



DEFENDERS

Autumn 2019



Unilateralism and Violation of Human Rights

- A Look at the Impact of America's Unilateral Policies at the International Level
- United States' Unilateralism: It's Impact on Human Rights
- Impact of Unilateralism on International Peace and Security
- The Scope of Human Rights Violations Resulted by Unilateral Coercive Measures Case Study: The Islamic Republic of Iran
- Economic Achievements and Challenges before the United Nations System in Realization of Peace
- The Role of Non-State Actors in Multilateralism and Unilateralism
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- Published by: The Organization for Defending Victims of Violence (ODVV)
- Supervised by: Mahmoudreza GolshanPazhooh(Ph.D)
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The articles and papers published in the Defenders Quarterly do not necessarily reflect the views of the ODVV.

The Editor welcomes your suggestions and comments on the articles.

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Editor's Note

Without a doubt, international peace and security as the biggest desire of Mankind have always been the main objectives in the shaping of international assemblies and cooperation; in a way that the aim in the establishment of the United Nations as the biggest international organization is the same peace and security. To achieve this goal, Mankind came up with multilateralism and international cooperation as a method, and Mankind attempted this with the development of international law, support for the promotion of human rights and the establishment and expansion of international organizations in order to protect and safeguard peace and security. Today, with the expansion of unilateral policies we are witnessing the destruction of the accomplishments of the ancestors in protection and safeguarding of peace.

Since today's world is faced with daily increasing unilateralism challenges and their impacts on human rights, as human rights activists, we in the ODVV dedicated the theme of this issue of Defenders to unilateralism and its threats.

In general, the pillars of the expansion and implementation provisions of international law are based on multilateralism, in such a way that the direct link between adopting unilateral approaches and undermining of international law is not hidden from anyone. Thus the subject of the undermining of international law through adoption of unilateral approaches of countries is dealt with in this issue of Defenders. Also the importance

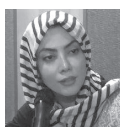
of human rights and its violation and undermining has been an important concern for human rights defenders. Thus the impact of unilateralism on human rights is another article for the autumn issue of Defenders.

Refugees and migrants are one of the first groups who are affected by the application of harsh policies of governments of countries the impact of unilateral policies on refugees' conditions in one of the countries with the biggest refugee population in the world, namely Iran, and also the conditions of migrants as a result of these policies is dealt with in two separate articles in this issue of Defenders.

The impact of unilateral coercive measures on human rights, a review of documents adopted by the UN in this regard and a number of interviews on the subject are other important subjects that has been covered with in this issue of Defenders.

Defenders magazine over the recent years has made its mission to make Mankind's conscience aware of the daily increasing threats against human rights and since the Human Rights Council as a seen as a circle for dialogue and exchange of views and ideas towards the promotion of human rights and its repercussions such as peace and security, the Council is a suitable environment for the distribution of Defenders. We warmly extend our hands to esteemed thinkers and experts across the world, towards the realisation of our objectives.

A Look at the Impact of America's Unilateral Policies at the International Level



By: Farzaneh Mostofifar
PhD candidate for international Relations

Unilateralism means a policy which is based on a country only leans on its own interests for the provision of security and national interests, and is put opposite multilateralism which is based on cooperation. The application of unilateral policies have huge impacts on accomplishments made as a result of international cooperation. What this article attempts is to review the impact of America's – as a formidable world power – unilateral policies on the most important multilateral achievements, such as international law, international peace and security, human rights, international trade. The assumption of this article is based on the application of unilateral coercive measures are a threat against multilateral accomplishments, and in the long run the drop in hegemon power as the main actor will be replaced by unilateralism.

Keywords: unilateralism, hegemon power, peace, international security, human rights, international law, international trade.

1 – Introduction

Unilateralism means a policy which is based on a country to only rely on its interests for the provision of its national security and interests. Such a State in practice sees itself not needing other States and believes in its own ability to confront challenges, and therefore does not see any reason to make commitments with other States (Polino and Alton, 1979: 25-26).

When unilateralism is put at the top naturally foreign policy distances itself from international coalitions, agreements, organizations and international orders. Thus a link can also be established between unilateralism and hegemony seeking. Just as in Puchala's belief, organized and executive policies of a State is more powerful, finds a hegemonic nature (Puchala, 2005: 575).

2 – United States Policies in the Framework of Unilateralism

“Nor is unilateralism new. From America's inception as a republic, the Founding Fathers forswore entangling alliances that might embroil the fragile country in dangerous Old World controversies and tarnish the United States’

identity as an exceptionalist nation.”
(Melvyn P. Leffler, 2004: 1)

America’ unilateral intentions have deep roots and go back to the Founding Fathers and goes back to the fledgling Republic’s involvement in dangers as a result of threats from “power struggles”. It can even be said that what the Monroe Doctrine’s America’s isolationism said in 1823, is seen within the framework of regional unilateralism. Back then American’s were not very interested in getting involved in regional issues. Following the end of the Second World War, due to the need, American’s reduced their abhorrence towards their multilateral agreements. They wanted to

create a coherent inclusive society based on free democracies, and manage the running of the western world. Nonetheless, with the end of the Cold War, unilateralism became dominant in the world (Mosalanegad, 2008: 263).

The unilateralism foundation in the US foreign policy, is the outcome of America’s hegemony which was one of the important basis of America’ foreign policy. It must be noted that America’s hegemonic policies, specifically in the post-9/11 war on terror issue resulted in this country to take unilateral measures. The war against Iraq and Afghanistan, and the Iranian nuclear case were the most important issues which the United States dealt with unilaterally. Understanding America’s international practice is difficult without noting its global leadership seeking. It is natural that this superiority alongside leadership seeking of the United States causes unique and different behaviours from other States-Nations international order (Mousavi Shafae, 2019: 122).

But the peak of America’s unilateralism can be found in Donald Trump’s Presidency. The election of Donald Trump in the global scene, it translates into the rough shift of American foreign policy from multilateralism to unilateralism.¹

3 – Impact of Unilateralism at the International Level

Unilateralism is the term to describe a situation where the powerful state disrespects multilateral norms and adopts a self-centered foreign policy (Wedgwood, 2002). Power levels determine how unilateral a state can be. As such, unilateralism is the preferred course of action for the major powers and is more likely to be used by the hegemonic state (Wallace, 2002). A powerful state that can achieve its policy goals using its own resources without the need



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1_ <https://www.vocaleurope.eu/american-unilateralims-vs-european-multilateralism-the-world-is-watching/>

of international support can pursue a foreign policy that would not follow accepted international norms. However, such unilateral acts come with political costs (Thompson, 2009, p. 35) since unilateralism is often perceived as illegitimate, selfish conduct that damages the soft power of the unilateralist state.²

3-1 – Undermining of international peace and security

Since the end of the Cold War, many of America's closest allies have complained about the rise of American unilateralism, a tendency in Washington to take decisions without much regard for the interests or views of its own allies or the rest of the world. Prime examples of what most offends America's partners would be the restrictions America has attempted to apply to allied trade with Cuba or Iran, in clear violation of traditionally understood rules of international law, peace and international security. (CHARLES WILLIAM MAYNES:p513)



It is natural that within the framework of their national laws, States are allowed to adopt their own specific laws and standards and apply them within their boundaries and jurisdictions

3-2 – Violation of human rights

In human rights vocabulary the closest term which describes the real meaning of unilateralism is “unilateral coercive measures”. This phrase in its root both shows the negative adjective of unilateralism and also its violent and force-based nature.³

International human rights bodies such as the UN Commission on Human Rights (from 1994 till 2005) issued 12 resolutions, from 2007 till 2018 the Human Rights Council issued 9 resolutions and 2 decisions, and from 1983 till 2017 the UN General Assembly issued 31 resolutions all on the negative impacts of unilateral coercive measures on human rights.⁴

These resolutions highlight the impacts of unilateral coercive measures on right to health, life, education and etc.

² <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-449?rskey=BnK6vZ&result=2>

³ <http://bit.do/e9ZfF>

⁴ <http://www.odvv.org/blog-2803-A-Look-at-International-Documents-Related-to-UCMs-1--Commission-on-Human-Rights-resolutions>

3-3 – Undermining of international law

International law is the fruit of convergence and unilateralism. Although unilateralism is not deemed illegitimate and contrary to legal principles in all cases, but it is contrary to the spirit, values and goals that customary and contractual international law pursue.

It is natural that within the framework of their national laws, States are allowed to adopt their own specific laws and standards and apply them within their boundaries and jurisdictions. But when the jurisdiction of implementation or impact of national decisions cross over thematic or territorial jurisdiction of States, while States and affected issues cannot intervene or comment on the drafting and adoption of these laws and norms, unilateralism reveals its negative and anti-values image.

In the 1999 UN Commission on Human Rights Report on States' unilateral coercive measures, explains that there is a certain principle in international law according to which a State cannot impose commitments on other States or other international law subjects without their consent. Unilateral measures even if they are for justifiable objectives or intentions such as protection of the environment has never been accepted by the international law community. Today's world which is in need of necessary consensus and regulations and rule of law for managing and continuation of security and equality order more than before, is faced with extremist unilateralism in theory and practice, which has face the function and subjectivity of international law with unavoidable challenges.

3-4 – Undermining of international bodies and treaties

Since President Trump took office, the American policy on multilateralism has been tough to say the least: criticism on the UN, NATO, and WTO have been constant, with even some hints of the US leaving them. Under President Trump, America has already exited the UN Educational, Scientific, and Cultural Organization (UNESCO), and the UN Human Rights Council (UNHRC), as well as several multilateral treaties such as the Paris Agreement, the Trans-Pacific Partnership (TPP), or the Iran nuclear deal (JCPOA). Throughout Trump's Presidency, the United States has unilaterally left a number of international organizations and multilateral agreements. Below are some them:

3-4-1 – Trans-Pacific Partnership (TPP)

On 22 November 2016 the United States announced that it was leaving the TPP. This agreement was the result of America's seven years of talks with 11 other countries whose population exceeds 800 million, and the extent of its influence which includes 40 percent of the total global trade. America's main reason for leaving the agreement was announced as to save the American workers and also inclination to replacement of multilateral agreements with bilateral ones.⁵

⁵ <https://www.bbc.co.uk/news/business-43747211>

3-4-2 – Paris Climate Change Accord

On 1 June 2017 the United States announced that it was leaving the Paris Accord. In 2015 this Accord was signed by 195 UN Member States, following years of talks to reach a universal agreement to fight climate change. According to this agreement, the United States had made commitments to reduce its greenhouse gas emissions by 26 to 28 percent by 2025, down to 2005 levels, and allocate 3 billion dollars to weaker countries towards combating climate change. America's main reason for leaving the Paris Accord was given as threat to America's right of governance and its economy.⁶

3-4-3 – UNESCO

On 14 October 2017 the United States announced it was leaving UNESCO.⁷ Prior to this, in the 1980s then President Ronald Reagan criticising UNESCO's approach with regards to the Soviet Union left Organization. UNESCO is

active in the protection of cultural heritage and also States' advancements in the education, scientific, cultural and training sectors; and what's interesting is that the United States is one of its main founders, following the end of the Second World War. United States' main reason for leaving UNESCO's executive council was given as the 26 October Resolution regarding stopping any form of occupation and construction by Israel in the Occupied Territories as the occupation force



In 2016 this Declaration was signed by 193 UN Member States so that Member States to guarantee the provision rights such as provision of shelter, education and employment for refugees

3-4-4- The New York Declaration for Refugees and Migrants

On 2 December 2017 the United States announced it was withdrawing from the New York Declaration for Refugees and

Migrants. In 2016 this Declaration was signed by 193 UN Member States so that Member States to guarantee the provision rights such as provision of shelter, education and employment for refugees⁸. America's main reason for this withdrawal was announced as the immigration interests and policies of the country not being provided.

6-www.whitehouse.gov/briefings-statements/statement-president-trump-paris-climate-accord/

7-<https://en.unesco.org/news/statement-irina-bokova-director-general-unesco-occasion-withdrawal-united-states-america-unesco>

8- <http://fpp.cc/us-withdrawal-from-new-york-declaration-for-refugees-and-migrants-is-wrong-move/>

3-4-5 – Joint Comprehensive Plan of Action (JCPOA)

On 8 May 2018 the United States announce that it was withdrawing from the Iranian nuclear agreement.⁹ The JCOPA is an international agreement on the Iranian nuclear programme which was signed on 14 June 2015 between Iran and members of 5+1 (United States, Russia, China, France, United Kingdom and Germany).

America’s main reason for the withdrawal was given as Tehran’s missile programme and the countries support for groups in the region such as Hezbollah in Lebanon.



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3-4-6 – UN Human Rights Council

On 20 June 2018 the United States announced its withdrawal from the Human Rights Council. The Council is responsible with the universal promotion and respect of human rights and fundamental freedoms for all and investigates the human rights situation of countries. America’s main reason for the withdrawal was given as the endless enmity of the Council with Israel and the adoption of many resolutions against the country, in comparison with countries such as North Korea, Iran and Syria.¹⁰

3-5 – Undermining of Global Trade

A good example of unilateralism can be seen in the actions of the then President-elect Donald Trump who before his inauguration in December 2016 declared the Trans-Pacific Strategic Economic Partnership Agreement (TPP) nullified, without seeking understanding from other participating countries. The United States was able to act in this unilateralist way because it was the largest economy in the TPP group, and its withdrawal would destroy the multilaterally concluded international free trade agreement.¹¹

Trump’s opposition to free trade agreements such as the TPP and NAFTA, imposition of heavy tariffs on imported goods from countries such as China, Japan, Canada and Mexico are also in line with America’s unilateral policies which undermines global trade.

