

Forum: Security Council

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TOPIC 3: The issue of global sanctions on violators of international peace

Link to Libguide

I. Introduction to the Topic

As the sole organization with international agreement to apply imposed sanctions, the theme of this conference: “How do we ensure sustainability through multilateral cooperation?” is one that takes vital on the issue of global sanction on violators of international peace. Exercised under the authorization of the United Nations Charter, the UN’s global sanction’s interests regard the assurance of national security interests, the application of international laws, and the defense of peace against potential and ongoing threats. Sanctions are applied to parties in any form: states, entities, individuals, etc. Even though sanctions are usually meant to be the last resort when it comes to the violation of international regulations, when in necessity of its implementation, UNSC members will create an accorded resolution providing sanctions such as but not limited to:

- economic sanctions (trade barriers, bans on armaments),
- diplomatic sanctions (removal of diplomatic ties),

[Note: military intervention is a prohibited measure for UN sanctions.]

However, while UN global sanctions are intended to bring about the assurance of world peace, many believe that they have become specific sanctions aimed at individuals, small groups and entities, or have in some cases disrupted humanitarian assistance. As the UN sanctions’ question of effectiveness and righteousness arises, the issue of global sanction on violators of international peace is in exigency of discussion for people on all different scales.

International

The issue of global sanction on violators of international peace is at core, contextualized on an international scale: it is covering the question of maintaining world peace. However, there has been insufficient pressure on criminally judged actors leading to the ongoing global instability. This usually derives from a misunderstanding of interest when establishing the sanction. One state may be in crucial need of good transactions, but if the sanction only accounts for a cut of diplomatic alliance, the sanction will not be able to eradicate the state of threat. Another key point complexifying the issue lies in the limits of UN sanctions itself: P5 nations are not a subject of imposed sanction if they hold irrefutable arguments for their Veto use.

Regional

On a regional scale, neighboring states and parties' reaction to tension and sanctions may be pejorative. At times like that, neighboring states forming alliances, or preexistent regional organizations such as the European Union (EU), the Association of Southeast Asian Nations (ASEAN), or the African Union (AU) will unite and operate to contribute to the cease of issue as much as possible. They will work with the UN: regional organizations will fulfill their role of signaling and constraining when UN sanctions are weak. Under the context of global crisis, regional organizations are supposed to be quick to respond and collaborate with other internationally influential actors.

National

Sanctions committees established by UNSC are responsible for monitoring the situation, such as goods' importations (only humanitarian and accepted goods are allowed in). This however, complicates the issue: the Sanctions committee along with other supporting stakeholders has the right to supervise the sanctioned party and until when the sanction regime ends. This will delay and limit national activities if the subject of sanction is a state, and especially for LEDCs, an engraved downward trend will likely be seen on the economy. In cases like this, communication between member states' governments and the Sanctions committee team (in particular the experts working for the committee) will be helpful.

Local

On a local scale, regardless of sanctions, communities living in a criminally accused government are already most probably oppressed under bad living conditions. With implemented sanctions, humanitarian aid can only be received by the state itself or intergovernmental humanitarian organizations like Red Cross (ICRC). Even with the authorization of 2 sources of assistance, all actions must be verified by the Sanctions committee, challenging aid to be served at the peak of its necessity.

II. Definition of Key Terms & Concepts

Delisting: means getting removed from the UN sanctions list. Under positive developments (a cease of conflict, the desired outcome has been achieved), UNSC will approve of one's lift of sanction. In other cases, one can apply to be delisted through a focal point for delisting or through the Office of the Ombudsperson. The ISIL (Da'esh) & Al-Qaida Sanctions Committee are experts in this approach as many individuals accused of being involved with terrorism have asked for their delistment.

Licensing requirements: As countries take responsibility in following sanctions imposed by the UNSC at a local level, they also take responsibility in issuing licenses for individuals or companies to continue their activities that would be prohibited under the sanctions regimes. UNSC will hand out approval if no objection is made.

