



**ODVV Exclusive
Interview with Prof. Alena
Douhan, UN Special
Rapporteur on the
Negative Impact of the
Unilateral Coercive
Measures on the Enjoyment
of Human Rights**

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ODVV Interview with Prof. Alena Douhan,
the UN Special Rapporteur on UCMs
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Unilateral coercive measures (UCMs), which often materialize in the form of economic sanctions against countries, businesses or individuals, have come under increasing scrutiny in the recent decades as world powers resort to them more frequently as a means of statecraft. Numerous UN resolutions and Special Rapporteur reports widely discussed and condemned the adverse impact of UCMs on human rights of the people who live in target countries. Notwithstanding their detrimental impacts on mortality, poverty, the wellbeing and full enjoyment of human rights by the target populations, the enforcement of UCMs belies the internationally-recognized legal frameworks. There are several legal instruments that accentuate

this understanding, including the seminal Vienna Declaration and Program of Action adopted by the World Conference on Human Rights in 1993 that urges states not to deploy unilateral policies that impede trade relations between countries and deprive communities of their essential human rights.

Iran is one of the major targets of unilateral coercive measures, and since the early 2000s, has been bearing the brunt of economic sanctions over its nuclear program and other sticking points, which have undermined its business ties with the outside world, brought its banking relations with international financial institutions to a nadir and stripped its people of opportunities for development.

According to the Center for a New American Security, between 2010 and 2020, a total of 1,599 Iranian individuals and entities were designated for US government sanctions outside the mandate of Security Council resolutions, making Iran the most-heavily sanctioned country in the world. The sanctions, or in UN terms, the Unilateral Coercive Measures (UCM)s are imposed on Iran in violation of the UN Security Council Resolution 2231, unilaterally, illegally and beyond authority of the UN.

Alena Douhan is the UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights. She is a professor of international law at the Belarusian State University and director of the Peace Research Center of the Institute for International Law of Peace and Armed

Conflict at Ruhr-University Bochum, Germany.

Organization for Defending Victims of Violence has conducted an exclusive interview with Prof. Douhan to probe the legal foundations of unilateral coercive measures, the repercussions of overcompliance with sanctions on the sanctioned states' economic and social functioning and the unfavorable living conditions of Iranians at the time of COVID-19 pandemic.

Q: Let's start our conversation discussing a public statement you published in October, along with five other senior UN experts, on the overcompliance of countries and businesses with the US sanctions on Iran and its human rights implications. Does the fact that companies in a number of countries refrain from engaging in legitimate trade with Iran out of fear of potential penalties indicate the possibly outsized political and economic influence of the United States on its allies, or is it a testimony to the existence of gaps in the enforcement of international law and international humanitarian law?

A: Indeed, the problem of overcompliance today is one of the very important ones and I'm afraid one of the very dangerous in the sphere of application of unilateral sanctions by different states all around the world, and I speak not only about the impact of the unilateral sanctions and overcompliance with these sanctions on Iran – that's a general problem and it affects a number of people worldwide.

Unfortunately, today the number of unilateral sanctions imposed by different countries is expanding enormously. We can easily observe the expansion, not only in number, but also in the types of unilateral sanctions. Quite often, it's very complicated for businesses to identify what exactly are the sanctions regimes which are applied by one or another state to a specific country or specific individual or specific situation, and as a result, businesses become scared to be involved in any sort of business activities; banks are becoming scared to do any bank transfers, and because of that the impact of unilateral sanctions, which are by themselves very dubious from the point of international law, is exacerbated enormously.

To make a long story short, when we speak about overcompliance, we need to realize that overcompliance appears because of the multiplicity of sanctions regimes; because of the introduction of secondary sanctions toward third-country nationals for the circumvention of the sanctions regimes, or something that can be considered to be a circumvention of the sanctions regimes; because of the introduction of civil and criminal penalties toward nationals and third-country nationals for the circumvention of sanctions regimes, and in this situation fines can be really unreasonable – like the Bank PNB Paribas, which was fined USD9 billion. Some other banks have been fined USD80 million, or USD50 million, so basically these fines could result in the bankruptcy of many banks.

And as a result, banks prefer to avoid any transactions that refer to the companies or individuals of nationalities which are considered to be under sanctions.

So, when we speak about overcompliance, we mainly speak about situations when bank transfers are not allowed or companies are not involved in business cooperation even though these companies or these individuals have not been designated by themselves. Thus, in fact we have the consequences of sanctions without real sanctions against specific individuals and companies.

