

Forum: Human Rights Council (HRC)
Question of: Addressing the social-humanitarian issues from unilateral coercive measures
Student Officer: Zinna Kim, President

Introduction

In the past few decades, the strict boundary of nationality has been dismantled: this phenomenon of interdependence between nations is what is known as globalization.¹ Globalization allowed the spread of technology, innovation, and culture, and ultimately allowed the world to develop at a pace that it wasn't able to before. This growing interdependence between the countries also resulted in integrated economies and the rise of new international political trends that pushed nations to hold each other accountable for their misdoings. Through the globalization trends, the world ultimately formed bonds of unity to collaborate and thrive as a united global community. However, from this phenomenon came the common practice of political and economic coercion, also known as unilateral coercive measures. These terms refer to the imposition of economic measures to drive a policy change in another state.² Some of the economic measures can include, but are not limited to, imposing trade blocs, sanctions, tariffs, and restricting foreign aid and trade.³ This practice is now common among countless different countries around the world and has been a prominent aspect of international relations. Many countries impose economic coercion as a replacement method for more aggressive measures like military actions to achieve appropriate policy changes.⁴ There are cases where the coercion is implemented for positive causes like the example of global sanctions on Russia after the attack on Ukraine; however, the majority of the

¹Melina Kolb, "What Is Globalization? And How Has the Global Economy Shaped the United States?," Peterson Institute for International Economics, last modified October 29, 2018, accessed July 16, 2022, <https://www.piie.com/microsites/globalization/what-is-globalization#:~:text=Globalization%20is%20the%20word%20used.investment%2C%20people%2C%20and%20information>.

²A/HRC/19/33: Thematic Study of the Office of the United Nations High Commissioner for Human Rights on the Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights, including Recommendations on Actions Aimed at Ending Such Measures," United Nations Human Rights Council, last modified January 12, 2021, accessed July 16, 2022, <https://www.ohchr.org/en/documents/thematic-reports/ahrc1933-thematic-study-office-united-nations-high-commissioner-human>.

³Jonathan Hackenbroich, "Tough Trade: The Hidden Costs of Economic Coercion," European Council on Foreign Relations, last modified February 1, 2022, accessed July 16, 2022, <https://ecfr.eu/publication/tough-trade-the-hidden-costs-of-economic-coercion/>.

⁴Murray Scot Tanner, "CHAPTER TWO Economic Coercion: Factors Affecting Success and Failure," in *Chinese Economic Coercion against Taiwan: A Tricky Weapon to Use* (n.p.: RAND Corporation, 2001), 11.

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impositions cause adverse reciprocal effects.⁵ For example, China has used economic coercion against countless different nations, specifically democratic nations, in the past decade, to drive a policy change in the government: one of the effects of this coercion was the bolstering of the Chinese government's human rights violation against the Uighurs as different states who were dependent on Chinese loans and investment showed support to the government due to the fear of repercussions for protesting against Chinese government's actions.⁶

Just like this example shows, unilateral coercive measures have indubitable adverse effects. Although there are political and economic harms consequent from these measures, one other prominent effect is humanitarian consequences. If trade regulation is imposed on a developing nation, trade in essential commodities, such as medical equipment, medicines, food, and other necessities will also be regulated. For example, due to the sanctions imposed on Iraq, the nation experienced worsened economic conditions that led to a lack of drinking water, fuel, wood, and proper sewage systems. Iran and Syria also experienced a significant decrease in the availability of basic necessities such as food and medicine. Another example is shown in the Gaza Strip blockade where Israel and the United States imposed sanctions on Hamas, the de facto government of the Gaza Strip⁷. According to the Palestinian Central Bureau of Statistics, the blockade caused shortages of essential goods and has plunged tens of thousands of people into unemployment; more than half of the citizens are living in poverty; more than 75% of the citizens are food insecure.⁸ It is clear from these examples that the humanitarian consequences overpower the efficacy of achieving the intended purpose of economic coercion. The international ground has been criticizing the imposition of sanctions as they cause collective punishment on the citizens of the targeted nations, instead of driving towards its original intention of propelling a certain policy change.

Economic coercion has been used throughout history as a political strategy or as a war tactic against its enemies, most prominently starting from World War 1 - when Britain and France attempted to exclude Germany and the allies of Germany from the global economy through the usage of indirect economic coercion. Not only this example but nations throughout history used economic coercion as a

⁵What Are the Sanctions on Russia and Are They Hurting Its Economy?," BBC News, last modified June 27, 2022, accessed July 16, 2022, <https://www.bbc.com/news/world-europe-60125659>.

⁶Bonnie Glaser, "How China Uses Economic Coercion to Silence Critics and Achieve Its Political Aims Globally," CECC, last modified December 7, 2021, accessed July 16, 2022, <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Hearing%20Testimony%20-%20Bonnie%20Glaser.pdf>.

⁷"Gaza Strip: A Beginner's Guide to an Enclave under Blockade," Aljazeera, last modified March 14, 2021, accessed July 16, 2022, <https://www.aljazeera.com/news/2021/3/14/a-guide-to-the-gaza-strip>.

