**A Study on the Negative Impact of the Unilateral Coercive Measures on the Enjoyment of Human Rights; Submitted by Partners for Transparency.**

**(Taking the Syrian Arab Republic as a Model)**

The Syrian Arab Republic is witnessing a severe humanitarian crisis against the background of the armed conflict and civil war between the Syrian government and the armed opposition in separate parts of the country, in addition to the grave human rights violations against citizens that are carried out by all parties to the conflict, which included murdering civilians and conducting mass arrests among other violations. This coincides with the set of measures imposed by major countries with the aim of undermining the ability of the parties to the Syrian political conflict, including the Syrian government, to practice human rights violations. Although these measures aim to minimize the suffering of civilians caused by armed conflicts and human rights violations, they contributed to increasing poverty and deteriorating the social conditions of citizens due to the impact on economy, including the restriction of food production and medicines, which, in turn, violates citizens' right to food and health care.

In this context, the unilateral international sanctions used by states remain legitimate in the event they are imposed against terrorist organizations threatening international peace and security, or if meant to prevent human rights violations related to genocide, wars and massacres committed against innocent civilians as part of the aforementioned terrorist practices. In this regard, this study discusses the concept of unilateral coercive measures and the appropriate legal conditions for its application on the Syrian case, in addition to shedding light on their legitimacy according to international law outside the scope of the United Nations agencies, as well as expressing their objectives and impact on human rights in Syria, including the right to adequate food, the right to health care and access to various medications.

**The concept of Unilateral Coercive Measures and the appropriate legal conditions for its application**

Coercive measures can be defined as a set of measures adopted by major countries against different states, groups or entities with the aim of preventing threats to international peace and security, or punishing certain governments for human rights violations they have committed and trying to minimize them. As such, these countries impose sanctions on certain sectors, including the economic or financial sectors, such as the frequent restrictions imposed on the banking sector. In this context, states impose sanctions on non-governmental entities such as companies and terrorist groups, which can take the form of travel bans or freezing of financial assets, and the embargo of weapons in some cases.[[1]](#footnote-1)

In this context, economic sanctions are considered one of the most common patterns used by major countries against states and entities that violate human rights. These sanctions include prohibiting trade in certain areas such as the sale and supply of weapons to states and terrorist groups that commit mass massacres against civilians or excluding certain food products or dual-use items that could be used in wars or in the pharmaceutical industry, which directly affects the human right to obtain medical care. Moreover, these measures are often accompanied by violations of the rights of individuals. Sometimes, these sanctions are imposed according to the United Nations Security Council resolutions, while at other times; they are imposed by countries to achieve certain political goals. This depends on the major countries’ view of human rights violations related to the decisions and the ability of these decisions to limit oppressive practices by entities covered by the resolution. It is possible that these decisions are issued to achieve the political and economic interests of states at the expense of human rights.[[2]](#footnote-2) United Nations sanctions must not be confused with unilateral sanctions by states, as UN sanctions are not often accompanied by violations of human rights as much as they aim to reduce human rights violations.

In this way, **Partners for Transparency (PTF)** Association notes that the appropriate legal and human rights conditions for the application of unilateral coercive measures by states are to impose sanctions on terrorist entities, states sponsoring terrorism and those directly involved in human rights violations. However, **these measures should exclude the families of terrorists not involved in the various acts of hostilities, for being victims, and the citizens of states directly sponsoring terrorism, in addition to the non-use of force by states in accordance with United Nations resolutions**. The forms of sanctions imposed on terrorist groups and associated states and entities include freezing the funds, financial assets or economic resources of these entities and whoever cooperates with them, in addition to imposing travel bans, preventing the supply of weapons and other related items such as spare parts, and preventing the provision of any technical advice, assistance or training related to military activities. The countries that fail to comply with these measures must be punished with a set of financial and economic sanctions that do not jeopardize human rights.[[3]](#footnote-3)

**Terrorist groups in northeast Syria are the target of unilateral sanctions by states**

Looking at the human rights situation in Syria, PFT believes that the main category that major countries should target with sanctions to limit human rights violations are the armed and terrorist factions deployed in Syria, especially the armed factions located in northeastern Syria and affiliated with the Al-Nusra Front and the Free National Army involved in numerous rights violations. As such, these sanctions can take the form of freezing the financial activities of these institutions, imposing a travel ban on their members, and most importantly, the sanctions must include the governments that provide military support with weapons and training to these groups. These sanctions aim to reduce the violent acts carried out by these groups, such as the killing of civilians and their arrests. However, the banks found involved in financial transfers or any related-banking activities that has to do with these groups must be punished at once.[[4]](#footnote-4)