The view of international relations – especially international trade – as a cake in which a bigger portion shrinks the others is wrong; it has been thoroughly proven that globalisation and international trade actually make that cake bigger.

9- <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-ending-united-states-participation-unacceptable-iran-deal/>

10 - <https://www.unmultimedia.org/tv/unifeed/asset/2181/2181074/>

11- <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-449?rskey=BnK6vZ&result=2>

The problem is that they do so slowly, on a long-term, global basis, which inevitably generates winners and losers. The effects of attacking international trade are also long-term: erosion of confidence and trust among institutions, investors and businesses make economic growth slow down or even decrease.¹²

6 – Conclusion

As it has been always so in international relations, a mixture of multilateralism, bilateralism, and unilateralism is what we will observe in international relations. This should be especially true when a hegemonic power is on the wane and a nascent multipolar international system has been emerging—and where no state can be so powerful as to act in a solely unilateral way and force the other states to engage with it via bilateral negotiations and bilateral coordination.

Unilateralism which is on the rise through the authoritarianism of global powers such as the United States, is a very serious threat to multilateral achievements such as human rights international law, international peace and security.

In the end it can be said that the unilateralism of a country which is more based on power, force and threat, may in the short term provide minor interest but in the long run through tendencies towards independence of decision makings and positions, countries will pursue the reduction of hegemony power and find ways to fulfil their own interests.

Sources

Charls William Mayens Aynes, US unilateralism and its dangers, Volume 25, Issue 3, July 1999 , pp. 515-518

Mosalanejad, Abbas (2008), Modality Developments in US Foreign Policy following the Cold War, Policy Quarterly, No. 5, pp266-2

Mousavi, Seyed Fazlollah, Jokar, Fazlollah and Mohammadi Omran (2014), United States Unilateral Sanctions against Iran, Conflict in Speech and Action and Politicization of Human Rights, Public Law Research Quarterly, 16th Year, No. 44, from 149 to 173.

Melvyn, P, Leffler (2004), Bush is Foreign Policy, Foreign Policy Magazine

Polino, Jack C and Roy Alton (1976) International Relations Culture, Translated by Hassan Pasta, Tehran: Farhang Moaser

Puchala, D.y. (2005), Word Hegemony and the united Nations, International Studies Review, vol. 7, No (4): 571-584

Thompson, A. (2009). Channels of power: The UN Security Council and U.S. statecraft in Iraq. Ithaca, NY: Cornell University Press

Wallace, W. (2002). U.S. unilateralism: A European perspective. In S. Patrick & S. Forman (Eds), Multilateralism and U.S. foreign policy: Ambivalent engagement (pp. 141–164). Boulder, CO: Lynne Rienner.

Wedgwood, R. (2002). Unilateral action in a multilateral world. In S. Patrick & S. Forman (Eds.), Multilateralism and U.S. foreign policy: Ambivalent engagement (pp. 167–189). Boulder, CO: Lynne Rienner.

12- <https://www.vocaleurope.eu/american-unilateralism-vs-european-multilateralism-the-world-is-watching/>

United States' Unilateralism: It's Impact on Human Rights



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Following Donald Trump's presidential election win in 2016, the legitimate influence of international laws took a nose dive with America leaving agreements such as the Paris Accord (climate change), the Trans-Pacific Partnership. But without a doubt the peak of this unravelling process can be found in the United States leaving the Joint Comprehensive Plan of Action (JCPOA). This article analyses the roots of this policy and its impact on the domestic environment of American and its surrounding environment on one hand, and on the other hand it analyses its strategic and institutionalized impact on international law and relations. Although the fundamental policies of Republicans in America have always had clear layers of unilateralism, but today unilateralism has such influence in the country's policies that in practice it has turned into the visible foundation of America in today's world, and has clearly become contrary to the legal and international trends. The results of this policy can be seen in the rise in racism in the United States and degeneration of ethics in the country's domestic and international policies, rise in tension around the world, the Middle East peace process, weakening of America's institutional infrastructures, and even weakening of the country's credibility at international level, weakening of the country's alliances and even weakening of



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the strategic processes all for the benefit of strengthening demagogic policies, which have repercussions such as weakening of international agreements, international law, rise in anarchy and reduction of America's credibility and even diplomatic closeness with Europe, Russia and China. The important questions in this regard are: What impact will unilateral policies have on the undermining of America's status, domestically, surround and internationally? Are such policies the creator of a new culture in international relations or have they been adopted due to extremist liberal policies? What short and long-term impact will America's unilateralism have on international law and international diplomatic relations? The author of this article's presumption is based on the belief that in continuation of the current trend, although fulfill America and Trump's short-term interests, but in the long run they are a threat against international security, peace and stability of countries and even the political and social infrastructures of American society also. In the event of the continuation of this trend with the destruction of America's credibility and with closeness of the partners and competitors of this country in the international level, then, not only the role of international law will be shrouded in a cloud of confusion, but with increase in illogical and contrary to international trend norms, chaos and anarchy will replace peace and stability in the international order and will result in rise in tension in all corners of the world, particularly strategic regions such as the Middle East.

Keywords: unilateralism, international law, international order, states' commitments, human rights.

1 – Introduction

Following the end of the Second World War, United States foreign policy abandoned isolationism and in view of increase in economic and political power against a weak Europe, defined its power and strategic depth worldwide – and not solely the American continent – and with the dissolution of its rival, namely the Soviet Union, managed to establish its position in the international order as the superpower.

In the 21st Century the turning point of the return to the unilateral approach in US foreign policy can be seen in the 9/11 terror attacks and declaration of the global war on terror and Islamic fundamentalism. With Donald Trump becoming the 45th US President, increased legitimacy has come about for military and economic capabilities to be used as pressure levers on competitor actors and America's adversaries to influence their behaviours. The US President, who is the flagbearer of nationalist foreign policy, in justifying this policy, he is strongly reliant on the stress on the economic and military might of America. "Economic nationalism" and shoulder to shoulder to it the use of military power taking significance and legitimization for advancement of policies at the global level to the necessity of the belief for the country to have the right and its global objectives will strongly influence the policy pursued by America in the international arena.

Furthermore, alongside the reality that in international interactions, each country pursues its own national interests, the criteria of these relations and the health criteria these interests, and follow-up methods and their bad outcomes is international law itself. In spite of some criticisms to its structure, international law, puts in order the relationships of states and is the only reliable source to reach the exulted justice and peaceful coexistence objective. Now, whether as a big and powerful country and claimant to managing the world and whether as a small country with little influence in international relations, breaking general and accepted international law and human rights principles without an excuse is not acceptable.



Respect to fundamental human rights and human dignity is a strong pillar which provides and guarantees the facilitation of the establishment of international justice based on the equality principle

2 – Impacts of unilateralism on international law

Respect to fundamental human rights and human dignity is a strong pillar which provides and guarantees the facilitation of the establishment of international justice based on the equality principle. As the spirit of the collective ideal of the nations of the world in realization of justice and lasting peace the exultation of international law principles, the United Nations has made its function and objective on peaceful coexistence of small and big nations. In spite of the existence of criticism to its structure, international law is the order of the relations part of nations and the only reliable leanto for the fulfillment of the high objective of justice and peaceful coexistence. Now, whether as a big and powerful country and claimant to managing the world and whether as a small country with little influence in international relations, breaking general and accepted international law and human rights principles without an excuse is not acceptable. Alongside the fact that alongside the reality that in international interactions, each country pursues its own national interests, the criteria of these relations and the health criteria these interests, and follow-up methods and their bad outcomes is international law itself. nonetheless, through adoption of unilateral approaches with regards to international law, big powers mainly adopt two general positions:

a) Instrumentalisation of international law:

The big power tries to use international law as a tool to show the acceptability of its action, and show its action within its (international law) framework. The instrumentalization of international law takes place in two ways: first, selective approach towards international law, for example the big power is more inclined to act very selectively issues such as human rights and resorting to force. And or in some point in time, the big power highlights international

law principles and in another point in time diminishes international law. Second, efforts grab the concept of international law principles, for example the big power is more inclined to present a wide ranging definition of subjects such as democratization, human rights, weapons of mass destruction, terrorism and ethnic conflicts, and present narrow definitions for international law principles.

b) Withdrawal from international law:

In this process the big power tries to present international law as impractical and non-issue and deems its dismissal as natural and in a way show as conforming to justice. Absence from international law also takes place in two ways, first refusal to observe international law principles which includes the violation of international treaties and conventions, and secondly, refusal to join and leave international organizations which have been founded in accordance with international law, and are the clear foundations of international regimes.

The cause of this trend in the behavior of the big power based on neo-realism philosophies is hegemony seeking. With these characteristics, international law is applied by big powers only when it is effective towards increasing their power. Otherwise, the big power dodges international law and since according to the belief of realists, power supersedes law in the global level. Therefore national interests have priority over collective interests and non-enforceable international principles.

For each of the big powers approaches towards international law which have been explained above examples of United

States behavior towards other governments or international organizations can be seen. For example in the selective approach of the new US Government, it can be observed that no ally or economic partner countries can be seen in the Government's claims of human rights violations in other countries such as Iran, North Korea and Cuba which ultimately results in the United States imposing sanctions on the said countries. But the same violations are more severe in countries such as Saudi Arabia. Only due to top level trade relations of this country with the United States, no factor will ever cause these relations to tarnish between the two countries, and in spite of America's claims to support freedom and democracy, this country has very good relations with one of the most undemocratic countries of the world. This is clearly evident when Trump's first official country visit following his inauguration was Saudi Arabia, which is an unprecedented move by any US President. On one hand in the war on terror, Trump wants all countries to accept the costs of the war more



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than before, or even tries to reduce his own responsibility and cost burden, and speaks of multilateralism for managing the terrorism issue, but at the same time in trade and economic issues he is not willing to give concessions to his allies and by increasing tariffs on his allies, he acts contrary to free bilateral and multilateral trade regulations

With regards to withdrawal from international law America's leaving the Paris Accord and the TPP can be highlighted. Also one of the examples of disregard to international agreements and conventions Trump's unilateral withdrawal from the JCPOA can be mentioned. By doing this, in practice, he made an important international agreement in which most of his allies were also in, ineffective, and by re-imposition of most of past sanctions and imposition of new sanctions on the Islamic Republic of Iran, not only did he act against international law principles (because imposition of unilateral sanctions do not have international legitimacy and have no international law principles backing), but the imposition of harsher sanctions resulted in the violation of the basic rights of Iranian citizens and with this action it went towards violation of human rights.

The election of Donald Trump as the US President created a lot of consequences in relation with human rights issues, and this can be deemed as one of the factors that created a political shock in the region. The language that Trump uses can create problems for women, America's racial minorities and the future of Muslims. Most of these challenges cannot be addressed by the US foreign policy machinery in the framework of human rights headings. The international community was not expecting the diplomatic ambiguity of the United States regarding social and regional issues. Most of Trump's slogans do not corroborate with the structural necessities of America. Like most realists, Trump does not believe in humanitarian intervention for the establishment of democracy, which in past Administrations it has been a part of the political mistakes of former leader (Jervise, 2017: 2). Trump's remarks shows his disinterest in the existing order. In his view, all of America's allies in all regions must pay more for provision of their security. For a long time America has not benefited from international bodies and agreements, such as the United Nations, the Paris Accord, Convention on Climate Change etc. (Overhaus and Brozush, 2016: 2). Trump clearly expresses his views on ignoring international organizations such as the United Nations and the European Union. His view shows a widespread ideological movement within the Republican Party based on the nonconformity of these international



With regards to withdrawal from international law America's leaving the Paris Accord and the TPP can be highlighted

organizations with the goals of the Party. Furthermore, the thing that has the leaders and members of the Party worried is that international organizations do not provide America's interests. For example Trump has serious concerns about the MDG document. This document had been adopted by Member States for achievement of sustainable development. US Government's policy based on the suspension of payment of debt to the climate change programme created a deep crisis in international cooperation with this programme. If with refusal of payment to its commitments America causes a financial crisis for organization, its other important Member States might also be encouraged to reduce support or leave the organization. The pursuit of the aggressive policies of the new US Government against Iran with actions such as coming out of JCPOA and imposition of harsher sanctions alongside extensive media campaigns in the United Nations, support for its traditional allies such as Israel and Saudi Arabia in spite of all their anti-human rights actions, vetoing Security Council resolution that does not recognize Jerusalem as Israel's capital, all show with a realistic approach Trump is only interested in imposing his actions to the international community in the framework of the United Nations, wherever the Organization is able to provide his interests, otherwise he has no regard to international principles and mechanisms.

Trump Administration's policies regarding the dismissal of existing international regimes will damage global security, human rights and the environment. The Trump Administration is pursuing a solution based on hard power to solve global issues. According to this solution, due to military, economic and political power America is deemed as the most powerful country in the world. Therefore agreements and legal principles have legitimacy for this country if they provide America and its allies' interests and security. In Trump's view, America made a bad deal with the creation of the international liberal order following the Second World War. Therefore he wants to put an end to this bad deal and he has three reasons for this: a) Through creation of military alliances the United States has accepted many agreements around the world, b) global economy has had no benefits for America, c) America's behavior following the Second World War has been like a powerful but empathetic man (Wright, 2016).