Multilateral and unilateral sanctions: While multilateral sanctions are sanctions that are implemented through an agreement of multiple states (UN Sanctions are multilateral sanctions), unilateral sanctions are the ones that are imposed by one state on another one for specific purposes. On the one hand, multilateral sanctions are most definitely legal, on the other hand, unilateral sanctions are not illegal, but should carefully be used so as to not violate international laws.

International law: is a set of guidelines and norms that all states must follow in order to adopt appropriate attitudes and measures with other countries. International law's most crucial pillar lies in the security of our world. In today's world, the international law has prohibited all use of

force as measures between nations, and claimed that the UN is the only actor authorized to use force. That is why the use of sanctions these past decades has substantially increased.

Partnership: UNSC Sanction committees and expert panels work closely with regional organizations in respective regions and specialized entities such as ICAO, IMO, WCO, and INTERPOL. 10 committees currently have agreements with INTERPOL for Special Notices. Note that special notices only apply for cases where the violators are individuals, entities, or small groups. Special notices work as an informant to the Sanctions committee in order to take measures complying with national laws where the violators reside).

III. Key Stakeholders

United Nations Security Council (UNSC): is the primary decision-making body responsible for authorizing and overseeing UN peacekeeping operations. Its five permanent members (P5) hold significant power, including the ability to veto resolutions. The UNSC is the only council authorized to exercise obligated sanctions on accused violators of peace. Sanctions regimes pass if 9 of the members vote for it, and no veto was issued: hence UNSC is the most important and only stakeholder in implementing sanctions. Then, to monitor the situation, the UNSC will invite other stakeholders in to optimize the control and ensure the success of the imposed sanctions. decisions directly affect the jurisdiction and mandate of peacekeeping forces. However, with the access to such monopoly power, even more conflict and tensions may arise, beside original threats that led the UNSC to such climatic actions, between the UNSC and the accused violators. The UNSC's righteousness might be questioned in many cases.

Sanctions committees: consisting of all 15 members of UNSC, in which 3 members will be chosen as Chair and two Vice-Chairs, are sanction monitors. They work and take decisions by consensus: most decisions are taken by a written no-objection procedure (NOP), with a deadline for objection. The committees are structured under the idea of external sovereignty, meaning each member has their own "veto" power in the committee; Chairs and Vice-Chairs' functions only lay in interacting and assembling members, they do not have excessive power. Sanction committees usually and are always recommended to collaborate with external non-UN forces such as regional organizations like EU, or groups of sanction monitoring experts, in order to optimize the case's effectiveness. In the context of UN sanctions, sanctions committees are the

main partaker of the situation and external actors are the assistance: with that being said, sanctions committees have to verify the experts' reports and actions, as well as designate and delist them when it is necessary. The Security Council Subsidiary Organs Branch (SCSOB) assists and facilitates the work of committees: it can suggest candidates for expert positions, appropriate external collaborators, etc. The final decision however, still lies in the Sanction committee.

Violators: are at the key of this issue. They come in different forms, mostly as states, but also as groups and individuals (ISIL (Da'esh) and Al-Qaida): there is no limit to what a threat's form might take. At the center of the problem, they are expected to be supervised by the Sanctions committees of the UNSC. Each sanctions regime has its own Sanctions committee in accordance. With investigations and analysis of the evolution of the situation, the committee will react rapidly. If the violator is conforming to the sanctions, there are ways to delist sanctioned actors: through the Ombudsperson process, UN Focal Point, etc. The decision to object and to delist is ultimately in the hands of the Sanctions committees.

Sanction monitoring experts: are the first actors assisting the Sanctions committees. They are recruited members working for the UN on a specific sanction regime. They are supposed to monitor (preferably on-site), investigate the situation's progress, recommend new measures, and make a periodic report providing the committee with all information related to the case. Each committee has about 4-6 experts, with expertise appropriate to the specific sanctions provisions. Note that experts are not exactly in status UN staff, but rather individuals especially selected by the UN to work on specific missions until when the case is closed. As detailed in their contract, all experts are expected to respect rules such as the confidentiality of the situation: experts can be delisted if they have ignored methodological standards.

