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Should there be different standards on how UN sanctions are imposed depending on whether the sanctions are intended to enforce human rights or to maintain peace and security?



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Political Research



Harmoon Center for Contemporary Studies

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First: Introduction:

Sanctions of kinds imposed through every type of method are considered a means to help attain political, legal, and humanitarian accountability, seeking to achieve a variety of objectives.

Nations have resorted to sanctions for centuries, whether as individual states or as coalitions of states, with the subject of this paper being the sanctions imposed by the United Nations, after the United Nations' Charter first emerged in 1945⁽¹⁾, classifying sanctions in a legal form.

Non-military sanctions were first legalized by article 41⁽²⁾ of the UN Charter, and military sanctions by article 42⁽³⁾, following the Security Council's decision in accordance with article 39⁽⁴⁾, which states that the Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." This means the Security Council –according to International Law- can impose sanctions on any state where the aforementioned elements apply; usually the party imposing the sanctions is referred to as "the sender", while the party on whom the sanctions are imposed is referred to "the target".

First, we must acknowledge that imposing sanctions is firstly a political decision taken in a legal manner, meaning that in this context the two concepts are largely intertwined. For example, if economic sanctions are imposed, the three concepts - political, economic, and legal considerations – are intertwined. This being the case, it is difficult to isolate these elements when carrying out any analysis.

(1) United Nations, Charter of the United Nations, 24 October 1945

(2) United Nations, Charter of the United Nations, Article 41, 24 October 1945

(3) United Nations, Charter of the United Nations, Article 42, 24 October 1945

(4) United Nations, Charter of the United Nations, Article 39, 24 October 1945



This paper attempts to resolve the issue of which the United Nations when imposing any form of sanctions in order to achieve honorable goals such as should follow criteria; ensuring states' commitment to human rights or protecting international peace and security. Through adopting an analytical approach by studying and analyzing most of the legal rules that will be presented and discussed, I have studied the Syrian conflict since 2011 until now as a factual case study.



Second: The Legal Framework for the Security Council Authorities on Sanctions According to the Charter of the United Nations and International Law:

The International Justice Court defined sanctions⁽⁵⁾ as; the measures taken by the council according to articles (39, 41, and 42) of the United Nations Charter against states violating or threatening to violate international peace and security. According to article 39, sanctions play a double role. Firstly, they serve a preemptive protective function, indicating that the Security Council need not wait until a violation is committed to intervene, but can instead take action before a violation is committed. Secondly, sanctions also play a role in attempting to correct the situation after a violation has been committed.

Article 41 states that it is the right of the Security Council to demand that member United Nations member states implement the peaceful measures taken by the council against the target state: “These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.” These measures remain peaceful even if armed force is used in implementing them. Mostly, the Security Council would point to the Charter VI⁽⁶⁾ or Charter VII⁽⁷⁾ of the United Nations Charter. According to articles 25⁽⁸⁾, 48⁽⁹⁾, and 103⁽¹⁰⁾ of the United Nations Charter, members of the United Nations are required to impose the sanctions on the targeted state; the Security Council may give special missions to a state or several states.

In imposing sanctions, the Security Council shall first determine whether a certain situation is considered a threat to international peace and security ac-

(5) Alain Pallet & Alina Miron, Sanctions, August 2013, MPEPIL

(6) United Nations, Charter of the United Nations, Charter VI, 24 October 1945

(7) United Nations, Charter of the United Nations, Charter VII, 24 October 1945

(8) United Nations, Charter of the United Nations, Article 25, 24 October 1945

(9) United Nations, Charter of the United Nations, Article 48, 24 October 1945

(10) United Nations, Charter of the United Nations, Article 103, 24 October 1945



According to article 39. This means that the council decides on the nature of the crime and perpetrator, and therefore is authorized to enforce measures – excluding the use of armed force - such as sanctions according to article 41 of the United Nations Charter. The council has very broad discretion in interpreting and assessing the situation, and the target state is informed of the sanctions.

When sanctions are imposed, the Security Council should form sanctions commissions to monitor the sanctions and their performance⁽¹¹⁾. The targeted states affected by the sanctions have the right to discuss the issue with the Security Council. According to article 50⁽¹²⁾ of the United Nations Charter “if preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution to those problems.”