When I talk to some of the non-governmental organizations involved in delivery of humanitarian aid, they are already complaining that the impact of overcompliance with sanctions, or fear of sanctions as they call it, is much greater than the sanctions themselves. So, as a reality, because of this overcompliance, the whole nation becomes cut off from the business transaction regime; individuals and companies cannot do the simplest bank transfers, buy tickets, pay for studies, buy any sort of medical equipment – that’s one of the most urgent elements. As a result, people’s rights are affected as well as the country as a whole.

Q: So, where does international law and international humanitarian law stand here on the issue of overcompliance? Is there any provision stating that overcompliance is unnecessary, redundant or needs to be remedied, or do we have a legal vacuum when it comes to countries or businesses avoiding

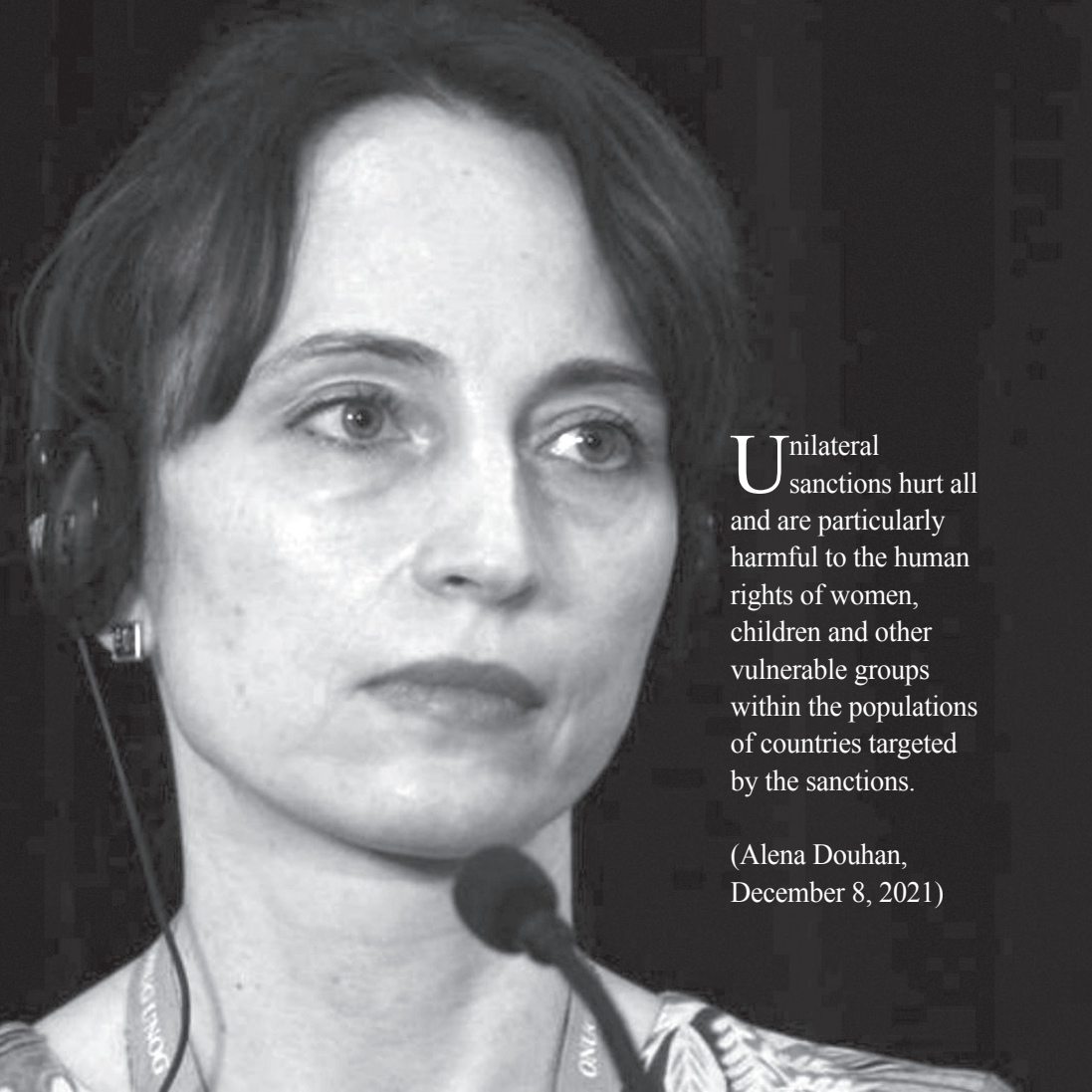
doing any transaction, including humanitarian trade, with countries that are sanctioned?