3 – Impact of unilateral policies on America's status internally and internationally

The origin of Trump's announced and applied policies according to the collective of beliefs, goes back to his economic views more than anything else. It is even said, Trump's Middle East solution is a combination of militarism and economic nationalism. Trump is known as an economic nationalist and mercantilist. Trump prefers trade divergence to convergence, and believes increase in convergence in the economic and trade sectors ultimately weakens US economy and is bad for Americans. Trump's opposition to NAFTA and other international economic institutions is within such framework. This form

of Trump's view is even not acceptable by some of his fellow Republicans in the Party. Trump's extremism in economic nationalism has resulted in "Trumpism" being said to be a form of isolationism. Of course such an interpretation is not far from the isolationism logic, because isolationism logic believes that the United States must avoid outside headache causing agreements so that the economy society and its governing system is not internally hurt (Calaghan, 2008: 18). In the position of nationalist foreign policy flag-bearer, Donald Trump will in reality benefit from a vaster level from economic-military leverages so that national interests are realized. Trump ignores globalization and has misgivings towards it, and instead he promotes nationalism. He sees some trade agreements such as NAFTA bad deals and call for its reform. In the increase in military capability aspect, he insists on the reconstruction of America's military power and recommends the use of force against enemies. He sees Islamic terrorism led by ISIS as the biggest and most important enemy of America. Ultimately he dismisses the use of military force for regime change at least in declared policies (Grivi, 2016: 8)

Now another fundamental and important question can be asked. Will unilateralism result in the weakening of America's power and hegemony or strengthen it? For its survival hegemony power must be able to continue the existing order and whatever it wants to preserve, and in doing this must have the confirmation or at least the acceptance of the international

community. This will be brought about when the existing order and structure is not damaging or not be influential against other international actors. In Jackson and Sorensen's interpretation there is a liberal heading in hegemony's structure, meaning that the ruling power does not solely use international economic relations for itself, but forms an open global economy based on transactions which not only is to the benefit of hegemony, but is also to the benefit of all participating governments (Jackson and Sorensen, 2004: 243). Until such time that the United States provides its hegemony through international regime and established bodies – who themselves are their main sponsor and to-date have founded and preserved its interests – and to take it forward in the framework of international thematic principles and preserve its interaction with other powerful actors, it can have its hegemonic position at hand, but in the event it ignores the interests of the other actors, and in the distribution of general goods such as security act passively, gradually the created natural order will be destroyed and will move the system more towards clash and conflict.



Thus, in the event that Trump and his ideological allies among US leaders continue their unilateralism and distance themselves from multilateralism, in the first place, mistrust and as a result disinterest towards existing norms will expand and here, any government will try to solely pursue the maximization of its interests

Thus, in the event that Trump and his ideological allies among US leaders continue their unilateralism and distance themselves from multilateralism, in the first place, mistrust and as a result disinterest towards existing norms will expand and here, any government will try to solely pursue the maximization of its interests. This matter by itself will give rise to arms races in various regions of the world; something which we are witness to nowadays. Increase in arms deals, will require increase in production and increase in consumption. Therefore we shall witness more wars and conflicts in the future. On the other hand, in view of rising power of countries such as Russia in the energy and weapons sector, China in the economy sector India, Japan and South Korea in the single goods production and in general the economic growth of South-east Asia, is now to a large extent America's power in various military, economic and political sectors are faced with a lot of challenges. Existing political, economic, social and environmental crises are indications of these challenges. For this



Increase in arms deals, will require increase in production and increase in consumption. Therefore we shall witness more wars and conflicts in the future

reason in the event that the United States wants to put aside its protective role from security, legal, financial and economic regimes, the trust of actors for principles that set international relations will reduce and subsequently the hegemonic status of the United States will be faced with a lot of doubts and there are powers who would want to occupy such a status or at least split them among themselves.

4 – Conclusion

Mostly ideological intellectuals and conservative groups in the governing structure of the United States, stress on the necessity for unilateralism in foreign policy, and on principle they deem it as superior power facet of America. Furthermore, as stated, US foreign policy behavior since its founding has always had signs of unilateralism. This behavior in each period has been proportionate to internal and international conditions either severely or with weaknesses, and during periods such as during George Bush's Administration went as far as ignoring most of international mechanisms (who had presence and influence in more than any other government). in the current times, with Donald Trump becoming President we are witnessing unilateralism approach towards foreign policy becoming more highlighted. But the thing that must be noted right now is the complex and according to Rosena "full of chaos" of the current international order. The spread of extremism, violence and terrorism, climate change and global warming, spread of environmental pollutions and issues related to bio-terrorism, fast pace of technology and its use in weapons and as a result concern over the spread of modern and cyber wars, countries such as China,

India and South-east Asia becoming economic powers, multi-polarisation of international order, Russia's actions to materialize its former power and such matters are all the chaotic political and international atmospheres. These matters alongside personality characteristics and to an extent domestic US essentials (at least the wishes of the majority of the American society) has resulted in someone like Trump to take power and his unilateral approaches, and against this, his behavior and practice will affect many of the said trends, and result in the reproduction of chaos and further drawing of countries towards provision of their own interests which will be bad for legal and international processes. Finally, the author believes that Trump's unilateral actions and policies and those who think like him, are destroying the existing strengthening components and stabilizers and if this trend continues, and shirk from responsibilities which a big power has, the current order will face many challenges and if the unilateralist and profiteering approach does not change in confronting global problems, the United States will be forced to handover its hegemonic role in the international order to other powerful actors such as China and Russia.

Sources

Buzan, Barry & Jones, Charles & Little, Richard (1993), *The Logic of Anarchy*. New York: Columbia University Press.

Daalder, Ivo & Lindsay, James M, (2003), *Bush's Foreign Policy Revolution*, Baltimore: Johns Hopkins University Press.

Dueck, Colin (2015), *The Obama doctrine: American grand strategy today*. New York: Oxford University Press.

Grevi, Giovanni (2016), *Lost in transition? US foreign policy from Obama to Trump*, Available at: <http://www.epc.eu/documents/uploads/pub7240lostintransition.pdf>. pp 3-16

Haines, John R (2017), *Divining a Trump Doctrine*, *Journal Orbis*. Vol.61 (1), pp. 125-136.

Jervis, Robert (2017), *ISSF Policy Series: President Trump and IR Theory*, Available at: <https://networks.h-net.org/node/.../issf-policy-series-president-trump-and-ir-theory>.

Krauthammer, Charles (2017), *Trump's foreign policy revolution puts us on a disastrous path*, *Washington Post Writers Group*, Available: www.chicagotribune.com

Larres, Klaus (2017), *Donald Trump and America's Grand Strategy: U.S. foreign policy toward Europe, Russia and China*, Available at: <http://www.globalpolicyjournal.com>

Melvyn, P, Leffler (2004), *Bush is Foreign Policy*, *Foreign Policy Magazine*.

Mossalanejad, Abbas (2017), *Trump's Middle East Policy Making and the Future of Security*, *Geopolitics Quarterly*, Volume: 12, No 4, PP 39-65.

Overhaus, Marco & Brozush, Lars (2016), *US Foreign Policy after the 2016 Elections Presidential Contenders' Opposing Concepts and Domestic Political Dynamics*, Available at: https://www.swp-berlin.org/fileadmin/contents/products/comments/2016C33_ovs_bzs.pdf. pp 1-14

Puchala, D.y. (2005), *Word Hegemony and the united Nations*, *International Studies Review*, vol. 7, No (4): 571-584.

Trump, Donald (2015), *Crippled America: How to Make America Great Again*. New York: Simon & Schuster, Inc.

Wright, Thomas (2016), *The 2016 presidential campaign and the crisis of US foreign policy*, Available at: [https://www.lowinstitute.org/Publications/2016 Presidential campaign and crisis us foreign policy](https://www.lowinstitute.org/Publications/2016%20Presidential%20campaign%20and%20crisis%20us%20foreign%20policy).

Impact of Unilateralism on International Peace and Security



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Unilateral approaches at the global level threaten international peace and security. With coming to power of leaders such as Donald Trump in the world, who have unilateral approaches towards their foreign policy practice, threats against international peace and security get broader dimensions on a daily increasing basis. The result of such policies can clearly be seen in withdrawals from international organizations and or even international unions; America's withdrawal from international agreements such as NAFTA, JCPOA, Paris Accord and international organizations such as the Human Rights Council are all evidence to this claim.

This narrative attempts to study some the effects of this approach on international peace and security. Since, following the end of Second World War and the establishment of international organizations [UN etc.] the main pillars of international peace and security been solidified on international cooperation and multilateralism. The first assumption of this narrative is based on the point that some of America's unilateral actions are serious threats against multilateralism. The research method of this article is quality method and the breakdown and analysis method is explanatory and descriptive data.

Keywords: United States, unilateralism, multilateralism, peace, international security, Third World Countries.



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1 – Introduction

International relations scholars have long been working on how diplomacy can be understood by distinguishing diplomatic interactions in terms of multilateralism, bilateralism, and unilateralism. The so-called quantity-based approach focuses on the numbers of countries involved. Applying this framework, multilateralism needs more than three states in interactions; bilateralism needs two states; and unilateralism can be pursued by only a single state. However, there are more quality-based approaches to distinguish these interactions. Multilateralism requires states to follow international norms and pay more respect to international institutions; this is contrasted with unilateralism, where a single state can influence how international relations can be conducted. To understand multilateralism in foreign policy, it is crucial to understand how international society has developed institutions, norms, and regimes. By contrast, studies of unilateralism and bilateralism tend to focus on how a powerful state conducts its foreign policy by neglecting international institutions and legal constraints.¹

2 – Peace and Security Threats in Today's World

More than any other period in history, today's world is on the brink of crisis and conflict. The re-emergence of unilateralism movements and or extremist nationalism ideologies have spread small and big crises around the world. These threats develop in an environment where the multilateralism ideologies which came out of the end of Second World War and shaped the United Nations, are slowly being replaced by emerging unilateralism in foreign policies. United States withdrawal from international organizations and treaties and or Britain's unilateral withdrawal from the EU (Brexit) can be deemed as the emergence of unilateralism the implications of which threatens international peace and security.

Some politicians and international experts support unilateralism, at least for certain issues. An example of a unilateral action is the American President Donald Trump's decision to withdraw from the Paris Climate Accord in 2017. The Paris Climate Accord was negotiated and approved by nearly 200 nations around the world, and involved climate change--an issue that is impossible to combat significantly if countries are not united in fighting it. President Trump decided to withdraw from the Paris Climate Accord, saying that it hurt American jobs and thus American interests. Trump's decision was opposed by many experts and average people around the world and in the United States. Most international relations experts have three main critiques of such unilateral actions.²

Organizations which were founded after the Second World War like the United Nations, World Bank, International Monetary Fund and General Agreement on

1 - <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-449?rskey=BnK6vZ&result=2>

2 - <https://www.globalresearch.ca/us-unilateralism/3089>

Tariffs and Trade, are all the main nucleus of multilateralism and as member states, countries of the world, are committed to the establishment of peace and security in accordance with the UN Charter.

Countries' commitments are based on a peace which has roots in multilateralism, this is while the recent global crisis, and the daily increase in unilateral policies have changed governments' goals and priorities. Unilateralism whose substance can clearly be seen in "my priority is my interest" slogan, is based on preferentialism and its goals and priorities thematically change. The collective security system which the UN Charter clearly mentions, is clearly the result of multilateralism (Hemmer & Katzenstein, 2002).

3 – The United States and Unilateralism

The ascendance of Donald J. Trump to the US Presidency marked a fundamental departure in US trade policy from previous administrations. While previous administrations sought to work within the cooperative multilateral frameworks. (Daniel C.K. Chow2003).

Trump's US justifies its unilateral behaviors on the pretext of promoting global security and stability while international experience, rationality, as well as existing laws and norms, make peace possible only through multilateralism and diplomacy.

Trump's remarks in his speeches and interviews shows that he thinks of himself as the leader of international politics, and wants to spread his policies in the world. His actions are louder than his words.

His actions speak louder than his words. He has abrogated or threatened to abrogate treaties and accords – notably the Iran Nuclear Agreement, the Paris Climate Accord, and the North American Free Trade Agreement (NAFTA). He has also moved the U.S. Embassy in Israel from Tel Aviv to Jerusalem, made U.S. involvement in the North Atlantic Treaty Organization (NATO) alliance contingent on larger contributions from the allies, placed tariffs on imports from friends and enemies alike, indicated a preference for one-on-one negotiation with other nations (notably North Korea, South Korea, Iran, Russia, Mexico, and Canada), and has considered betraying the legal immunity granted to diplomats by allowing Russia to interrogate a recent U.S. ambassador (Goodin 2018). His unilateral assertion in international affairs is unprecedented in the annals of the U.S. presidency. Many of these actions have been accompanied by a rebuke of his own intelligence community and have by-passed traditional diplomatic channels. His apparent lack of trust in these civil servants has served to isolate them from contributing to and implementing national policies (Schulman 2018). All of these actions have important implications for the study and practice of international negotiation. (Daniel Druckman)

4 – Impact of Unilateralism on International Peace and Security

For over 70 years, the UN system has been perceived as the guardian of

peace and development in the world. However, multilateralism today is undeniably under strain. The effectiveness of global institutions and of global policymaking is questioned, and alliances are fraying.

Today's world where war and conflict has continuously been the main threat to peace and security and having nuclear and chemical weapons and other verbal threats by world leaders have all affected peace, diplomacy and dialogue is the only way to prevent the flames of war from igniting. The new era diplomacy requires multilateral measures and on the opposite side of the scale there is unilateralism which deems war as the only solution and global peace unimportant.

In unilateralism, some countries impatiently deal with a regional or global challenge and without referring to the collective decision of the wellbeing of nations or UN goals, implement unilateral measures, measures which usually end up, based on international law, in the violation of the rights of other countries and threaten peace.³

4-1 – Rise in Conflict Threat

Actions as a result of unilateral policies at the international level directly affect the threat of war. For example America's unilateral policies impact in the Persian Gulf, has put this strategic region on the brink of war.

