10. ELIMINATION OF UNILATERAL EXTRATERRITORIAL COERCIVE ECONOMIC MEASURES AS A MEANS OF POLITICAL AND ECONOMIC COMPULSION

I. INTRODUCTION

1. The issues concerning unilateral extraterritorial coercive measures have been on the agenda of the United Nations General Assembly and other international organizations for more than four decades. The agenda was conceived from various international principles and rules on several international instruments, viz., Resolution 2625 (XXV) of Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 1970; Declaration and the Programme of Action on the Establishment of a New International Economic Order, 1974; Charter of Economic Rights and Duties of States, 1974; Paragraph 7 (iii) of the Ministerial Declaration on General Agreement on Tariffs and Trade at their thirty-eighth session, 1982; Resolution 152 (VI) of the United Nations Conference on Trade and Development entitled “Rejection of Coercive Economic Measures”.

2. The UN General Assembly at its thirty-eighth session introduced the agenda item, “Economic Measures as a means of Political and Economic Coercion against Developing Countries”. The resolution urged the developed countries, to refrain from adopting measures aimed at exerting coercion or pressure in order to interfere in the exercise of the sovereign rights of the developing countries. It also requested the Secretary-General to compile information provided by Governments on the adoption and the effects of economic measures taken by the developed countries as a means of political and economic coercion against developing countries and submit it to the General Assembly.

3. The agenda item entitled “Elimination of coercive economic measures as a means of political and economic compulsion” was included as a supplementary item in the agenda of the fifty-first session of the General Assembly, in 1996, at the request of the Libyan Arab Jamahiriya. At that session, the Assembly called for the immediate repeal of unilateral extraterritorial laws that imposed sanctions on companies and nationals of other States; and called upon all States not to recognize unilateral extraterritorial coercive economic measures or legislative acts imposed by any State.

4. At its fifty-second session, the General Assembly decided to defer consideration of the item until its fifty-third session. The Assembly considered the question at its fifty-third and fifty-fifth sessions. At its fifty-sixth session, the General Assembly decided to

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1 Article 32 of the Charter of Economic Rights and Duties of States, which states that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.


3 A/51/193.

4 A/RES/51/22.

include an item entitled “Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion” in the provisional agenda of its fifty-seventh session and to continue to consider the item at odd-numbered sessions.

5. At its fifty-eighth session, the General Assembly, under the item entitled “Revitalization of the work of the General Assembly”, decided that the item should be considered every three years. The item was included in the agenda of the fifty-ninth session but the General Assembly took no action. The item is included in the provisional agenda of the sixty-second session pursuant to further measures for the revitalization of the work of the General Assembly adopted at its fifty-eighth session.

6. The present report intends to provide a brief account of recent initiatives and major developments at the international level, viz., UN General Assembly, Fourteenth Non-Aligned Movement Summit, Human Rights Council and reports which were submitted by the Secretary-General to the UN agencies.

II. CONSIDERATION OF THE AGENDA ITEM “UNILATERAL ECONOMIC MEASURES AS A MEANS OF POLITICAL AND ECONOMIC COERCION AGAINST DEVELOPING COUNTRIES” AT THE SIXTIETH SESSION OF UNITED NATIONS GENERAL ASSEMBLY

7. On 22 December 2005, the UN General Assembly adopted a resolution on “unilateral economic measures as a means of political and economic coercion against developing countries”, by a recorded 120 votes in favour to 1 against (United States), with 50 abstentions, the Assembly urged the international community to eliminate the use against developing countries of coercive economic measures that were neither authorized by United Nations organs nor consistent with the principles of the Organization’s Charter, and which contravened the basic principles of the multilateral trading system.

8. The resolution expressed grave concern that the use of unilateral coercive economic measures adversely affected the economy and development efforts of developing countries in particular and had a general negative impact on international economic cooperation and on worldwide efforts to move towards a non-discriminatory and open multilateral trading system.

9. Further, it requested the Secretary-General to continue to monitor the imposition of measures of this nature and to study the impact of such measures on the affected countries, including the impact on trade and development and requested the Secretary-General to submit to the General Assembly at its sixty-second session a report on the implementation of the resolution.

