

Security Council

Re-evaluating Current United Nations

Sanctions

Forum:	Security Council
Issue:	Re-evaluating Current United Nations Sanctions
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Introduction

Re-evaluating current United Nations sanctions is an intricate and multifaceted issue that needs to be examined and carefully considered. The United Nations sanctions are measures the United Nations takes to maintain or restore peace and security worldwide. These can be economic and trade sanctions as well as arms embargoes, travel restrictions, or freezing of assets among others. Although sanctions may accomplish their goals, they can cause unintended side effects such as human suffering and economic distress for civilians in targeted nations.

In recent years, discussions on the efficiency and ethical considerations surrounding UN-imposed penalties have increased. Critics argue that apart from failing to achieve their political purposes, they also hurt innocent people and thus need to be re-evaluated in consideration of how they are used or implemented while still achieving the same effect. Supporters of sanctions, on the other hand, see them as necessary instruments for encouraging compliance with international standards besides deterring hostile actions by state and non-state actors.

Evaluating current UN sanctions will enable the global community to better understand their place in the world governance systems thus creating fairer approaches toward sustaining universal peace and security.

Key Terms

Sanctions

Punitive actions taken against a country, organization, or person to make them follow international norms or decisions made by the UN.

Sanctions Committee

A branch of the UN Security Council whose duty is to supervise the application of sanctions against particular regimes.

Smart Sanctions

These sanctions do not punish whole countries but specific people and organizations responsible to minimize harm to people's lives and intensify pressures on those who make decisions not following the UN.

Asset Freezes

This is a type of focused financial sanction that bans individuals or organizations listed from using their money and other resources.

Travel Ban

Travel Bans are imposed by one nation upon another, where certain people are denied entry into other countries.

Arms Embargo

A type of sanction where weapons are banned from being sold or transferred to any sanctioned nation or group.

General Overview

The use of UN sanctions has changed significantly. Earlier, the approach for imposing sanctions was quite comprehensive, for instance, the ones placed on Rhodesia (1966) and South Africa (1977). However, there were some unintended humanitarian consequences of these extensive measures, which became clear during the 1990s in Iraq with their sanctions thus the UN shifted towards more targeted sanctions

In recent times, the UNSC mainly used smart sanctions, as shown through their actions against North Korea (DPRK) and Iran. The idea behind targeted sanctions is to intimidate specific people, organizations, or industries without harming innocent people living within that country.

Historical Context

The use of sanctions as a diplomatic tool began during ancient times, but within the United Nations, they were first used in 1945 when it was established. The Security Council is given power by the UN Charter to apply sanctions for the maintenance of international peace and security. During the Cold War period, sanctions by the UN were hardly ever used; only two major sanctions were imposed on Rhodesia (1966) and South Africa (1977). Since the 1990s, there has been a substantial increase in its use, which resulted in over 20 regimes being implemented. However, comprehensive sanctions against Iraq caused a humanitarian crisis that led to “smart” or targeted sanctions being adopted in the late 1990s and early 2000s. This development was influenced by events such as the Interlaken process, Bonn-Berlin process, and Stockholm Process, among others, to minimize civilian suffering while increasing pressure on those who make decisions. At present times United Nations’ measures keep changing due to various global challenges that continue emerging each day where the efficiency of sanctions remains under discussion together with the humanitarian side-effects resulting from them.

Legal Framework

Chapter VII of the UN Charter, Article 41, is where most of the legal framework for United Nations sanctions is set. This gives the Security Council authority to take non-military measures to maintain or restore peace and security worldwide. They have to meet three criteria which are necessity, proportionality, and response to threats posed by them. The council does this by passing resolutions that establish particular sanctions regimes with their scope, targets as well and methods of implementation shown; these can vary from full-scale economic embargoes to asset freezes against specific individuals, along with travel bans directed at certain groups or organizations. Such resolutions must be obeyed by member states within their jurisdiction under Article 25 of the UN Charter. It includes exceptions for humanitarian purposes and creates committees responsible for overseeing how they are put into practice. Recent changes have involved due process and human rights more fully into the system such as by creating an Office of Ombudspersons in some cases involving sanctions.