⁸Riham Jafari, "Fourteen Years of Blockade Has Left Two Million Gazans Living in an 'Open Air Prison,'" Actionaid International, last modified June 16, 2021, accessed July 16, 2022, <https://actionaid.org/opinions/2021/fourteen-years-blockade-has-left-two-million-gazans-living-open-air-prison>.

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method for other nations to surrender “without a drop of blood.”⁹ However, even throughout history, it was prominent that these economic coercions brought out humanitarian consequences. For example, during the late 1910s, when Hungary was led by a communist politician, Béla Kun, Hungary was subjected to trade blockades.¹⁰ Those blockades were deemed “extremely inhumane” by many historians as the blockade left most women and children in starvation.

Although these unilateral coercive measures have been deemed inhumane throughout history, there are two main reasons why this issue is hard to tackle. First of all, there is no universally recognized definition of the term. There is currently not a set definition for the term economic coercion nor the term unilateral coercive measures. Even though the majority of these measures cause harsh consequences, not all of these impositions are deemed “wrong” and only the impositions that have not been approved by the UN charter and are going against national sovereignty are considered to be against the international law.⁶ With these two indefinite situations combined, it is extremely difficult to determine which economic measures should be regulated and which shouldn’t be. What is worse about this issue is that it is extremely hard to differentiate economic coercion with positive intention from that with negative intention, meaning that targeted nations have to simply comply with the coercion whether or not the intention is good. Another reason why this issue is so hard to tackle is that there aren’t any definite international laws stating that these measures shouldn’t be employed. Although there are different United Nations resolutions like 27/21 from the General Assembly stating nations should not impose such economic coercion,¹¹ as GA resolutions are not legally binding, nations are still legally allowed to impose unilateral coercive measures. Ultimately, the international ground is extremely uncertain about how to regulate these measures, leading to nations continuously imposing measures that consequently cause human rights violations in their nation and in the targeted nations.

Not only do the indefinite legislative regulations deepen the complexity of this problem, but the lack of effective mechanisms to provide reparation and compensation for the targeted nations also

⁹Henry Farrell, "The Modern History of Economic Sanctions," Lawfare, last modified March 1, 2022, accessed July 16, 2022, <https://www.lawfareblog.com/modern-history-economic-sanctions>.

¹⁰"FIRM HAND WITH BELA KUN; Exclusion From Trade as Penalty for Breaking the Armistice. TO CURB RED RUSSIA, TOO Free Importation of Food Into Bolshevik Areas Will Not Be Permitted. NEUTRALS MUST COOPERATE Failure to Join the Blockade May Be Followed by Economic Penalties. Plan to Restrict Food Supplies. FIRM HAND WITH BELA KUN May Put Pressure on Neutrals.," The New York Times, last modified July 17, 1919, accessed July 16, 2022, <https://www.nytimes.com/1919/07/17/archives/firm-hand-with-bela-kun-exclusion-from-trade-as-penalty-for.html>.

¹¹"27/21 Human Rights and Unilateral Coercive Measures," United Nations Documents, last modified October 3, 2014, accessed July 16, 2022, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/179/07/PDF/G1417907.pdf?OpenElement>.

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deepens the issue. Without any effective mechanisms and regulations, there is no way for the targeted nations to prevent and even take care of the unwanted consequences.

To tackle this complex issue, there have been many previous efforts to address the problems. One of the most recent efforts is the mandate “Special Rapporteur on unilateral coercive measures” drafted in 2014. The mandate calls to tackle and act upon the following:

1. “To gather all relevant information... relating to the negative impact of unilateral coercive measures (UCM) on the enjoyment of human rights”
2. “To study trends, developments and challenges in relation to the negative impact of UCMs on the enjoyment of human rights, and to make guidelines and recommendations on ways and means to prevent, minimize and redress the adverse impact of UCM human rights”
3. “To make an overall review of independent mechanisms to assess UCM to promote accountability”
4. “To contribute to strengthening the capacity of the Office of the High Commissioner to provide affected countries with technical assistance and advisory services...”¹²

This mandate did provide an effective effort to address this complex issue and has been working with affected groups to help alleviate the consequences of economic coercion; however, this mandate was not able to tackle the issue of lacking efficacy in humanitarian assistance and mechanisms to provide aid to sanctioned states.

Definition of Key Terms

Unilateral Coercive Measures (UCM)

The phrase unilateral coercive measure doesn't have a universally recognized definition; however, according to The Office of the High Commissioner for Human Rights (OHCHR), UCM usually refers to “economic measures taken by one State to compel a change in the policy of another State. Examples of such measures include trade sanctions in the form of embargoes and the interruption of financial and investment flows between sender and target countries.”¹³

¹²“Mandate of the Special Rapporteur,” OHCHR, last modified October 3, 2014, accessed July 16, 2022, <https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures/mandate-special-rapporteur>.

¹³Alena Douhan, “Special Rapporteur on Unilateral Coercive Measures,” OHCHR, last modified September 26, 2014, accessed July 16, 2022, <https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures>.

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Unilateral coercive measures are also referred to as economic coercion, but UCM is more focused on economic coercion that has not been approved by the UN charter, including but not limited to the United Nations Security Council (UNSC), which is considered to be illegal. As aforementioned, the legality of such measures is still being debated and is indefinite in this state due to the lack of regulatory measures and the complexity of the different legal definitions.