Every form of conflict - whether by individuals, group of persons, companies or governments operating locally or internationally, arises because people see things from different perspectives. For example, the United States of America saw from their perspective that Iraq had weapons of mass destruction and had capability to produce more. This idea and perspective was convincingly propagated to other countries who quickly believed. Unfortunately, after the invasion of Iraq, it was discovered that both the perspective and the propaganda were all ruse.

The nature of conflict could also arise when persons or countries have interests in a particular issue. This could be in the form of interest in natural resources, economy or political positions. For example, Iraq invaded Kuwait in order to seize her oil resources and find a way of getting out of her debt.

When the interests of individuals or other countries are ignored, conflict arises, because the selfish interests of others are not controllable, and at the international level conflicts between nations over trade interests and or trade agreements between companies can draw countries towards war. Also in cases related to internal conflicts of a country, international laws do not give



Actions as a result of unilateral policies at the international level directly affect the threat of war. For example America's unilateral policies impact in the Persian Gulf, has put this strategic region on the brink of war

3 - <https://www.grin.com/document/379026>



Unilateral coercive measures are the direct outcome of unilateral policies and crystallization of unilateral discourse

permission for foreign forces interference in the sovereignty and governance. War requires processes which have been created for a specific goal. Restraint from observing contractual commitments, attacks on international positions etc. can all change the shape of war or peace. The existence of conflict is hinged on interpersonal and intrapersonal levels which are sometimes inter-connected. In resolving a conflict, a common ground may also be reached without directly benefiting each of the opposing parties,

but pointing to a desired end. In such a situation, there may be a temporary agreement maintained by the mediator over a period of time in order to sustain peace. For example, the United Nations may decide to take hold of a disputed land space between two or more aggrieved parties for a period of time deemed fit for a re-visitation of the issue in order to sustain temporary peace.⁴

4-2 – Spread of unilateral coercive measures

Unilateral coercive measures are the direct outcome of unilateral policies and crystallization of unilateral discourse. For example America's behaviour in its withdrawal from JCOPA which was the result of a multilateral agreement and imposition and re-imposition of unilateral sanctions against Iran despite international opposition. (Druckman, D. 1997). America's unilateral sanctions in the recent decades have been due to the unilateral policies of this country's various Administrations, policies which according to the UN Special Rapporteur Iddris Jazairy⁵ unjust economic wars against countries have threatened peace. Sanctions against Iran, Cuba, North Korea, Venezuela, Russia and other countries, while resulting in the grave violation of human rights, they have also threatened the peace, stability, security and sustainable development of countries too.⁶

In the view of the HRC enforcing arbitrary unilateral coercive measures as a tool of waging war and militarism against targeted peoples which have the effect of negative implications not only for the social-humanitarian activities but for the whole system of statehood gives to targeted States the possibility to use also arbitrarily the right to self-defense including using force in preventive way to eliminate the real threat to the security of the country.) A.Kh. Abashidze(2004) Unilateral sanctions which have direct impacts on unilateral policies, give the country that is imposing them to conduct unilateral actions in its own defence and escalate tensions and threaten peace.

4 - <https://www.grin.com/document/379026>

5 - <https://www.refworld.org/pdfid/43f313620.pdf>

6 - <https://www.refworld.org/docid/45377c310.html>

5 – Conclusion

Establishment of lasting peace throughout the history of international relations is based on mutual dialogue, from the Westphalia Conference to the formation of the United Nations, unilateralism has been the basis for the establishment of peace and security among nations and without a doubt, economic, political and legal unilateralism undermines regional convergence. To this aim, America's efforts to impose its policies on others is a threat to the expansion of instability and conflict. A recent example of unilateralism is America's disregard of the opinion of the international community, and the country's decision to withdraw from international agreements, which greatly threatens international peace and security.

Multilateralism as opposed to unilateralism, is a guarantor and only solution which today's world need for the establishment of sustainable peace and security. In one of his recent speeches, Mr. Iddris Jazairy talks about the impact of multilateralism on peace as follows:

“Multilateralism is, in fact, a vision of international relations, based not of force, but on international law; not on short-sighted economic interests, but on a long-term strategy of international cooperation. It is the quite obvious policy: if we reduce conflict and competition, we reduce tensions, and we push for a civilized world.”⁷

Competition and conflict, unilateralism and arbitrary policies caused the outbreak of the two world wars in the 20th Century. But Mankind never learns from its mistakes. Today, the multilateral system is under threat of danger and falling apart and the rise of extremist nationalism and populist ideologies are alarm bells which the world is ignoring and without consideration of their allies, countries are putting their and Mankind's future in danger. Today's children, like 16-year old Greta Thunberg are not just fighting climate change, they are campaigning for an ideology whose goal is the establishment of lasting international peace and security on a lasting planet Earth.

They remind us that the future of Mankind is dependent on today's multilateral decisions and international treaties. All these new players in international relations, strongly believe in peace and cooperation. The multilateralism of the future is coming with the new generation of Mankind and governments such as the current US Administration cannot make Mankind change decisions that



They remind us that the future of Mankind is dependent on today's multilateral decisions and international treaties. All these new players in international relations, strongly believe in peace and cooperation

7 - <http://www.ipsnews.net/2019/03/multilateralism-a-testimony/>

are made by the people nor other governments. Throughout history, Mankind has always pursued a better world. Perhaps we are moving towards a cycle of new health, to save us from tension and conflict, but the threat of war and violation of peace shall always exist.

Sources

- Azghandi, Alireza, Jahangiri, Saeed, Pathology of Donald Trump's Foreign Policy in the Middle East and Challenges ahead (repercussions and approaches), Political Strategy Quarterly 2nd Year, No. 5, summer of 2018, pp1-25

- Bigdeli, Mohammad Reza, Khabiri, Kabak Trump Administration's Foreign Policy Impact on Collective Security Mechanism, Strategic Studies Quarterly, 10th period, No 40, winter of 2018, pp9-38

Hemmer, Christopher M., & Katzenstein, P. J. (2002). Why is there no NATO in Asia? Collective identity, regionalism, and the origins of multilateralism. *International Organization*, 56(3), 575–607.

Weber, S. (1991). *Multilateralism in NATO: Shaping the postwar balance of power, 1945–1961*. Berkeley: University of California at Berkeley.

Why is There No NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism Christopher Hemmer and Peter J. Katzenstein

THE NEGATIVE IMPACT OF UNILATERAL COERCIVE MEASURES ON HUMAN RIGHTS, DEVELOPMENT, COOPERATION, INTERNATIONAL RELATIONS A.Kh. Abashidze Department of International Law Law Institute of the Peoples' Friendship University of Russia 6, Miklukho-Maklaya st., Moscow, Russia, 117198

Declaration on the Right to Development // UN Doc. A/RES/41/128.

Elimination of coercive economic measures as a means of political and economic compulsion // UN Doc. A/RES/51/22.

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development // UN Doc. A/HRC/RES/24/14.

The rejection of the unilateral US sanctions imposed on the Syrian Arab Republic // OIC Doc. OIC/CFM-39/2012/POL/RES.

Unilateralism and U.S. Foreign Policy: International Perspectives edited by David M. Malone and Yuen Foong Khong Copyright © 2003

Goodin, E. 2018. Trump White House refuses to rule out helping Putin prosecute former U.S. ambassador to Russia who Kremlin claim was involved in massive fraud – and who is critic of both the Russian strongman and the U.S. president. *The Daily Mail*. Available at www.dailymail.co.uk/news/article-5968321/Trump-White-House-refuses-rule-helpingPutin-prosecute-former-U-S-ambassador-Russia.html.

Unilateral Diplomacy: Trump and the Sovereign State Daniel Druckman First published: 29 January 2019

The Scope of Human Rights Violations Resulted by Unilateral Coercive Measures

Case Study: The Islamic Republic of Iran

By: Maryam Erzi
UCM Reasercher

There is a growing consensus among the UN members States on condemnation of Unilateral Coercive Measures (UCMs), reprimanding the negative effects of measures on all human rights including the right to development. UCMs are denounced by both the United Nations Human Rights Council and the General Assembly resolutions because of the inevitable detrimental human rights impacts on targeted civilians. The disproportionate effects of UCMs on target populations is proven by a plethora of research done both inside and outside the United Nations and in some cases

the extent of violations is to a point that they are considered as “crimes against humanity”¹. The scope of violation of Human Rights by UCMs finally lead the UN Human Rights Council to the decision to create a mandate on the Negative Impact of Unilateral Coercive Measures on Human Rights.² The mandate discusses the Human Rights worries associated with UCMs on a regular bases, referring to them as “unjust” and “harmful”³ measures that should not be utilized to achieve political goals⁴. The present article elaborates on the human rights consequences of UCMs in target countries, including the



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1- A/HRC/39/47/Add.1

2- A/HRC/27/L.2

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

4- <https://news.un.org/en/story/2018/11/1025201>

people's right to life, the right to food, the right to health, the right to work, the right to education, the right to development, the right to an adequate standard of living and the right to a safe and clean environment. Additionally, it offers practical recommendations for the UN Human Rights Council monitoring mechanisms to help the people in targeted countries.

Key words: Human Rights, Development, the right to life, the right to health, education, environment.

Introduction

The public announcements made by the United States of America (US) that the Unilateral Coercive Measures (UCMs) exempted food and medicine and medical equipment from Iran sanctions, totally contradict the reality. On the ground, UCMs seriously limits the access of civilians to food, medicine and medical care because a ban or limitation of foreign trade through restriction of interbank transactions means crippling financial transfer for all fundamental items including medicine. Prevention of interbank transfers can be easily translated to violation of all human rights in a target country including the right to all aspects of development, as well as fundamental human rights such as the right to life, the right to health and the right to food.

The Right to Life, the Right to Health and the Right to Food

In some countries, UCMs ban all financial transactions and in some other countries they cripple or delay banking transfers, both of which limit the people's access to medicine. In the case of the Islamic Republic of Iran (Iran) UCMs have banned banking transactions between Iran and other countries. Following declarations⁵ that the Society for worldwide Interbank Financial Telecommunication (SWIFT) could be subject to sanctions, SWIFT indicated its decision to suspend some Iranian banks.

As a result, money cannot be transferred to foreign countries and Iranian medicine companies cannot pay for importing medicine or raw material into the country and food companies will not be able to import food. In such a situation, the target country is in a blockade of importing all products, including essential items specially food and medicine. "This situation effectively amounts to an unlawful blockade, or may be comparable to collective reprisals, both of which are banned under humanitarian law." (A/HRC/42/46, p.4)

Consequently, the price of medicine and food escalates and the supply of essential items decreases which in itself, adversely affects the lives and health of all vulnerable groups in the country. The United States sanctions on all financial transaction between the Islamic Republic of Iran (Iran) and any foreign company can cause serious shortage of medicine, medical equipment and food and threaten thousands of lives.

According to Javaid Rehman, the Special Rapporteur on the Situation of

5 - See www.state.gov/secretary/remarks/2018/11/287090.htm

Human Rights in the Islamic Republic of Iran⁶, companies exporting medical supplies to the Islamic Republic of Iran face challenges in accessing non-sanctioned banking services as well as shortages of foreign currency in the country, which limit the possibility of payments to foreign companies.

The Special Rapporteur is concerned that by preventing financial transfers to the Islamic Republic of Iran, the secondary sanctions, which target third parties, are likely to hinder the production, availability and distribution of essential medical and pharmaceutical equipment and supplies, which could potentially increase mortality rates.

According to the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights: “The current system creates doubt and ambiguity which makes it all but impossible” for the Islamic Republic of Iran to import “urgently needed humanitarian goods.

This ambiguity causes a ‘chilling effect’ which is likely to lead to silent deaths in hospitals as medicines run out, while the international media fail to notice⁷.”

Another factor that limits access to food and medicine is that the re-imposed United States sanctions on the Islamic Republic of Iran, prohibited the purchase or acquisition of the United States’ dollar banknotes by the Iranian government.

The ban accelerates the drastic decline of Iranian currency, Rial, against the dollar that leads to the skyrocketing of prices of all essential items including medicine, thus limiting the public access to food, medicine and healthcare, which is an unacceptable method of placing political pressure on a country.

According to Idriss Jazairy, the UN Special Rapporteur concerned with the negative impact of sanctions “Regime change through economic measures likely to lead to the denial of basic human rights and indeed possibly to starvation has never been an accepted practice of international relations”. The Special Rapporteur also believes that “The extraterritorial application of unilateral sanctions is clearly contrary to international law”. He is “deeply concerned that one State can use its dominant position in international finance to harm not only the Iranian people, who have followed their obligations under the UN-approved nuclear deal to this day, but also everyone in the world who trades with them⁸.

6 - See www.ecfr.eu/article/commentary_iran_the_case_for_protecting_humanitarian_trade.

7 - See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E

8 - <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566&LangID=E>



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UCMs, Aviation industry and the Right to Life

Sanctions on the Islamic Republic of Iran continue to have a crippling effect on the country's aviation industry and market. Many airlines have cancelled their flights to the Islamic Republic of Iran following the announcement of new round of the United States sanctions which restrict banking and currency exchanges with the country. Also, sanctions ban refueling services to Iranian planes in a way that some Iranian airliners are not allowed to refuel in other countries.

Another serious challenge for Iranian aviation industry is created by the prohibition on the purchase of the parts and equipment of passenger planes. The United States Treasury has prohibited transactions, with the Islamic Republic of Iran, including transactions involving the sale, lease and export of commercial passenger aircraft, parts, components and related services into the country. Iranian NGOs strongly believe in the fact that the decision will seriously violate the civilian's "right to life" through decreasing the security of flights and increasing the reliance of Iranian airlines on old components and parts.