A: Unfortunately, here, we stand on very fragile ground because this problem has not become the subject of careful legal research until now. There are only very fragmentary works. I believe that my press release was among the very first ones that paid attention to the problem of application of overcompliance as well as secondary sanctions, because traditionally, one speaks about the legality or illegality of sanctions only. I will cite here the example of my recent Zimbabwe country visit, where the sanctioning states refer to the fact that the list of the directly-designated individuals and companies is really short. In practice, however, because of the overcompliance, whole countries tend to be affected and that's why I can't say that we are exactly in a legal vacuum.

Because attention has not been paid to the problem, I make lots of efforts to bring the attention of the world community to the problems of secondary sanctions and overcompliance when I proposed this topic to the biannual panel meeting which took place

Sanctions proving deadly during COVID pandemic, humanitarian exemptions not working

(UN Experts, 7 August 2020)



Unilateral sanctions hurt all and are particularly harmful to the human rights of women, children and other vulnerable groups within the populations of countries targeted by the sanctions.

(Alena Douhan,
December 8, 2021)

in September 2021, and I plan to focus my report in 2022 on the problem of overcompliance. Unfortunately, what we see today in this sphere is that we have some norms but these norms are not applied.

I will elaborate a little bit on the point. I've forwarded several communications about the problem of overcompliance from the side of banks or companies which sell specific types of equipment, especially medical equipment, because quite often this equipment can be really unique and lifesaving. When I get replies, it usually comes to the point that companies state they would be very much interested to continue to be involved in economic transactions because they lose money by rejecting to be involved. But they are scared of sanctions and say it's the decision of the states how to deal with the problem.

Similarly, when I communicate with the sanctioning states, they say they don't push businesses to over-comply. They say the only thing they do is impose sanctions against a list of designated individuals, and overcompliance is the fault of businesses by themselves. Unfortunately, what we face is a problem of shifting responsibility when businesses refer to states and states refer to businesses, and as a result, we have this enormous problem of overcompliance.

The second point we know is the problem of extraterritorial application of measures which result in overcompliance. It is

generally agreed in international law that extraterritorial application of unilateral sanctions shall be strictly prohibited. There are several statements made by the European Union – if you look at the documents, you’ll see that the European Union always tries to insist that their restrictive measures are not extraterritorial. We can dispute that matter, but I speak about the understanding that they shall be illegal.

There is the blocking statute within the European Union which seeks to protect European Union businesses from the extraterritorial application of someone else’s sanctions; therefore, theoretically, we have a legal norm and we have a recognition that extraterritorial application is not allowed under international law, but it does take place today and that’s one of the problems which shall be considered and we need to deal with it.

The second issue which also exists but has not been elaborated until now is the obligations of states and businesses within the scope of the due diligence rules. The United Nations is paying a lot of attention to the problem of cooperation and coordination between businesses and human rights, and human rights responsible behavior of businesses. There is a working group on business and human rights, and there is, inter alia, the Guiding Principles on Business and Human Rights. In accordance with these guiding principles, both states and businesses are to exercise, to the fullest extent, the due diligence principles to guarantee that

activity under the jurisdiction and control of states, including when done by business enterprises and banks, and also the activity of companies by themselves shall not violate human rights. What we see today as concerns the application of secondary sanctions and overcompliance is a clear violation of the due diligence rules in this sphere, as well.

So far, I can only speak about these elements. I plan to deal with them in detail when it comes to the preparation of my report to the General Assembly in 2022, and I need to say that right now, I have issued a call for contributions which is being forwarded to all states, and it is also an open call inviting all academic institutions, banks and all sorts of businesses and non-governmental organizations to send their responses.

Q: You made a reference to the UN Guiding Principles on Business and Human Rights. The set of principles obligates companies to avoid practices that breach the human rights of peoples and communities through their operations. In the case

Sanctions that were imposed in the name of delivering human rights are in fact killing people and depriving them of fundamental rights, including the rights to health, to food and to life itself.

(UN Experts, 7 August 2020)

of a Swedish company’s refusal to sell life-saving bandages to Iran used for the treatment of epidermolysis bullosa (EB) patients, there is clear evidence that human rights violations are happening. In 2020, at least 15 “butterfly kids” reportedly died in Iran due to the unavailability of these protective dressings. Do you believe there is a legal remedy to preclude such violations? Have you had success reaching out to the Swedish government or the company involved to demand a change of policy?

A: From my perspective, that’s exactly what I have just been discussing concerning the application of due diligence, both from the side of the company and the side of the Swedish government. When I received that information, I forwarded communications to the company and to the Swedish government. At the moment, I’m still waiting for replies. So, in accordance with the UN rules, the communications themselves as well as any replies which are received – It’s not obligatory that they are received, but I hope very much that they will be – will be placed online within a 60-day limit from the moment the communications are sent. So, from my perspective, I hope very much that my explanation within the communications will change something.