Economic coercion

Economic coercion, like UCM, lacks a universally recognized definition, but the term generally refers to the imposition of economic measures to compel a policy change or a governmental reform in the target state.¹⁴ This term is extremely similar to unilateral coercive measure, but compared to UCM, it is more of a general term, as UCM is mostly referring to economic coercion that has not been approved. As aforementioned, economic coercion is a common practice, especially in this era of globalization, but has been criticized for its brutal consequences such as but not limited to stripping away the fundamental human rights of citizens of the target nations, especially access to basic necessities such as food and health care.

Sanctions

According to the Council on Foreign Relations, “Economic sanctions are defined as the withdrawal of customary trade and financial relations for foreign- and security policy purposes. Sanctions may be comprehensive, prohibiting commercial activity with regard to an entire country, like the long-standing U.S. embargo of Cuba, or they may be targeted, blocking transactions by and with particular businesses, groups, or individuals.”¹⁵ Sanctions are one of the most common measures taken as economic coercion and as a unilateral coercive measure. Sanctions can be highly effective in compelling a state to go through a policy reform as sanctions can directly affect a state’s economy and foreign relations; however, in certain circumstances, there are inseparable humanitarian consequences as sanctions not only can affect the government but affect its citizens in a detrimental way.

Tariffs

Tariffs are special types of tax that the governments impose on imported goods, which are used to increase the price of foreign products compared to domestic products. Tariffs are ultimately set for the advantage of the different domestic industries.¹⁶ This tax is imposed as a particular percentage of the

¹⁴Tanner, "CHAPTER TWO Economic," 11.

¹⁵Jonathan Masters, "What Are Economic Sanctions?," Council on Foreign Relations, last modified August 12, 2019, accessed July 16, 2022, <https://www.cfr.org/background/what-are-economic-sanctions>.

¹⁶"Tariffs," World Trade Organization, accessed July 16, 2022, https://www.wto.org/english/tratop_e/tariffs_e/tariffs_e.htm.

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complete price of the imported product, which includes freight and insurance. Tariffs can also be called customs.

Tariffs can be an example of economic coercion, but tariffs are not as commonly used as other economic measures as it does not directly “threaten” or “compel” specific nations to change their governmental policies. One of the biggest real-life examples of the imposition of tariffs is in the Chinese-American Trade war, but this imposition is not necessarily considered a unilateral coercive measure.

Humanitarian aids

Humanitarian aid is an umbrella term referring to both material and logistic assistance provided for individuals and communities who are suffering from different life-threatening situations including but not limited to natural disasters, war, poverty, etc. Humanitarian aid can be important to the extent where they are sustaining an entire community in the event of a crisis. If a nation that has been receiving humanitarian aid is targeted for a unilateral coercive measure, it is extremely common that these humanitarian aids are not able to be properly delivered to the regions that are in need, causing the communities to collapse with the lack of resources.¹⁷

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights, also known as the UDHR, is an international document setting the foundation for the protection of human rights in all nations. The Universal Declaration of Human Rights was drafted in the United Nations General Assembly (UNGA) on December 10, 1948, and has been the foundation for all subsequent human rights treaties in the United Nations ever since. The article that is specific to the topic of unilateral coercive measure is article 25, which states:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”¹⁸ According to this article, everyone has the right to

¹⁷"From Humanitarian to Development Aid," Humanitarian Coalition, accessed July 16, 2022, <https://www.humanitariancoalition.ca/from-humanitarian-to-development-aid>.

¹⁸"Universal Declaration of Human Rights," United Nations, last modified December 10, 1948, accessed July 16, 2022, <https://my.noodletools.com/web2.0/bibliography.html>.

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have access to basic necessities, but unilateral coercive measures strip these rights away from the citizens, especially if the imposition is directed toward a developing nation.

National Sovereignty

National sovereignty is defined as the power and authority of a nation to independently govern its own state. Breaching of national sovereignty is one of the factors that is considered to determine whether or not the unilateral coercive measure or the economic coercion has breached international law and should be regulated.¹⁹ However, even this factor is extremely subjective and does not yield a black-and-white answer, as one nation can claim that it has breached national sovereignty and one nation can claim that they haven't and the imposition was an absolutely necessary measure to be taken.

Timeline of Key Events

December 2, 1823 - Principle of Non-Intervention drafted

The principle of Non-intervention states that states have the right to maintain national sovereignty and other states should not intervene in internal affairs. This principle was written in the 7th annual message to the American Congress by James Monroe, the 5th US president, stating that any European intervention in the United State's internal affairs is a threat to national security. This concept has been applied in international law for individual states to hold their domestic affairs internal. This principle is relevant in terms of unilateral coercive measures because this principle in international law is the specific law that the unilateral coercive measure is being held upon and whether or not the measure breaches this law, can be one factor that determines the legality of the imposition.²⁰

June 27, 1986 - ICJ decision made on Nicaragua v the United States

Nicaragua v the United States is a case where Nicaragua brought a suit against the US for its military and parliamentary intervention in domestic affairs. The United States has ceased economic aid and imposed trade embargoes, prohibiting trade with a particular nation, which was a form of unilateral coercive measure. However, during the judgment, the court acknowledged that these forms of economic coercion are extremely hard to be considered a breach of non-intervention law. Ultimately, the court case did end in Nicaragua winning, but this was an important court case to establish the complexity in

¹⁹R. P. Allègre and Daniel G. Vaillancourt, "National Sovereignty," *Cross Currents* 21, no. 4 (1971): 377, <https://www.jstor.org/stable/24457822>.