Right to Receive Humanitarian Assistance

The unprecedented flood, in Iran, in Early 2019, destructively affected 24 provinces out of 31. Under the emergency circumstances, the United States prevented any financial aid transfers to Iran, continued to threaten all third parties against sending financial aid to the country and banned all banks and even the Red-Cross from any type of financial support. Iran Red-Crescent Society announced that "No foreign cash aids have been made to the Iranian Red Crescent Society, as there are basically no financial channels for such purpose. Even though, certain countries and organizations have announced their readiness to offer cash contributions, given the inhumane USA sanctions against Iran, there is no channel for cash aids to be sent to IRCS"⁹. The Special Rapporteur on UCM, in his most recent report submitted to the UN Human Rights Council¹⁰, expressed concerns over the statement made by the Iranian Red Crescent Society in this regard.

Sustainable Development Goals

UCMs negatively affect all Sustainable Development Goals including people's access to "quality education"; attempts to promote "gender equality" and empower women and girls; building infrastructures needed for supplying "clean water and sanitation"; expanding infrastructure and upgrading technology to provide "clean energy"; promoting inclusive and sustainable

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9 - <https://reliefweb.int/report/iran-islamic-republic/no-cash-donations-international-donors-ircs>

10 - A/HRC/42/46

“economic growth”, employment and decent work for all people; investments in infrastructure – transport, irrigation, energy and information and communication technology; attempts to reduce social economic “inequalities” within and among countries; building “sustainable cities and communities”; attempts to ensure patterns of sustainable consumption and production; taking urgent actions to combat climate change and its impacts; lasting protection of oceans, the life on land and preserving the planet and its natural resources; building peaceful, just and inclusive societies and strong institutions and friendly relations among States to engage in partnership for the goals.

Eradication of extreme poverty is accepted as one of the indispensable requirements Sustainable Development Goals, while it is seriously hampered by Unilateral Coercive Measures. In fact, UCMs act against the universal values set by the United Nations to protect human rights and improve the living conditions of civilians in targeted developing countries. UCMs nullify any attempts to end poverty and what is worst is that they create increasing poverty in the targeted societies.

In the case of extreme poverty, UCMs that aim at undermining financial stability, increasingly push more people below the poverty line in targeted countries, making the population suffer from the adverse struggle with poverty. UCMs increase income inequality, widen the poverty gap and make the deprived sections of the population feel the most impact. The uneven distribution of income among the population leads to the inability of the poor

to invest in education and their low health levels, among other needs. By limiting access of the deprived section of population to basic services including health and education, UCMs violate the fundamental right to life, the right to health and the right to education. Also, limited access to education and other basic services lead to social discrimination and exclusion as well as the lack of participation in social life for the poor and pushes them to the margins of society more than ever. Various social groups bear disproportionate burden of poverty with the most deprived bearing the heaviest.

The right to Development

According to “the Art of Sanctions”, “The objective of unilateral sanctions is to impair the technological development of a country, either in specific ways (such as denial of assistance with the development of an important national resource or economic opportunity) or more generally (Nephew, 2017,



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p.45)11. Therefore, it is crystal clear that the United States' sanctions against the Islamic Republic of Iran are intended and designed in a way to target the people's right to development. The inhuman goal is achieved through various means including prohibition of transfer of money as well as banning the import of modern industries and modern technology into the country on the excuse of their dual use and alleged contribution of such technologies to nuclear programs. The allegations reach a stage that the Office of Foreign Assets Control (OFAC) of the United States' Department of the Treasury, even bans some medical equipment such as autoclave sterilization machines from being imported to the Islamic Republic of Iran!

Unilateral Measures move in the opposite direction of all development efforts made by the United Nations and can be considered as counter-development measures. Economic sanctions have a negative impact on all aspects of development enumerated in the 2030 Agenda for Sustainable Development, including economic growth, industry improvement, construction and maintenance of civilian infrastructures, education and wellbeing.

UCMs add to corruption and illegal trades and contribute to formation and strengthening of black markets, because legal banking transactions and interbank communication system are limited under unilateral sanctions.

UCMs and the Right to Environment

Part of the violation focuses on prevention of nature friendly technologies that contribute to protection of environment. Green sources of energy including the wind and solar energy are less accessible under sanctions since the necessary equipment are prevented from being imported into the Islamic Republic of Iran. The limitation of access to green technologies is created by preventing the import of modern technologies into the Islamic Republic of Iran and sanctioning the interbank transactions to make financial transfers between Iranian banks and their foreign counterparts impossible. As a result, the country maintains reliance on old industries and sources of energy including fossil fuels that increase environmental pollution and destruction, jeopardizing the present and future generation's right to health and the right to a clean and healthy environment.

UCMs and the Right to Education

Prohibition of financial transfer between Iranian banks and their foreign counterpart has adversely affected the Iranian students' access to higher education in all foreign universities. American banks refuse to give education loans to Iranian students solely because of their nationality. A decision that discriminates against people based on their country of origin and can be considered as racism.

Also, prevention of financial transfer into and out of the Islamic Republic of

11 . Nephew Richard. (2017). *The Art of Sanctions: A View from the Field* (Center on Global Energy Policy Series). New York: Columbia University Press.

Iran leads to students' inability to pay the university fee, making continuation of their education impossible.

All in all, sanctions disagree with the values of the international community and international standards set by the United Nations considered as universal goals. They violate fundamental human rights and draw more and more people into poverty.

The monitoring mechanism of the UN Human Rights Council, specially the Special Procedure mandate holders are expected are expected to speak out for the rights of people adversely affected by UCMs in targeted countries.

Conclusions

Considering the UN resolutions (Especially A/RES/73/167 and A/HRC/40/L.5) that urge and invite all special rapporteurs and existing thematic mandates of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling his mandate, it seems effective if the Special Rapporteurs of the Human Rights Council take practical steps to help the people in targeted countries. The mandate holders include, the Special Rapporteurs of cultural rights; the right to development; the rights of persons with disabilities; the right to education; the right to environment; the right to food; the right to health; the right to adequate standard of living; equitable international order; international solidarity; the human rights of migrants; older persons; extreme poverty; racial discrimination; terrorism and the Special Rapporteur on water and sanitation.

For example, the Special Rapporteur on Extreme poverty is encouraged to monitor the effects of UCMs on extreme poverty in targeted countries and report his findings to the Human Rights Council.

The special Rapporteur on the right to development can study the widespread effects of UCMs on the various aspects of the Right to Development and share his findings with the Working Group on the Right to Development, the UN General Assembly and the Human Rights Council.

The Human Rights Council can invite all Governments, especially the UCM target countries to cooperate fully with the Special Rapporteur on the Right to Development to document all cases of breach of the right to development as a result of UCMs in target countries.

The Special Procedures Urgent Action can transmit urgent appeals and communications on cases of violations of the human rights as a result of UCMs to the sanctioning countries, urging them to take action in this regard.

Economic Achievements and Challenges before the United Nations System in Realization of Peace



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Undoubtedly, Economy has an inevitable role on the state of peace. On the one hand, peace can be strengthened through common economic interests. On the other hand, economy benefits arising from war for a party or third party is an obstacle against the ever-lasting peace. Due to the crucial role of economy on the state of peace, economic instruments and mechanisms were predicted by the Charter of the United Nations which its main goal is maintaining international peace and security. Although the United Nations' structure is well-designed for using economy for maintaining international peace and dealing with certain challenges, its dependence on the aids of Member States is the main obstacle before the UN to reach its real goal. Keys: United Nations, economy, peace, peace business, war economy.

Introduction

When it comes to peace explanation, Johan Galtung's definition based on the distinction between negative peace and positive peace is broadly accepted: "Negative peace describes peace as the absence of war or direct physical violence. A positive notion of peace also includes the increase in social justice and the creation of a culture of peace among people within and across societies."²

In both aspects of peace, the economic side does have an outstanding role in strengthening or weakening international peace. On the one hand, peace can be strengthened through common economic interests, particularly, in a specific region: "The emergence of the European Coal and Steel Company after the Second World War was the brainchild of diplomats who foresaw an end to the war in Europe based on economic connections among its major nations. This effort evolved into the European Union and considerable political and economic cooperation among its member nations."³ Same approaches in the provisions of the constitutions of the international economy-leading organizations such as the International Bank for Reconstruction and Development (IBRD)⁴ show

the eminent state of economic aspect in different positions of peace, from peace-building to peace-keeping. On the other hand, economy benefits arising from war for a party or third party is an obstacle against the ever-lasting peace: “a country which is not invaded or otherwise involved in a war benefits enormously if one or more of its trading partners is involved.”⁵ In fact, these countries instigate a reign of chaos based on war for their benefits.

These above-mentioned economic-based activities affected international peace, lead to the emergence of new economic-notions notably “peace business” and “war economy”. These economic terms are crucial for the United Nations (UN) due to the main goal of the organization which is maintaining international peace and security⁶. “United Nations System” (UNS)⁷ in compliance with the main goal of the Charter of the United Nations (the Charter), alongside other mechanisms predicted in the Charter, devoted major instruments for benefiting from economic solutions. Precisely, in line with the main goal of the Charter, UNS has endeavored to use economy for strengthening international peace; however, they have encountered many economic-oriented challenges posed by economic powers.

In the following paragraphs, these achievements and challenges would be analyzed.

1. Achievements of the UNS in Strengthening International Peace by Economic Means

The economy has been considered as one of the key factors in peacekeeping and peace-making process⁸, implicitly and expressly reflected in the Charter⁹, as well as Resolutions¹⁰ that have been issued by the United Nations’ main organs. The importance of economic affairs is to such extent which they are represented by the Economic and Social Council (ECOSOC)¹¹, one of the six principal organs of the UN¹²; however, the ECOSOC is not the only organ dealing with the economic issues in UNS.

First of all, the UN General Assembly (UNGA) in cooperation with ECOSOC has launched many economic Funds and Programmes. For example, the United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), and United Nations Children’s Fund (UNICEF), to name a few. UNGA also among its very first fundamental steps toward economic issues, ratified the “Charter of Economic Rights and Duties of States” in 1974 (Resolution 3281 (XXIX)). The charter seeks to “promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and co-operation



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among all States, irrespective of their economic and social systems”¹³ as its fundamental purpose which is under the scope of positive peace definition.

The UN Security Council (UNSC) which has the “primary responsibility for the maintenance of international peace and security”¹⁴ uses economy in the form of “collective measures” for the purpose of “complete or partial interruption of economic relations”¹⁵. Bold examples of economic sanctions have been ever imposed by the UNSC are extensive sanctions regime against Iraq (UNSC Res. 661 (1990) (maintained by Res. 687 (1991)), and UNSC sanctions against Iran nuclear program which have targeted many Iranian individuals and entities from drug and health industry to military (UNSC Res. 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010))¹⁶.

The judicial organ of the UN, International Court of Justice (ICJ), inter alia, has settled disputes arising from economic issues between States. most important Financial-oriented cases submitted to the ICJ include but not limited to: Monetary Gold Removed from Rome in 1943 (Italy v. France, United Kingdom of Great Britain and Northern Ireland and United States of America) - 1954¹⁷; Certain Norwegian Loans (France v. Norway) - 1957¹⁸; Certain Property (Liechtenstein v. Germany) - 2005¹⁹; Certain Iranian Assets (Islamic Republic of Iran v. United States of America) – pending²⁰; Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) – pending²¹.

As the development pillar of the UN Secretariat, United Nations Department of Economic and Social Affairs (UNDESA) and its 9 divisions is under the auspices of the UN Secretary-General²². Despite its non-economic duties, UNDESA is responsible for economic aspects of UN Secretary-General’s activities and coordinating plans with other UN organs and non-UN entities in three main areas namely “norm-setting”, “data and analysis”, and “capacity-building”²³.

Being aware of the common economic interests, particularly in a specific region, ECOSOC has established five regional commissions namely United Nations Economic Commission for Africa (UNECA), United Nations Economic Commission for Europe (UNECE), United Nations Economic Commission for Latin America and the Caribbean (UNECLAC), United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and United Nations Economic and Social Commission for Western Asia (UNESCAP). These five commissions, together and separately, have paved the way for the development and striking an economic balance around the world.

All economic affairs have done by the UN, reaffirm the state of economy in UNS and are in line with the meaning of the “peace business” which “not only avoids contributing to any kind of violence against people or nature, but actually exemplifies nonviolence, social justice and ecological sustainability as part of normal business operations”²⁴.

2. Economic Challenges before the UNS in Strengthening International Peace

One of the main economic challenges facing UNS is the Organization's dependence on the contribution of its Member States, especially economic powers like the United States or wealthy countries like Saudi Arabia.

On the one hand, the financial burden of the UN is on the shoulder of economic powers and their allies²⁵. On the other hand, those countries criticized the structures of the UN and object to the influence of economic powers in the organization barely pay their contribution. As a result, they have indirectly helped to foster what they are criticizing. These major weaknesses let the powers benefit from their economic superiority in the Organization and use economy directly and indirectly as a leverage for imposing their intentions in contrary to the Charter and its main goals. Most recent and notable examples of threatening the UN by ceasing or reducing the financial aids are the recent behavior of the United States and Saudi Arabia against UN in relation to the situation in Palestine and Yemen, respectively.

Having elected as the president of the United States, Donald Trump has endeavored to put an end to the Palestine-Israel conflict by different means one of which is the economic pressure on Palestine's side and the supporter of the idea of independent Palestine through withdrawal of its aids to United Nations' entities.

In his first step, on 12 October 2017, President Trump's administration withdraw from UNESCO owing to the allegedly "continuing anti-Israel bias at UNESCO"²⁶. It is worth mentioning that despite the objections of the United States and Israel, UNESCO recognized and accepted Palestine as a Member State in 2011²⁷. On July 2017, UNESCO inscribed Hebron / Al Khalil old town in the West Bank on the World Heritage List and also added the site of Hebron / Al Khalil to the List of World Heritage in Danger²⁸.

