

A Review of the Violation of International Laws with Regards to Negative Effects of Unilateral Coercive Measures



By: Zahra Mirabian
MS in International Relations

Unilateral coercive measures are violation of human rights. Now when the negative effects of these measures occur during international humanitarian aid, the problem becomes a graver violation of human rights.

On numerous occasions, UN special rapporteurs have reported the negative effects of these measures on the aid and relief process and have also issued resolutions. The adoption of 11 resolutions in the UN Human Rights Council, 31 in the UN General Assembly and 12 resolutions in the UN Commission on Human Rights shows the human rights importance of the subject.

Unilateral coercive measures create obstacles in the way of humanitarian aid and according to the definitions of the UN Human Rights Council, they are deemed as human rights violations and since according to the reports of 20 Special Rapporteurs, America's unilateral sanctions are an all out economic war, therefore perhaps countries such as Iran who are targeted by these measures might be included in humanitarian law during armed conflict principles.

In this event, and by taking this assumption, according to humanitarian law and also the decision of ICC, the United States should not put obstacles in the way of humanitarian aid and relief reaching Iran, which unfortunately the United States has acted in this regard.

Introduction

According to the United Nations, unilateral coercive measures are violation of human rights and have negative and irreparable impacts on people. When conflict erupts or disaster strikes, the people affected often need protection - from violence; from exploitation and abuse; from the elements; and of their dignity and human rights. States have the primary responsibility to protect persons under their control. In situations of natural disasters or civil unrest national authorities are responsible for the well-being of those affected.¹

¹ <https://www.unocha.org/es/themes/protection>

In spite of UN and other international organizations' efforts to improve the access to humanitarian aid process during crises, some governments create serious obstacles in the reaching of international aid and relief.

1 – Concept of international law humanitarian aid during crisis

International law has various laws with regards to humanitarian aid during crises.

Crises which are either in the group of manmade crises such as wars, migration etc. or crises that come about from natural disasters, with the difference that the legal humanitarian principles are not enforceable during natural disasters. Humanitarian assistance is beneficial to disaster victims and can play an important role in the development of the country if it is properly coordinated and responds to real needs.²

UN General Assembly resolution 42/169 (1987) falls into the soft laws category which confirms the importance of the effects of natural disasters for all people, especially for the people of developing countries and the 90s decade was named the International Decade for the Reduction of Disasters. The General Assembly 1988 and 1990 resolutions also stressed on the importance of humanitarian assistance for victims of natural disasters and called on international nongovernmental organizations to provide assistance for putting an end to the pain and suffering of victims of natural disasters and preservation of their status and human dignity. Also governments were asked, if possible to facilitate the activities of these organizations and give them permits to help victims of disasters where necessary. Furthermore, access to humanitarian aid during armed conflicts has its own particular principles.

In general humanitarian access in international law has been defined as right of access to assistance during conflict, because during peace, all countries in general in sending humanitarian aid have the control in the people's hands and during natural disasters it is these countries that with their humanitarian aid try to reduce human pain and suffering. Therefore in international law literature there are very limited cases of prevention of humanitarian aid from reaching countries during peacetime.

Article 7 of the draft of the international law committee with regards to protection of people during natural disasters, obliges governments and international organizations to cooperate for aid and assistance.³



According to the United Nations, unilateral coercive measures are violation of human rights and have negative and irreparable impacts on people

² <http://helid.digicollection.org/en/d/Jh0185e/2.html>

³ Comment From The UN Office For The Coordination Of Humanitarian Affairs (OCHA), 2016

Access to humanitarian aid during armed conflict is defined in ICRC as follows:⁴ Rule 55. The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control. Right of the civilian population in need to receive humanitarian relief is defined as there is practice which recognizes that a civilian population in need is entitled to receive humanitarian relief essential to its survival, in accordance with international humanitarian law. The Fourth Geneva Convention recognizes the right of protected persons to make application to the protecting powers, the ICRC or a National Red Cross or Red Crescent Society. The Additional Protocols implicitly recognize the entitlement of a civilian population in need to

receive humanitarian relief as they require that relief actions “shall be undertaken” whenever a population is in need.⁵



But what is notable is that the effects of unilateral sanctions in instances, particularly economic, are just like the effects of war

2 – Negative effects of unilateral coercive measures on the aid provision process during war or natural disasters

The Human Rights Council also calls unilateral coercive measures economic war, but can crises which are created during unilateral coercive measures against a country be deemed within the humanitarian aid during armed conflict principles? It is a point which requires further study and cannot fit in this article.