²⁰"The Principle of Non-Intervention in Domestic Affairs and State's Responsibility in International Law," Fotis Law Firm, accessed July 16, 2022, <https://fotislaw.com/lawtify/the-principle-of-non-intervention-in-domestic-affairs-and-states-responsibility-in-international-law/#:~:text=On%20the%20political%20level%2C%20this.threat%20to%20peace%20and%20security.>

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determining the legality of economic coercion and that economic coercion can lead to detrimental effects on the targeted state.²¹

June 2007 - Ongoing - Blockade of the Gaza Strip

The Blockade of the Gaza strip is a blockade of Gaza in all external activities that has been set by the Israeli government as a way to tackle “hostile activity and terrorist attacks” from the Palestinian political party, Hamas. This is one of the biggest examples of economic coercion that has led to great humanitarian suffering, as aforementioned, the majority of the population living in this region is deprived of basic necessities. This is still an ongoing problem and this real-life situation is an example of how unilateral coercive measures must be regulated in order to prevent further damage to the citizens.

July 1, 2010 - Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA)

The CISDA is an amendment made by President Barack Obama to the Iran Sanctions Acts of 1996 that imposed sanctions on Iranian companies, specifically the energy sector. The amendment introduces a new type of sanctions to be imposed on companies and strengthen such measures as an effort to “increase pressure on Iran to return constructively to diplomatic negotiations to address the international community’s concerns about Iran’s non-compliance with its international obligations (including those under the relevant UNSCRs, the Nuclear Non-Proliferation Treaty, and the IAEA Safeguards Agreement.)”²² Although this imposition is not considered a unilateral coercive measure, it is a great example of how a nation can impose economic coercion to drive policy reforms.

September 26, 2014 - Human rights council resolution “Human rights and unilateral coercive measures” passed

Resolution 27/21 was adopted by the United Nations Human Rights Council after being proposed by the UNGA. ²³The resolution lists out a significantly comprehensive list regarding the different logistics behind the imposition of unilateral coercive measures such as but not limited to the legality, past efforts to address this issue, future directions, consequences, solutions for the consequences, etc.

October 3, 2014 - Mandate for Special Rapporteur on Unilateral Coercive measures published

²¹Nicaragua v. United States of America (International Court of Justice Nov. 26, 1984). <https://www.icj-cij.org/public/files/case-related/70/070-19841126-JUD-01-00-EN.pdf>.

²²"Fact Sheet: Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA)," U.S. Department of State, last modified May 23, 2011, accessed July 16, 2022, <https://2009-2017.state.gov/e/eb/esc/iransanctions/docs/160710.htm>.

²³"27/21 Human," United Nations Documents.

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The publication of “Special Rapporteur on Unilateral Coercive Measures”, as aforementioned, is one of the most recent efforts that has been made to tackle the issue of unilateral coercive measures. This mandate lists different actions that should be taken to tackle the complex issue of unilateral coercive measures and has been publishing reports on its progress ever since its initial publication. The mandate also references resolution 27/21, to further focus on the humanitarian consequences and propose ways to tackle this specific issue within the measures.²⁴ There are for sure improvements and further initiatives that must be taken to allow the mandate to be fully effective, but this is a very significant step in addressing the human rights violations consequent from these measures.

February 2022, Sanctions on Russia for Military Action in Ukraine

The event is one of the most recent events of economic coercion but also an event to show that economic coercion is not always negative. The world has imposed various sanctions on Russia as a response to the Ukraine invasion. The sanction is also not necessarily deemed as a unilateral coercive measure but is one recent real-life example of how economic coercion is used as a response to a country’s radical action.

Position of Key Member Nations and Other Bodies

Office of the United Nations High Commissioner for Human Rights (OHCHR)

OHCHR is a department in the United Nations that “promotes and commits to the protection of all human rights and freedoms set out in the Universal Declaration Human Rights;”²⁵ consequently is a very important United Nations body in tackling the humanitarian damage of unilateral coercive measures or economic coercion²⁶. OHCHR has set out multiple initiatives to tackle this issue, one prime example being following the mandate “Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights”.²⁷ Some of the tasks the office has set out to achieve to tackle unilateral coercive measures are the following:

1. Publishing and accumulating different types of reports such as the “reports of the Secretary-General to the General Assembly and of the High Commissioner to the Human Rights Council”
2. Hosting workshops and discussions among key member nations and relevant organizations

²⁴“27/21 Human,” United Nations Documents.

²⁵“Universal Declaration,” United Nations.

²⁶“About UN Human Rights,” United Nations Human Rights, last modified 2022, accessed July 16, 2022, <https://www.ohchr.org/en/about-us>.

²⁷Douhan, “Special Rapporteur,” OHCHR.