How Sanctions are Implemented

The United Nations sanctions are put into effect by the Security Council, member states, and specialized committees. The Security Council establishes sanctions regimes through resolutions under Chapter VII of the UN Charter. All 193 UN member states have a legal duty to apply these resolutions within their jurisdiction. Sanctions committees, supported by expert panels, oversee implementation and provide guidance. Measures can vary from comprehensive economic embargoes to targeted actions such as freezing assets or banning travel; recently, there has been more use of “smart” sanctions designed not to harm ordinary people. Monitoring sanctions relies on compliance efforts and reporting information about what is happening in countries where these violations are taking place while enforcement depends largely upon voluntary cooperation between states and may be reinforced if necessary. Sanctions regimes usually include exceptions for humanitarian purposes but this does not always mean that they work effectively because sometimes, even when there are good intentions behind them, the lack of global support can make it impossible to achieve objectives set out in resolutions.

The Impact of Sanctions

The impacts of United Nations sanctions are complex and often controversial. These measures have a widely varying success rate, estimated at between four and thirty-six percent. Sanctions generally reduce economic activity in targeted nations and can also have effects on neighboring countries. The humanitarian cost is significant; they frequently make life worse for ordinary people, especially those who are already vulnerable and may even violate human rights. Unintended side effects include creating other illegal economies and using cryptocurrencies to evade sanctions. Implementation challenges such as getting member states' compliance or making sure financial institutions do not go too far in avoiding their obligations under the rules, can also cause more issues for the implementation of sanctions. Sanctions also usually have multiple objectives beyond just changing the behavior of the country aimed at, which includes promoting values as well as improving domestic politics among others therefore this makes it complex to judge their overall effectiveness. Even with their frequent utilization, there remains debate around sanctions, given that they have many wide-ranging impacts which call for further consideration about when should be used so as not to adversely affect civilians as well as balancing potential benefits against costs across different sectors but mainly economy related.

Major Parties Involved

United Nations Security Council

UN sanctions are carried out and regulated by the United Nations Security Council (UNSC). They are reliant on Chapter VII of the UN Charter, which imposes sanctions against those who break international law. The UNSC needs a majority vote with no vetoes from its permanent members to make sanction resolutions. The comprehensive sanctions approach of the UNSC has evolved into one that targets specific areas, resulting in smart sanctions; this is achieved through thirteen different committees overseeing thirteen different regimes. These usually include freezing assets, banning travel, or imposing arms embargoes on states or individuals involved in a conflict situation. Member states establish monitoring groups as well as special committees for each regime while expecting them to be implemented and enforced by their members. Designing sanctions takes into account humanitarian concerns especially where there is armed conflict. The council reviews its methods continuously, trying to deal with side effects and provide fairness. When they impose sanctions, the effectiveness depends on compliance from member states but also complex diplomatic interactions among countries at a global level

Sanctions Committee

The United Nations Security Council's Committees on Sanctions is a vital organization in this issue; they oversee and execute specific sanctions regimes. Created by all 15 members of the Security Council and led by a non-permanent member, these committees run the day-to-day work, implementation, and monitoring of sanctions. They have to find possible targets of sanction measures, consider requests to add or remove nations from the sanction lists, provide instructions on how to carry out things, and check if rules are followed. Experts' Panels support them by collecting information about what countries do to implement decisions, and reporting back to the whole Council is their duty as well. Exceptions may be granted for humanitarian or other approved reasons, too. Usually, decisions are taken within this committee through general agreement but their composition changes with each new composition of the Security Council. The success rate with which sanctions regimes operate largely depends on this organizational aspect because it serves as an operational basis for UN sanctions programs. Therefore, they play a critical role in ensuring fairness, efficacy and alignment with the council's intentions as well as taking care of unintended effects that can arise during their application,

especially when dealing with people's lives in such situations.

Member States

The implementation and enforcement of UN sanctions are mainly done by member states. Legally, all 193 members of the UN should apply Security Council resolutions on sanctions within their country normally by implementing them into their national laws or regulations. They must ensure that those under their jurisdiction comply with these laws and they are required to give an account of what they have done in regards to the resolutions. Another role played by these states is adding individuals or entities to the list by proposing them as targets for sanctions. The composition of the UN Security Council, which has 15 representatives, including 5 permanent members and 10 non-permanent rotating ones who vote on resolutions, makes it a key player during the decision-making process leading to the imposition of any given sanction regime. One notable example of countries that have taken active roles include the USA which frequently leads in suggesting new measures and enforcing existing ones while Russia always expresses doubts over the legitimacy of such moves besides using its veto power alongside China; EU member nations implement both global (UN) and regional (EU) arms embargoes among other types imposed against various countries like Iran, North Korea & Syria that often challenge their legality under international law.