But what is notable is that the effects of unilateral sanctions in instances, particularly economic, are just like the effects of war. This is while unilateral coercive measures have direct effects on the aid provision process and humanitarian assistance in the recent years. The effects of these measures can be clearly seen in two processes.

a) Cutting humanitarian aid

In many instances the country under sanction cannot easily access humanitarian aid, and in most instances the access of governments to international resources for humanitarian aid is severed. Like the cutting of the Iranian Red Crescent to financial resources for the purchase of relief and aid equipment due to America’s unilateral sanctions.⁶

In the recent Iranian floods a limited number of countries and organizations

⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55

⁵ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55

⁶ <https://www.independent.co.uk/news/world/middle-east/us-sanctions-iran-lifted-un-court-humanitarian-aid-a8566666.html>

<https://www.trtworld.com/middle-east/us-sanctions-block-aid-efforts-to-flood-stricken-towns-in-iran-25626>

managed to send their non-cash aid to Iran after a number of days. Also most countries of the world who usually during natural disasters undertake humanitarian aid, stopped their aid to Iran in fear of US unilateral coercive measures.⁷

According to United Nations' resolution, during natural disasters, all sides and organizations and governments must facilitate humanitarian aid, and in emergency situations coordination and facilitation for dealing with crisis is the responsibility of governments and relevant organizations.⁸

Humanitarian access, mandated by the GA resolution 46/182, refers to a two-pronged concept, comprising:

- Humanitarian actors' ability to reach populations in need
- **Affected populations' access to assistance and services.**⁹

Compliance – or non-compliance - with these principles affects humanitarian actors' acceptance, and their ability to engage in negotiations with State and non-state actors with the aim of reaching affected populations. In particular, perceived alignment with political and military objectives results in increased threats on humanitarians and further restrictions on access.

b) Creating obstacles in the way of access to humanitarian aid

In a small number of crisis-affected countries, humanitarian organizations work amid active conflict and under direct threat of violence. This insecurity, reflected in rising aid worker casualty rates, significantly constrains humanitarian operations and hinders the ability of people in emergencies to access vital aid.¹⁰ From the international community's aspects, many countries of the world are deemed to have high security risks and provision of aid to these countries is dangerous. And or some countries some countries have doubts about sending aid relief to countries in crisis.

For example due to US unilateral coercive measures against Iran, in the recent floods the Iranian Red Crescent was not able to buy aid relief equipment such as rescue boats and life detecting equipment, and worn aid and rescue equipment have always made things difficult for aid workers in Iran during crises. The worn out air search and rescue system also had made accessing remote regions difficult.

Due to blockade on the transfer of Iranian Red Crescent's money, not only in times of crisis, but in normal conditions too the Red Crescent cannot purchase the needed medicines and medical equipment. Medical equipment companies have stopped trading with Iran, and obstacles have been created in the sale of medicines and medical equipment to Iran out of fear of America's reaction and punishments.¹¹

⁷ https://www.washingtonpost.com/world/middle_east/fresh-sanctions-on-iran-are-already-choking-off-medicine-imports-economists-say/2018/11/17/c94ce574-e763-11e8-8449-1ff263609a31_story.html

⁸ [A/RES/46/182]

⁹ <https://www.unocha.org/es/themes/humanitarian-access>

¹⁰ <https://www.stabilityjournal.org/articles/10.5334/sta.506/>

¹¹ <https://www.globalpolicy.org/global-taxes/42501-the-adverse-consequences-of-economic-sanctions.html>

https://www.washingtonpost.com/world/middle_east/fresh-sanctions-on-iran-are-already-

C) Violation of Humanitarian Law and Human Rights by United States of America after Iran's flood

Situation Overview of Floods, As of 9 April 2019 in Iran

Floods in Iran have killed 76 people and caused more than \$2.2bn in damages in recent year, with flood warnings still in place for large swaths of the country. Twenty-five provinces and more than 4,400 villages across the country were affected by the floods. The damages amount to between 300 and 350 trillion rials - between \$2.2bn and \$2.6bn and 725 bridges have been totally destroyed. And more than 14,000 kilometers of roads have been damaged.