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3. Calling to suspend the implementation of unilateral coercive measures that are breaching the Universal Declaration of Human Rights²⁸

Some of the activities of such effort is during the recent COVID-19 pandemic, where the office calls for the implementation of humanitarian exemptions when imposing sanctions on different nations as a means to alleviate the suffering of citizens. One of the biggest consequences of these acts of economic coercion is the limited access to medical supplies and personnel in the targeted nation; consequently, citizens will have no means to alleviate the spread of the pandemic, leading to increased death rates. Although the OHCHR has not made any legal efforts, their efforts to raise awareness and actively discuss with the key member nations have made crucial contributions in alleviating this issue.²⁹

United Nations Security Council (UNSC)

UNSC's main objective in the United Nations is "to maintain international peace and security in accordance with the principles and purposes of the United Nations."³⁰ UNSC's one major differentiating factor from other councils in the United Nations is that UNSC can issue legally binding resolutions in the member nations: which has been discussed as a factor to determine the legality of unilateral coercive measures. Although this council is not directly related to the humanitarian consequences of unilateral coercive measures, they have been mentioned as the criteria. In the "Unilateral Coercive Measures: Criteria and Characteristics," UCM should be considered "illegal" if the implementation has not been properly authorized by the UNSC; however, this criteria cannot fully determine the legality of these measures. Not only is UNSC relevant in a way that they are considered as one of the criteria, but they have also hosted discussions and debates regarding the human rights violation of these coercive measures. For example, in February 2022, UNSC hosted a debate titled "General Issues Related to Sanctions: Preventing their Humanitarian and Unintended Consequences." Some of the key points of the discussions are as follows:

1. "Stressing the need to apply humanitarian exemptions consistently to all targeted measures, including arms embargoes, travel restrictions, aviation bans and financial sanctions "

²⁸OHCHR and Unilateral Coercive Measures," United Nations Human Rights, accessed July 16, 2022, <https://www.ohchr.org/en/unilateral-coercive-measures#:~:text=The%20term%20%E2%80%9Cunilateral%20coercive%20measures,between%20sender%20and%20target%20countries>.

²⁹Michelle Bachelet, "Bachelet Calls for Easing of Sanctions to Enable Medical Systems to Fight COVID-19 and Limit Global Contagion," United Human Rights, last modified March 24, 2020, accessed July 16, 2022, <https://www.ohchr.org/en/2020/03/bachelet-calls-easing-sanctions-enable-medical-systems-fight-covid-19-and-limit-global>.

³⁰Functions and Powers," United Nations Security Council, accessed July 16, 2022, <https://www.un.org/securitycouncil/content/functions-and-powers>.

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2. "Highlighting the Security Council's shift from imposing comprehensive sanctions to targeted sanctions to mitigate their unintended effects"
3. "Mitigating the adverse consequences of sanctions reflected in various UN documents, including the World Summit Final Document"³¹

United States of America

As the United States is one of the leading nations in the world, they are also one of the nations that are commonly associated when discussing unilateral coercive measures. The USA holds a strong viewpoint on this issue, specifically sanctions. In November 2021, Jesse Walker, the USA adviser for United Nations Economic and Social Council (ECOSOC) presented that "Sanctions are an appropriate, effective, peaceful, and legitimate tool for addressing threats to peace and security. They can be used to promote accountability for those who abuse human rights, undermine democracy, or engage in corrupt activities. In cases where the United States has applied sanctions, we have done so with specific objectives in mind, including the promotion of democratic systems, rule of law, respect for human rights and fundamental freedoms, or to respond to security threats."³² Although the USA has shown a positive stance towards imposing unilateral coercive measures as aforementioned, they recognize the negative humanitarian consequences. The US has imposed sanctions on Syria and Venezuela, however, they have facilitated ways to provide humanitarian assistance for the Syrian and Venezuelan citizens to minimize these negative consequences. The US Department of Treasury released a statement stating that "The United States will continue to seek ways to tailor sanctions to mitigate unintended economic, humanitarian, and political impacts on non-targeted individuals abroad and support the flow of legitimate humanitarian goods and assistance."³³

China

China is one of the countries that implement unilateral coercive measures the most often. China has been using this economic coercion in part of its foreign policy - a common strategy to extract policy concessions from another nation. These measures that China imposed on other nations were not fully

³¹"UN Security Council Debates Effects of Unilateral Sanctions," TeleSure, last modified February 7, 2022, accessed July 16, 2022, <https://www.telesureenglish.net/news/UN-Security-Council-Debates-Effects-of-Unilateral-Sanctions-20220207-0010.html>.

³²Jesse Walker, "Explanation of Vote for the Adoption of the Unilateral Economic Measures as a Means of Political and Economic Coercion against Developing Countries," United States Mission to the United Nations, last modified November 23, 2021, accessed July 16, 2022, <https://usun.usmission.gov/explanation-of-vote-for-the-adoption-of-the-unilateral-economic-measures-as-a-means-of-political-and-economic-coercion-against-developing-countries/>.

³³The Department of the Treasury, The Treasury 2021 Sanctions Review, H.R. Doc. (Oct. 2021). Accessed July 16, 2022. <https://home.treasury.gov/system/files/136/Treasury-2021-sanctions-review.pdf>.

