)
9. Reid,Kathryn.” Syrian refugee crisis: Facts, FAQs, and how to help.”World Vision.March 2020, <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts> . [↑](#footnote-ref-9)
10. Said,Salam.” COVID-19 AND THE SYRIAN ECONOMY.”Social Justics and Economy.July,2020. <http://library.fes.de/pdf-files/bueros/beirut/16320.pdf> . [↑](#footnote-ref-10)
11. Portela,Clara.”The EU’s Sanctions against Syria: Conflict Management by Other Means.”Security Policy Breif. September,2012. <https://core.ac.uk/download/pdf/10593778.pdf> . [↑](#footnote-ref-11)
12. Barber,Rebecca. “The New U.S. “Caesar” Sanctions on Syria Are Illegal.”Just Security.8 July,2020. <https://www.justsecurity.org/71189/the-new-u-s-caesar-sanctions-on-syria-are-illegal/> . [↑](#footnote-ref-12)
13. Coomans,Fons.” The Extraterritorial Scope of the International Covenant on Economic, Social and Cultural Rights in theWork of the United Nations Committee on Economic, Social and Cultural Rights.”January,2011. <https://www.corteidh.or.cr/tablas/r26506.pdf> . [↑](#footnote-ref-13)
14. Moehr,Ole.” Secondary Sanctions: A First Glance.”Atlantic Council.6 February,2018. <https://www.atlanticcouncil.org/blogs/econographics/ole-moehr-3/> . [↑](#footnote-ref-14)
15. # B.CHRISTOPHERSEN,KINE. FRITZE GJERDRUM,ASTA.” THE U.S. SECONDARY SANCTIONS AGAINST SYRIA HAVE TAKEN EFFECTWHAT DOES THIS MEAN FOR NORWEGIAN COMPANIES?”Selmer.24 June,2020. <https://www.selmer.no/no/nyhet/the-u.s.-secondary-sanctions-against-syria-have-taken-effect> .

 [↑](#footnote-ref-15)
16. Makki,Danny.”Syria is facing a covid-19 catastrophe.”Middle East Insitute.6 August,2020. <https://www.mei.edu/publications/syria-facing-covid-19-catastrophe> . [↑](#footnote-ref-16)
17. " سوريا تحذر من توسيع وتمديد العقوبات ضدها وتصفها بأنها “مرحلة جديدة من الإرهاب الاقتصادي”المنار.23 سبتمبر،2020. <https://almanar.com.lb/7263522> . [↑](#footnote-ref-17)