Targeted States and Entities

Usually, targeted states and entities suffer severe adverse effects in their economies, politics, and societies. These states and entities are under several restrictive measures, including the freezing of assets, travel bans, and arms embargo, among others, aimed at reducing their actions so that they can adhere to international norms by pressuring them. One of the examples is Russia, which has faced heavy sanctions due to its invasion of Ukraine, such as those that target the defence industry, financial institutions, mining industry etc. Similarly, terrorism-related activities or human rights abuse cases may lead to European Union imposing sanctions against governments companies individuals involved with these acts or even nuclear proliferation for instance; Syria Iran North Korea all three have been put under sanction regimes by the EU among others. Involvement by these targeted states also usually leads to attempts to evade sanctions, thereby making continuous surveillance mandatory, together with additional enforcement methods adopted globally towards compliance enhancement while discouraging tactics used during evasion.

Humanitarian Organizations

Humanitarian organizations are important in tackling the effects of UN sanctions and pushing for the implementation of humanitarian exceptions. The efforts of these organizations resulted in Resolution Number 2664, which provides cross-cutting human exemptions to asset freezes in 2022. The International Committee of Red Cross (ICRC) and the United Nations Office for Coordination of Humanitarian Affairs (UNOCHA) are among these bodies that carry out relief programs within areas under sanction while dealing with increasingly complex legal frameworks. They record impacts brought about by sanctions, interact with policymakers as well as manage risks involved during the aid delivery process. Local humanitarians also contribute greatly to discussions and implementations related to sanctions. These groups collectively strive towards harmonizing efficient sanctions with the provision of assistance to those in need thus presenting critical evidence necessary for altering policies while at the same time enhancing access to such areas that are affected by sanctions. This has played a key role in upholding humanitarian action while still abiding by objectives set under the UN's regimes.

Timeline of Key Events

1968	UN imposes sanctions on Southern Rhodesia
1970	UN imposes sanctions on South Africa
2000s	UN Sanctions shift towards imposing more smart sanctions rather than targeted
December 31st, 2012	EU implement UN sanctions against Iran
November 24th, 2013	Iran,P5+1 and EU agree upon the JCPOA, which addresses Iran's nuclear program
July 14th, 2015	JCPOA is agreed and signed by Iran and P5+1
July 20th, 2015	UNSC adopts Resolution 2231, which endorses JCPOA
January 16th, 2016	EU lifts nuclear sanctions implemented against Iran
August 13th, 2022	UNSC calls for effective implementation of sanctions to promote peace and stability in Africa
October 17th, 2023	EU maintains nuclear sanctions against Iran after the JCPOA Transition Day

UN Involvement and Other Treaties

- Resolution 2664, 9 Dec. 2022 (S/RES/2664)
- Threats to international peace and security caused by terrorist acts, 17 Dec. 2021 (S/RES/2610)
- Resolution 1533, 12 Mar. 2004 (S/RES/1533)
- Resolution 1591, 29 Mar. 2005 (S/RES/1591)
- Resolution 1970, 26 Feb. 2011 (S/RES/1970)
- 104th Inter-Parliamentary Conference, Oct. 2000, Jakarta, Indonesia
- 2005 World Summit, Sep. 2005, New York, United States of America

Previous Attempts to Solve the Issue

Shift to Smart Sanctions

This change to smart sanctions marked a significant shift in UN punitive measures' policy directed towards some issues that are related to traditional comprehensive sanctions. It aimed at avoiding any unintended humanitarian consequences by focusing on individuals, entities, or sectors as opposed to the entire population. These were designed to improve punishing techniques for international lawbreakers without making life unbearable for innocent civilians. Smart sanctions were also more politically acceptable as they considered ethical questions. This move allowed more suited responses addressing matters such as terrorism financing, nuclear proliferation, or human rights abuse. Despite addressing some concerns and minimizing side effects, the overall efficiency of smart sanctions remained debatable. Correspondingly, there continue to be implementation problems and unforeseen side effects but on a lesser scale as compared to a comprehensive sanctioning system. Nonetheless, this shift was an important attempt to reconcile effective international pressure with human interest.