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successful in their primary goal of policy change, but it has been successful in terms of stopping other nations from pursuing actions that are against Chinese interests. These economic coercions also differ from usual measures like sanction as it often relies on informal measures that provide plausible deniability and enable China to ratchet pressure up or down as needed.” China is known to impose its coercive acts without publicly acknowledging them. China imposes four main economic coercion: trade restrictions where they often increase tariffs, target custom inspections, deny licenses, and informal embargoes; tourism curbs where they “restrict tourist flows to other countries”; measures against foreign industries with the prime example being THAAD where they rejected the certification of hybrid-electric vehicle batteries in Korea; and boycotts often using social media. Some other examples where China implemented coercion are as follows:

1. “halting rare earth exports to Japan to compel Tokyo to release the captain of a Chinese fishing trawler who was detained after colliding with a Japanese patrol boat operating near the disputed Senkaku/Diaoyu islands”
2. “restricting salmon imports from Norway after the Norwegian Nobel Peace Prize Committee granted the annual award to Chinese dissident Liu Xiaobo. Since then, the PRC has used economic coercion against over a dozen countries.”³⁴

China’s examples of imposing economic coercion mostly have the intention to solely benefit their own nation and mostly target developed nations (MEDCs).

Russia

As a response to the 2022 Russian invasion of Ukraine, various countries such as the USA, European Union (EU), Japan, the UK, and Switzerland have imposed various types of economic coercion against Russia.³⁵ The types of economic coercion against Russia are as follows:

1. “The US has barred Russia from making debt payments... making it harder for Russia to repay its international loans”
2. Freezing bank Russia’s central bank assets
3. Removing Russia from Society for Worldwide Interbank Financial Telecommunications (Swift), an international financial messaging System
4. Limiting exports and imports of Russian Oil and gas

³⁴ Glaser, "How China," CECC.

³⁵ Cheryl Walker, "Are Economic Sanctions against Russia the Answer?," *Wake Forest University*, last modified March 11, 2022, accessed July 16, 2022, <https://news.wfu.edu/2022/03/11/are-economic-sanctions-against-russia-the-answer/>.

5. Sanctioning highly powerful business leaders in Russia.³⁶

After these sanctions were imposed, Russia's economy was significantly impacted including an expected 30% decrease in the GDP, 10% shrinkage of the economy, and 17.1% annual inflation. The sanctions on Russia can be presented as a prime example in clearly displaying the benefits and drawbacks of imposing economic coercion. First of all, there are many loopholes present in the measures like not sanctioning one of the biggest Russian banks, Gazprombank. Due to these loopholes, despite the attempt of banning Russian commodities like oil and gas, it has not been fully successful³⁰. Also, there has been a significant effect on the Russian population. Russian citizens experienced a 65% decrease in their income, while the prices of basic necessities have increased significantly. Unemployment levels have also sky-rocketed after the imposition of sanctions. Russian sanctions have not yet ceased the war, but instead brought collateral damage where the harm is greater than the benefit.

European Union

Unlike the aforementioned key member states, the European Union is commonly in the position of both receiving and imposing economic coercion; therefore, their stance regarding this subject matter is less definitive than other countries. Due to this indefinite state of the European state in this matter, they have taken measures to both minimize the consequences of receiving economic sanctions and to ensure the same for states where they are in the position of imposing sanctions. One of the prime tasks that the EU has been undertaking is creating a comprehensive resilience architecture. To elaborate, the EU has been undertaking measures to establish a subdivision within the union to focus on tackling economic coercion. Some of the key tasks of this subdivision can include assisting businesses who are targeted for economic coercion to seek confidential assistance, help make substitutions in commodities with restricted trade, and form strong connections with private sectors in the field to prevent and tackle possible economic coercion. Also in June 2021, the European Council on Foreign Relations published a proposal for forming the Anti-coercion instrument (ACI) in the EU. The proposal proposes that the ACI can provide the member nations of the EU with the instrument possible to signal to the state that is imposing economic coercion that they will also face countermeasures: this process will involve thorough measures of investigation to ensure that the measure abides by the international laws.³⁷

³⁶"What Are the Sanctions," BBC News.

³⁷Jonathan Hackenbroich, "Tough Trade: The Hidden Costs of Economic Coercion," European Council on Foreign Relations, last modified February 1, 2022, accessed July 16, 2022, <https://ecfr.eu/publication/tough-trade-the-hidden-costs-of-economic-coercion/>.

Iran

Iran has been subjected to countless unilateral sanctions and secondary sanctions by the US and other nations because of its illicit nuclear activities. The most recent report published on May 19, 2022, named “Iran: Unilateral sanctions and over-compliance constitute a serious threat to human rights and dignity – UN expert” mentioned that Iran’s citizens are facing “life-threatening consequences of the high costs and in certain cases complete absence of specialized medicines and medical equipment due to sanctions-induced trade and financial restrictions, as well as due to reported foreign companies.” Some of the other humanitarian effects of the sanctions on Iran are increased rates of poverty, scarcity of resources, the decline in state revenues, and inflation, which has ultimately led to the severe humanitarian crisis. Some of the other impacts Iran has facing include but are not limited to “impediments in the business and industrial development due to absence of raw materials, inability to process international payments, and restrictions in accessing new technologies; deterioration of environmental security; challenges regarding natural disaster prevention, response, and recovery, due to the bans of imports of specialized equipment and humanitarian provisions; rising challenges in the operations of international and local non-governmental organizations and humanitarian actors.” Iran can be shown as the prime example where sanctions have impacted them negatively to an extreme extent.³⁸

Syria

As a result of countless different human rights violations from the Syrian Civil war in 2011, the EU, the United States, Canada, Australia, Switzerland, and the Arab League have started imposing sanctions on Syria. The main intention of the sanction was to deplete all the resources the regime needs to continue the human rights violations against the citizens.³⁹ A press release on Reliefweb has stated that “The sanctions that have been placed on Syria by the EU (including the UK) and the USA have caused dire humanitarian consequences for Syrian citizens in Government controlled areas (which is 70% of the country) who are seeking to rebuild their lives. The politically motivated goal of causing the downfall of the Syrian Government by prohibiting any foreign political engagement or investment in these areas has failed... Furthermore, sanctions are disproportionately affecting Syria’s response to the COVID-19 pandemic and the Syrian healthcare system. A Medical Journal recently acknowledged this, saying these, ‘blunt bilateral instruments, which have not been approved by the UN Security Council and have been opposed by the UN Commission on Human Rights, imposed on Syria in the unsupported belief that they

³⁸“Iran: Unilateral Sanctions and Overcompliance Constitute Serious Threat to Human Rights and Dignity – UN Expert,” United Nations Human Rights, last modified May 19, 2022, accessed July 16, 2022, <https://www.ohchr.org/en/press-releases/2022/05/iran-unilateral-sanctions-and-overcompliance-constitute-serious-threat-human>.

³⁹“Syria Sanctions,” U.S. Department of State, accessed July 16, 2022, <https://www.state.gov/syria-sanctions/>.

will hasten regime change, have seriously impeded the country's ability to cope with the pandemic... The Syrian health system, already fractured by years of conflict, is being further destroyed by sanctions."⁴⁰ Sanctions on Syria present as a great example of why economic coercion leads to a greater humanitarian consequence than its benefit.

Suggested Solutions

There are several essential factors delegates must consider when combatting the issue of addressing the issue of humanitarian crisis raised from the imposition of unilateral coercive measures as this issue is multi-faceted; delegates must consider the indefinite legality of economic coercion, relationships of international and national communities, and intertwined effort between private and public sectors, and the lack of mechanisms that are there to support the population in the targeted areas impacted from the economic coercion. Due to the different regulations, laws, policies, and initiatives that are present in different countries, the suggested solutions must be internationally driven and clearly presented in the overlying entity of alleviating the humanitarian consequences of unilateral imposed economic measures.

Suggestion 1: Forming a universally recognized definition of the term unilateral coercive measures, economic coercion

Currently one of the main issues with determining the legality of unilateral coercive measures is that there are no universally recognized definitions for the word. According to OHCHR, the term "usually refers to economic measures taken by one State to compel a change in the policy of another State."³⁵ However, the term "usually" indicates that there isn't a universally recognized definition and is generally recognized as such, which can lead to possible miscommunications and makes setting the legality of the measures extremely difficult. Even the UN sector which has written many resolutions and mandates regarding this issue has not presented a universal definition. Another example of a term that has not been universally recognized is the term "economic coercion," which is highly relevant to the agenda itself. Economic coercion is also generally defined as "a threatened or actual imposition of economic costs by a state on a target with the objective of extracting a policy concession."⁴¹ Both of these terms are extremely important to define; however, because there isn't a set definition there are a lot of legal gray areas the countries can perpetuate when imposing economic measures that have potentially life-changing

⁴⁰ "Why Economic Sanctions on Syria Must Stop," Relief Web, last modified August 1, 2020, accessed July 16, 2022, <https://reliefweb.int/report/syrian-arab-republic/why-economic-sanctions-syria-must-stop>.

⁴¹ Glaser, "How China," CECC.

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consequences for the citizens. Not only these two terms but the term humanitarian exemption, which is a term referring to an exemption within the economic coercion for mostly humanitarian reasons, has also been used in different definitions in various contexts. A policy memo from United Nations Sanctions and Humanitarian Actions has mentioned that there is “considerable confusion around these terms, both procedurally and substantially. The Security Council, the European Union, States, and even the academic sector all employ the terms differently. Indeed, inconsistencies were even noted between the terms employed in the English and French text of some Security Council sanctions resolutions. This inconsistency is problematic as it impedes effective advocacy, leads to confusion among humanitarian actors, and frustrates sanctioned communities, who receive many different briefings and recommendations from humanitarians.”⁴² Therefore, the first step in tackling this issue should be setting a legal definition for all of these terms. There are two ways to go about setting the definition for these terms. Firstly, UNSC, OHCHR, General Assembly, and ECOSOC can possibly host a conference with all the key member nations to discuss and debate a universally recognized definition for such a term. Every nation would be able to communicate its stance regarding the legal definition, and this method can be the most effective in getting a fair consensus on the definition. The second way is for the authorities of UNSC, OHCHR, GA, and ECOSOC to form a legal definition and that definition would be the universally recognized term. This method can possibly yield biased views towards the terms and can possibly be argued that it is not “fair” for the countries not to get a direct say; however, this method might be the easier method as trying to form a consensus between nations that have extremely different yet strong views for this issue will be extremely difficult. Delegates might want to look further into what might be the best way to create a fair universal agreement regarding the definition of such terms.