Q: Moving on, the US Department of Treasury maintains it has made clear that humanitarian trade, including dealings related to the exports of food items, agricultural products, medicine and medical equipment to Iran, is broadly authorized for US

and non-US persons, and in case of ambiguity, it is possible to obtain exemption licenses from the Office of Foreign Assets Control (OFAC). But international banks are patently reluctant to process relevant transactions, and companies are finding the costs of such trade notably high. What are the options at Iran's disposal to meet its vital needs in humanitarian trade, and what can bodies such as the United Nations and the OHCHR do to mitigate the complexities?

A: Indeed, the delivery of humanitarian aid as well as the existence of humanitarian exceptions represent one of the hugest problems in the application of sanctions regimes today. Theoretically, all or nearly all sanctions regimes provide for the possibility of humanitarian action and humanitarian exceptions.

Unfortunately, in practice, when I deal with humanitarian organizations involved in the delivery of humanitarian aid, they refer to enormous problems in getting these humanitarian licenses, and they face enormous problems in the very possibility to implement the licenses even if they manage to get them.

So, first of all, they refer to the situation that the process for the application for licenses is very bureaucratic and only huge organizations which have really well-trained legal staff are usually able to do it. Moreover, quite often, it's rather costly to get humanitarian licenses. The third problem which has traditionally been cited by humanitarian organizations is the very fact that

even if they manage to get a license, these licenses are usually enormously narrowly-formulated and they refer only to the really humanitarian, lifesaving needs and do not cover anything which goes beyond things like medicine or minimal food requirements.

But as we all understand, if a country is not able to support a normal level of functioning of health institutions, or for example the normal level of functioning of clean water facilities, it will result in life-threatening situations as well. And supporting such projects is not permissible under the humanitarian licenses because the majority of NGOs say that they can't get that.

But even those that manage to get humanitarian licenses for delivery of medicine or for delivery of humanitarian aid still refer to the existence of enormous problems in their attempts to implement these licenses because banks and companies are scared to provide their services. Delivery companies are scared to provide the deliveries, and banks do not want to do transfers even if they see the licenses.

Some humanitarian organizations note that their bank accounts and even the bank accounts of their staff have repeatedly been frozen, including their salary accounts, because of being involved in doing their humanitarian jobs with countries or in cooperation with countries which are under sanctions in one way or another.

I will cite here several problems. The first one is the problem with getting humanitarian exception licenses. The second one is the

problem with the implementation of the humanitarian exception licenses due to overcompliance. The third one, which I believe is fundamental, is that the majority of unilateral sanctions are illegal from the point of international law and we try to treat the consequences rather than the grounds of the problem – but that’s still a problem which should be dealt with. The primary challenge here is limited involvement from the side of the United Nations.

You have correctly cited that one of the mechanisms that can be used, and in my opinion should be used, is a high level of involvement of the different UN institutions. One of the recommendations which I made as a result of my country visits, for example to Venezuela, and one of the recommendations which I made in my report to the Human Rights Council and the UN General Assembly this year, was a higher level of involvement by the UN institutions in several aspects.

As the first one, I proposed that all the UN agencies start to monitor the humanitarian impact of unilateral sanctions within the scope of their responsibilities, and here I speak about, for example, UN country teams. They are there in the field, they see what’s happening, they can easily observe the humanitarian consequences.

I speak about the International Labor Organization, because labor and social rights are affected a lot. I speak about the World Health Organization, because the right to health is affected enormously quite often, and many other institutions. Unfortunately, the problem

of the impact of unilateral sanctions is ignored or nearly ignored in their reports. Also, naturally, I emphasize the involvement of the UN High Commissioner for Human Rights as well the United Nations Development Program in monitoring the implementation of humanitarian exceptions regimes as well as the delivery of humanitarian aid, which unfortunately is necessary today.

The last point is the establishment of the monitoring system of the humanitarian impact of unilateral sanctions under the auspices of United Nations Office for the Coordination of Humanitarian Affairs. This kind of mechanism existed when it came to the control of the impact of sanctions imposed by the UN Security Council in 1990s. It was implemented by a group of humanitarian NGOs, and controlled and monitored by OCHA. Unfortunately, no mechanism exists today when one speaks about the humanitarian impact of unilateral sanctions.

The mechanism is clear; it is necessary to use it here as well to be able to guarantee that human rights are not violated.

Q: So, based on what you said, is it possible to infer that some of these humanitarian exemptions and the licenses allocated are just official stipulations without concrete effectivity facilitating trade with the sanctioned countries? Are they just ceremonial provisions on the paper?

