

Committee: Security Council

Issue: General issues relating to sanctions

Student Officer: Vassilis Stravoudakis

Position: Deputy President

INTRODUCTION

Sanctions are one of the main tools that has been used by the United Nations in order to ensure international stability and enhance the efficiency of the peacekeeping and peacebuilding operations. Simultaneously, the UN via implementing sanctions aims to protect human rights, while at the same time ensuring that no unconstitutional actions take place. More specifically sanctions fall under Article 41 in the United Nations charter. It is explicitly mentioned that the Security Council has the right to ask all member states to implement different kinds of sanctions whose nature can be both economic and diplomatic. However, Article 42 states that only if sanctions implemented fail, the involvement of peacekeeping, land, air or sea forces can take place.

Generally, sanctions are of extreme importance to the Security Council in order to restrict crises making sure that no such situations escalate. Sanctions are monitored by sanctions committees which belong to the Security Council's subsidiary organs, and have been created to ensure that all the measures are smoothly implicated via the creation of a list of sanctions where all 15 members will have contributed, or the implementation of a sanctions regime. Nevertheless, sanctions are the last route that is chosen, and it needs to be stressed out that it happens only in cases of extreme violations of human rights, unconstitutional changes or unauthorized use of military equipment and forces.

DEFINITION OF KEY TERMS

Sanctions

Article 41 of the United Nations Charter defines sanctions as “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.”¹

¹ United Nations Charter. Security Council. art. 41. Chapter VII. web. 19 October. 2017
<http://www.un.org/en/sections/un-charter/chapter-vii/index.html>

Arms Embargo

Arms embargo is the prevention of ‘direct or indirect supply, sale or transfer, to these [the listed] individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities.’²

Sanctions Regime

Sanctions regimes are regimes which are established by the United Nations in order to ensure efficient application of sanctions. All of the actions of such regimes are monitored by Sanctions Committees.

Economic Sanctions

“Economic sanctions are defined as the withdrawal of customary trade and financial relations for foreign and security policy purposes. They may be comprehensive, prohibiting commercial activity with regard to an entire country or they may be targeted, blocking transactions of and with particular businesses, groups, or individuals.”³

Diplomatic Sanctions

Diplomatic sanctions are related to actions regarding the partial or complete termination of any diplomatic relations between the member states of the UN and the target country. These may include a withdrawal of all embassies or diplomatic representatives in the targeted state.

BACKGROUND INFORMATION

Sanctions committees

One of the most important organs for the UN Security Council are sanctions committees. Sanctions committees are responsible to overlook the work of sanctions’ regimes and ensure the compliance of states to the terms imposed by the UNSC sanctions.

² Al-Qaida Sanctions Committee. “ARMS EMBARGO: EXPLANATION OF TERMS.” United Nations, 24 Feb. 2015. web. 19 October. 2017

https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/eot_arms_embargo_english.pdf

³ Jonathan Masters. “What Are Economic Sanctions?” Council on Foreign Relations, Council on Foreign Relations, 7 Aug. 2017 web. 5 Nov. 2017. www.cfr.org/backgrounder/what-are-economic-sanctions.

Furthermore, sanctions committees monitor the measures applied by the UN especially arms embargoes and sanctions of economic and diplomatic nature.

Sanctions committees were first created in 1963, when the first sanctions were applied to the state of South Africa. Later, sanctions were applied on the South Rhodesia too, in 1966. Since then this subsidiary organ of the UNSC has been ensuring with vigilance the efficient implementation of all measures imposed on any sanctioned state.

Legal basis of sanctions

When the first sanctions were ever applied a huge debate was sparked regarding their legitimacy. The UNSC sanctions have faced a lot of implications in regard to their compliance to international law. However, the Security Council claims that all actions taken are under the aegis of Article 39 which states that 'The Security Council shall determine the existence of any threat to 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.'⁴

However, the debate still continues regarding the legal nature of sanctions. Without the support of national legislation and enforcement, the applications of UNSC sanctions become an even harder task. Furthermore, implications regarding the sanctions applied to individuals have been an issue too. A concern has been generated regarding the UNSC authority in contrast to the authority of the International Criminal Court. The two organs seem to efficiently collaborate since the UNSC has the ability to refer cases of individuals, which are found of importance, to the ICC under article 13 of the Rome Statute. However, cases of acts of aggression which include genocides, causing a threat to the international peace and violations of human rights concern both the ICC and the UNSC and since the ICC is not obliged to bind with the decisions made by the UNSC, a legal confusion has been created in the past. Even though both the Security Council and the ICC have developed a collaborative relationship, it was observed that as of 2013 the sanctioned individuals targeted by the UNSC were 616 out of whom only 12 had been indicted by the ICC.