Humanitarian Exemptions

Due to the implementation of Resolution 2664 in 2022, humanitarian exemptions in UN sanctions regimes have particularly affected the delivery of aid in sanctioned areas. These immunities safeguard humanitarian actions by creating a common approach across all UN sanctions regimes, enabling the provision of assistance and programs that support basic human needs without breaching the imposed sanctions. This added flexibility allows relief agencies to work more easily under sanctioning environments by simplifying their activities and possibly speeding up the delivery of much-needed humanitarian assistance. The exemptions are intended to prevent inadvertent harm to civilian populations while facilitating necessary fund transfers for humanitarian purposes by avoiding case-by-case approvals. It should be noted, however, that these exceptions are limited only to asset freezes, and whether they will be effective or not depends on state implementation as well as how well the humanitarian organizations can navigate the constraints placed within the sanctioned environments.

Regular Reviewing and Monitoring

A regular review of UN sanctions has become an important way to ensure that they remain pertinent and effective. As part of the process, periodic assessments are done on existing sanctions to gauge their effectiveness, expand their limitations, or consider withdrawals or modifications. For example, there have been ongoing talks over the potential lifting of the Sudan sanctions regime based on particular indicators of progress. These reviews help the Security Council adjust its sanctions in response to changing circumstances and address side effects while ensuring that they are still focused and directed. In addition, this strategy will enable them to reexamine any humanitarian implications associated with these punitive measures and make necessary adjustments towards minimizing civilian suffering from them. The aim is for the UN to institute regular reviews that make sanctions 'living' instruments of global diplomacy so that while targeted entities continue facing pressure, there can also be acknowledgment of positive trends and efforts aimed at reducing undesirable outcomes.

Possible Solutions

To enhance the effectiveness of UN sanctions, more powerful and independent monitoring and evaluation systems could be implemented. This measure would entail establishing a dedicated group of specialists to constantly evaluate how sanctions have worked out, both desired and undesired. Afterward, such reports would be made as per the Security Council that are statistically based indicating the extent to which these sanctions have been effective, their humanitarian consequences, and areas that might be adjusted in the future. This method will allow for faster adaptation by basing them on evidence; changes can therefore be easily made to sanction regimes within a timely manner. It may also include mechanisms through which input from affected populations and humanitarian organizations is sought, thereby ensuring that greater attention is paid to the ground-level impacts of sanctions. In addition, this solution may foster transparency and accountability, thus addressing concerns regarding unfairness in the effects or outcomes of sanctions.

Creating a broader legal framework for safeguarding humanitarian activities in sanctioned regions beyond the existing exemptions would also address this issue. This could incorporate developing standardized pre-approved platforms for monetary transactions on human aid relief, as well as laying down clear guidelines concerning private sector involvement in emergency responses. Moreover, it may involve adopting an accelerated process of ratifying urgent interventions relating to emergencies in specific areas of crisis. By presenting clearer channels through which communities in need can legitimately engage with donors, this solution can reduce negative effects on assistance delivery while maintaining its pressure upon targeted entities. For this approach to succeed as intended, there will need for close cooperation between the UN, member states, banking institutions as well as other stakeholders in humanitarian services.

Another solution might emphasize improving the capacities of member countries, particularly weaker nations, so that they effectively implement the UN's set conditions for imposing economic embargoes against any state at variance. This strategy would be used to develop a comprehensive training and support program that would help these countries build the necessary legal infrastructure, create institutional mechanisms as well as acquire technical skills for enforcing sanctions. It could also suggest some other methods of improving financial monitoring systems that operate in identified

sanction-evading territories, border control technologies, and even strategies for detecting such instances. Additionally, it can lead to more effective coordination among various national bodies responsible for imposing embargoes on targeted entities within a country's boundaries as well as enhance regional cooperation in mitigating potential cross-border threats. Consequently, to bridge the gaps in the enforcement of global sanctions, this solution aims at strengthening international norms of implementation of restrictive measures that are applied against states found violating international laws or threatening peace worldwide.