These measures are based on the Security Council Resolutions No. 1267 of 1999 and No. 1989 issued in 2011, which provides for severe penalties on individuals, institutions, or organizations involved in the financing of Al-Qaeda terrorist organization. These penalties may include freezing assets, imposing travel bans and arms embargoes[[5]](#footnote-5). By analogy with the case of armed organizations in northeastern Syria, and the case of Al-Nusra Front, in particular, which is related to the terrorist organization of Al-Qaeda, we find that the major countries can impose sanctions on these groups[[6]](#footnote-6). But, Partners For Transparency believes that unilateral decisions against terrorist entities should take care of the families and relatives of terrorist groups, rather than directly targeting them, because they are victims.

In this framework, many reports indicate that Turkey provides military as well as logistic support to the various terrorist militias in Syria, such as the Sultan Murad Brigade, Alparslan Special Forces, Ashbal Akida Brigade, the Hamzah and Abbas Brigade, the Ahl al-Sunna Brigade, the Yarmouk Martyrs Brigade, the 1st Regiment of Infantry, the Turkmen Martyrs Brigades and the Brigade Sultan Mehmed Al-Fateh, Sultan Malak Shah Brigade and Sultan Suleiman Shah Brigade,[[7]](#footnote-7) all of which are militias accused of committing violations against human rights.

Therefore, PFT encourages imposing sanctions on military industries and the supplying of Turkish weapons in a way that contributes to limiting their aid to these groups accused of committing human rights violations, provided that they do not jeopardize or affect the rights of the Turkish people, and to only be exclusive to the Turkish military sector. In this context, and despite the imposition of unilateral coercive sanctions on the Syrian government that adversely affected the Syrian citizens and the economy, this act did not prevent the conflicting parties from using violence and excessive force against Syrian civilians. Syria is currently witnessing a systematic use of violence by all parties to the conflict and human rights violations have not been prevented[[8]](#footnote-8). Therefore, if unilateral coercive sanctions are imposed on the Syrian side, they must exclusively be applied to weapons sector, provided that they do not include the sanctions imposed on the Syrian economy and the Syrian banking institutions.

**The legality of unilateral sanctions according to international law and outside the framework of the United Nations in Syria**

The Charter of the United Nations provides for five types of sanctions that can be imposed on states according to the decisions issued by international organizations, namely, diplomatic sanctions, travel bans, assets freeze, arms embargoes and goods embargoes. As such, unilateral coercive measures are not recognized by states except in light of UN resolutions on certain crisis or issue that represents a threat to international peace and security and a violation of human rights.[[9]](#footnote-9) Moreover, many countries refuse to apply unilateral coercive sanctions that contradict the principles of the United Nations Charter, the rules of international law, or the rules-based multilateral trading system, in addition to their impact on social and economic development in the affected countries such as Syria and on the sustainable development process.[[10]](#footnote-10) The United Nations considers unilateral economic measures as a means of political and economic coercion against developing countries that are used by the major member states of the Security Council as a political means, in flagrant violation of the principles of international law and the United Nations Charter, as stipulated in a General Assembly Resolution (No. 68/200 of December 20, 2013). The United States and Israel alone had voted against it, while most European countries abstained from voting.[[11]](#footnote-11)

While in Syria, various parties are carrying out human rights violations, with a systematic use of violence against the people due to the demand for freedoms and rights, including the embargo on weapons that are used against civilians such as chemical and cluster weapons, and lethal bombs of mass destruction. And despite all the measures and procedures demanded or imposed by the United Nations to protect civilians, crimes against them are on the rise, non-stopped or reduced by whatever means.[[12]](#footnote-12)

