

42nd regular session of the Human Rights Council

Biennial panel discussion on unilateral coercive measures and human rights

Theme: *The way forward to a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development*

Concept note (draft as of 30 August 2019)

- Date and venue:** **Tuesday, 12 September 2019, 10 a.m. - 12 p.m.**, Palais des Nations, Room XX, Geneva
(will be broadcast live and archived on <http://webtv.un.org>)
- Objectives:** The objective of the biennial panel discussion is to increase awareness among all stakeholders, including United Nations human rights mechanisms, of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries. The panel discussion will be devoted at this session to the discussion of a way forward to a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development.
- Chair:** **H.E. Mr. Coly Seck**, President of the Human Rights Council
- Opening statements:** **Ms. Peggy Hicks**, Director of the Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights
H.E. Mr. Jorge Arreaza, Minister of People's Power for Foreign Affairs of the Bolivarian Republic of Venezuela, in exercise of the Chairmanship of the Non-Aligned Movement (NAM) - TBC
- Moderator:** **H.E. Mr. Jorge Valero**, Ambassador and Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations Office and other international organizations in Geneva
- Panellists:**
- **Ms. Alena Douhan**, Professor of International Law, Belarusian State University (Belarus)
 - **Mr. Rahmat Mohamad**, Professor and Deputy Vice Chancellor (Industry, Community, Alumni and Entrepreneurship Network), Universiti Teknologi MARA (Malaysia)
 - **Mr. Jean Ziegler**, Member of the Human Rights Council Advisory Committee
- Outcome:** In accordance with Human Rights Council resolution [40/3](#), the Special Rapporteur will prepare and submit a report on the proceedings and substantive matters discussed during the panel discussion to the Council for consideration at its 43rd session. The report will also provide inputs to the Council on how to proceed in its considerations on the way forward to a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development.
- Mandate:** In its resolution [27/21](#) and its [corrigendum](#), the Human Rights Council decided to organize the first biennial human rights panel discussion on the issue of unilateral coercive measures and human rights in 2015, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, and also requested the Office of High Commissioner to prepare and submit a report on the panel discussion to the Human Rights Council.
- The Human Rights Council requested in its resolution [37/21](#) that the Special Rapporteur identify a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights.
- In its resolution [40/3](#), the Human Rights Council requested the 2019 biennial panel for the 42nd session with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders. It requested the Special Rapporteur to act as rapporteur for the panel discussion, and to prepare a report thereon for presentation to the Council at its 43rd session.
- Format:** The panel discussion will be limited to two hours. The opening statements and initial presentations by the panellists, the latter guided by the moderator, will be followed by an interactive discussion divided into two slots and chaired by the President or Vice-President of the Human Rights Council. A maximum of one hour will be set aside for the podium, including the opening statement, moderator's introduction and panellists' presentations, their responses to questions and concluding remarks. The

remaining hour will be reserved for two slots of interventions from the floor, for States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2).

The list of speakers for the discussion will be established at the beginning of the panel and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes. To make the panel interactive, speakers are encouraged to focus their interventions on the themes of the panellists either by asking the panellists questions or formulating suggestions on the draft declaration, preferably through inputs to the draft text. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish).

Background: In its resolution [27/21](#) and its [corrigendum](#), and resolution [40/3](#), the Human Rights Council stressed that unilateral coercive measures and legislation are contrary to international law, being one of the major obstacles to the implementation of the Declaration on the Right to Development and expressed its concern at their negative impact on human rights, which prevent the full realization of economic and social development on least developed and developing countries, international relations, trade, investment and cooperation. The Council has further recognized that these measures, in the form of economic sanctions, may have far-reaching implications for human rights; disproportionately affecting the poor and the most vulnerable populations on least developed and developing countries by developed countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities, and may result in social problems and raise humanitarian concerns.

In addition, the Human Rights Council has urged to the States to promote and preserve multilateralism and to take the measures necessary to strengthen bilateral, regional and international cooperation aimed at addressing the negative impact of unilateral coercive measures on the full enjoyment of all human rights.

In his two reports ([A/HRC/36/44](#) and [A/HRC/39/54](#)), the Special Rapporteur proposed elements for a draft declaration on unilateral coercive measures to the Human Rights Council. In addition to a series of basic principles regarding unilateral sanctions, the draft text included “*universally/generally accepted rules of behaviour*” to be applied by States during the transitional period preceding the abolition and elimination of unilateral sanctions, with a view to mitigating their adverse human rights consequences. These proposals were noted by both the Human Rights Council and the General Assembly.

The draft declaration presented in report [A/HRC/36/44](#) was discussed during an expert consultation workshop held on 3 June 2017 in Geneva, where eight international legal and sanctions experts provided inputs into the draft declaration. The outcome document of the workshop was presented to the Human Rights Council also in the same report.

In its resolutions [37/21](#), the Human Rights Council welcomed the report ([A/HRC/36/44](#)) of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and requested the Special Rapporteur to identify a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights.

In its resolution [40/3](#), the Human Rights Council welcomed the report ([A/HRC/39/54](#)) and requested the Special Rapporteur, taking into account the views of Member States, to continue his work on identifying a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights, and to submit those elements to the Human Rights Council in his next report.

As per Human Rights Council’s request, the Special Rapporteur continued his work on identifying a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights, including the right to development, and submits those elements to the Human Rights Council as an addendum to his thematic report ([A/HRC/42/46/Add.1](#)).

The panel will discuss in detail the opportunities and challenges involved for the way forward to a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development.

Background documents:

- 2019, 2018 and 2017 reports of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, discussing the draft declaration: [A/HRC/42/46](#) and [A/HRC/42/46/Add.1](#), [A/HRC/39/54](#), [A/HRC/36/44](#)
- Human Rights Council resolutions on unilateral coercive measures, in particular resolutions [40/3](#) of 21 March 2019, [37/21](#) of 23 March 2018, and [34/13](#) of 24 March 2017
- General Assembly resolutions on unilateral coercive measures, in particular resolution [73/167](#) of 2018, [72/201](#) of 2017, [71/193](#) of 19 December 2016, and [70/151](#) of 17 December 2015