Finally, economic aids to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), has been reduced by more than half by the US.²⁹ UNRWA "is funded almost entirely by voluntary contributions from the UN Member States"³⁰. According to the UNRWA's website, "the U.S. is the largest bilateral donor to UNRWA and has long been one of the Agency's most reliable supporters"³¹.

These are some cases of economic sanctions which have been imposed by the United States against Palestinian National Authority to force them to accept their conditions.

Another example of the economic influence in the decision-making level in UN is the violation of human rights in Yamen by the Saudi-led coalition. When Ban Ki-moon, the former UN Secretary-General, insert the Saudi-led coalition in Yemen in a U.N. blacklist for violating children rights, the UN was threatened by Saudi Arabia and its military allies to stop funding many U.N. programs which would affect the lives of millions of children from South

Sudan to Yemen.³² Inevitably, Secretary-General removed Saudi Arabia from the U.N. blacklist.³³ This is an egregious misuse of economic power.

Prudentially, the UN has to reflect upon its major contributor and aids carefully when they violate the principles and rules of international law and the Charter, only because financial aids are one of the pillars of UN activities and efficiencies.

The arms trade is another main economic challenge before the UN. In spite of the activities of UN-related bodies like United Nations Office for Disarmament Affairs (UNODA)³⁴ or United Nations Institute for Disarmament Research (UNIDIR)³⁵ and initiatives like Arms Trade Treaty, according to the reports of the Stockholm International Peace Research Institute (SIPRI), not only the arms trade has not been reduced in the recent years, it has also been increased³⁶. The cardinal rationale behind increasing arms trade, despite UN activities, is behind the theory of “war economy” that rings the bell for the United Nations and its main goal. Consistent with the theory of “war economy”, there are “three types of economies that emerge in wartime conditions, namely the combat, shadow and coping economies, which enable different groups to wage war, profit, cope or survive.”³⁷

These above-mentioned economic challenges are among the main challenges that would not let the UN meet their goals completely.

Final Remarks

Although UN structure has a potential power for maintaining peace at different levels, undoubtedly economy has a bold part in realizing the main goal of the UNS. Additionally, UN virtually has a perfect economic structure but the main obstacle before UN achievements is its dependence on the aids of Member States. Usually, the more aids Member States pay, the more they expect from the UN to be flexible with their utterly, incompatible treatment with the main goal of the Charter.

During the years of its establishment, UN has not any strategy for reducing its economic dependence on its Member States. UN must decrease its economic dependence on its member’s contribution by producing money. The experience of Non-Governmental Organization like the International Chamber of Commerce (ICC) could be followed in this field specifically in the field of dispute settlements in which UN is a pioneer.

Another point is that when it comes to collective measures enforced by international entities, the economy could be a leverage for strengthening international peace, and when it comes to States’ policies and national benefits, the economy is a leverage for weakening international peace. Therefore, collective measures should be fostered by the United Nations to help increase its self-reliance.

¹ The views expressed here are those of the author and do not necessarily reflect the position of the TPM.

- 2 Berghof Glossary on Conflict Transformation (20 notions for theory and practice), Berghof Foundation, 2012, p. 59
- 3 Jack Santa-Barbara, "Peace business: An introduction", Charles Webel and Johan Galtung (Eds): Handbook of Peace and Conflict Studies, Routledge, 2007, p.233.
- 4 According to article 1(1) of the IBRD Articles of Agreement (1945 - As amended effective February 16, 1989), "To assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs and the encouragement of the development of productive facilities and resources in less developed countries."
- 5 Tilman Brück, Calculating the costs of the continuing conflict in Syria, SIPRI: www.sipri.org/node/374 (last seen: 16 March 2018)
- 6 Article 1(1), the Charter of the United Nations
- 7 "The United Nations System consists of the United Nations, and the six principal organs of the United Nations: General Assembly, Security Council, Economic and Social Council (ECOSOC), Trusteeship Council, International Court of Justice (ICJ) and the UN Secretariat, specialized agencies and affiliated organizations." See: A Concise Encyclopedia Of The United Nations, Second Revised Edition, Martinus Nijhoff Publishers, 2010, pp. 827-831.
- 8 Lloyd J. Dumas, An economic approach to peacemaking and peacekeeping, Economics of Peace and Security Journal, Vol. 1, No. 2 (2006).
- 9 Preamble, articles 1, 13, 26, 41, 55 and 62 to name
- 10 Brilliant example is the United Nations General Assembly Resolution 3281 (XXIX) known as the Charter of Economic Rights and Duties of States.
- 11 Article 62, the Charter of the United Nations
- 12 Article 7, the Charter of the United Nations
- 13 Preamble of the Charter of Economic Rights and Duties of States
- 14 Article 24(1), the Charter of the United Nations
- 15 Article 41, the Charter of the United Nations
- 16 Having negotiated, Iran Sanctions were removed by UNSC resolution 2231
- 17 <http://www.icj-cij.org/en/case/19>
- 18 <http://www.icj-cij.org/en/case/29>
- 19 <http://www.icj-cij.org/en/case/123>
- 20 <http://www.icj-cij.org/en/case/164>
- 21 <http://www.icj-cij.org/en/case/175>
- 22 www.un.org/development/desa/en/about/who-we-are.html
- 23 <https://www.un.org/development/desa/en/about/what-we-do.html>
- 24 Jack Santa-Barbara, "Peace business: An introduction", Charles Webel and Johan Galtung (Eds): Handbook of Peace and Conflict Studies, Routledge, 2007, p.233
- 25 factly.in/united-nations-budget-contributions-by-member-countries/
- 26 www.state.gov/r/pa/prs/ps/2017/10/274748.htm
- 27 See: Zahra Moshref-Javadi, UNSECO'S Position on the Issue of the 'Occupied Palestine', Defender's Quarterly (published by the Organization for Defending Victims of Violence), Summer 2017, pp.13-16.
- 28 www.en.unesco.org/news/world-heritage-committee-inscribes-new-site-and-approves-extension-existing-site-unesco-s-world
- 29 www.cnb.com/2018/01/15/us-wants-to-cut-money-for-palestinian-refugees.html
- 30 www.unrwa.org/who-we-are
- 31 www.unrwa.org/united-states-long-standing-partner-unrwa
- 32 www.cbsnews.com/news/un-secretary-general-ban-ki-moon-undue-pressure-saudi-arabia-us-backed-coalition-yemen/ (last seen: 30 March 2018)
- 33 www.foreignpolicy.com/2016/06/09/u-n-chief-says-he-went-soft-on-saudi-arabia-and-allies-to-avoid-aid-cut/ (last seen: 30 March 2018)
- 34 www.un.org/disarmament
- 35 www.unidir.org
- 36 www.sipri.org/news/press-release/2018/asia-and-middle-east-lead-rising-trend-arms-imports-us-exports-grow-significantly-says-sipri (last seen: 30 March 2018)
- 37 Jonathan Goodhand, From War Economy To Peace Economy? Reconstruction And State Building In Afghanistan, Journal of International Affairs, Fall 2004, vol.58, no.1, p.157

United States Unilateral Sanctions against the Islamic Republic of Iran and their Impact on Refugees and Migrants Rights

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International sanctions are one of the most important mechanisms in the collective security order of the United Nations which by utilising the punishment of states under sanction, are with the aim of causing changes in the political behaviour of the target country. According to the UN Charter, the UN Security Council is responsible for the protection of international peace and security, and this Body can in the event of threats against peace and act of aggression, within the framework of specified laws take actions against states that violate international peace and security. But, in all of this, there are states which due to various reasons impose sanctions unilaterally against other countries. This situation is supported by other countries under particular circumstances. For example after United States leaving the Joint Comprehensive Plan of Action (JCPOA), and imposition and re-imposition of unilateral sanctions against Iran, despite the endless efforts of the diplomatic core of the United States, even Washington's closest allies in Europe did not support the country's unilateral sanctions policy against Iran and put the legitimacy of these sanctions to question. The aim of this study is not the legal and legitimacy basis of America's unilateral sanctions against Iran, but the main objective is to highlight the impact of sanctions on refugees and migrants'

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conditions, particularly in three areas of health and treatment, education and their livelihood. The question that arises is how do America's unilateral policies and sanctions violate the human rights of refugees and migrants in the three aforementioned areas, and what fundamental rights do these sanctions violate? Our assumption in this study is based on the principle that America's unilateral sanctions violate the rights of refugees and migrants in Iran in various aspects such as health and treatment, education and livelihood. The methodology of this study is descriptive and analytical, and the data collection tool is the library method.

Keywords: unilateral policies, international sanctions, international law, human right, migrants, refugees.

1 – Introduction

Sanction is a planned action of one or several governments through imposing restrictions on economic relations to apply pressure against target country with intentions for political disruption. Unilateral sanctions are often seen as alternative to war and application of force. These types of sanctions are generally not very effective. Supporters of international economic sanctions reason that the biggest advantages of economic sanctions for one are that they can be effective, and also the said sanctions do not necessarily require force and violence. Although with sanctions, in practice the punishment of the state under sanction factor exist, but they are not imposed to make conditions difficult for the target country and in fact the aim is to cause changes within the political behaviour of the country. Nonetheless, the humanitarian impacts of international sanctions on the vulnerable groups of the people of target country and its refugee and migrant population is one of the main concerns of the international community.

The imposition of unilateral economic sanctions can be applied against some countries for various reasons and forms, and sometimes be without international support. Unilateral sanctions have not clearly been banned unless there is the existence of the specific commitment between two or several countries based on no economic sanctions permit. Therefore the study of their legitimacy is a legal and difficult task. But if we go beyond the legitimacy or non-legitimacy of sanctions we discover that sanctions have two positive and negative aspects for the country. Their positive aspect is the domestic self-sufficiency, launching of domestic industries and economic initiatives, and their negative aspect is the spread of food, medicines, employment and mortality rates due



Sanction is a planned action of one or several governments through imposing restrictions on economic relations to apply pressure against target country with intentions for political disruption. Unilateral sanctions are often seen as alternative to war and application of force

to food and medicine shortages, which target all sectors of society and usually the vulnerable, refugees and migrants are affected more than others.

America's unilateral policies, particularly with regards to sanctions, has caused various reactions. Even in view of America's political and economic influence in the world, this country has still not been able to get international consensus to implement its unilateral policies and sanctions against Iran. Although each country has its own reason not to join the United States in this move, but according to many experts, the laws that America wishes to apply are more domestic laws which have international dimensions and countries must not expand their laws to other countries in this way some others do not see sanctions policies as suitable tools for solving problems and issues, and

believe that countries must have the right to continuously use these tools to impose their views, because with such decisions and actions human rights and humanitarian laws become victims and the weak groups of society suffer immensely, especially refugees and migrants. This is while Iran is currently host to almost one million refugees and almost two million migrants most of whom do not have identity documents. Thus economic sanctions have created human rights concerns, because the impacts of these sanctions, no matter how surgical or targeted they are, the destructive and damaging impacts are felt by ordinary citizens more than anything else, and there is higher risk of the occurrence of basic human rights such as the right to adequate

food, right of access to medicines and treatment, and many other basic rights. Furthermore the government is put under pressure to provide these necessities and its priorities also change. For this reason the main debate with regards to sanctions is their impacts their conformity with international human rights norms. In other words, the imposition of sanctions which directly or indirectly target the general public (particularly the vulnerable groups of society such as refugees and migrants in the country) in view of customary and contractual human rights commitments, which they must implement, the application of sanctions which cause the disregard of these commitments, will be deemed as violation of international human rights commitments. Therefore clearly we see economic sanctions severely affect the health and hygiene of people, such as foreign nationals including refugees and migrants, to an extent that most of those suffering from particular diseases are faced with countless difficulties in accessing needed medicines and equipment. Due to various reasons, in this regard the government refrains from providing information and statistics of



Furthermore the government is put under pressure to provide these necessities and its priorities also change. For this reason the main debate with regards to sanctions is their impacts their conformity with international human rights norms

the impact of sanctions, therefore the impact levels cannot be evaluated with an accurate scale.

In its 30 July 2019 report, quoting Associated Press, BBC Persian announced: “The director of Mahak Children’s Hospital, Dr. Arasb Ahmadian, a hospital which with the help of charitable donations, treats around 32,000 sick children under 16 across the country (including refugees and migrants), said that the biggest concern is our channels to the outside world are closing.” In this regard, the Health Minister has said that due to the reduction in budget because of the sharp drop in oil exports, it has greatly affected the Ministry (BBC 2019). Although, according to Iranian officials’ claims approximately 95 percent of medicines are produced in Iran and even some are exported, but the remaining 5 percent includes vital medicines particularly for special diseases. A while ago, approximately 200 mental health experts, sent an open letter to the medicine and medical officials. One of the signatories of this letter, psychologist Dr. Amir Hussein Jalali, resides in Tehran, who claimed even some of the domestically manufactured drugs require imported raw and primary materials are faced with shortages. He added that the change in the medicines use trend of patients, particularly patients with mental disorders and chronic diseases is very difficult. Finding effective treatment can be very difficult, and even the replacement of medicines with products that share the same chemical compounds, can cause numerous problems for the patient (Food and Medicine Journal, 2019).