However, states cannot hide behind connections with the targeted state to avoid their obligations, which is known as mutual assistance to carry out the measures decided by the Security Council according to article 49⁽¹³⁾.

As well as the Security Council, the United Nations Charter also gives the UN General Assembly the authority to discuss United Nations affairs and to issue recommendations in this regard. The assembly also has authority concerning keeping the international peace and security according to articles 10⁽¹⁴⁾ and 14⁽¹⁵⁾ of the charter. However, according to article 12⁽¹⁶⁾ of the UN Charter “while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.”

(11) United Nations, Sanctions <<https://www.un.org/securitycouncil/sanctions/information>> [accessed 8 April]

(12) United Nations, Charter of the United Nations, Article 50, 24 October 1945

(13) United Nations, Charter of the United Nations, Article 49, 24 October 1945

(14) United Nations, Charter of the United Nations, Article 10, 24 October 1945

(15) United Nations, Charter of the United Nations, Article 14, 24 October 1945

(16) United Nations, Charter of the United Nations, Article 12, 24 October 1945



When the Security Council is paralyzed, the General Assembly can provide a replacement, as happened when Russia used its veto 47 times in the period from 1946 to 1951⁽¹⁷⁾. The General Assembly then established a commission on behalf of the council on November 13, 1947 called the small assembly, which issued the famous 377 resolution in 1950, known as the “Uniting for Peace” resolution⁽¹⁸⁾.

(17) Andrew J. Carswell, “Unblocking the UN Security Council: The Uniting for Peace Resolution” *Journal of Conflict & Security Law*, Oxford University Press, [13 August 2013].

(18) UN General Assembly, Uniting for peace, 3 November 1950, A/RES/377



Third: Most Notable Forms of Sanctions against Target States:

The United Nations has resorted to a much larger and far broader policy of sanctions than military intervention, with the perception that sanctions are less violent and costly in terms of material and human losses, while at the same time constituting a powerful and decisive remedy. The most prominent forms of sanctions are the following types: economic, political or judicial sanctions.

A- Economic Sanctions:

Economic sanctions are the most prominent, most important and most influential form amongst other non-military items, so these need to be addressed in some detail and analysis; this is evident from the text of Article 16⁽¹⁹⁾ of the League of Nations. These have been viewed as a preventive tool of pressure to prevent wars and an outstanding way to ensure the success of the international community's collective security system.

There are various definitions of economic sanctions; perhaps the most notable one is the definition provided by the International Penal Committee of the League of Nations, which was formed in 1931, which stated that economic sanctions are "Measures of an economic nature aimed at harming the State's commercial and industrial interests in order to induce it to change its aggressive policies".

In other words, economic sanctions are viewed as an international economic action by a State or group of States against a target State, which is less aggressive than war or military sanctions and less costly in terms of human lives, despite the fact that it is a coercive legal measure by the UN Security Council.

Economic sanctions are, in practice, a form of war and will undoubtedly have an economic and social impact on the people of the target State.

(19) League of Nations, Covenant of the League of Nations, Article 16, 28 April 1919



1-A: The Ban: A measure aimed mostly at preventing the target State from free import and export of goods. The first UN embargo⁽²⁰⁾ was imposed against South Africa in the 1977 due to apartheid; the embargo was optional and was based on the fourth paragraph of the UN Charter. The Security Council later imposed a mandatory air and military embargo against Libya under resolution 748/1992⁽²¹⁾ on charges of sponsoring terrorism, as well as imposing a ban on Iraq under resolution 660⁽²²⁾ of 1990.

2-A: Peaceful Maritime Blockade: A procedure intended to prevent the entry and exit of ships to and from the ports and coasts of a State with a view to denying the target state communication with other States by sea. The rules affecting naval forces and operations were set out in Article 42 of the Charter of the United Nations. The Security Council has also requested States and regional organizations to impose this type of sanctions on Iraq, South Rhodesia, the Federal Yugoslavia, Haiti and Sierra Leone.

3-A: Boycott: An action, which means cutting all economic relations with the target country. The United Nations imposed a boycott against Rhodesia for one year under Security Council resolution 232⁽²³⁾ of 13 December 1966.

