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Statement of Melik Özden, Director of the CETIM

Webinar on The Impact of Unilateral Coercive Measures (UCMs) on the Global Fight Against the COVID-19: Upholding the UN Charter, Promoting International Cooperation and Ensuring No One is Left Behind in Times of Pandemic New York, 2 June 2020

Madam President, Your Excellencies, dear colleagues,

First of all, let me thank the organizers for the invitation to this extremely important discussion. I am Melik Özden, director of CETIM. We are a Swiss center for the study, research and information focusing on international solidarity, the promotion of social justice and on the analysis of the mechanisms of North-South domination. In fact, the motto that underpinned the foundation of CETIM in the 70s was, and I quote, “There is not a developed world on one hand and an underdeveloped on the other, but a single world badly developed”.

I hope my input on the subject matter will be useful for our collective struggle to abolish unilateral coercive measures.

From a geopolitical point of view, unilateral coercive measures are always decreed by powerful states which take advantage of their dominant position on the international scene, to dismantle the economic apparatus of the targeted countries. Contrary to official discourse, their objective is in fact to overthrow any government that does not submit to their will, and to influence policies in their favor.

Most of the sanctions in force today are imposed unilaterally by the United States and followed by its close allies, such as the European Union. As we all know, economic sanctions and embargos have disastrous consequences for practically all sectors of society, and have a highly adverse impact on the enjoyment of human rights, in particular economic, social and cultural rights.

A big issue raised by such measures, is that even if they are unilateral, when applied, they become de facto multilateral. In particular, US decisions on unilateral coercive measures purport to apply also extraterritorially, as the US threatens third countries and all business enterprises with adverse consequences in case of non-compliance.

Economic sanctions are clearly aimed at causing maximum suffering and harming the physical and moral integrity of the targeted populations. From a legal point of view, unilateral coercive measures also have adverse effects on the rule of law as they:

1. violate current international law, in particular international human rights and humanitarian law;
2. deny the right of people to self-determination and deprive them more often than not of their own means of subsistence;
3. violate the equal sovereignty of States and create a major obstacle for the targeted States to honor their human rights commitments towards their citizens;

In other words, illegal and illegitimate measures compel the States that are victims of such coercive measures, and the third States compelled to impose secondary sanctions, to violate human rights against their will.

What should and could be done in such a situation?

- First of all, the former and late Special Rapporteur on unilateral coercive measures called for the drafting of a UN Declaration on this issue, which, among many other measures, would reserve to the Security Council the exclusive right to impose such measures and calls for the early removal of all existing ones. I hereby call upon UN member States to follow this recommendation and advocate in this sense.
- Furthermore, the UN General Assembly could refer specific cases to the International Court of Justice for an advisory opinion. States victims of unilateral coercive measures and third States concerned could also refer the matter to this Court, as Iran did 2 years ago.
- States and their populations, victims of unilateral coercive measures, and third States concerned, individually or collectively, can submit complaints to the UN treaty bodies, for non-compliance with International Human Rights Law.

Moreover, as stated recently by Professor De Zayas, unilateral coercive measures entail civil and criminal responsibility, and as such, the International Criminal Court must condemn those practices as crimes against humanity under article 7 of the Rome Statute.

Additionally, individually and collectively, States could also take action at the national and regional levels. They can adopt national laws, such as “blocking statutes” and common positions in regional fora prohibiting unilateral coercive measures. They can also cooperate with States victims of unilateral coercive measures so as to loosen the stranglehold of the blockade and alleviate the suffering of the victimized populations. Solidarity acts taken by some States during the Corona crises provide examples to this effect.

Of course, it takes courage and political will on the part of States to show such solidarity. However, we are well aware that the success of these steps will not be enough in itself. The big question is how to ensure that the world’s big powers respect the decisions of the UN bodies condemning unilateral coercive measures? As we all know, the United States is using and ignoring international law as it pleases. For some years now, the US have been attacking the international multilateral system, especially the UN and its special agencies with the aim to destroy it, because they are not under its total control. During the Pandemic, it has attacked the World Health Organization (WHO) and blocked the supply of medicines and medical equipment for the countries under unilateral coercive measures. This situation is highly problematic, not only for the public health policy but also for the promotion of international cooperation in good faith.

This is why, despite this major difficulty, it is worth taking the steps mentioned above to demonstrate the illegality of unilateral coercive measures and to strengthen respect for legality at the international level. The member states of the UN must defend the multilateral system and fight not only the US attacks against it but also the private interests capture.

Madam President, Your Excellencies, dear colleagues,
I thank you for your attention.