

Committee: Legal Committee

Agenda Item: Evaluating the efficiency, equitability and the overall legitimacy of UN sanctions

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Introduction

United Nations sanctions are crucial tools in our modern peace-seeking world when it comes to maintaining global stability, specifically in addressing threats like terrorism, nuclear proliferation, and human rights violations.

UN sanctions can take various forms, each meant to target certain behaviors or activities that endanger world peace and security. The most common types of UN sanctions are arms embargoes, which prohibit the sale or transfer of weapons to specific countries or groups; financial sanctions, which freeze assets and prohibit financial transactions with designated individuals or entities; travel bans, which restrict the movement of individuals associated with sanctioned activities; and trade restrictions, which limit the import or export of specific goods to or from sanctioned countries.

UN sanctions are restrictive measures imposed by the United Nations Security Council (UNSC) aiming to enforce international law, maintain or restore peace and security, and compel states or entities to comply with its decisions. These sanctions are diplomatic decisions imposed by United Nations member states against states, entities, or individuals suspected of engaging in illegal activities that could jeopardize national security, peace, and international law.

Definition of Key Terms

Efficiency: The extent to which sanctions achieve their intended goals.

Equitability: The fairness of sanctions, specifically how they impact different groups in a targeted state or entity.

Legitimacy: The perceived justification and moral authority of the sanctions.

Sanctions Committee: A UN body such as the United Nations Security Council that is responsible for implementing and monitoring sanctions.

Major Actors Involved

The United Nations Security Council

The United Nations Security Council is the responsible United Nations branch for imposing sanctions when it deems necessary. The power of the UNSC is increased by Chapter VII of the UN Charter to take measures to maintain or restore international peace and security. Moreover, Article 41 directly allows the Security Council to impose sanctions without resorting to military force.

Additionally, it should also be mentioned that the sanctions that the UNSC impose carry international legitimacy because they are considered binding on all UN Member States. Therefore, the UNSC is a unique global party capable of enforcing international measures against states or entities that cause threat to peace and security.

Libya

Due to its extended history of conflict, it is impossible to deny Libya's crucial role in the context of UN sanctions. The first sanction -an arms embargo- on Libya was imposed in 2011 under the Resolution 1970, it was aimed at curbing the Gaddafi Regime's violent acts on civilians during the Arab Spring uprisings. This embargo's goal was to prevent the inflow and the outflow of armed weapons in order to stabilize the tension in the region.

Although the UNSC tried to take the necessary measures regarding the issue in hand, arms trafficking has persisted, therefore the UNSC referred to the International Criminal Court (ICC) in 2011 emphasizing the need for accountability for crimes against humanity.

Regardless of all measures taken for the situation in Libya, the issue continues to impact the neighbouring countries and Europe due to its role in migration flows, regional security, and oil exports.

DPRK

Considering its ongoing nuclear weapons development and defiance of international norms, DPRK is a significant actor in discussions about UN sanctions. Over the years the UNSC has imposed numerous sanctions against the DPRK in an effort to put an end to its nuclear ambitions and mitigate the risks of regional instability. The sanctions included trade restrictions, financial sanctions, and arms embargoes were part of a greater strategy to force DPRK to leave its nuclear weapons program and engage in diplomatic talks.

One of the most prominent aspects of the UN Security Council's approach to DPRK sanctions is the work of the Panel of Experts, which offers thorough reports on the sanctions' enforcement and effectiveness. The panel oversees compliance and evaluates the regime's unlawful operations. Recent reports raise concerns about North Korea's missile programs and violations of UNSC resolutions. Additionally, the UN Security Council has restored and reinforced its sanctions regime, making it a crucial tool in global efforts to prevent nuclear proliferation.

General Overview of the Issue

Sanctions imposed by the Security Council have taken many shapes to achieve a variety of objectives. Comprehensive economic and trade sanctions have been implemented, as well as more targeted measures such as arms embargoes, travel bans, and financial or commodities restrictions.

Sanctions have been imposed by the Security Council to encourage peaceful transitions, dissuade non-constitutional changes, limit terrorism, safeguard human rights, and promote nonproliferation.

Sanctions do not work, prosper, or fail in a vacuum. The measures are most effective in maintaining or restoring international peace and security when used as part of a complete plan that includes peacekeeping, peacebuilding, and peacemaking. Contrary to popular belief, many sanctions are intended to help governments and areas transition peacefully. The sanctions regimes in Libya and Guinea-Bissau are prime examples of this technique.

During the 1990s over fifty new series of sanctions have occurred including twelve instances of the UN Security Council sanctions while the rest were imposed primarily by the United States and the European Union. The popular standpoint, which appears to be backed by the majority of scholarly research, holds that sanctions are useless and only serve to appease public demands for action.

Under Chapter VII of the United Nations Charter, the Security Council has the authority to take measures to maintain or restore international peace and security. Sanctions under Article 41 cover a wide range of enforcement tools that do not entail the use of armed force. Since 1966, the Security Council has implemented 31 sanctions regimes including, Southern Rhodesia, South Africa, the Former Yugoslavia, Haiti, Angola, Liberia, Eritrea/Ethiopia, Rwanda, Sierra Leone, Côte d'Ivoire, Iran, Somalia/Eritrea, ISIL (Da'esh) and Al-Qaida, Iraq, Democratic Republic of the Congo, Sudan, Lebanon, Democratic People's Republic of Korea, Libya, the Taliban, Guinea-Bissau, Central African Republic, Yemen, South Sudan and Mali.