B- Political Sanctions:

Under the Vienna Convention on Diplomatic Relations⁽²⁴⁾ of 1961 Article 2: “Diplomatic relations shall be established between States and permanent diplomatic missions shall be dispatched on the basis of mutual agreement between them”. When a state violates its obligations, another state or group of states has

(20) UNSC Res 418 (4 November 1977)

(21) UNSC Res 748 (31 March 1992) UN Doc S/RES/748

(22) UNSC Res 660 (6 August 1990) UN Doc S/RES/660

(23) UNSC Res 232 (16 December 1966) UN Doc S/RES/232

(24) United Nations, Vienna Convention on Diplomatic Relations, (adopted on 18 April 1961, entered into force 24 April 1964), UNTS, vol. 500, p. 95.



the right to implement a package of political sanctions, which may begin with reducing and freezing diplomatic relations, leading to the stage of complete severance of such relations, and a travel ban on political and military figures targeted by sanctions.

C- Judicial Sanctions:

The United Nations can, through its own courts, impose sanctions on the target State. The International Court of Justice is the principal judicial organ of the United Nations and adjudicates in legal disputes between States. However, the Security Council has also established a number of courts in States that have been subjected to gross human rights violations and have committed crimes against humanity and war crimes with a view to punishing those involved in such crimes, such as the International Tribunal for the Former Yugoslavia, the Rwanda Tribunal, the Special Court for Sierra Leone, and the Special Tribunal for Lebanon.



Fourth: The Objective of UN Sanctions:

Former United Nations Secretary-General Kofi Annan views sanctions as «a change in specific ways of conduct for the regime, a mechanism for forcing states to comply with international law», while another former Secretary-General of the United Nations, Boutros Boutros-Ghali, similarly considers the purpose of the sanctions as being to «modify the conduct of the party that threatens peace and security, not to punish or impose punishment». In this context, United Nations General Assembly resolution 51/242 of 15 September 1997⁽²⁵⁾, entitled «Supplement to the Agenda for Peace», which was adopted unanimously - a rare occurrence - notes in paragraph 5 that; «sanctions should aim at modifying the behavior of the party that threatens international peace and security, not to punish or impose punishment, [and] sanctions measures must be commensurate with these objectives».

The Sub-Commission on Human Rights, in its resolution 25/2000⁽²⁶⁾ of 18 August 2000, also called «to review the sanctions, although their objectives are legitimate if such sanctions do not lead to the necessary political changes after a reasonable period of time.»

Although there seems to be a clear difference in the interpretation of the objectives of sanctions imposed by the United Nations, I believe, based on all the above, that the United Nations is attempting, through the imposition of multiple, achieve several goals in one way or another. Sanctions are a punishment for a state that has violated international law and are therefore an attempt to redress this violation, or to force the state to change the policy in question, which violates international law. The purpose of sanctions may also be preemptive, to deter the state from breaking international law and to fight terrorism.

(25) UNGA Res 242 (15 September 1997) UN Doc A/RES/51/242

(26) United Nation, Sub-Commission on Human Rights, Resolution 2000/25 (18 August 2000) UN SUBCOM E/CN.4/SUB.2/RES/2000/25



Fifth: United Nations Standards between Human Rights and Maintaining Peace and Security:

Article 39 of the Charter of the United Nations states: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”

However, the United Nations Charter did not define which situations are considered a threat to international peace and security that the Security Council should act to resolve. In 1974, the General Assembly adopted resolution 3314⁽²⁷⁾ of 14 December, which defines aggression in its first article.

It appears that the drafters of the Charter have intentionally left this gap for the Security Council to reach a decision, based solely on the political interests of the permanent members, apart from legal considerations, as to when a situation poses a threat to international peace and security and when it is not.

For example, the Syrian regime’s killing of at least 200,000 civilians, its displacement of some 13 million citizens both as internally displaced persons and external refugees, and its frequent use of chemical weapons by the regime are clearly in violation of the relevant Security Council resolutions. Yet there seems to be some doubt as to whether or not all of the above are considered by the UN to pose a threat to international peace and security. The sanctions appear to be aimed at preserving and protecting peace, in a manner that may or may not be consistent with the law, but which does not aim to preserve and protect the law.