Humanitarian needs

Heavy rains and flash flooding that began in March have affected 24 of 31 provinces across the Islamic Republic of Iran. The flooding has killed 70 people and injured 1,076 people according to the authorities. It is estimated that 10 million people have been affected and that as many as 2 million may be in need of some form of assistance. At least 500,000 people are reportedly displaced. The widespread damages to the road and transportation network are making villages and small towns inaccessible. While information on humanitarian needs is still limited, the greatest needs are reported to be in the water, sanitation and hygiene, health, shelter and agriculture sectors.

Humanitarian response

The Government of Iran, the Iranian Red Crescent Society and the local communities are responding to the emergency and the needs of people affected. More than 280,000 people across Iran have been assisted with food, water, shelter and emergency supplies. The Government of Iran has officially indicated that emergency equipment, health supplies and household items are most needed.¹² About 1,900 cities and villages have been affected by floods and exceptionally heavy rains since March 19.

The disaster, which has so far killed 72 people, has left aid agencies struggling to cope and seen 86,000 people moved to emergency shelters.

Early estimates put agriculture sector losses at 47 trillion rials (about \$350 million)

Iran's operating budget is already stretched under U.S. sanctions on energy and banking sectors that have halved its oil exports and restricted access to some revenues abroad.

Blocking and impeding humanitarian access

The United Nations 'highest court has ordered the United States to lift sanctions

[choking-off-medicine-imports-economists-say/2018/11/17/c94ce574-e763-11e8-8449-1ff263609a31_story.html](https://www.bbc.com/persian/blog-viewpoints-47909336)

<http://www.bbc.com/persian/blog-viewpoints-47909336>

<https://www.nytimes.com/2019/04/02/world/middleeast/iran-floods-trump-sanctions.html>

<https://www.reuters.com/article/us-iran-floods/iran-says-u-s-sanctions-have-helped-slow-flood-aid-idUSKCN1RD37D>

¹² <https://reliefweb.int/report/iran-islamic-republic/islamic-republic-iran-situation-overview-floods-9-april-2019>

on Iran that affect imports of humanitarian goods and products and services linked to the safety of civil aviation.

Following President Donald Trump's announcement that the US was withdrawing from the 2015 agreement on Iran's nuclear programme, known as the JCPOA – reached by Iran, the five permanent members of the Security Council, Germany and the European Union – the US President ordered sanctions “lifted or waived” in connection with the agreement, to be re-imposed. The sanctions affect anyone doing business with Iran in areas such as finance, oil and shipping.

In its ruling, the ICJ found Iran's case to be credible and urgent, ruling that restrictions on importing “foodstuffs and medicines, including life-saving medicines, treatment for chronic disease or preventive care, and medical equipment, may have a serious detrimental impact on the health and lives of individuals on the territory of Iran.”

The Court ordered the US to “remove, by means of its choosing, any impediments arising from the measures announced”, allowing medicines and medical devices, foodstuff and agricultural goods into Iran, together with “spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation.”

The decision is reportedly the first time that international judges have ruled on a case of “economic warfare.”¹³

In spite of the decision of the International Court to open the humanitarian aid supply to Iran channel open, even though the United States in words claims channels for humanitarian aid to Iran are open, in practice however, sanctions are more serious obstacles in the way of sending aid, particularly cash relief.

As a result with the violation of the temporary order of the International Criminal Court and disruption of international custom for humanitarian aid at the same time as the floods in Iran, once again by imposing illegal unilateral sanctions against Iran, the United States prevented cash and some non-cash international assistance from reaching Iran.