Accordingly, the international community imposed strict international sanctions on Syria with the aim of undermining the authority of President Bashar al-Assad, as the US House of Representatives unanimously approved the Caesar Syria Civilian Protection Act, also known as **the Caesar Act**, which provides for imposing sanctions against the Syrian government and the countries supporting it, such as Iran and Russia, for a period of 10 years. On January 22, 2019, the US House of Representatives voted to activate the Caesar Act to protect Syrian civilians, in order to impose new sanctions on Syria's allies in the fields of energy, business and air transport. Under this law, the US President will be required to impose new sanctions on any person or entity that deals with or provides funding for the Syrian government, including the Syrian intelligence and security services or the Syrian Central Bank. This law includes those who provide aircraft or its spare parts to Syrian airlines, or those participating in the projects of construction and engineering controlled by the Syrian government or that support the energy industry in Syria. Moreover, according to the law, the US president can cancel sanctions on a case-by-case basis, and sanctions can be suspended if meaningful negotiations have been conducted to stop violence against civilians.[[13]](#footnote-13)

In this context, the US State Department announced in June 2020 the imposition of sanctions on military and political leaders in the Syrian government against the backdrop of the Caesar Act, which the United States of America has approved to punish the Syrian government for the various human rights violations it has committed. The sanctions list includes entities and figures in the Syrian government, with the aim of reducing the government's various resources so that it does not violate human rights. In this context, the law stipulates the imposition of penalties on any foreign person who provides significant financial, material or technical support to the Syrian government, works for it militarily, provides technology to it, or facilitates the Syrian government's production of oil and gas, the purchase or maintenance of military aircraft, the establishment of construction and engineering projects, or the conclusion of reconstruction contracts. Therefore, these sanctions undermine the sustainable development and the ability of the Syrian economy to recover, which is reflected on the condition of the citizens.[[14]](#footnote-14)

Europe has also adopted another approach relatively similar to the one adopted by the US. Since early 2012, the European Union has imposed sanctions due to the brutal repression and violation of human rights, and it has updated the sanctions several times since then. The European Union sanctions are not comprehensive compared to the ones imposed by the United States, but they are still widespread and include trade restrictions, financial sanctions and arms embargoes. As of January 23, 2019, 270 people and 72 entities have been targeted under the travel ban and assets freeze decisions. The imposition of EU sanctions is complicated by the differences between the 28 member states on how to interpret the various rules and procedures.[[15]](#footnote-15)

As such, and during the spread of the Coronavirus in Syria, unilateral coercive measures have compromised the Syrian government's ability to purchase foodstuffs and the basic needs from the international market and to pay import costs due to financial and banking restrictions on economic institutions and Syrian banks, in addition to the inability to import dual-use items, related to water, sanitation and public services related to electricity and transportation due to the ban imposed on it. It is worth noting that the Syrian lira has significantly declined, putting further pressure on the Syrians' purchasing power for various commodities, as some items have doubled in price, and others have increased by about 50%, in addition to the lack of basic resources and the increase in inflation[[16]](#footnote-16). All this increase the physical and mental stress of the citizens due to the lack of food and basic services necessary for living, which is reflected negatively on the citizens' ability to deal with the Coronavirus and endanger the lives of many of them.[[17]](#footnote-17)

The oil embargo has become the most impeding factor to the economy and the most dangerous to the lives of citizens in light of the outbreak of the Coronavirus in Syria. Some services that depend on providing electricity are severely disrupted due to the inability to obtain fuel as a result of the imposed embargo, which has contributed to the occasional increase in transportation costs, and, as a result, led to a significant increase in the prices of some basic household and foodstuffs such as gas, rice and milk.[[18]](#footnote-18) In the context, the Covid-19 crisis, coupled with the financial and economic sanctions imposed on the Syrian government, have caused a dramatic collapse in the Syrian pound exchange rate, which reached 2,300 pound against the dollar, making it difficult for citizens to purchase their basic needs and foodstuff.[[19]](#footnote-19)

In addition, the sanction has also restricted the import of materials and reagents necessary for testing water, sanitation and electricity services, which may contribute to the spread of the Coronavirus due to the lack of basic services such as clean water and sanitation, which are indispensable for limiting the spread of the virus.[[20]](#footnote-20) It is worth noting that sanctions undermine the Syrian government's ability to provide basic goods and services to citizens.[[21]](#footnote-21) The Central Bank of Syria could not afford purchasing basic goods for the Syrian people due to the ban on its foreign currency reserves, which exacerbates the suffering of citizens in light of the spread of the Coronavirus.[[22]](#footnote-22)