It is true that articles 41 and 42, as well as articles 1⁽²⁸⁾, 25, and 103 of the Charter of the United Nations, give the Security Council very broad powers with regard to the imposition of sanctions in situations of peace and war. In gene-

(27) UNGA Res 3314 (14 December 1974) UN Doc A/RES/3314

(28) United Nations, Charter of the United Nations, Article 1, 24 October 1945



ral, however, the Security Council is obliged to observe human rights law when designing sanctions in peacetime, and to observe international humanitarian law when designing sanctions in situations of armed conflict and to exercise its powers in conformity with the purposes of the Charter, including the promotion of human rights; this generally means that sanctions cannot deprive people of the fundamental rights to life and survival or lower the standard of living below subsistence level.

In peacetime, human rights law recognizes a wide range of rights, including the right to life, medical care, health and an adequate standard of living, including food and clothing. Sanctions resulting in extensive damage and major challenges to the population constitute a violation of Article 55⁽²⁹⁾ of the Charter of the United Nations, as well as the International Covenant on Economic and Cultural Rights.

However, in times of armed conflict, international humanitarian law imposes general rules on the protection of civilians⁽³⁰⁾. It prohibits the starvation of civilians as a method of warfare and stipulates the right of civilians to humanitarian assistance⁽³¹⁾, so that the provisions requiring States to permit the passage of relief items under certain conditions, as well as the provisions allowing humanitarian agencies to provide assistance subject to the consent of the parties, are implemented and the same is applied in cases of maritime blockade.

Sanctions should also respect the fundamental principles of international humanitarian law, such as proportionality in the extent of harm inflicted compared to the desired benefit, as well as the distinction between civilians and military personnel⁽³²⁾.

(29) United Nations, Charter of the United Nations, Article 55, 24 October 1945

(30) International Legal Protection of Human Rights in Armed Conflict, United Nations, 2011.

(31) International Legal Protection of Human Rights in Armed Conflict, United Nations, 2011.

(32) International Committee of the Red Cross, Sanctions, IRRRC No. 870



Sixth: Changing UN Standards Over Time:

The Security Council imposed economic sanctions from 1945 to 1990 only twice, against South Rhodesia⁽³³⁾ and South Africa, and expanded the imposition of comprehensive sanctions after 1990 to 2007, the United Nations imposed sanctions in nearly 27 cases, including five cases in which the comprehensive sanctions approach was used; Southern Rhodesia (1968-1979), Iraq⁽³⁴⁾ (1990-2003), the Federal Republic of Yugoslavia⁽³⁵⁾ (1992-1995), the Bosnian Serbs (1993-1995), and Haiti⁽³⁶⁾ (1993-1994). However, the Security Council has not imposed any comprehensive sanctions since 1994.

In 1991, the United Nations General Assembly established a Standing Committee for Inter-Agency Coordination on the Humanitarian Impact of Sanctions, by resolution 46/182⁽³⁷⁾ of 19 December 1991. Subsequently, on 29 January 1999, the President of the Security Council issued a memorandum on strengthening the work of the Sanctions Committee, which contained important proposals for improving the quality of its work.

Although all sanctions resolutions exempt food systems and medicines, this is a fundamental point of sanctions for military actions and wars, and while it is true that the United Nations has made substantial amendments to the process of applying sanctions, these amendments are still not enough. However, the transition from imposing comprehensive sanctions to smart sanctions is the most prominent action the United Nations has undertaken in this field; I believe

(33) U.N. SECURITY COUNCIL RESOLUTIONS ON SANCTIONS AGAINST SOUTHERN RHODESIA AND MEASURES TO ASSIST ZAMBIA. (1973). *International Legal Materials*, 12(2), 454-456. Retrieved from <http://www.jstor.org/stable/20691086> U.N. SECURITY COUNCIL RESOLUTIONS ON SANCTIONS AGAINST SOUTHERN RHODESIA AND MEASURES TO ASSIST ZAMBIA. (1973). *International Legal Materials*, 12(2), 454-456. Retrieved from <http://www.jstor.org/stable/20691086>

(34) Hervé Ascensio, Marc Dixneuf, 'Sanctions Against Iraq and Human Rights: a devastating, misguided, intolerable method', 2002, *International Federation for Human Rights*

(35) UNSC Res 1160 (31 March 1998) UN Doc S/Res/1160

(36) UNSC Res 841 (16 June 1993) UN Doc S/Res/841

(37) UNGA Res 182 (19 December 1991) UN Doc A/Res/46/182



that the comprehensive sanctions imposed on Iraq from 1990 to 2003⁽³⁸⁾, and the terrible humanitarian disasters that affected the Iraqi people and society as a result, even while the sanctions failed in their objective of changing the ruling authority or its actions, played the most prominent role in leading to a review of the pattern of comprehensive sanctions⁽³⁹⁾.