Suggestion 2: Forming a universally recognized set of criteria where the economic coercion and/or unilateral coercive measures can be evaluated

This suggestion can be the next step after forming the universal agreement. As even if the universal definition is set for these terms, the relationship between international law, the UN charter, and these measures are very indefinite and complex. Therefore, UN divisions including but not limited to the OHCHR, UNSC, UNGA, and other organizations such as WTO should collaborate with member nations to publish a definitive report on setting the legality of economic coercion and unilateral coercive measures. This report may contain content such as setting the legality for secondary sanctions, and whether or not nations imposing secondary sanctions for nations who are not willing to cooperate is

⁴²Rebecca Brubaker, "Humanitarian Exemptions in UN Sanctions Regimes," United Nations University Centre for Policy Research, last modified March 2022, accessed July 16, 2022, <http://collections.unu.edu/eserv/UNU:8748/UNSHA-PolicyMemo3.pdf>.

against international law. Another important section of the report must be setting the specific criteria on guidelines to determine whether or not the unilateral coercive measure is considered illegal in international law. As aforementioned, there are countless different gray spots present in the relationship between economic coercion and international law, which can be easily perpetuated. Therefore, the report must contain specific criteria the UN will consider when looking at the legality such as but not limited to the level of collateral damage in different categories such as but not limited access to medical and necessary resources, employment rates, and poverty rates; the rise of authoritarian regimes; and effectiveness of the sanctions on the intended target and purpose. It is possible for these organizations, divisions, and key member nations to discuss how these criteria will be measured as well. Another content that should be included in the publication is the punishment of nations that impose sanctions that are deemed illegal by international law after evaluating the aforementioned criteria. Delegates might consider proposing the creation of a sub-division within one of the UN divisions to oversee all the aforementioned activity and assist key member nations in alleviating different problems that arise.

Suggestion 3: Forming policies to streamline licensing of humanitarian companies and the specification of humanitarian exemption

Focusing on the humanitarian consequences, one of the biggest challenges that NGOs and member nations face after the imposition of economic coercion is that humanitarian aid transport is also commonly restricted by the measures. Some of the most common economic coercion can include export/import bans or restrictions, travel bans, and sanctions. All of these types of measures not only limit the trade of targeted commodities and individuals but also targets humanitarian aid and personnel to work in the targeted nation. In order for the humanitarian aid to be efficiently transported to the target area that has been sanctioned, the humanitarian aid company has to receive a license for regular transport (in the case of the USA and other countries)⁴³ or they have to be part of the humanitarian exemption, an exemption that allows humanitarian organizations to be exempted from the sanction as aforementioned. For the UN sanctions, there are three different types of the mechanism of such exemption: standing exemptions, humanitarian companies does not have to issue a license or get prior authorization every time; exemption request, where the companies get approval for a specific duration and/or purpose; and exemption notification where they have to simply notify the committees without the need of approval.⁴⁴ Some nations don't have an efficient licensing procedure, which often delays the transfer of aid that can determine life-or-death situations for the citizens of the targeted area. Also, the mechanisms of

⁴³"OFAC Licenses for Humanitarian Aid," Charity and Security Network, last modified July 29, 2013, accessed July 16, 2022, <https://charityandsecurity.org/counter-terrorist-financing/ofac-licensing/>.

⁴⁴Brubaker, "Humanitarian Exemptions," United Nations University Centre for Policy Research.

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humanitarian exemptions are not necessarily clear in economic coercion that is set by the member-state. Each key member nation can establish its own policies regarding the process of humanitarian exemptions and it can be a possibility for the UN to require such exemptions if they are definitive about imposing economic coercion that can possibly restrict such transfer.

Suggestion 4: Fixing the humanitarian-aid system to provide the most effective and needed resources for the people in need

Although this suggestion is not directly related to solving the problems with economic coercion, it is solving one of the prominent issues with the humanitarian-aid system. The issue with the current system is that it lacks the mechanism to provide the most appropriate aid. To elaborate, an interview in the relief web has mentioned that “in Iraq, a 2019 survey shows people want job opportunities, cash and food and household items that help them reduce their dependency. But only 16 percent of people believe that their opinions are included in aid and service provision.”⁴⁵ If this is combined with the restriction imposed by the sanctions, the population will suffer even harder from the consequences of economic coercion. Even if the issue with licensing is solved, it will still only be short-term unless there is a policy change; therefore, it is important to provide the people with the supplies and the personnel that they are in the most need of. Delegates can possibly propose a mechanism for the aid organizations to implement feedback, so they can maximize the support given when it is possible

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⁴⁵Mark Lowcock, "What's Wrong with the Humanitarian Aid System and How to Fix It," Relief Web, last modified April 22, 2021, accessed July 16, 2022, <https://reliefweb.int/report/world/what-s-wrong-humanitarian-aid-system-and-how-fix-it-remarks-under-secretary-general>.

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