Non-UN (regional) organizations and entities: are the second actors assisting the Sanctions committees. They do not work under the UN, but this relation is considered a partnership or coalition with the goal to ensure global sustainability and peace: the UN acknowledges them as a major contributor to the maintenance of international peace and security in the UN Charter under Chapter VIII. During the implementation of UN sanctions, chairs and members of Sanctions committees often consult regional organizations for an exchange of information and views, to progress in the situation. There haven't been crucial security issues within Asia yet, so there

hasn't been any cooperations between the UN and Asian regional leagues yet. Additionally, non-UN regional organizations usually also interfere with their own sanctions when the UN does not engage with sanctions in a crisis or cannot engage with sanctions in a crisis under specific circumstances (eg. involvement of P5 nations). Organizations like the European Union (EU) have developed their own sanctions regimes, or the Economic Community of West African States (ECOWAS). On the side of entities, the UN usually works closely with specialized entities like INTERPOL (refer to Key terms & Concepts - partnership).

IV. Key Issues including Background Information

Different interests: A part of the reason why UN sanctions fail to improve the situation of a crisis lies in the fact that they cannot identify the appropriate measure for the specific violators due to different interests: while UN may think that specific violators highly value diplomatic ties while the violators in question are not pressured with diplomatic dissociation, a diplomatic sanction will not be effective. For example, regarding the illegal missile tests conducted by DPRK, the multilateral economic sanctions against North Korea appear to have had little effect and the reasons behind the failed sanctions lies in the fact DPRK may find threat in such sanctions, and in contrary, will show their willingness to increase domestic resistance against other countries.

Internal hierarchical structure: While UN is presumably the only organization with internationally accorded right to apply sanctions, hence presumably an invincible force, it has its own hierarchic system. The UN's inviolable force is questioned under its inability to take measures when facing situations involving P5 nations. During the current Russia-Ukraine conflict, the UNSC has not been effective in condemning Russia for its actions as the state holds the Veto power. Even with the implementation of the recent resolution from the UN General Assembly (UNGA) requiring countries to justify their use of Veto, the UN stays powerless in the conflict.

Unilateral sanctions: The International Law does not condemn unilateral sanctions as illegal, and on the contrary, may believe it is a "self-help" measure. Due to the fact that under the modern International Law, force cannot be used against other states, hence imposing unilateral

sanctions seems to be, theoretically, the only available option left. However, the question of its legality arises as, in most unilateral sanction cases of today's world, these sanctions are particularly used to advance in one's interests (eg. China, the Russian Federation,...) and cause harm to ordinary citizens from the sanctioned state. Unilateral sanctions can be a great countermeasure, but needs to be applied with consideration.

Lack of civil protections: The UN acknowledges the lack of civil protection and firmly stated that sanctions should be able to ensure ordinary civil protection and rights. Civil protection comes in different forms. It can be an external protection: civilians from sanctioned states fail to receive timely humanitarian aid from NGOs because of formal goods verification procedures. It could also be an internal protection: arms embargo may put countries in danger as they continue to face onslaughts of attacks by armed groups without having proper weapons to defend their people. UN claims that sanctions must be reversible and never have punitive purposes (refer to the Central African Republic). Additionally, note that civil protection and rights does not only include critical human needs, but also enjoyment of economic, social, cultural rights, as well as essential social services (education, health, etc).

Accentuation of global inequality: Another crucial problem to take into consideration when applying sanctions would be the negative effect on the growth and goals of a state (assuming the violator here is state). Sanctions usually, without intent, block the flow of national work such as economical evolutions, especially if the nation in question is a developing one. This, not only pejoratively affects the nation itself, but also accentuates global inequality, a sight that our modern world has been working on improving. For example, global sanctions had a major impact on the economy of Serbia and Montenegro and its society, with Serbia facing a GDP drop from \$24 billion in 1990 to below \$10 billion in 1993.