The subsequent review achieved a qualitative shift; although the UN also reviewed the results of sanctions in the other four aforementioned cases, the impact of the sanctions in those cases was far smaller than the humanitarian catastrophe that resulted in Iraq. The comprehensive sanctions approach has been criticized by several jurists in international law and by United Nations staff members, including former UN Secretary-General Boutros Ghali, as well as the International Committee of the Red Cross (ICRC) and UNICEF.

The United Nations has used the smart sanctions approach against Angola⁽⁴⁰⁾, focusing on targeting oil, weapons and money. In Rwanda, the emphasis has been placed on weapons, and in the case of Sierra Leone, on oil and weapons⁽⁴¹⁾. In Afghanistan, the sanctions targeted al-Qaeda and included the freezing of assets and weapons⁽⁴²⁾, while in Sudan they focused on arms, travel embargoes, and the seizure of assets⁽⁴³⁾.

In North Korea, the UN sanctions targeted the leader and the regime's nuclear program, also including luxury goods, and the freezing of funds and assets⁽⁴⁴⁾, while in Iran they targeted the regime's nuclear program and financial deposits and entities contributing to it⁽⁴⁵⁾.

This 'smart sanctions' approach is decided on a case-by-case analysis based

(38) Khalid Manzoor Butt & Anam Abid Butt, UN Sanctions Against Iraq: From Ailment to Chronic, *Journal of Political Studies*, vol. 21, issue – 2, 2014, 271: 295

(39) Peter Wallensteen, Carina Staibano & Mikael Eriksson, The 2004 Roundtable on UN Sanctions against Iraq: Lessons Learned, Uppsala University, Department of Peace and Conflict Research

(40) Andres Mollander, UN Angola Snactions- A Committee Success Revisited, Uppsala University, Department of Peace and Conflict Research

(41) UNSC Res 1132 (8 October 1997) UN Doc S/RES/1132

(42) UNSC Res 1267 (15 October 1999) UN Doc S/RES/1267

(43) UNSC Res 1591 (29 March 2005) UN Doc S/RES/1591

(44) UNSC Res 2087 (22 January 2013) UN Doc S/RES/2231

(45) UNSC Res 2231 (20 July 2015) UN Doc S/RES/2231



on the political, economic and social situation in each case and on the nature and degree of the violations in question.

This approach emphasizes improving the procedures for humanitarian exemptions within the sanctions regime and the targeting of active circles, actors, specific products, vital activities and institutions that violate human rights and international standards within the governing authority, and finally the proportionality of the balance between gain and suffering, and therefore pays greater attention to the humanitarian consequences of sanctions⁽⁴⁶⁾.

Smart sanctions mainly include:

Prohibition of travel and aviation, arms embargoes, luxury goods and trade embargoes, freezing the assets of members of the ruling regime and some of the state institutions involved.

Smart sanctions can achieve the same goals as the previously mentioned objectives, while minimizing the negative effects of sanctions, especially on vulnerable groups in society such as women, children and the elderly.

This makes it difficult for the totalitarian regimes sanctioned to mobilize media and political support against the sanctions imposed on them, and forces them to rethink the feasibility of continuing to violate international law given the losses incurred for doing so; all this makes the United Nations sanctions regime less open to recriminations, more credible and effective, and re-examined.

(46) Eriksson, M. (2016). The unintended consequences of United Nations targeted sanctions. In T. Biersteker, S. Eckert, & M. Tourinho (Eds.), *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (pp. 190219-). Cambridge: Cambridge University Press. doi:10.1017/CBO9781316460290.010



Seventh: Sanctions Alone are Insufficient to Achieve International Peace and Security and Punish Human Rights Violators:

Sanctions have achieved some successes in the area of international peace and security and respect for fundamental human rights, and are undoubtedly an effective and helpful instrument in achieving security, peace and human rights. Smart sanctions take good account of the principles of international law, a necessary step in the right direction. However, despite all this, sanctions alone are not sufficient⁽⁴⁷⁾.