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6 A/RES/58/316.
7 A/RES/60/185.
III. CONSIDERATION OF THE AGENDA ITEM “HUMAN RIGHTS AND UNILATERAL COERCIVE MEASURES” AT THE SIXTY-FIRST SESSION OF THE UN GENERAL ASSEMBLY

10. On 19 December 2006, the UN General Assembly adopted a resolution, which out rightly rejects the use of coercive measures as a tool for political or economic pressure against any nation for impending the complete fulfillment of its citizens’ human rights.9 The draft resolution was submitted by Cuba and it was adopted by a recorded vote of 131 in favour of 54 against with no abstention.

11. The resolution expressed the concern with regard to the extraterritorial effects of those measures, because they created new obstacles to the full enjoyment of all human rights by the peoples of other countries. Further, it urged all nations to abstain from adopting or implementing unilateral coercive measures that impeded the full enjoyment of all people to the right to food, medical attention and necessary social services.

12. The resolution also urged all the States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impeded the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hindered their well-being and that created obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being.

13. Prior to the resolution being brought before the General Assembly Plenary, it was extensively debated in the Third Committee10 and a report was submitted by the Secretary-General to the UN General Assembly.11 This report contains the responses submitted by Cuba, Libyan Arab Jamahiriya and Trinidad and Tobago.

14. Libya, one of the AALCO Member States, in its response recalled that the World Conference on Human Rights called upon States to refrain from any unilateral measures that impede the full enjoyment by citizens of their human rights such as the right to an adequate standard of living, including health, food and social services. The Government also recalled that the General Assembly requested States not to use economic sanctions to put pressure on any other States, as they constituted violations of the sovereignty of States. Further, the Government called on States to refrain from using unilateral coercive measures, which have an impact on economic relations among countries and violate international law and human rights law in particular. It called on all States not to ask for unilateral coercive measures and not to allow their implementation as the Libyan Arab Jamahiriya was among the countries that suffered from such measures which hindered the

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10 Agenda Item 67 (b) of Sixty First Session dated 7 December 2006.
11 A/61/287. As per the General Assembly Resolution 60/155 dated 17 August 2006, in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its Sixty-first session, highlighting the practical and preventive measures in that respect.
enjoyment of civil and political rights, and economic, social and cultural rights, as well as the right to development.

IV. FOURTEENTH SUMMIT OF NON-ALIGNED MOVEMENT (NAM) AND ITS CONCERN ON UNILATERAL EXTRATERRITORIAL COERCIVE MEASURES AGAINST NAM COUNTRIES

15. The Heads of State or Government of the Movement of Non-Aligned Countries met in Cuba from 11-16 September 2006 to address the existing, new and emerging global issues of collective concern, with a view to generate the necessary responses and initiatives thereof. In this regard, they reaffirmed and underscored the Movement’s abiding faith in and strong commitment to its founding principles, ideals and purposes, particularly in establishing a peaceful and prosperous world, as well as a just and equitable world order.¹²

16. The Conference final document condemns the extraterritorial application of national laws against the NAM countries.¹³ The Conference asked its Members to refrain from recognizing, adopting or implementing extraterritorial or unilateral coercive measures or laws, including unilateral economic sanctions, other intimidating measures, and arbitrary travel restrictions, that seek to exert pressure on Non-Aligned countries – threatening their sovereignty and independence, and their freedom of trade and investment – and prevent them from exercising their right to decide, by their own free will, their own political, economic and social systems, where they constitute flagrant violations of the UN Charter, international law, the multilateral trading system, as well as the norms and principles governing friendly relations among States; and in this regard, oppose and condemn these measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other UN organs; and request States applying these measures or laws to revoke them fully and immediately.

17. The Conference also reiterated its strong concern at the growing resort to unilateralism and unilaterally imposed measures that undermined the UN Charter and international law, and further reiterated its commitment to promote, preserve and strengthen multilateralism and the multilateral decision making process through the UN, by strictly adhering to its Charter and international law, with the aim of creating a just and equitable world order and global democratic governance, and not one based on monopoly by the powerful few.