Due to the aforementioned problems that have been created as a result of increase in unilateral sanctions against Iran various medicine and treatment spheres have been affected. Alongside treatment problems, economic problems and poverty growth in the country particularly among foreign nationals, the treatment of patients, particularly especial patients have been faced with serious challenges. Rise in inflation due to economic sanctions and also the government’s economic problems in comprehensive support of patients has resulted in half of these patients to lose their lives. While the imports from other countries (second and third class drug producing countries) also not only are they not useable due to technical faults, but these drugs themselves threaten the lives of patients (Rally, 2012). This is while following the JCPOA agreement of 18 October 2015, we were gradually seeing improvements, until America’s leaving the agreement on 8 May 2018, resulted in medicines and medical treatment to be affected by sanctions. Although as humanitarian goods,



Alongside treatment problems, economic problems and poverty growth in the country particularly among foreign nationals, the treatment of patients, particularly especial patients have been faced with serious challenges

medicines are exempt from sanctions but medicines and medical equipment are not in the list of humanitarian items in America's imposed sanctions. Most of urgent equipment for treatment of cancer that include nuclear medical equipment and radiotherapy are some of the goods that have dual functions, and are included in the sanctions, and spare parts for existing old equipment (which based on realities are aging and impractical) are included among goods that have dual functions in the country, and their software are included in sanctions list because of their dual functions. Furthermore, big drug manufacturers and medical equipment manufacturers are in no way inclined to jeopardise themselves and be threatened by punishment for violating sanctions, to an extent that currently 1269 types of necessary drugs are out of reach of the people of Iran and foreign nationals residing in Iran (US Treasury⁵ 2013).

The above explanations show that the most suffering takes place for patients with special diseases, meaning 5 percent which Iran is not able to produce the necessary medicines. In other words, America's unilateral sanctions despite not directly targeting the purchase of medicines, but the government's economic problems and as a result inability to sell oil like in the past, and also the closing of most of the financial channels in this field has resulted in medicines and medical treatment being affected. In this area where the government has faced numerous challenges for its citizens, refugees and migrants suffer from more difficult conditions. Nonetheless, in the health and treatment sphere despite efforts made by the international community only around 92000 vulnerable refugees have managed to get the support of UNHCR and have access to Health Insurance. This is while according to official findings, 22 percent of the approximately 1 million refugee population are vulnerable and need special protection in health and medical treatment. Furthermore, other undocumented foreign nationals, mainly Afghans, also where their numbers reach to two million they are not included to almost no international aid.

2-2 – Impact of sanctions on the education of refugees and migrants in Iran

Education usually is one of the victims of economic problems and pressures. The expansion of sanctions in spite of Iran providing basic opportunities for education of Afghans, even undocumented ones, is seriously facing some problems. Nevertheless, in the current education year, the government has faced numerous problems in the provision of education needs, to an extent that Iranian Foreign Ministry Deputy, Abbas Araghchi in an interview with IRIB Channel 2 said: "Currently 468 thousand Afghan schoolchildren are studying for free in Iranian schools; while each one of them annually costs 600 Euros. Also 23,000 Afghan students are studying in Iranian universities, while their annual cost is 15,000 Euros." These issues show that economic pressures might cause changes in the support approach of the Iranian government.

In spite of direct and indirect expenses that are paid by the government,

⁵ In view of the return of US sanctions, these sanctions have again been re-imposed.

the families of refugee and migrant schoolchildren and university students also provide some of the expenses, which rise in currency rates and inflation caused by sanctions, has caused problems for many of these families in the provision of expenses, and results in children being deprived from education. Although to-date no accurate figures have been released on education dropouts, but evidence indicates that with increase in economic problems, Afghan nationals are forced to make changes to their living priorities.

According to a report published by the State Welfare Organization (SWO) on 16 December 2018, the Organization has provided various services to vulnerable individuals including Afghan child labourers. Providing services to 85 thousand individuals with disabilities, provision of services via 500 day-care centres, and implementation of the organization of unaccompanied minors, hearing tests programme in Tehran hospitals, implementation of suitable programmes in social services emergencies etc. are all some of the services of the State Welfare Organization in Tehran Province alone. A third of street children and child labourers are girls and two-thirds are boys. Also Afghan children make up around 95 percent of street children. This shows that we are witness to increase in child labour due to dropping out of school and measures must be foreseen in this regard.



According to a report published by the State Welfare Organization (SWO) on 16 December 2018, the Organization has provided various services to vulnerable individuals including Afghan child labourers

2-3 – Impact of sanctions on the livelihood of refugees and migrants in Iran

With the imposition of “maximum pressure” by the US against Iran, and the lack of aid networks and other social support actions, has further jeopardised the livelihood of most refugees and migrants due to low incomes and lack of access to financial and credit services which are readily accessible by the host society. The threat to the employment and livelihood situation of Afghan refugees and migrants in Iran is important because this field can also have impact on the access to health and treatment services process and also their education, and increase their problems on a daily basis.

According to announced figures in 2018 and early spring this year imports and exports have dropped in Iran. Customs and excise figures show that in 2018 exports have had a billion-dollar drop compared to the previous year (ILNA, 30 August 2019). This drop has shown its effect in the rise in unemployment in the country, where refugees and migrants have also been affected by. Also with regards to Afghan refugees and migrants what is interesting is the situation of their second and third generation. This generation in view of detachment



Nonetheless, still, the abovementioned figures are very notable which indicate their livelihood being affected due to America's unilateral sanctions

from their main homeland (Afghanistan) and being influenced by Iranian culture, no longer wish to do hard and difficult jobs like their parents, jobs that are in the four jobs categories announced by the government. Therefore, they are stricken with a wave of unemployment more than the host society, and they are faced with numerous problems and challenges. At the same time due to lack of integration in Iran and lack of the opportunity to return to their country due to lack of necessary economic, social and cultural infrastructures, they are faced with identity crisis and they have no choice

but move to third countries, particularly European countries. In 2016, Afghan migrants were the second largest migrant population in Europe following Syrian refugees, which confirms this claim. Also according to Lawrence Hart, the head of the International Migration Organization mission group in Afghanistan, in 2018 in total 773,125 Afghan migrants either voluntarily or by force left Iran, which is 66 percent more than the previous year. He deems the reason for the return of these individuals the drop in economic opportunities in the region, such as Iran (Deutsche Welle: 2019). Of course the consideration of these figures without counting new illegal entries into the country possibly can cause some problems with our study. Maybe it can be said that a notable section of these migrants is made up of those that came to Iran in the hope of going to Europe. Nonetheless, still, the abovementioned figures are very notable which indicate their livelihood being affected due to America's unilateral sanctions.

Conclusion

Due to various reasons, which were all highlighted, Afghan refugees and migrants in Iran can neither return to their country nor have the requirements to move to other countries. These individuals who are second and third generation Afghan nationals have been living in Iran for more than three decades and they have become accustomed to Iranian customs and culture. With the application of maximum US pressure against Iran the conditions of refugees has become more fragile than others. To an extent where due to difficult economic conditions they are forced to make the most bitter decisions of their lives, such as children dropping out of school, delay in medical treatment, and as a result endangerment of their lives, and also a drop in their nutritional standards. Furthermore, international organizations which provide some support for them are faced with numerous problems in their assistance provisions. In this regard Jan Egeland, Secretary General of Norwegian Refugee Council (NRC) said: "now, due to sanctions with political motives which now punishes the poorest people, humanitarian organizations are crippled. For one year we have been

trying to find banks to support our efforts in the protection of Afghan refugees and victims of natural disasters in Iran, and transfer donated funds.”

In view of the conditions which were narrated in this narrative, countries that back Afghan refugees and migrants in Iran must while increasing their efforts for the protection of this vulnerable group, particularly in health and treatment, education and livelihood, to launch serious talks with American officials’ real exemption of humanitarian aid from sanctions. Furthermore, means must be foreseen to assure banks that they can transfer funds donated for humanitarian objectives without fear of illegal punishments. The continuation of the current trend might have repercussions which might involve many countries and turn the current issue into a serious challenge in the region and impose heavier costs.

Sources

- Mousavi, Seyed Fazlollah and others (2014), US Unilateral Sanctions against Iran: Conflict in speech and practice and politicization of human rights; Public Law Research Quarterly, 16th Year, No. 44
- Seyed Mashhadi, Pardis Olsadat and Ghalambaz, Farhad and Esfandiyari, Ali Asghar, (2011), Importance of the Oil Industry in Production and Employment in the Iranian Economy and Its Effect on other Economic Activities; Economic Growth and Development Studies, First Year, No. 2
- Associated Press report on the effects of sanctions on the medicines market in Iran, BBC Persian, 30 July 2019
- Killing with Rifles or Not Supplying Food and Medicines? Food and Medicine Website, specialised journal on health and hygiene and treatment, 2019
- Norwegian Refugee Council, Sanctions Prevent Aid Provision to Victims of Iranian Floods. Fars News Agency, 5 August 2019
- Zali, Alireza, Assistant Director of Medical Council of Iran, Annual Cancer Conference, 2012, cited at: <http://www.globalresearch.ca/theimpact-of-sanctions-on-the-iranian-people-healthcare-system/5354773>
- https://www.treasury.gov/resource-center-sanctions/OFAC-Enforcement/Pages/20130724_33.aspx

The Role of Non-State Actors in Multilateralism and Unilateralism



By: Zahra Moshref Javadi
PhD Candidate in International Law

It is difficult to conceive of the statute of multilateralism in the world without considering the role of non-state actors on this matter. Although the international legal orders have been formed by the state-centric paradigm, an actor which can strengthen the unilateralism or multilateralism is non-state actor having an inevitable role in contemporary international law. In the international legal orders, an act cannot be recognized or imagined without the interaction of non-state actors. If a state takes unilateralism measures, these acts will be determined or rejected by the reactions of different actors including non-state actors. Additionally, the measures taken by the non-state actors will lead to a decision or reason which encourages or discourages the multilateralism in international orders. When a state withdraws from a multilateral international convention or other instruments, it will consider the actions of non-state actors as well. If non-state actors which consist of persons, non-governmental organizations, corporations, and even organized opposition groups through their actions determine the unilateral acts, these measures will be legitimate gradually. In this regard, it is worth to note whether presence or acts of non-state actors can improve the multilateralism. Moreover, can these actors bring stability to international orders? How can these actors strengthen multilateralism or unilateralism in the international context?

Key words: Non-State Actors, Multilateralism, Unilateralism, international orders.

Introduction

Throughout the history of the international community, and in consequence, the International law, the role of the “state” has been a noteworthy concept with an ever growing presence since the conclusion of the “peace of Westphalia”, while the non-state actors participated only indirectly in this arena. However, after the cold war the security of individuals grew more important, leading the non-state actors to play a more significant parts. A noteworthy aspect of non-state actors with respect to international law, is the role of non-governmental organizations and opposition groups. Throughout different eras, many arguments were presented regarding the role non-state actors and many scholars attempted to study and define the position of these actors and their interactions with the international community.

It is clear that the international community is in the process of clearing up the ambiguity regarding the position of these actors on various levels and planes. United Nations guiding principles on Business and Human Rights in 2011,

proposed by Mr. John Ruggie, UN special representative in Business and Human Rights division, is an example of the said efforts (United Nations-Human Rights-Office of the High Commissioners; 2011; 1)¹. This instrument is composed of three sections, each examining specific points. In the first section, states obligation to protect human rights is explained. The second section which is an important section of the guiding principles, the corporates responsibility to protect human rights are stated. In the last section, the access to compensation of damages is explained. Non-state actors are creating expectations with their performance, procedures, structures, and interactions in the international community. In the next step, with the increased attention and activities, these expectations transform into unwritten duties and rights. Finally, they lead to the formation of new norms or the confirmation of the previous ones. Therefore, their measures in relation to unilateral acts of states would play a pivotal role in the international orders. The measures which can directly or indirectly affect the international human rights of human being.

1)The Acts of States and The Responses of Non-State Actors

It is worth to note that in the contemporary international law any acts or measures including international conventions, political instruments or dispute settlement cannot be fulfilled without recognition and consideration of different actors on this matters. A commitment can be legally binding for its parties; however, it cannot be successful if the parties do not consider the reaction of non-state actors concerning the implementation of the commitment. On 8 May 2018, the United States unilaterally withdrew from the Joint Comprehensive Plan of Action. On May 21, 2018, the US Secretary of State announced that, due to its withdrawal from the Joint Comprehensive Plan of Action ('JCPOA' or 'Iran Nuclear Deal'), the United States is set to impose the 'strongest sanctions in history' against Iran. Still, the remaining states parties were committed to preserve the Iran Nuclear Deal. This commitment cannot be accomplished without the measures of other actors. On 3 October 2018, following the request for the indication of provisional measures from the International Court of Justice by Iran concerning the Alleged Violations of The 1955 Treaty of Amity, Economic Relations, And Consular Rights, the Court indicated the following provisional measures:

“(1) Unanimously,

The United States of America, in accordance with its obligations under the 1955 Treaty of Amity, Economic Relations, and Consular Rights, shall remove, by means of its choosing, any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of

- (i) medicines and medical devices;

- (ii) foodstuffs and agricultural commodities; and

- (iii) spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil

¹ Available at: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

aviation;

(2) Unanimously,

The United States of America shall ensure that licenses and necessary authorizations are granted and that payments and other transfers of funds are not subject to any restriction in so far as they relate to the goods and services referred to in point (1);

(3) Unanimously,

Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve” (ICJ, Order, 3 October 2018; 28)².

All these provisional measures which are related to the basic needs depend on not only the acts of the United States but also the acts of non-state actors especially companies. It is worth mentioning that all the United States restrictions are characterized by an unspecified - and potentially unlimited - jurisdictional scope. Through these provisions, the United States seeks to oblige not only US persons, but ‘any person’ - wherever located and regardless of their connection with the United States - to refrain from engaging in certain transactions with Iran (Daniel Franchini; 2018)³. This is problematic issue when these natural or legal persons recognized the rules set out by the United States.

