

SSN

Model United Nations

2021



UNITED NATIONS
**HUMAN RIGHTS
COUNCIL**



AGENDA

*Discussing the impact of
unilateral coercive measures
on the enjoyment of Human Rights*



Note from the Executive Board:

Dear Delegates,

It is with great pleasure that we welcome you to the simulation of the United Nations Human Rights Council (UNHRC) at SSN Model United Nations 2021. Over the course of this conference, you shall have the privilege of being part of an extremely pertinent, vital, longstanding and fascinating council.

As the name suggests, this document is just to give you an idea about the council and agenda in order to channelize debate in the right direction and is by no means a substitute for research from your end. We expect the delegates to do extensive research in order to be able to do justice to the debate on an agenda as crucial as the one we have on hand.

For all the first timers in council it is advised that you do go through the UNA USA Rules of Procedure so that you have a better idea of how the committee works. However, rest assured that the on our part, we will be having a detailed session on Rules of Procedure before committee commences.

We sincerely hope that you put in your best for this conference and bring to us debate that is thought provoking for everyone involved in this committee.

For any queries, feel free to contact any member of the Executive Board.

May the Force be with you!
Happy Researching!

Executive Board, UNHRC



About the committee:

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights. The Council serves as a forum for dialogue among States, with input from other stakeholders. As a result of its discussions, the Council may issue resolutions calling on States to take specific actions or uphold certain principles, or it may create mechanisms to investigate or monitor questions of concern.

The Human Rights Council has created or renewed the mandates of various “special procedures.” The special procedures are experts appointed to monitor human rights around priority themes or in specific countries with serious human rights problems. The special procedures may be individual experts (“special rapporteurs” or “independent experts”) or working groups.

The Council also manages the Universal Periodic Review, a process through which each UN Member State’s overall human rights record is reviewed.

In addition, the Council receives complaints alleging patterns of human rights violations, which are considered by the Working Group on Communications and may be referred to the Working Group on Situations. The Working Group on Situations reports substantiated claims of consistent patterns of gross violations to the Council and makes recommendations for action.



Understanding the Agenda:

What are Unilateral Coercive measures and how are they adopted?

The term “unilateral coercive measures” usually refers to economic measures taken by one State to compel a change in the policy of another State. Examples of such measures include trade sanctions in the form of embargoes and the interruption of financial and investment flows between sender and target countries. More recently, so-called “smart” or “targeted” sanctions such as asset freezing and travel bans have been employed by individual States in order to influence persons who are perceived to have political influence in another State.

The continuing practice of imposing various forms of unilateral coercive measures and the potential impact of such measures on human rights, has drawn the attention of a large number of Member States.

Unilateral coercive measures are condemned by the UN General Assembly on a yearly basis for being contrary to international law and for having negative effects on human rights and the economy of developing States. Although legal doctrine generally finds that the limitations of economic coercion are a grey area of international law, these resolutions could be indicative of an emerging prohibition.



Rights affected due to the imposition of Unilateral Coercive Measures:

The adoption of adopting or implementation of unilateral coercive measures are seen to be 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. They are coercive in nature with extraterritorial 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.

The use of unilateral coercive measures adversely affects the socio-humanitarian activities of developing countries and that, in some cases, intensification of such measures hinders the acquisition of essential goods and has a negative effect on the full enjoyment of all human rights. Certain countries use their predominant position in the world economy, continue to intensify the adoption of unilateral coercive measures against developing countries, which are in clear contradiction with international law, such as trade restriction, blockades, embargoes, freezing of assets with the purpose of preventing these countries from exercising their right fully to determine their political, economic and social system and freely to expand their international trade. In short, these sanctions are deemed to be against the realization of actual human rights of people around the globe.

Further, unilateral coercive measures tend to infringe on sovereignty, defy international law and impede a nation's efforts to achieve the Sustainable Development Goals.



Past actions of the United Nations in dealing with the issue of Unilateral Coercive Measures:

Several discussions, resolutions and reports presented to the General Assembly, the Human Rights Council, and the former Commission on Human Rights have addressed the issue of the impact of unilateral coercive measures on the full enjoyment of human rights. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 called upon States to “refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impede the full realization of the human rights set forth in the Universal Declaration of Human Rights and in international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services”.

Given below are the list of important documents regarding this topic;

- The Working Paper “The Adverse consequences of economic sanctions on the enjoyment of human rights” (E/CN.4/Sub.2/2000/33);
- Human Rights Impacts of Sanctions on Iraq, Background Paper prepared by OHCHR for the meeting of the Executive Committee on Humanitarian Affairs of 5 September 2000 (A/HRC/19/33);
- OHCHR thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, 11 January 2012;



- Committee on Economic, Social and Cultural Rights, general comment No. 8 of 1997 on the relationship between economic sanctions and respect for economic, social and cultural rights (E/C.12/1997/8).

All these studies have analysed the legitimacy of unilateral coercive measures from a human rights perspective and the complex and divergent views around this topic.