Although The United Nations ‘highest court has ordered the United States to lift sanctions on Iran that affect imports of humanitarian goods and products and services linked to the safety of civil aviation. United States has frozen the accounts of the Iranian Red Crescent Society as part of its cruel sanctions against the Iranian people, thus preventing other countries from sending humanitarian aid to people in Iran's flood-stricken areas. “Given that the accounts of the Iranian Red Crescent have been blocked [due to US sanctions], no foreign citizen or Iranian national living abroad is able to send any relief aid to flood-hit people. US sanctions have obstructed aid efforts to flood-stricken towns and villages in what the foreign minister describes as ‘economic terrorism’. Iran's state budget is already stretched under US sanctions on energy and banking sectors that have halved its oil exports and restricted access to some revenues abroad.”¹⁴

¹³ <https://news.un.org/en/story/2018/10/1022142>

¹⁴ <https://www.independent.co.uk/news/world/middle-east/us-sanctions-iran-lifted-un-court-humanitarian-aid-a8566666.html>

<https://www.trtworld.com/middle-east/us-sanctions-block-aid-efforts-to-flood-stricken-towns-in-iran-25626>

According to the Reuters U.S. sanctions have prevented the Iranian Red Crescent from obtaining any foreign financial aid to assist victims of flooding that has killed at least 70 people and inundated some 1,900 communities¹⁵ and the Red Crescent said in a statement that No foreign cash help has been given to the Iranian Red Crescent society. With attention to the inhuman American sanctions, there is no way to send this cash assistance,”¹⁶

Sanctions are against human rights

The UN expert warned against generalized economic war and announced that Iran sanctions are unjust and harmful,¹⁷

The reimposition of sanctions against Iran after the unilateral withdrawal of the United States from the Iran nuclear deal, which had been unanimously adopted by the Security Council with the support of the US itself, lays bare the illegitimacy of this action.

This illegitimacy was confirmed by the opposition of all other permanent members of the Security Council and indeed of all international partners. The UN Charter calls for sanctions to be applied only by the UN Security Council precisely to ensure such wanton attacks on nations are avoided.

These unjust and harmful sanctions are destroying the economy and currency of Iran, driving millions of people into poverty and making imported goods.

The ohchr¹⁸ report showed that The current system creates doubt and ambiguity which makes it all but impossible for Iran to import these urgently needed humanitarian goods.

The report of the Special Rapporteur on Unilateral Coercive Measures Mr. Edris Jazayeri clearly shows that US sanctions against Iran alone can have what effects on the ordinary people of Iran. The illegal and contrary to human rights principles actions of the United States is a clear violation of human rights, and in all of this the floods crisis and creation of obstacles in the way of aid from other governments to Iran multiplies the violation.

Conclusion

Unilateral coercive measures create obstacles in the way of humanitarian aid and according to the definitions of the UN Human Rights Council, they are deemed as human rights violations and since according to the reports of 20 Special Rapporteurs, America’s unilateral sanctions are an all out economic war, therefore perhaps countries such as Iran who are targeted by these measures might be included in humanitarian law during armed conflict principles.

¹⁵ <https://www.reuters.com/article/us-iran-floods-redcrescent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJ0GY>

¹⁶ <https://www.reuters.com/article/us-iran-floods-redcrescent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJ0GY>

¹⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

¹⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

This is while international aid provision during natural disasters have always been one of the important paths for reaching human goals. For years governments have expressed readiness to assist during the occurrence of human crisis, even during conflict, putting aside their differences.

<https://www.zeit-fragen.ch/en/numbers/2018/no-1316-june-2018/un-expert-unilateral-coercive-measures-exacerbate-humanitarian-crisis-in-syria.html>

<https://reliefweb.int/report/iran-islamic-republic/nearly-1-million-children-affected-massive-floods-iran>

<https://news.un.org/en/story/2018/10/1022142>

<https://www.independent.co.uk/news/world/middle-east/us-sanctions-iran-lifted-un-court-humanitarian-aid-a8566666.html>

<https://www.trtworld.com/middle-east/us-sanctions-block-aid-efforts-to-flood-stricken-towns-in-iran-25626>

<https://www.reuters.com/article/us-iran-floods-redcrsecent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJOGY>

<https://www.reuters.com/article/us-iran-floods-redcrsecent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJOGY>

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

ht t ps : / / www . ohc hr . or g / E N / HRBodi e s / HRC / Advi soryCom m ittee / Pa ge s / UnilateralCoerciveMeasures.aspx