18. It opposed unilateralism and unilaterally imposed measures by certain States – which could lead to the erosion and violation of the UN Charter and international law, the use and threat of use of force, and pressure and coercive measures – as a means to achieving their national policy objectives.

¹³ The details are drawn out from the Final Document of NAM.
19. The Conference also opposed the attempts through the imposition or prolongation of sanctions or their extension by the Security Council against any State under the pretext or with the aim of achieving the political objectives of one or a few States, rather than in the general interest of the international community.

20. The Summit expressed deep concern over the imposition of unilateral sanctions against the NAM States, particularly against Syrian Arab Republic. The Summit considered the so-called “Syria Accountability Act” as contrary to international law and a violation of the purposes and principles of the UN Charter. They called on the Government of the United States to declare that Act as null and void, and further called on the two countries to dialogue based on respect and mutual interest for the best of the two nations and the peoples.

21. The Summit further called on NAM States to continue promoting the rejection of and the adoption of concrete actions against the enforcement of unilateral coercive economic measures at the several multilateral fora where NAM and G-77 are involved.

22. Further in its Final Declaration, the Principles, which were adopted, are as follows:
   • Refraining by all countries from exerting pressure or coercion on other countries, including resorting to aggression or other acts involving the use of direct or indirect force, and the application and/or promotion of any coercive unilateral measure that goes against international law or is in any way incompatible with it, for the purpose of coercing any other State to subordinate its sovereign rights, or to gain any benefit whatsoever.
   • Promotion of pacific settlement of disputes and abjuring, under any circumstances, from taking part in coalitions, agreements or any other kind of unilateral coercive initiative in violation of the principles of International Law and the Charter of the United Nations.

V. CONSIDERATION OF THE AGENDA “HUMAN RIGHTS AND UNILATERAL COERCIVE MEASURES” AT THE UN HUMAN RIGHTS COUNCIL

23. On 17 September 2007, the Human Rights Council heard the presentations on the report of the UN Secretary-General on human rights and unilateral coercive measures. The Council had before it the report of the Secretary-General on human rights and unilateral coercive measures, which was submitted pursuant to Human Rights Council decision 4/103 of 30 March 2007, in which the Council decided to request the Secretary-General of the United Nations to seek the views of all States on the implications and negative effects of unilateral coercive measures on their populations. The report summarizes replies received in response to a request for information sent to Member States. Responses were received from the Governments of Colombia, Costa Rica, Lebanon, Georgia, Romania and the Syrian Arab Republic.

14 A/HRC/6/2.
24. The delegations said that such measures worked against the independence and the self-determination of people. The victims of the application of such measures were always the most vulnerable. Application of such measures was seen as a violation of human rights. Unilateral coercive measures and related legislation contravened international law and the UN Charter, international humanitarian standards and human rights law.

25. A delegation pointed out that the unilateral coercive measures was infringing upon the sovereignty of States and the human rights of citizens. Such measures constituted a gross and manifest violation of the United Nations Charter. Thus, their use could not be justified. Even though a number of resolutions had been adopted condemning unilateral coercive measures, they were continuously being spread. That testified to significant protection gaps in terms of focused monitoring and assessment of extraterritorial violations of fundamental rights.

26. One of the AALCO Member States, Pakistan, speaking on behalf of the Organization of the Islamic Conference (OIC), said unilateral coercive measures and related legislation contravened international law and the UN Charter, international humanitarian standards and human rights law. Even from a supposed "realist" political perspective, these measures did not achieve the goals for which they were put in place. The OIC joined the Non-Aligned Movement in supporting an end to unilateral coercive measures, especially against any developing country. The OIC recalled UN General Assembly resolution 52/181 to adopt urgent and effective measures to eliminate the use of unilateral coercive measures.

VI. REPORT OF THE SECRETARY-GENERAL ON THE AGENDA ITEM “UNILATERAL COERCIVE MEASURES AS A MEANS OF POLITICAL AND ECONOMIC COERCION AGAINST DEVELOPING COUNTRIES” TO THE UN GENERAL ASSEMBLY AT ITS SIXTY-SECOND SESSION

27. The Secretary-General of United Nations submitted a report pursuant to General Assembly resolution 60/185, entitled "Unilateral economic measures as a means of political and economic coercion against developing countries". In that resolution, the Assembly, inter alia, urged the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that were not authorized by relevant organs of the United Nations or were inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravened the basic principles of the multilateral trading system.