Further, On 26 September 2014, the Human Rights Council adopted resolution 27/21 and Corr.1 on human rights and unilateral coercive measures. The resolution stresses that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States, and highlights that on long-term, these measures may result in social problems and raise humanitarian concerns in the States targeted.

Highlighting the deep-rooted problems and grievances within the international system and in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes, the Human Rights Council decided to create the mandate of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.



Case studies:

1. *Adverse effects of the coercive measures by the United States upon the economy of the Islamic Republic of Iran*

Several unilateral coercive measures taken by the United States during the 90's led to the relative disruption of the country's economic system. As a result of those measures the Government of the Islamic Republic had to change some of the economic policies which had formed the basis of its five-year plans for economic, social and cultural development.

Owing to the reduction in the import of certain raw materials, some industries were unable to perform at full capacity, thus causing a decline in the growth of the country's gross national product (GNP). Some of the Islamic Republic's traditional suppliers of goods were inhibited from negotiating with it for fear of subsequent reprisals. The economic embargo undermined the implementation of certain of the Islamic Republic's main projects and some foreign investors revised and postponed their economic investment in the country. The number of companies participating in its economic tenders decreased and this weakened the country's ability to deal with its international lenders and to maintain its economic defence. The lack of a direct presence of the nation in many international markets compelled Iranian producing industries to sell their products at below-normal and unreal price levels. The country also had to purchase industrial and agricultural products at second hand and at elevated prices.

The collapse of the Soviet Union and the emergence of the newly independent countries of Central Asia could have provided new markets for sectors of the Iranian economy but the United States by pursuing its exclusivist policies which seemed to exceed the limits of healthy and customary financial and economic competition had limited the scope of activities of the Iranian merchants and companies in the region.



United States influence on the international financial institutions, especially the International Monetary Fund and the World Bank, placed difficulties in the way of the nation's enjoyment of the services of those institutions. The implementation of the D'Amato Act impeded credit transactions of the nation and limited its options availing itself of the facilities of the Paris Club. On the other hand, United States pressure on the contracting partners delayed the conclusion of negotiations on credit transactions and thus increased the economic risks of the contracts.

As a result of United States pressure the export insurance coverage of the Islamic Republic's contracting partners, which had already decreased considerably owing to problems in foreign debt payments, was not renewed despite the fact that the debt payments had resumed their normal pace in the following months. The resulting financial shortages led to some unforeseen delays in the full implementation of the second five-year plans for economic, social and cultural development.

The petroleum and oil sector of the Islamic Republic's economy was more vulnerable than others in the face of the United States measures. The sector's difficulties were attributable, among other things, to a reduction in international investment, delays in the execution of some oil projects, the cancellation of some tender contracts, technological shortcomings and an increase in negotiating expenses.

The United States policies also led to a scarcity of some of the essential goods that are needed for the improvement of the nutritional and health-care standards of the Iranian people.



2. Impact of the decision of the United States of America to impose economic sanctions on the Sudan on 11 April 1997

The total suspension of the import of spare parts, such as railway equipment, aeroplanes and agricultural equipment, severely affected the agricultural seasons and subsequently hindered the transport of relief to the southern part of the Sudan.

The freezing of the bank accounts of some voluntary organizations working in the country had a negative impact upon humanitarian assistance activities.

Many companies involved in the export and import of medicines and agricultural products were greatly harmed, especially after their accounts in various banks were frozen. Consequently, they endured huge losses as they had to pay fines.

The freezing of \$5 million of funds of the Government of the Sudan in United States of America banks was in contravention of international law. This amount also included Sudan's monthly instalment payable to the World Bank, which adversely affected Sudan's relations with the Bank. This overall led to a declining situation of human rights in the nation, which plagued the nation for many years running and made it a vicious cycle of abuse, denial of rights and hardships of millions of citizens of Sudan.





Points for the council to ponder upon:

1. Policy question of a nation's sovereignty in determining their trade practices and sanctions.
2. Effect of Unilateral sanctions on multilateral trade agreements
3. Addressing the economic scenario in the developing nations facing unilateral coercive measures and ways to redress them
4. Compliance of the member states to the party conventions with respect to Unilateral coercive measures
5. Possible compensation mechanism to the victims of Human right abuse due to such measures
6. Intervention of human rights organs/organisations in the matter of violation of rights due to the sanctions
7. Role of the special rapporteur on Unilateral Coercive measures in mitigating them

The above-mentioned list is by no means an exhaustive list but a mere indicator of various facets of the agenda that can be discussed in the committee. It is highly encouraged that delegates go beyond the realm of the same to identify the other aspects as well and bring it forth for discussion to help the UNHRC, achieve the best possible outcome for the said agenda.

For any further queries, do feel free to contact any member of the Executive Board at any point in time, we would be more than glad to help clarify any and all queries you might have.

Here it to looking forward to two days of intense deliberation, discussions and debate.