The following additional criteria must also be considered:

1- Sanctions are a tool in the hands of the UN Security Council, which is governed by achieving political and economic consensus in the interests of the five permanent members, which are often very distant from and even contradictory to the interests of the peoples and nations affected by human rights violations and conflicts. Overstepping the policy of double standards is the greatest challenge to the employment of aid in the service of international law, peace and security. Here we refer to a blatant example of Russian interests in the Security Council⁽⁴⁸⁾. Despite the fact that the Syrian regime has committed tens of thousands of violations that long ago reached the level of crimes against humanity and war crimes according to all the reports of the UN Independent Investigative Commission, including torture and death due to torture within its detention centers amounting to genocide, and finally, the use of chemical weapons and the violation of all the relevant Security Council resolutions, the Security Council has not imposed any smart or other sanctions against the Syrian regime.

If the Security Council continues with this policy, neglecting all the tools at its disposal its status will gradually shift from being viewed as a source of conflict

(47) MACK, A., & KHAN, A. (2000). The Efficacy of UN Sanctions. *Security Dialogue*, 31(3), 279–292. <https://doi.org/10.1177/0967010600031003003>

(48) List of the use of the VETO right <<https://research.un.org/en/docs/sc/quick>> [accessed 8 April 2019]



resolution to a source of aggravation.

2- Smart sanctions, no matter how carefully designed and implemented according to the previous standards mentioned in this paper, must have an impact on the people of the target country. This is because any society is a cohesive bloc, and if the choice is between the application of sanctions against repressive regimes and their non-application, we choose to apply smart sanctions while adhering to the highest possible standards of international law.

3- The impact of sanctions may also be limited in terms of achieving their objectives, and the United Nations may not wish to take any further steps to strengthen these sanctions in order to have a greater impact. Therefore, if the choice is between lifting sanctions and continuing with them, this paper recommends continuing sanctions against repressive regimes because they carry multiple implications, including isolation, a proclamation of disapproval, and a message of contempt for the violations perpetrated by that state, and the United Nations' rejection of these actions. Sanctions also raise the morale of the victims and help in expressing opposition to dictatorship since they remain, in one form or another, a form of accountability.

4- There is no doubt that the ultimate responsibility with regard to sanctions lies with the authoritarian totalitarian dictatorships and states on whom sanctions are imposed, whose leaders rule with an iron fist. Undoubtedly, this type of regime is prepared to starve and subjugate its people and to drain the country's material, human and sovereign resources in exchange for mere survival in power, as seen in the cases of Saddam Hussein, Muammar Gaddafi, Bashar Assad, Milosevic and others of a similar ilk. Despite the tyrants' primary culpability, however, this does not relieve those imposing sanctions of their responsibilities; there is certainly a need for a media program to keep pace with smart sanctions and target the local population and public opinion, explaining the reasoning behind the targeting of the main culprit with sanctions, the objective of these sanctions, and the measures taken to avoid negative humanitarian consequences. For sanctions to remain credible, meanwhile, they should mitigate or eliminate the



inhumane effects when used in the future.

In conclusion, this paper recommends that no approach be taken to the comprehensive sanctions approach, and the use of a smart sanctions approach against aggressive totalitarian states. The case of each country should be considered on an individual case-by-case basis and therefore assessed individually. The UN should continue to monitor its success in achieving the stated objectives of sanctions in each situation, as well as examining the sanctions' success in achieving progress at the level of international peace, security and human rights. The smart sanctions regime should include a precise, precarious and justified definition of the entities and persons it will target, while a mechanism must be established in advance to deal with the humanitarian consequences that will inevitably result from sanctions, no matter how accurate. The United Nations must help the countries affected by the sanctions on the targeted State.

Finally, an effective monitoring system should be put in place to prosecute efforts by the targeted entities and individuals to escape sanctions. If the desired objectives are not achieved, sanctions should be strengthened by other means, including the military option.

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