The already deteriorated health sector in Syria due to the nine-year war has worsened after the outbreak of the Coronavirus and the imposition of economic sanctions. Hospitals lack vital supplies, including protective equipment and ventilators[[23]](#footnote-23), and only 64 percent of hospitals operate, receiving 6,500 patients with Covid-19, out of which, only 325 cases will have access to intensive care beds and artificial respirators[[24]](#footnote-24). In addition, Syria imports medical equipment and medicines from abroad, which costs have dramatically surged due to the high exchange rate and the lack of foreign exchange. The lack of essential medicines, medical equipment and medical supplies undermine the right of citizens to health care and proper treatment[[25]](#footnote-25). It is worth noting that the increase in the exchange rate is caused by the various economic sanctions and coercive measures imposed by governments on the Syrian government, which negatively affects the rights of the Syrian people.

Although the health sector in Syria is not directly targeted by economic sanctions, it is indirectly affected by the sanctions imposed on by other sectors, which added to other accumulated damages to this sector during the last decade.

The unfolding coronavirus pandemic has further tightened the stranglehold on the pharmaceutical industry. They are now wrestling with new challenges: rising costs of raw materials by anything between 20% and 70% because of factory shutdowns in China; export suspensions of large amounts of key raw materials by India and China; and freight costs increasing. Owing to these developments, the pharmaceutical industry expects the wheels of production to slow down even further, possibly to levels not witnessed in Syria since the eighties, at a time when the country was experiencing domestic issues and severe economic crises.[[26]](#footnote-26)

In this context, the economic sanctions imposed on petroleum products and oil supplies have affected the ability of the medical transportation services and the infrastructure of hospitals that depend on oil-fired generators to combat the Coronavirus pandemic. For example, there may not be enough oil for ambulances to deliver patients with Covid-19 to hospitals. Besides, ventilators and emergency ambulance services have also been affected. Banning dual-use items such as chlorine may also contribute to the further outbreak of the Coronavirus in Syria. Chlorine is notably a double-edged sword; vital to fight pandemics and diseases including Covid-19; however, this chemical can be used in the manufacture of bombs.[[27]](#footnote-27) The previous context shows how various economic sanctions can affect the health sector's ability to combat the Coronavirus pandemic, which increases its spread and aggravates the suffering of citizens.

In light of the above, **Partners for Transparency** indicates that the unilateral sanctions imposed by the American government and the European Union governments outside the framework of the United Nations in Syria represent a clear violation of international charters and agreements. In addition, they have contributed to exacerbating the suffering of the Syrian people, this coincides with the continuing violations carried out by the parties to the conflict in Syria, that is, the coercive measures imposed on the Syrian government by European governments and the United States of America did not improve the human rights situation, but rather contributed to the increase of violations.

**Recommendations**

In conclusion, **Partners for Transparency** believes that the application of unilateral sanctions in the Syrian case should directly target the various terrorist groups in northeastern Syria accused of human rights violations, provided that the sanctions include only terrorists, without their families, in accordance with international law that considers unilateral coercive measures imposed by various states must comply with the resolutions of international bodies. And in the case of Syria, taking decisions against the terrorist groups is in accordance with Security Council Resolutions No. 1267 of 1999 and No. 1989 of 2011, while making unilateral decisions, outside the scope of the Security Council, against the Syrian government is considered a forcible measure due to the harm caused to the Syrian people as a result of these decisions. Therefore, **Partners for Transparency** recommends the following: -

* The need to set a specific definition of the concept of unilateral coercive measures and clarify its surrounding circumstances and due application.
* PFT believes that, in order to reduce human rights violations, major countries should direct their sanctions to the armed groups and terrorist factions deployed in Syria, especially those located in northeastern Syria and those affiliated with the Al-Nusra Front and the Free Patriotic Army, which are involved in numerous human rights violations.
* The need to lift the ban imposed on Syrian economic institutions, including banking institutions, in order for the exchange rate to decrease in the local currency, thus contributing to the provision of various foreign currencies and facilitating the process of importing basic food commodities so that citizens would afford purchasing them.
* The need to lift the economic sanctions imposed on petroleum products so that the health sector infrastructure can function properly.
* The need to find alternatives to coercive sanctions against the Syrian government represented in political negotiations, along with the continuation of the embargo on military weapons only, especially those used in operations for human rights violations, provided that this ban includes all political parties.
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