28. In the same resolution, the General Assembly requested the Secretary-General to continue to monitor the imposition of measures of that nature and to study the impact of such measures on the affected countries, including the impact on trade and development, and to report to the Assembly at its sixty-second session on the implementation of the resolution.

29. Accordingly, the Secretariat, in a note verbale dated 20 May 2007, invited the Governments of all States to provide their views or any other relevant information regarding the existence of any unilateral sanctions and the impact they may have had on their trade and development. As at 31 July 2007, replies had been received from the following Member States: Belarus, Benin, Colombia, Cuba, Egypt, Myanmar, Qatar, Ukraine and Zimbabwe.

30. In addition, relevant organizations, programmes and agencies inside and outside the United Nations system were also invited to provide information and analyses concerning recent developments in the subject area. The replies were received from two United Nations bodies and the Organization for Economic Cooperation and Development.

31. The Member States responded to the Secretary-General’s request for views and relevant information on the issue of unilateral economic measures as a means of political and economic coercion against developing countries have expressed disagreement with such practices. Unilateral economic measures were viewed as actions that are contrary to the principles of the Charter of the United Nations, the norms of international law and the rules-based multilateral trading system embodied in the agreements of the World Trade Organization. Several replies made reference to paragraph 5 of the Doha Declaration of the Heads of State and Government of the Member Countries of the Group of 77 and China at the Second South Summit held in June 2005, which, inter alia, called on the international community to eliminate the use of unilateral coercive economic measures against developing countries. The Organization for Economic Cooperation and Development (OECD) expressed the view that such measures should be used only as a last resort and their application should be consistent with international law.

32. Several replies described unilateral coercive economic measures taken against some developing countries and their adverse impacts on the economies of those countries. Cuba reports to have been the victim of 47 years of United States unilateral economic sanctions that continue to constrain the country’s commercial and financial transactions with trading partners, cultural exchanges and tourism. The Economic and Social Commission for Asia and the Pacific reported on the application and impact of unilateral coercive economic measures against the Democratic People’s Republic of Korea and Myanmar. Trade and investment restrictions imposed on the Democratic People’s Republic of Korea by the United States since the 1950s, and modified numerous times since then, have adversely affected activities necessary for economic growth and development. In Myanmar, coercive economic measures comprised restrictions on trade and investment and targeted sanctions imposed by the European Union starting in 1996, and by the United States in 1997, and regularly renewed by both since then.

33. The Economic and Social Commission for Western Asia (ESCWA) reported that in Lebanon, a 56-day blockade imposed by Israel during the conflict in July and August 2006 caused severe drops in the trade in merchandise, supply shortages of retail goods, higher inflation and other disruptions in the economy. The Commission also presented details of economic decline in the Occupied Palestinian Territory that was attributed mainly to a boycott of the Hamas-led Palestinian Authority by the European Union, Israel,
the United States and other countries, after a Hamas cabinet was formed in March 2006 following parliamentary elections in January of that year. Trade sanctions imposed on the Syrian Arab Republic by the United States in May 2004 reportedly continued to take effect in 2006 by restricting imports of merchandise from the United States.

34. Replies received from the AALCO Member States on the report of Secretary-General are reproduced below:

a) Arab Republic of Egypt

Egypt’s consistent view is that unilateral sanctions outside the United Nations framework are not a course of action that Egypt can condone.

b) The Union of Myanmar

The Union of Myanmar strongly believes that the promulgation and application by Member States of laws and regulations, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation, violate both the spirit and letter of the Charter of the United Nations and the universally adopted principles of international law. Hence, Myanmar opposes the use or encouragement of the use by any State of unilateral economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights. Having such a view, the Union of Myanmar has not promulgated any laws and regulations of the kind that are against the basic principles of the multilateral trading system.

c) State of Qatar

The State of Qatar does not agree to the adoption of legislation outside the jurisdiction of any State relating to the application of unilateral coercive economic measures against developing countries, as that is inconsistent with the principles of international law as set forth in the Charter of the United Nations. Moreover, unilateral coercive measures have a damaging effect on the prospects for economic development in the developing countries, as they distort trade and investment flows, violate the sovereignty of States, their legitimate interests and human rights and have a long-term negative impact on development efforts in developing countries.