A: Well, generally speaking, from the legal point of view, they do exist and it's necessary to accept that they are provided for

in the majority of sanctions documents, but when it comes to practical implementation of humanitarian exceptions, I would say that in practice they are ineffective, inefficient and very hard to be implemented.

Q: Last year, in a virtual conference, you warned about the detrimental impacts of the US sanctions on Iran’s ability to cope with the COVID-19 pandemic. What are the human rights that are violated as a result of the sanctions slapped on Iran’s health sector either directly or indirectly? Why would you think the sanctioning states tend to overlook such effects?

A: When I start to speak about the impact of unilateral sanctions on the health sector, I can say that the impact is very broad and quite often it’s a life-threatening one. So, when we speak about the sphere of human rights, unfortunately the implementation of the broad scope of unilateral sanctions, exacerbated by the application of secondary sanctions and overcompliance, results in the fact that countries tend to be unable to buy necessary medical equipment or spare parts for it, firstly because it is possible that the country loses

Over-compliance with US sanctions harms Iranians’ right to health

(UN Experts, October 19, 2021)

the necessary revenue to buy the equipment, and secondly because the country cannot transfer money owing to the rejection of the banks to do the transfers.

The situation is that all banks of Iran are designated by the United States, which basically means that all counter-parties of Iranian banks prefer not to be involved in any transfers with banks in Iran, both public and private. Around a year ago, there were enormous problems concerning the possibility to buy insulin for diabetics in Iran and I remember multiple reports that the price for insulin on the black market jumped dozens of times, because the absence of insulin for diabetics constitutes a threat to their life and naturally derogates their lifestyle enormously, even if in some situations they can survive without insulin or smaller doses of insulin.

Also, there is software that is often bought from abroad and the equipment stops working – even if the country has the equipment, it can't function normally because of the impossibility to buy the software.

The third problem is that the delivery companies prefer not to deal with a country under sanctions and therefore even if equipment or spare parts are bought, quite often it can't be delivered to the country. This challenge also applies to necessary medicine when the countries producing specific sorts of medicine just decline to sell this medicine. The example of the Swedish company producing the bandages is one of them. There are some other examples in

different countries concerning the delivery of various sorts of medicine, and it basically means that medicine is not available for people in the country and even the simplest types of diseases which can easily be treated become life-threatening.

Unfortunately, I can also say the same in the broader perspective. I have faced in other countries problems with vaccinations – I do not speak about COVID-19 only, although some countries are reporting impediments in doing the bank transfers to pay for participation in COVAX, and they face problems with delivering Covid vaccines to the country because of the reluctance of the transportation companies to deliver them.

Venezuela also has reported that there was an enormous problem in buying the vaccines for children suffering polio, yellow fever and some other illnesses, and they had more than 2.5 million children not vaccinated within several years. Happily, this problem has been settled after the UNDP and UNICEF were actively involved, but these are the examples which clearly demonstrate that the right to health is very much violated.

Moreover, if I expand on details regarding the impact of Covid, [I can note that] the movements of people are minimized, and there are problems in the direct communication between people. I can speak, for example, of instances when the application of sanctions minimizes the possibility to use online platforms, for doing telemedicine in the countries where access to medical help

At this crucial time, both for global public health reasons, and to support the rights and lives of millions of people in these countries, sectoral sanctions should be eased or suspended. In a context of global pandemic, impeding medical efforts in one country heightens the risk for all of us.

(Michelle Bachelet, March 24, 2020)



is not so easy. In the countries where there are problems to get to the hospital, telemedicine may be lifesaving but when it's not available, people have no other choice, so they basically can't get to the hospital on one hand and they can't get the medical advice online, either.

There are problems in getting access to PubMed, for example, which is the professional medical database to share views on the treatment of various diseases, again, because of the sanctions. There are problems in using other sorts of platforms to discuss the mechanisms of treatment of specific diseases, and all this is affecting the right to health a lot. It affects the rights of the most vulnerable categories of people, for example those with disabilities, or with severe and chronic diseases, genetic diseases, those in need of transplants, women delivering babies, infants, and women in general.

Unfortunately, when we speak about the health sector, lots of mistakes are happening and lots of shortages are happening because of the impact of unilateral sanctions and overcompliance is resulting in death, and as such it violates the right to life.

Q: Specifically, on Iran and its COVID-19 crisis, have you identified any obstructions to Iran's ability to import ventilators, vaccines and other treatment supplies as a result of the sanctions, including its ability to handle banking transactions and its ability to work with the COVAX facility?

You made a brief reference earlier to this subject, but I wanted you to expand on it a bit.

A: When I was preparing my report to the General Assembly in 2020 on the impact of unilateral sanctions at the time of the pandemic, Iran was among the countries which submitted a wonderful contribution identifying the impact of the unilateral sanctions on the health situation and again the situation in the Covid period.