Bibliography

"A Brief History of Economic Sanctions." Carter-Ruck,

www.carter-ruck.com/insight/a-brief-history-of-economic-sanctions/. Accessed 13 July 2024.

Biersteker, Thomas J., et al. "Understanding United Nations Targeted Sanctions: An Empirical Analysis." University of Groningen, 2018,

pure.rug.nl/ws/portalfiles/portal/99187293/Understanding_United_Nations_targeted_sanctions_an_empirical_analysis.pdf.

Charron, Andrea. "UN Sanctions and Conflict: Responding to Peace and Security Threats." JSTOR, 2011,

www.jstor.org/stable/10.2307/resrep09626.5.

"Designation of Individuals and Entities Contributing to Violence and Instability in the West Bank." U.S. Department of State, 1 Feb. 2024,

www.state.gov/designation-of-individuals-and-entities-contributing-to-violence-and-instability-in-the-west-bank/.

"Economic Sanctions Can Have a Major Impact on the Neighbours of a Target Nation – New Research."

The Conversation, 23 Mar. 2023,

theconversation.com/economic-sanctions-can-have-a-major-impact-on-the-neighbours-of-a-target-nation-new-research-206877.

"European Union Sanctions." European External Action Service, 11 May 2023,

www.eeas.europa.eu/eeas/european-union-sanctions_en.

"General Framework for EU Sanctions." EUR-Lex,

eur-lex.europa.eu/EN/legal-content/summary/general-framework-for-eu-sanctions.html. Accessed 13 July 2024.

"Impact of Sanctions." Office of the High Commissioner for Human Rights, 14 Sept. 2023,

www.ohchr.org/en/statements-and-speeches/2023/09/impact-sanctions.

"In Hindsight: UN Security Council Sanctions." Security Council Report, 30 Nov. 2023,

www.securitycouncilreport.org/monthly-forecast/2023-12/in-hindsight-un-security-council-sanctions.php.

"Legal Framework." Ministry of Foreign Affairs - Algeria,

www.mfa.gov.dz/targeted-international-sanctions-committee/legal-framework-1. Accessed 13 July 2024.

Ruys, Tom. "Submission to the Human Rights Council Advisory Committee." Office of the High Commissioner for Human Rights, www.ohchr.org/sites/default/files/Documents/Issues/UCM/ReportHRC48/Academia/submission-tom-ruys-2.pdf. Accessed 13 July 2024.

"Sanctions Against Russia and the Role of the United Nations." Global Challenges Foundation, 15 Dec. 2022, globalchallenges.ch/issue/12/sanctions-against-russia-and-the-role-of-the-united-nations/.

"The Effectiveness of Economic Sanctions and the Risk of Digital Asset Growth." U.S. Government Accountability Office, 28 Mar. 2023, www.gao.gov/blog/effectiveness-economic-sanctions-risk-digital-asset-growth.

"The United Nations in Hindsight: UN Security Council Sanctions." Just Security, 1 Dec. 2023, www.justsecurity.org/90394/the-united-nations-in-hindsight-un-security-council-sanctions/.

"UN Sanctions." Global Investigations Review, globalinvestigationsreview.com/guide/the-guide-sanctions/third-edition/article/un-sanctions. Accessed 13 July 2024.

"UN Sanctions and Humanitarian Action." United Nations University Centre for Policy Research, unu.edu/cpr/project/un-sanctions-and-humanitarian-action. Accessed 13 July 2024.

"United Nations Sanctions." Council of Europe, www.coe.int/en/web/cahdi/united-nations-sanctions. Accessed 13 July 2024.

Weschler, Joanna. "The Evolution of Security Council Innovations in Sanctions." International Journal, vol. 65, no. 1, 2009, pp. 31–43. JSTOR, www.jstor.org/stable/27800500.

Winkler, Adam. "Just Sanctions." Northwestern University School of Law Scholarly Commons, 2007, scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1094&context=facultyworkingpapers.

Appendix

- UN library, [United Nations Digital Library System](#)
- UN official website, [Welcome to the United Nations](#)
- Sanctions, <https://main.un.org/securitycouncil/en/sanctions/information>