

# **Evaluation of Unilateral Coercive Measures To Protect Human Rights: How Sanctions Obstruct and Restrict the Development and Preservation of Human Rights**

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Abstract:

*Imposing economic sanctions by States for political coercion has become a routine activity now. Economic sanctions are recognized deterrents to preserve Human Rights. However, they are harmful to State sovereignty and seek to drive countries into destitution. Sanctions can be imposed against an organization, company or a State and can be unilateral or secondary. Sanctions aim to manipulate the economic and political policies of a State; however, it's the general populace that suffers vigorously. Although sanctions are imposed to preserve human rights, they often cause grave human rights violations; sanctions also have a lasting impact on a country's economy, leading to fall in GDP, loss of food security, poverty, etc. Sanctions also lead to communal frustration, leading to civil unrest and perpetration of crime. This paper discusses the Human Rights Council's report on "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.", coupled with the UN Special Rapporteur's report on "The negative impact of unilateral coercive measures on the enjoyment of human rights (2017)", which analyses the contemporary developments in sanction regimes till 2018. This paper provides an international perspective on sanctions regime and recognizes how the International Bill of Human Rights is an insufficient limitation on them. This paper recommends that promotion of peaceful settlement of disputes could remedy the tension between nations and help sustain international peace and mutual cooperation. This paper concludes that sanctions should be imposed only when the UN unanimously concurs with them; human rights assessment, judicial review and specialized forums should be exercised to study and analyse sanctions to improve accountability.*

## **1. Introduction**

The imposition of Sanctions as a tool of coercion by States has seen an increment in the last few decades.<sup>1</sup> The objective of sanctions being to strategically manipulate the foreign policy of the 'target State' to their probable disadvantage. At the centre of this controversy lie the economic sanctions which are imposed to quiver the economic and social variables of such target State.

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<sup>1</sup> *Unilateral And Secondary Sanctions* (The AALCO Secretariat 2013).

Economic sanctions being at the centre stage can be in the form of trade embargoes, export controls and restrictions on financing and investment.<sup>2</sup> At the receiving end of such sanctions lie organizations/institutions like any other State, multinational corporations, companies and even a third party/State.<sup>3</sup> Sanctions may be economical, political according to the laws manipulated or ends sought to achieve and could be primary/unilateral or secondary depending upon the recipient of such sanction.

Sanctions carry mildly rooted civil and criminal liabilities. Sanctions inherently carry elements of extraterritorial jurisdiction. The basic principle in international law is that "national legislations are territorial in nature."<sup>4</sup> International law respects the need of a State's national sovereignty and territorial integrity.

At the same time, the practice of overlapping extraterritorial jurisdiction with national legislation is justified on grounds such as regulation of transnational criminal activities, avoid creation of safe havens for criminals, control of business entities with agencies in different parts of the world, etc.<sup>5</sup> International law governs the relations of the States amongst themselves and thus, States can exercise their rights only under the ambit carved by international law. Therefore, it can be reasonably inferred that sanctions, whether secondary or unilateral, are inherently extraterritorial.

Unilateral sanctions can be understood as the sanctions imposed by one nation directly onto another, mostly in the form of economic sanctions, unilateral sanctions aim at revising the trade, investment and other financial policies in a manner that is prejudicial to the interest of the target State.<sup>6</sup> Unilateral sanctions birth from national legislations to boycott the target state.

Sanctions generally prohibit only a country or regional organization from engaging in economic activities with the target State, however sometimes these sanctions can be directed towards other nations to boycott a target nation and stop all economic relations with such state. These sanctions are called secondary sanctions.<sup>7</sup>

Secondary sanctions call upon the "allies" of the imposing State or States sharing common interest or any derivative interest from the imposing State(s) to restrict their involvement with the target State in a

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<sup>2</sup> *ibid.* 27.

<sup>3</sup> *Unilateral And Secondary Sanctions* (The AALCO Secretariat 2013).

<sup>4</sup> *ibid.* 16.

<sup>5</sup> *ibid.* 17.

<sup>6</sup> *ibid.* 19.

<sup>7</sup> *ibid.* 22.