Unfortunately, the Covid pandemic made the health situation around the world worse and the access to medical aid worsened globally, and Iran, as one of the countries under sanctions, is among those countries which are affected enormously.

I also made a press release several months ago referring to the fact that failure to lift and suspend sanctions because of the pandemic de facto discriminates against people of the countries under sanctions. By the way, this statement has been also reiterated in several statements of the UN General Assembly and the High Commissioner for Human Rights.

Concerning Iran directly, I can't speak about the specific impact right now because I'm still in the process of research – one of the areas on which I focus now is trying to identify the availability of vaccines to the countries under sanctions in the course of the pandemic, so it will come out a little bit later.

Q: Iran is hosting a large community of Afghan refugees,

and it is reported that following the outbreak of violence in Afghanistan in August, as many as 4,000-5,000 Afghans have been crossing into Iran daily. Iranian officials complain that the US sanctions have slowed down the delivery of social services and humanitarian aid to the Afghans taking refuge in Iran, and that international organizations cite the sanctions as the reason they are not allocating funds to Iran to assist the refugees. Is this a valid concern voiced by Iranians? What can be done about it, at least on behalf of the UNHCR and other UN institutions?

A: First of all, it is necessary to take into account that I am just the special rapporteur and not the high commissioner. What I can do is to draw the attention of the Office of High Commissioner for Human Rights to the specific problems and to try to cooperate with other mandate-holders in the sphere.

The problem you are referring to is basically very relevant to one of the elements which has already been mentioned. In my opinion, it is high time now for the UN institutions to become more actively involved in the problem, and the problem of the impact of application of unilateral sanctions on migration, the problem of the impact of unilateral sanctions on the human rights of refugees, is among the very important ones. I have repeatedly mentioned that I would be interested very much in cooperating with the United Nations High Commissioner for Refugees and International

Organization for Migration.

We have had several conversations but I believe that we are still taking the very first step on the long road ahead. So, from my perspective, I believe that there shall be involvement from the side of the UN human rights institutions, and not only human rights institutions, but also other UN agencies, to control the situation and ensure migrants have access to social guarantees and humanitarian aid, because I naturally understand that the burden of migrants on Iran today is really enormous.

Q: And to touch upon a different concern, do you think such legal entities as the International Court of Justice are able to effectively enforce their mandate on unilateral coercive measures when they find out that human rights violations are being committed as a result of the implementation of such punitive frameworks? In 2018, the ICJ ruled that the US should allow exemptions for the exports of humanitarian and civil aviation supplies to Iran, but the US government ignored the ruling. Is recourse to the world court and other UN entities at all a reliable option?

A: As an international law professor, I am always very much in favor of using the international adjudication mechanism because it provides the possibility of impartial assessment of the situation.

Naturally, each of the judicial institutions is limited by its own competence, but I am very pleased to see the increasing number of

cases brought for adjudication to the International Court of Justice, including by Iran, for example concerning the interpretation of the Amity Treaty with the United States, as well as the cases brought to the World Trade Organization's dispute settlement body, in relation to the freedom of trade or the extraterritorial application of unilateral sanctions, and cases brought to the International Civil Aviation Organization to consider whether the Chicago Convention has been observed or not. These are the very first steps, and I hope that the practice will expand.

In my opinion, the judicial mechanism is the one which shall be used instead of sanctions if countries face problems among each other. International law relies on the principle of peaceful settlement of international disputes, and that's why countries should do everything they can to bring cases to international adjudication or to any other mechanism of peaceful settlement rather than to decide on unilaterally imposing sanctions.

When I will speak about the assessment of the humanitarian impact, I believe that it's necessary not to limit ourselves to the possibility to use universal judicial mechanisms like the ICJ, ICC or WTO's dispute settlement body.

I am looking forward very much to the time when specific individuals will start to bring individual complaints to the treaty bodies of the United Nations, because we can clearly speak about the violation of the prohibition to discriminate, violation of women's

rights, violation of children's rights, violation of the fundamental human rights, including civil rights and for example the right to life, when lifesaving medicine is not available, or violation of the social and labor rights in accordance with the International Covenant on Economic, Social and Cultural Rights.

So, I am very much optimistic about the role of both judicial and human rights treaty institutions in promoting and protecting human rights in the face of unilateral sanctions and also as the way to bring international relations back to the rule of law everywhere.

Q: But in this specific case, the outcome was that a legal judgment was made by the ICJ, and a political decision was made by the US government to ignore the ruling, and it also withdrew from the Treaty of Amity. So, in effect, the credibility of the world court was spoiled. What do you think?