V. Timeline of Resolutions, Treaties, and Events

Date	Description of event
1966	First UN sanctions regime in response to the illegitimate seizure of power in Southern Rhodesia

1992-1995	The former Yugoslavia was placed under the UN embargo (economic sanction), which ceased the conflict in 1995
199...	UN transport and economic sanctions on the Taliban in response to its terrorists trainings
2001	The first time in the history of the United Nations that a resolution targeted a criminal phenomenon not even in the form of sanctions, but in countering the phenomenon of terrorism as a whole
2003	The DRC Sanctions regime applied due to the many Congo wars.
2006 - 2011	International community (UN, EU, U.S, Japan, Britain, Canada, France) sanctioning Iran due to its unstoppable missile program
2011	Libya Sanctions regime due to escalating violence and repression in Libya. Under pressure, Libya experienced positive political developments
2016-2017	4 UN sanctions were imposed on the DPRK without being able to cease the state's nuclear tests and violations
2022	The UN fails to intervene in the Russia-Ukraine war. EU, US, an alliance of neighboring countries take coercive measures.
2022	Resolution 2664: Security Council Approves Humanitarian Exemption to Asset Freeze Measures Imposed by United Nations Sanctions Regimes

VI. Possible Challenges & Solutions

Different interests:

It is indeed a challenge to identify one's interests in order to apply appropriate measures. There can be cases where even global pressure cannot bring about any changes if the state firmly believes in the continuation of its acts. A sanction is a two parties' effort: one from the sanctioners and the other from the sanctions: that is the limitations of a sanction. A deeper study of the nation in question to what its interests lie in and on-site investigations may be helpful in finding new measures to apply.

Internal hierarchy and unilateral sanctions:

A monopoly of power held by P5 nations and the issue of illegal unilateral sanctions can be improved by implementing sanctions made by regional organizations. This way:

- Decisions still involves numerous states' opinions, hence making decisions more fair,
- States can implement measures aligning with one's interest as nations from the same regions tend to have similar concerns),
- States are able to act more independently from the UN, so sanctions can be imposed even when the UN can't intervene, and the P5 nations can still face global sanctions

UNSC always recognizes external force as a helping tool, but this tool needs to be used carefully to follow international regulations to be optimized. One regional organization holding its expertise in applying moderate sanctions is the EU, since the 1990s. For example, the EU has implemented sanctions that raised the price of arms in the black market in the former Yugoslavia, Sudan, Sierra Leone, and recently in Syria and Libya.

Lack of civil protections and accentuation of global inequality:

A solution that would help the lack of civil protection and lessen critical damage on one country's growth is to adopt more moderate sanctions. In the modern world, coercive sanctions are fancied as it is believed to rapidly cease the conflict. For example, the Iraq sanctions regime implemented an arms embargo and asset freeze. However, Iraq's oil was also barred from the international market (oil assets make up for 99% of Iraq's revenue in 2018 according to the UN), causing Iraq to experience an economic downfall. Social issues heavily affecting ordinary people like the doubling of children's mortality rate were seen. When applying sanctions, it is primarily to take into consideration one's economic situation as to not worsen global inequality and put

civilians in dangerous living conditions (no healthcare, no education provided from the government). External aid can also be a helpful resource, especially with the new UN resolution 2664 allowing the regulation of humanitarian aid.

