

## Syria Sanctions: The International Legal Obligations of Sanctioning States

In response to the Assad regime's violent crackdown on the peaceful civilian uprising in 2011, which evolved from bullets to bombs, Syria was hit with [unilateral sanctions](#). These sanctions aimed to hinder the regime's ability to commit further violations by depriving it of the resources it needs. However, sanctions continue to [hinder aid operations](#) and leave ordinary Syrians to bear the brunt of them, infringing on their enjoyment of a range of human rights. As such, members of civil society, the aid community, and multilateral institutions have extensively debated sanctions on Syria in a multitude of forums.

But what is lacking from such public debates is a discussion of the international legal obligations of sanctioning states and how compliance with such duties can prevent or mitigate adverse impacts on the human rights of the population in the targeted state.

While the Syrian regime's well-established brutality and [corruption](#) is principally to [blame](#) for any deprivations of the human rights of Syrians, the discourse compels us to revisit the obligations under international law of states imposing sanctions. The Syrian Legal Development Programme has examined the international legal obligations of states under sanctions [here](#).

### Sanctions & International Law

Irrespective of the [Syrian regime's duties under international law](#) with regard to mitigating the impact of sanctions on Syrians, sanctioning states have an international legal obligation not to infringe on the human rights of the population in the targeted state.

In this connection, it is important to note that there is a growing consensus that states have [extraterritorial human rights obligations](#) which require them to desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic and social rights extraterritorially. This responsibility is engaged where such nullification or impairment is a foreseeable result of their conduct.

In its 1997 General Comment, the UN Committee on Economic, Social, and Cultural Rights [asserted](#) that, “[j]ust as the international community insists that any targeted State must respect the civil and political rights of its citizens, so too must that State and the international community itself do everything possible to protect at least the core content of the economic, social and cultural rights of the affected peoples of that State”.



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In this regard, the Committee [outlined](#) three responsibilities incumbent on sanctioning states. The first is that the rights enshrined in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) must be taken fully into account when designing a sanctions regime. Second, effective monitoring should be undertaken throughout the period that sanctions are in force. As the Committee explained, sanctioning states unavoidably assume a responsibility to do all within their power to protect the economic and social rights of the affected population in the targeted state. Finally, the sanctioning state has an obligation “to take steps, individually and through international assistance and cooperation, especially economic and technical” to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country.

Beyond international human rights law, international humanitarian law also delineates rules with respect to the application of sanctions in armed conflict settings. While the latter body, as [Segall](#) observes, neither specifically refers to sanctions nor deal with their effects on civilian populations, general rules on the protection of civilians against the effects of the conduct of hostilities apply.

It follows that the decision to impose sanctions must take the [rules of war](#) into account, particularly as they relate to medical and food supplies. States are bound to observe the right to humanitarian assistance. As such, sanctions regimes must provide for [effective humanitarian exemptions](#). Such exemptions must also be continually monitored to assess their short- and long-term effects. If a sanctions regime is likely to result in hardship for the civilian population, its resolution should require the [provision of sufficient humanitarian assistance](#) to ensure that the lives and health of the population are not threatened.

## The Inadvertent Impact of Sanctions on Syria

If these obligations are not adhered to, states targeting Syria with sanctions risk failing in their obligation to refrain from causing adverse effects on the human rights of the population. According to [Human Rights Watch](#), despite humanitarian carveouts, including standing exemptions, ineffectively implemented sanctions may continue to negatively affect humanitarian operations in Syria and exacerbate the country’s economic crisis.

[Restrictiveness](#) and lack of clarity surrounding carveouts have also had a chilling effect, leading financial institutions to terminate or restrict relationships with Syrian individuals or entities, even in relation to non-sanctioned sectors. This has made it challenging for [aid groups](#) to run programmes in Syria and transfer funds into the country, even when the transactions are to support activities exempt from sanctions. Sanctioning states must ensure that overcompliance by the private sector is effectively addressed, as part of their obligation to respect the human rights of the population in the targeted state.

## Conclusion

Sanctions often signal states’ disapproval of certain conduct, namely violations of international law, and therefore may serve as a strategic tool to dissuade targeted states from perpetrating internationally wrongful acts and induce them to comply with their international legal obligations.



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However, when designed and implemented in a manner that disregards the human rights of the affected civilian population, sanctioning states risk breaching international

norms themselves.

It cannot be denied that the Syrian regime manipulates sanctions and punitively uses them as a pretext to further deprive Syrians of basic needs. While the Assad regime condemns unilateral sanctions as being the source of the country's economic woes, it [boasts](#) about its success in circumventing them.

At the same time, it is evident that sanctions have [compounded](#) Syria's economic crisis and indirectly hampered aid operations. But such adverse impacts are not inevitable; a major [study](#) prepared for the UN concluded that “[d]ecisions to reduce the suffering of children or minimize other adverse consequences can be taken without jeopardizing the policy aims of sanctions”.

It is thus crucial for all states concerned to observe their international legal obligations in this regard and work to ensure the human rights of the civilian populations in Syria are protected.