A: Well, unfortunately, this question, I would say goes beyond the scope of my mandate. I can say that this development is unfortunate, that's why I always try to press states to follow the legal standards and not to sacrifice the law for the sake of political interests. So, no good intentions and no political motivations can be understood as a ground not to observe international law or to violate human rights.

Human rights can only be protected by legal means. Concerning the situation with the International Court of Justice, I believe that that's one case and that's why I hope very much that we will have

more of them. If you have one case, it's easy to take political steps, but if you have dozens of them, you get lots of precedent; you get lots of pressure from the side of international adjudication. And it changes the situation.

That is why I call on states to use international adjudication mechanisms. I am also trying to engage, for example, with national human rights institutions like commissions and committees to involve them in dialogue, explaining to people about the possibility of applying to the treaty bodies. I believe when the number of cases brought to international courts and treaty bodies and the volume of communication through the UN human rights system is rather significant, it will change the situation.

Q: What international mechanisms are in place to prevent

The United States Comprehensive Unilateral Coercive Measures (UCM)s, that according to the former UN Special Rapporteur on UCMs amount to “de facto blockades” “or economic wars”, have detrimental effects on fundamental human rights specially the right to life and the right to health.

(ODVV's reference to Idriss Jazairy, A/HRC/39/54, A/HRC/42/46, A/74/165)

the sanctioning states from imposing unilateral coercive measures on other countries? How has your mandate served to strengthen those mechanisms?

A: As I already said, we are still somewhere at the very beginning of our road. Our mandate is one of the newest ones. It has only been established in 2015, and moreover it has been established not unilaterally, but through a process based on voting, because political discrepancies among state are so enormous that the states which impose sanctions traditionally vote in favor of not having such a mandate at all. So, they are supporting the idea that this mandate shall not exist and there is no problem about the impact of unilateral sanctions.

Yet, I can say the recent materials clearly show that even the nationals and companies of countries which impose unilateral sanctions also become affected because of overcompliance or because of the sanctions imposed by some other countries. So, I hope that this understanding will change at a certain point. My mandate had been established nominally because countries started to realize that the problem exists, that the number of unilateral sanctions is expanding, and the humanitarian impact of unilateral sanctions is growing enormously, as well.

Moreover, the new instruments like, for example, sectoral sanctions, secondary sanctions, civil or criminal penalties for circumvention of sanctions regimes and overcompliance are

Humanitarian organizations refer to unilateral sanctions as the main obstacle to the delivery of aid, including medicine, medical equipment, protective kits, food and other essential goods,” ... “the sanctions were complex, confusing and non-transparent while humanitarian exemptions remain ineffective, inefficient and inadequate.

(Alena Douhan,
December 10, 2020)



emerging, and there shall be at least someone who deals with that.

Unfortunately today, my mandate is the only instrument which is devoted to the problem and to the impact of unilateral sanctions only, and moreover the mandate is facing enormous problems of non-understanding or misunderstanding of the concept of the mandate, because unfortunately public opinion and social media discourses are formed in a way [to assume] that the mandate has been established for political purposes only, and quite often it's said that it is established by tyrants to protect the tyrants.

I always try to explain that this mandate, sometimes more than other mandates, is seeking to protect human rights because the number of people affected by the application of unilateral sanctions is enormous – it's not about the specific designated individuals only; it's about the people of countries as a whole that are suffering a lot.

What I can observe right now is that the UN institutions – very slowly – are becoming more interested in dealing with the problem. I would refer to the initial statements of the UN special rapporteurs and the UN High Commissioner on the request to lift or suspend sanctions when the pandemic started; I will refer to the Arria Formula meeting of the UN Security Council a year ago which was focusing on the impact of unilateral coercive measures on the maintenance of international peace and security; I would refer to the fact that the UN High Commissioner started to include the assessment of the

impact of unilateral sanctions in her statement concerning specific country visits, including the case of Venezuela, for example; and I would refer to the fact that the High Commissioner was the person who did the opening statement during the biannual panel devoted to the problem of overcompliance with unilateral sanctions.

Therefore, I would note again that I believe that the process of protection of human rights in the case of unilateral sanctions is somewhere at the beginning of its formation; we are still taking the very first steps and the road ahead is still very long. But I see the higher and higher level of involvement of both the states and the international organizations and international institutions. I believe that in spite of all the problems we have now, I see that the dialogue, very slowly, is starting.

Q: In the preceding years you have been actively working on the negative effects of UCMs, making country visits to Qatar, Venezuela and Zimbabwe, presenting detailed reports to the UN Human Rights Council and the General Assembly on the challenges faced by these nations. What do you think the sanctioned states can do, if at all, individually or collectively, to eliminate or mitigate the impacts of UCMs using human rights mechanisms?

A: I believe I have already mentioned several of the mechanisms. As I said, regional cooperation is very important, so, firstly, assistance to each other is important. Secondly, collective political

statements are also important. Then, it's very important to use the judicial mechanisms and the mechanisms of the UN treaty bodies. The fourth mechanism is communicating assessments of the impact of unilateral sanctions to the UN agencies, including the WHO, ILO, the UN High Commission for Refugees, International Organization for Migration, and many others

It shouldn't be assumed that it's only the high commissioner or my mandate that are the institutions involved in the assessment of sanctions. It shall be a matter of concern for the whole UN system, because naturally sanctions are never the only reason for the problems which exist in countries; rather, they add a very substantial layer of problems to the humanitarian situation. Therefore, the impact shall definitely be assessed in the labor sphere, health sphere, education sphere and many other areas.

I also believe, and it has been reflected in some of my statements, that the application of unilateral sanctions is enormously affecting the right to development of people, and as far as the UN is leading in the process of the achievement of Sustainable Development Goals, I believe that the element of assessment of the impact of sanctions and steps aimed to eliminate the application of unilateral sanctions, as well as the negative humanitarian effects, should also be dealt with within the UN to achieve the Sustainable Development Goals.

Therefore, I believe that the most obvious step is the involvement of more and more UN institutions to undertake assessing and

Sanctions limited the State's access to its foreign currency reserves to purchase medical supplies and the raw materials needed to produce supplies locally. This disruption has led to issues of scarcity and affordability affecting the right to health.

(Javaid Rehman,
January 11, 2021)



dealing with the problem of the application of unilateral sanctions, and I believe if it happens, the political authorities of the UN institutions will be the instrument which will help to change the approach to the application of unilateral sanctions.

Moreover, if the UN institutions are involved more in collecting information about the real impact of sanctions, that will change public opinion as well. Unfortunately, the impact of unilateral sanctions for people who are not dealing with the problem in detail is not very obvious, and it's very important to show the individual cases. That's why I pay so much attention to dealing with individual communications like for example the one you have referred to about the impossibility to buy bandages, which are necessary for the lives of butterfly kids and people with this sort of genetic diseases.

Another mechanism which I believe is important is careful legal research and legal qualification of every specific type of unilateral measure taken, and that's why being an academic myself, I very much welcome the involvement of academia in the assessment of unilateral sanctions from legal perspectives, economic perspectives and political perspectives.

I am trying to implement an initiative to establish a so-called "sanctions research platform" to bring together documents which have already been published by the United Nations, statements by NGOs as well as academic work into a single platform to make research in this sphere easier and to provide some sort of facts and

legal assessment to be used both for the UN organs and for specific states as well. So, I very much welcome the fact that more and more academic events, as well as diplomatic conferences, have been organized within the last year and a half [on this topic].

Q: As a concluding question, how can NGOs like ODVV, who are promoting debate and advocacy surrounding the unilateral coercive measures, support and make contributions to your mandate?

A: That is a good question and I am very much open to cooperation with NGOs, especially those doing the fact-finding or doing research on specific areas relevant to the mandate. Every year, when I start to prepare thematic reports for the Human Rights Council and the UN General Assembly, I open a call for contributions. Next year, my thematic reports will focus on the status of unilateral sanctions in the cyber world and on the problem of overcompliance. The call for contributions is already online on the webpage of the mandate. So, I am welcoming contributions of NGOs a lot.

Then, the second area is the country visits. When I announce a country visit, again the open call for contribution is published and non-government organizations are very much welcome to share their information. The third sphere is that I repeatedly organize expert consultations with non-governmental organizations to assess the specific realms of the impacts of unilateral sanctions on the enjoyment of human rights. It is possible to participate in such

expert consultations and share views as well.

I mentioned the idea of the establishment of a sanctions research platform – any report can be shared, including reports already published, and we can include them in the platform so that they are made publicly available for everyone who is doing research in this sphere. And the last very important element is the possibility to collect materials and to send me the information so that I can decide whether it will be possible to prepare a specific communication addressed to the states or the UN or businesses, drawing attention to the problem of the application of unilateral sanctions. That was exactly the case with the impossibility to buy the bandages, and there were cases regarding Venezuela when children could not get necessary transplants.

Q; Are you planning a possible country visit to Iran in the near future, as well?

A: It is in the process of discussion. Under the rules, I am supposed to take two country visits per year, and naturally the country visit planning is negotiated within the United Nations, the countries and many other entities. That possibility is not excluded.



Organization for Defending Victims of Violence
(ODVV)