VII. Recommendations for Resolution Writing including Research

Drafting a resolution can be quite challenging, here are some helpful informations:

1. P5 nations are the permanent members of the UNSC and hold the veto power. With the rise of unilateral sanctions, P5 nations will have to face global sanctions for their violations, and will not be the only states able to manipulate sanctions anymore: unilateral sanctions decrease the role of the UNSC, and the power of permanent members. P5 nations delegates should focus and draft clauses on the informality and immorality of an unilateral sanction.
2. Sanctioned nations are the members in the UNSC who have previously been and are being sanctioned. Sanctioned nations should focus on drafting clauses that highlight the unfair treatments that sanctions can bring, as well as the necessity to cease sanctions from intervening in providing civil needs, economic growth, sustainable agendas, etc.
3. Nations who have strong diplomatic ties with sanctioned nations should try to persuade the UNSC to loosen the sanctions. These nations would, despite all conditions, want international peace, but wouldn't fancy strong convictions in order to maintain their relationships with the sanctioned nations.
4. Other nations are the members of the UNSC who have peaceful profiles. They may be nations living near conflict zones. These nations should focus on draft clauses that highlight multilateral measures (partnerships or alliances) for self-protection and a strengthening of global peace

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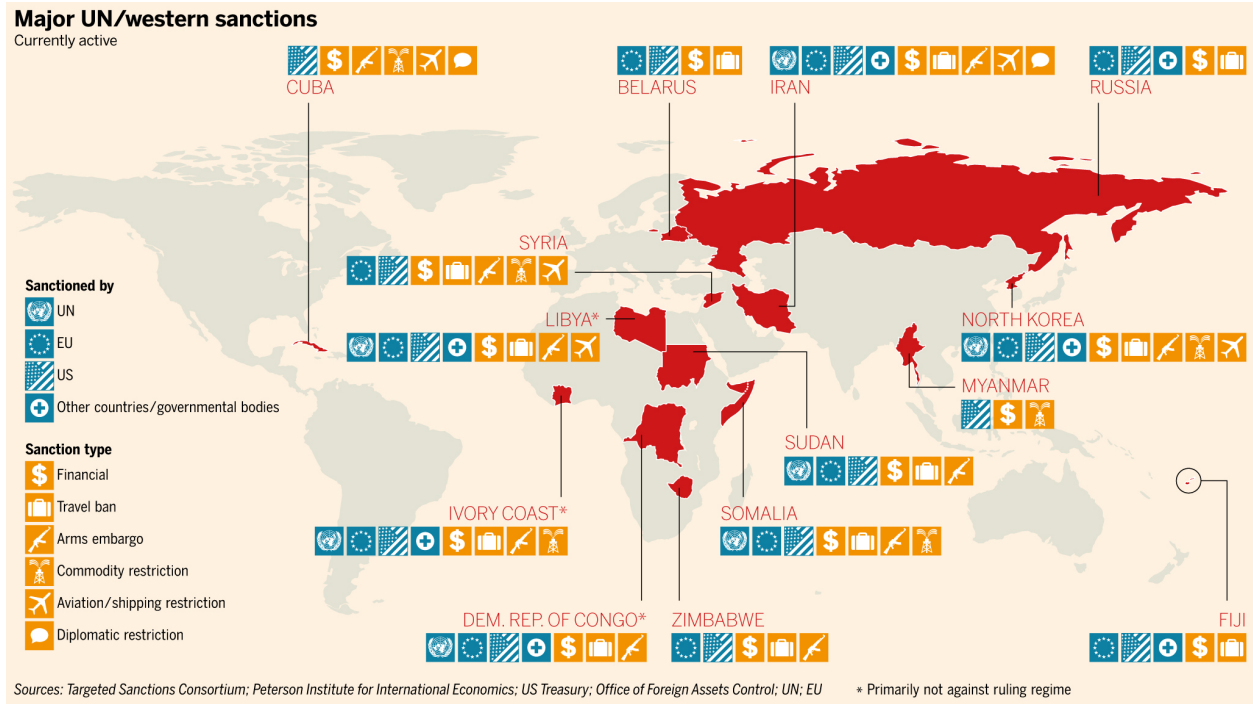
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IX. Additional Resources

World map of global sanctions:



Sanctions committees:

