

Legal Analysis of the Compliance of Economic Countermeasures with Human Rights: Economic Sanctions and Access to Food and Medicine

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Abstract

The increasing global interdependencies associated with the flow of goods and services and the corresponding direct/indirect reliance of individual economies on each other has made unilateral economic countermeasures an attractive and powerful policy-imposing instrument. It is, at the same time, a potentially devastating solution for the populations of the targeted country. The phenomenon is made worse by the increase in the scope of economic sanctions together with their broad extraterritorial implementation. This raises questions about their intersection with human rights and the limits to which embargos should extend in order to punish the wrongful deeds of a target country. The protection of human rights as a customary norm of international law is beginning to create a major debate on the effects of implementing economic countermeasures. The negative consequences of such countermeasures should be seen as a matter of concern for the international community as reflected in Article 50 (b) of the “Responsibility of States for Internationally Wrongful Acts” which insists on the protection of fundamental human rights as an obligation for the states when taking countermeasures. The traditional inter-state focus of counter-measures as a way of responding to illicit acts should increasingly take into account their impact on actual populations.

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