To state that the SC has extensive authority under Chapter VII may be stating the obvious. This is true for both determining the existence of a scenario that could trigger its powers and deciding whether to use the measures proposed by the Chapter.

Attempts to limit the SC to a legalistic interpretation of the UN Charter have resulted in 'claims of illegality that simply do not fit with reality'.¹⁸ At the same time, the claim that the Supreme Court is *legibus solutus*¹ receives scant support in international legal literature for reasons that seem clear. To concede that the SC legitimately works outside of the law would be to deny the relevance of the law to the governance of world affairs.

The essential truth, however, is that the SC was established as a peace-keeping body tasked with ensuring international peace and security following the horror and devastation caused by World War II. No one could have reasonably predicted at the time of the UN Charter's drafting that the organ's subsequent practice would evolve to include a general law-making - and previously quasi-judicial - activity to address threats to the international legal order, the nature of which has changed dramatically since the mid-1940s. The extent to which these developments can be accommodated in terms of treaty interpretation remains debatable. The concepts of 'implied powers' and subsequent practice' have been invoked to provide legal legitimacy for the SC's evolving practice, with vehement opponents emphasizing their concerns about any attempt to revisit the SC's initial duty, notably the political peace-enforcer.

In a self-contained, treaty-based system like the UN Charter, which is ultimately dependent on Member States' permission, the question of the legitimacy of SC action cannot be addressed in isolation. The absence of an explicit and unambiguous entitlement under the Charter to produce law-making resolutions is just one aspect influencing perceptions of legitimacy.

There are now 14 continuing sanctions regimes that support political conflict resolution, nuclear nonproliferation, and counter-terrorism efforts. Each regime is overseen by a sanctions committee led by a non-permanent member of the Security Council. Nine monitoring organizations, teams, and panels assist the work of ten of the 14 sanctions committees.

¹ Not subjective to the law.

Timeline of Important Events

Date:	Event:
1996	The first UN sanctions on Zimbabwe, previously known as Southern Rhodesia in order to oppose its solitary declaration of independence under a white minority regime which marked the first use of sanctions under Chapter VI of the UN Charter.
2006	The UN imposed sanctions in return for North Korea's nuclear tests, these sanctions included arms embargoes, financial restrictions, and bans on luxury goods, showing the use of sanctions to curb proliferation.
2011	Sanctions were imposed on Libya to freeze the assets of the Gaddafi regime and impose travel bans, illustrating the UN's capability in addressing rapid political changes.
2014	Sanctions on Yemen due to measures that targeted individuals obstructing the political transition which demonstrated sanctions' role in supporting governance reforms.
2017	Sanctions on North Korea were enhanced after the continuation of missile tests by North Korea, sanctions were expanded to include bans on key exports like coal and seafood, mirroring a tightening approach to economic restrictions.

Related Documents

<https://www.un.org/en/about-us/un-charter/chapter-6>

<https://www.un.org/en/about-us/un-charter/chapter-7>

[https://main.un.org/securitycouncil/en/s/res/1970-\(2011\)](https://main.un.org/securitycouncil/en/s/res/1970-(2011))

Past Solution Attempts

Several difficulties come up when assessing the effectiveness, fairness, and legality of UN sanctions. One key difficulty is the efficacy of targeted sanctions in achieving their objectives, such as behavior reform, resource constraints, or signaling international norms. The "Targeted Sanctions Consortium" (TSC) study had mixed findings. While sanctions do occasionally result in changes in targeted behavior, they are frequently part of larger political tactics and can be difficult to pinpoint in terms of direct impact. Furthermore, these sanctions are seldom imposed in isolation, complicating their evaluation.

Another problem is the equitability of the penalties procedure, particularly in terms of justice and openness. For example, in terrorist sanctions, the fairness of the listing and delisting procedures has been a source of disagreement. Critics believe that the lack of a strong due process framework, particularly prior to 2006, resulted in serious injustices, such as wrongful listings, which ruined innocent lives. The establishment of institutions such as the Ombudsperson system has helped address these concerns, albeit its efficiency still varies among different sanctions regimes.

Perceptions of double standards make the legitimacy of UN sanctions even more complicated. For example, some states see sanctions as a tool for powerful countries to enforce their norms, which leads to opposition and undermines the sanctions' purpose. This issue is particularly pronounced when powerful states do not follow the same norms they impose on others, which can diminish the overall legitimacy of the sanctions.

Possible Solutions

To solve this issue there are some key points to focus on such as increasing efficiency. As the past shows that some imposed states are nearly not affected by the sanctions that were imposed by the UNSC. To increase efficiency, it is suggested to lean towards more targeted sanctions such as asset freezes or travel bans as they are more effective when compared to broad economic sanctions because they directly aim at key individuals or entities. Although, their success is dependent on the political will of the sanctioning states and the resilience of the sanctioned regime. The perceived validity of punishments is crucial to their effectiveness. If the targeted state or other international players believe the penalties are discriminatory or unjust, they may refuse to comply. This problem is exacerbated by inconsistent practices, in which some countries face more sanctions than others for comparable offenses, eroding the UN's legitimacy. Establishing transparent, fair processes, such as independent review systems, can help strengthen credibility.

Useful Links

<https://www.un.org/en/about-us/un-charter/chapter-6>

<https://www.un.org/en/about-us/un-charter/chapter-7>

https://www.ted.com/talks/abdullah_al_shakarchi_iraq_during_sanctions_a_tale_of_survival

<https://www.youtube.com/watch?v=kgqz2K4lKwo>

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