The United States can unilaterally act as it is aware of the key role of the non-state actors and their power. The Iran Nuclear Deal becomes ineffective because of the potential role of non-state actor in this respect. Although the United States has not directly violated the aforementioned provisional measures or its human rights obligations, the different companies or entities would indirectly affect these through following the unilateral act of the United States. For instance, Mr. Idriss Jazairy who was appointed by the Human Rights Council as the first Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights has mentioned that “I am deeply concerned that one State can use its dominant position in international finance to harm not only the Iranian people, who have followed their obligations under the UN-approved nuclear deal to this day, but also everyone in the world who trades with them”(available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566&LangID=E>).

Accordingly, what makes unilateralism legitimate is a set of measures which will be taken by various actors. These reactions will do effect on different aspects of international orders including implication of human rights. However, the role of non-state actors is not limited to their acts in regard to state’s provisions. These actors can lead the international system to act collectively in different ways.

2) Acts of Non-State Actors in Creation, Promotion and Protection of the International Human Rights Norms

In respect to the article 71 of United Nations Charter⁴ consultation with non-

2- Alleged Violations of The 1955 Treaty of Amity, Economic Relations, And Consular Rights (Islamic Republic of Iran V. United States of America), ICJ, Order, 3 October 2018.

3- Available at: <https://www.ejiltalk.org/with-friends-like-that-who-needs-enemies-extra-territorial-sanctions-following-the-united-states-withdrawal-from-the-iran-nuclear-agreement/#more-16229>.

4 - <https://www.un.org/en/sections/un-charter/un-charter-full-text/>

governmental organizations is recognized. The Non-state actors have important role in recognition of human rights problems, concluding international treaties and norms and domestic legislation and in shaping human rights outcomes (Hans Peter Schmits; 2014; 352)⁵. As an example, regarding the impact of non-state actors in the international climate processes, it is mentioned that various features of climate change and the political reasons around it are particularly favorable for sub-state/non-state action (Thomas Hale; 2018; 4)⁶. In this respect, non-state climate actions contribute to climate mitigation and adaptation, and organize resources for both; /non-state climate action can boost the confidence, resources and political will of governments to raise their own ambition, strengthening the Paris process; and non-state entities can drive change in technological and economic systems (Thomas Hale; 2018; 4-5).

The presence of non-state actors in the international climate issues is an example in a general view. The non-state actors including non-governmental organizations or transnational corporations can invite other actors to participate in different measures concerning promoting and protecting human rights and to create different norms in this respect. The active role of non-state actors is a matter of fact which is undeniable. The establishment of conventions, norms, international customary rules will depend on the acts of non-state actors. These actors and identify the human rights problems and can act on behalf of other individuals. For example, economic, social and cultural rights can be raised by individuals or non-state actors as they play a vital role on this matter. The acts and reaction of non-state actors will navigate the international system to act as a community. These actors can encourage their governments to sit on the same table and discuss on common benefits. These actors as a mediator can settle the dispute through a fruitful negotiation as they try to analyze the needs and requests of different actors.

Conclusion

The international legal and political system cannot be considered without the role of non-state actors as these actors are the important part of this system. Unilateral or multilateral acts can only be spread when the non-state actors encourage it. It appears that in the present era, the role of non-state actors has surpassed the article 71 of the Charter of the United Nations. While the position of the non-state actors in the international system is not clearly defined, their influence is developing the International norms and its concepts. The acts of these actors will impact on different aspects of international orders including implication of human rights. The presence or acts of non-state actors can improve the multilateralism as they can create common needs and goals in international law. However, it should note that the unilateral act of other actors such as States cannot be conceived without the measures or responses of non-state actors.

5 - Hans Peter Schmitz, Non-State Actors in Human Rights Promotion, Chapter in; SSRN Electronic Journal, September 2014, 352- 372. Available at: https://www.researchgate.net/publication/256032586_Non-State_Actors_in_Human_Rights_Promotion

6 - Thomas Hale, The Role of Sub-state and Non-State Actors in International Climate Processes, Energy, Environment and Resources Department, The Royal Institute of International Affairs, November 2018.

ODVV interview: Sanctions are weapons of war if they are comprehensive and prolonged



By: Kourosh Ziabari



Prof. Nader Entessar

Various US administrations have sought to undermine the stability of the Iranian system by different means. Even the Obama administration was never fully committed to change the US approach towards the Islamic Republic in a meaningful way.

More than a year after the US withdrawal from the Joint Comprehensive Plan of Action, President Donald Trump's contentious decision is still being debated by the media, think tanks and academic circles worldwide. In implementing a "maximum pressure" policy combining hard-hitting economic sanctions and diplomatic pressure, the Trump administration is pulling out all the stops to squeeze Iran into capitulation and bring the Islamic Republic back to the negotiating table to sign a new deal.

JCPOA is a detailed, 159-page agreement reached by Iran and six world powers as well as the European Union in July 2015. Its implementation signaled the normalization of relations between Iran and the international community, and served to diffuse tensions between Tehran and Washington, the two traditional adversaries. The landmark historical agreement between extreme opponents was not simply a political achievement but represented a major leap forward in nuclear non-proliferation.

The US pullout from the deal in May 2018 weakened it significantly

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and the remaining parties have been working hard to save it ever since. Some observers note although the JCPOA is not dead, it's in serious trouble without the United States. As the Trump administration has reinstated broad-ranging economic sanctions against Iran that were removed following the signing of the Iran deal, and while it has threatened Iran's trade partners and oil clients with tough secondary sanctions, the survival of the JCPOA appears to stand on shaky ground. In response to the tightening US sanctions, Iran has scaled back some of its commitments under the JCPOA, including taking its low-enriched uranium limit over the threshold agreed in the deal. This is while the UN's atomic watchdog, the IAEA, had confirmed in 15 consecutive reports that Iran had met its side of the bargain and fulfilled its technical commitments in the pact.

Prof. Nader Entessar is Professor Emeritus and former Chair of the Department of Political Science and Criminal Justice at the University of South Alabama. In an interview with Organization for Defending Victims of Violence, Prof. Nader Entessar shared his views about the fate of the Iran deal, the US campaign of economic sanctions against Iran and the role of international organizations in alleviating the negative impact of US sanctions on the Iranian populace. The transcript has been lightly edited for clarity.

Q: Tensions are running high between Iran and the United States and the proponents of war are hopeful that a military confrontation takes place between the two rivals. Do you blame the unilateral withdrawal of the United States from the Iran nuclear deal in May 2018 for the emergence of the current crisis?

A: The unilateral withdrawal of the United States from the Iran nuclear deal, or JCPOA, and the re-imposition of secondary sanctions on other countries trading with Iran were certainly significant contributing factors to the current crisis between Washington and Tehran. However, the root of the current crisis dates to the establishment of the Islamic Republic of Iran after the 1978-79 revolution and the challenges it represented to the US policy in the Persian Gulf and the broader Middle East.

Various US administrations have sought to undermine the stability of the Iranian system by different means. Even the Obama administration was never fully committed to change the US approach towards the Islamic Republic in a meaningful way. For example, the Obama administration never fully implemented Washington's commitments under the JCPOA and evaded the implementation of its obligations by using every loophole it could find in the nuclear deal. In short, the thrust of the US foreign policy towards the post-revolutionary Iran has been to find ways to weaken the Iranian system and replace it with a Western-friendly one. The different US administrations have used different tactics but their strategic goal

towards the Islamic Republic has been consistent in the past forty years.

Q: The Joint Comprehensive Plan of Action was an international agreement supported by the UN Security Council. Have the other signatories of the accord been able to work to save it from collapsing after the US withdrawal? Did they do their best to make sure the outcome of two years of active diplomacy will be preserved?

A: I am afraid the answer to your questions is no. The other signatories to the nuclear agreement, especially the E3 – France, UK and Germany – have been guilty of renegeing in implementing their own obligations. They have been either unwilling or unable to stand up to Washington and thus damaging the nuclear deal and, more broadly, the integrity of the international political and legal order. The only signatory of the JCPOA that kept its side of the bargain was Iran. No agreement can work or even be considered legal if only one side implements its obligations while the rest of the signatories ignore their commitments. Issuing statements in support of the JCPOA is meaningless if the Europeans do not have the courage or desire to tell Washington that they intend to honor their legal obligations.

Q: From the point of view of international law, are the sanctions slapped on Iran by the United States since last May justifiable? Are the different world countries obliged to follow suit in cutting off their trade ties and business with Iran while the UN Security Council doesn't back the new sanctions?

A: Under international law, any country can impose sanctions on another country, and the United States can invoke both international law and its own domestic statutes and legislation to impose sanctions on Iran. The problem emerges when one country tries to impose its own jurisdiction on other countries and uses extraterritoriality to extend its own domestic jurisdiction in the form of secondary sanctions. Broadly speaking, secondary sanctions are not legal under international law unless such sanctions are mandated by the UN Security Council. Washington's current secondary sanctions against Iran do not meet the standards of legality under international law. They are simply economic, political and military tools by the United States to impose its own laws on the rest of the international community.

Q: What's your opinion on the human impact of the US sanctions against Iran and the suffering of ordinary citizens as a result of these punitive measures? Do the international organizations have a responsibility to alleviate the pressure the ordinary citizens undergo because of the sanctions?

A: Economic sanctions, especially if they are comprehensive and sustained over a long period, are weapons of war. Irrespective of the stated goals of economic sanctions, the principal victims of comprehensive economic sanctions are and will always be ordinary citizens of the target country. Of course, appropriate international organizations do get involved in alleviating the impact of such

sanctions on ordinary people, but such organizations neither have the resources nor the political muscle to confront enormous challenges that economic and war managers of the world present. After all, international organizations are only as powerful as their constituent member states allowed them to be. The international order is a hierarchical one, and those at the top have the means to dictate how these organizations ought to behave.

Q: How do you think the unilateral coercive measures and economic sanctions influence the ability of Iran to fight drug trafficking, considering that it is located next to the biggest producer of opium in the world?

A: As many international entities, including the United Nations and the European Union, have acknowledged time and again, Iran has been a crucial country in combating drug trafficking in the past decades. In fact, Iran has fought the battle against drug trafficking by sacrificing a lot of its own human and economic resources without adequate compensation from international organizations. As sanctions continue to squeeze Iran economically, Iran will certainly have to prioritize where its declining resources must go. Fighting drug trafficking to prevent illicit substances to reach Europe may not be the best allocation of resources under economic and budgetary pressure. As a participant in the current economic war against Iran, Europe should not expect to have its cake and eat it too.

Q: JCPOA was not the only multilateral accord that President Donald Trump exited. In your view, what are the reasons for the US President's disregard for multilateralism and his frequent application of unilateral coercive measures including the threat of force, economic sanctions and leaving international arrangements and treaties? Doesn't this style of governance undermine global order?

A: There has long been an undercurrent of contempt for multinational international agreements and norms among a segment of the American electorate. The sentiment among this segment of the population is that the United States should never sacrifice its own laws for international law and agreements. Also, there has also been a misperception among some Americans that the United States is doing the rest of the world a favor anytime it signs an international agreement. Donald Trump more than any other presidential candidate in the 2010 elections recognized this sentiment and captured the heart and soul of this segment of the electorate.

When Trump said he wants to make America great again by attacking many of America's international agreements, he knew exactly what he was doing to catapult himself to presidency. As president, Trump delivered on what he promised his so-called base. I believe, this type of behavior will be a winning strategy again for Trump's 2020 presidential campaign. Of course, leaving international arrangements and treaties has undermined international order, but this is not something that Trump, his close associates, and his base are concerned about. We also must remember that some high-level officials in the

Trump administration, John Bolton chief among them, have a long history of opposing multilateralism and contempt for international law and norms if they conflict with their view of the world.

Q: At the moment, the Department of State, Department of Commerce and Department of Treasury oversee economic sanctions against nearly 30 countries. Has the United States government been able to achieve its goals through these wide-ranging sanctions or has it merely contributed to the plight and suffering of average citizens in those countries?

A: What I call “sanctionomics” has become an integral part of American foreign policy. As you have noted, Washington has imposed economic sanctions on a wide range of countries with varying degrees of success. The current sanctions against Iran are the most extreme case. Some proponents of US sanctions have argued that economic sanctions are a better alternative to military confrontation and are a cost-effective way of pursuing Washington’s foreign policy goals. This contention is debatable. The success of US economic sanctions has varied based on their method of implementation. Bilateral or multilateral sanctions have been more effective than unilateral sanctions, but the success rate, in general, has been low. The Iran case is unique in many ways because the United States has been able to convince, force, or bludgeon many countries to follow its diktat on Iran for a long period. In many circumstances, sanctions have caused economic harm without changing the target country’s policies, and so far, this has been the case with Iran too where the Trump administration’s “maximum pressure” policy has not borne fruit for Washington. Also, since economic sanctions are ultimately blunt tools of foreign policy, their deployment is rarely precise enough to affect only the target economy. Therefore, they impact a large segment of the targeted country, especially the most vulnerable part of the society. Because economic sanctions presuppose that economic harm will lead to the sort of political pressure that will benefit the instigating country, they have become popular with the American establishment.

Q: What is the most prudent and smart way through which Iran can resist the US campaign of extensive economic sanctions to protect the rights of its citizens?

A: There is no magic wand Iran can use to overcome its current predicament. The process of overcoming US economic warfare against Iran may take some time and will require adopting policies to convince a critical number of countries to challenge US threats. This requires, inter alia, adroit diplomacy and a realistic perception of how the world works. Issuing meaningless slogans will not do the job and may even be counterproductive. As I alluded to in my previous answer, US sanctions cannot work against Iran if they become unilateral in nature. Also, the Iranian economy needs a wholesale restructuring and complete transparency. The productive capacity of Iran’s population must be unleashed, again not by issuing vacuous statements and slogans, but by implementing policies that will allow the country’s productive forces to blossom. Iran’s is blessed to have the manpower and resources to thrive if the correct policies are implemented immediately.