The State of Qatar stands with the overwhelming majority of the international community, which has refused to acknowledge the right of any State to legislate outside its jurisdiction for the purpose of the application of coercive economic measures against any other State, through the adoption by the United Nations General Assembly by an overwhelming majority of its resolution 60/185 dated 31 January 2006 and entitled “Unilateral economic measures as a means of political and economic coercion against developing countries”.

Moreover, paragraph 5 of the Doha Declaration adopted at the Second South Summit on 16 June 2005 stipulates the following: “We firmly reject the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries”.

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The State of Qatar, which had the honour to host the Second South Summit, rejects all forms of unilateral economic measures described in the General Assembly resolution as means of political and economic coercion against developing countries and has taken measures to prevent the application of or compliance with such measures.

VII. REPORT OF THE SECRETARY-GENERAL ON THE AGENDA ITEM “HUMAN RIGHTS AND UNILATERAL COERCIVE MEASURES” AT THE SIXTY-SECOND SESSION OF UN GENERAL ASSEMBLY

35. In pursuant to the resolution 61/170 of 19 December 2006, the General Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-second session, highlighting the practical and preventive measures in that respect.

36. It was stated in the report that as of 7 August 2007, the Office of the Human Rights Commissioner had received responses from the Governments of Argentina, Bosnia and Herzegovina, Costa Rica, Cuba, Ecuador, the Libyan Arab Jamahiriya, Mexico, Serbia, Suriname and the Syrian Arab Republic. Replies from Costa Rica and the Syrian Arab Republic, submitted in response to both General Assembly resolution 61/170 and Human Rights Council decision 4/103, are included in the report of the Secretary-General submitted to the Human Rights Council at its sixth session.

37. The Government of the Libyan Arab Jamahiriya, the AALCO Member State in its response, recalled that General Assembly resolution 61/170 had urged all States to refrain from adopting or implementing any unilateral coercive measures not in accordance with international law and the Charter of the United Nations that negatively affect the realization of development and violate human rights. The Government noted, in this regard, that the most severe measures were those taken by developed States as a tool with which to put political and economic pressure on developing countries.

38. Further, it recalled that the resolution had invited all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial effects of unilateral coercive measures. The Government indicated that this implied that it was the responsibility of all States to establish rules, to be enshrined in the constitution or in basic law, preventing the executive from issuing decisions that would lead to unilateral coercive measures, and to combat the application of such measures by other States.

39. The Government indicated that The Great Green Charter of Human Rights in the Jamahiriyan Era states, in Article 16, that nations and people should be able to live in a world free from wars, terrorism and aggression, and affirms, in Article 23, the principle of international peace in respect of achieving prosperity in line with the principles underlying resolution 61/170.

VIII. GENERAL COMMENTS

40. It is to be noted that the imposing of unilateral coercive measures of an extraterritorial nature have accrued serious dimensions and its impact make devastating effect to the developing countries. Such practices run counter to international cooperation to the spirit of partnership being fostered in the interdependent world. Moreover, the imposition of such measures by one country against another country contravenes the very basis of international law and is totally incompatible with the principles of equal sovereignty, non-intervention and non-interference in the internal affairs of sovereign States.

41. The imposing of unilateral coercive measures against the developing countries totally impedes the full achievement of economic and social development enshrined in the UN Charter, in particular for children and women, and hinders their well-being and creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being.

42. It is observed from the above discussions that the unilateral coercive economic measures adversely affected the economy and development efforts of developing countries and has a general negative impact on international economic cooperation and on worldwide efforts to move towards a non-discriminatory and open multilateral trading system.

43. Some AALCO Member States being the primary targets of such unilateral imposition of coercive measures should reject and oppose the application of such unilateral measures as tools for political or economic pressure against any such country, because of the negative effects on the realization of all human rights of vast section of their populations.