Effectiveness of sanctions

Besides the legal debate surrounding the implementation of sanctions, there are other issues related to their effectiveness. To begin with, it is essential that the efficiency of sanctions relies a lot on the states' capacity to fulfill such sanctions. A state's capability to

⁴ United Nations Charter. Security Council. art. 39. Chapter VII. web. 19 October. 2017
<http://www.un.org/en/sections/un-charter/chapter-vii/index.html>

apply sanctions depends a lot on its economic condition and on the economic impact such a limitation would have. It is important to mention that for a sanctions' regime to succeed close and systematic cooperation between the UN organs and other organizations involved is of great necessity. However, illegal activities violating international decisions made the implementation of sanctions less efficient. These illegal activities include the black market, renumbering and reflagging national cargo ships and smuggling. Furthermore, on an individual level the use of fake identities and off-shore companies have enabled individuals to avoid sanctioning. A prominent example of ineffective sanctioning is the case of South Rhodesia. Following its unilateral independence declaration in 1965 the international community imposed sanctions on the state. However, South Africa without recognizing it as a sovereign state continued supporting it.

Concerns about sanctions

The implementation of sanctions throughout the years has caused an increasing amount of concerns regarding their application. Mainly, such concerns surround their humanitarian impact. As previously mentioned, in many cases sanctions have caused many problems of humanitarian nature. Even though many measures adopted by the Security Council seem to aim to restrict the economic activity of the targeted state, and hence harm the state's economy, the majority of the time that impacts the lives of civilians.

In December 1986, the UN proclaimed the right to development. Since then the right to development has been considered an inalienable human right, which specifically states that everyone is 'entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,'⁵. The international community has raised many times concerns about the violation of the right to development when sanctions are applied to specific states. The restriction of the economic activity of a state, instantly restricts the economic activity of its citizens. Furthermore, as a consequence, citizens may be even deprived from appropriate healthcare services and education. One example which stands out regarding the consequences of sanctions on civilians is the one of DPRK. DPRK's economy has been significantly injured by the sanctions applied by the UNSC, and therefore the national budget has been limited creating a lack of funds which would be otherwise allocated to healthcare.

Cases studies of sanctions on states

⁵ General Assembly. "Declaration on the Right to Development." art.1. United Nations, 4 Dec. 1986. web. 19 October. 2017. <http://www.un.org/documents/ga/res/41/a41r128.htm>

South Africa

The apartheid system was a system which was adopted by South Africa in 1948. The apartheid system was enforced by the all-white government of South Africa at the time and was a system of racial segregation and discrimination based on skin color. The system enforced ideas regarding white supremacy and highly oppressed the populations of people of color.

The first time that UN authorities actually took a stance on the issue was on the 2nd of December in 1950 when the United Nations General Assembly declared that: "a policy of 'racial segregation' (apartheid) is based on doctrines of racial discrimination"⁶. Later, the UN continued to take a stance against the segregation policy until finally in April 2nd of 1963 the first committee regarding the issue was formed by the name of "Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa". In August 1963, the

first sanctions were applied by the UNSC. The resolution prohibited the sale of arms, ammunition as well as military vehicles to the state of South Africa. In November, the sanctions got stricter urging all countries to refrain from supplying South Africa with petroleum. In 1968 of December the General Assembly asked for



Universities Students protesting against the apartheid in 1985

all states 'to suspend cultural, educational, sporting and other exchanges with the racist regime and with organizations or institutions in South Africa which practice apartheid.'⁷, while in 1973 South Africa's ability to participate in UN activities was suspended.

After years of international pressure to South Africa in 1986 the first 'World Conference on Sanctions against Racist South Africa' was hosted by the UN and the Organization of African Unity. During the following years international pressure continued while anti-apartheid movements were treated with violence by the government. However, as of the 8th of October of 1993 all UN sanctions were lifted from South Africa, under resolution

⁶ "The United Nations: Partner in the Struggle against Apartheid." United Nations, United Nations, web. 19 October. 2017. www.un.org/en/events/mandeladay/apartheid.shtml

⁷ "The United Nations: Partner in the Struggle against Apartheid." United Nations, United Nations, web. 23 October. 2017. www.un.org/en/events/mandeladay/apartheid.shtml

48/1 following the elections that took place, during which Nelson Mandela, the leader of the anti-apartheid movement, was elected President marking the end of the apartheid.

Cuba

During the Cold War period Cuba as a close ally of the Soviet Union came in conflict with USA. Fidel Castro came in power in 1959 after a coup. As of 1960 he had completely nationalized all US businesses. The president of the United States, Dwight D. Eisenhower, responded by freezing all Cuban assets in the US while simultaneously blocking a major part of the trade between the two countries. In 1962 Kennedy administration implemented a complete economic embargo against the Cuban government, as well as trade and travel restrictions. In October 1962, the Cuban Missile Crisis took place. USA intelligence discovered

that Soviets were constructing medium-range missiles in Cuba. Right after that the sanctions on Cuba were tightened and a naval quarantine was induced to the state to prevent further support to it. The USA asked for the immediate dismantling of the missiles in the Cuban territory. The UNSC remained neutral, yet the



NYT's Article regarding the sanctions imposed by the US, during the Cuban Missile Crisis

sanctions applied by the USA on Cuba were not condemned. The conflict lasted 13 days until a secret pack between the two leaders was established. The naval quarantine between USA and Cuba lasted until November. Since then two countries' diplomatic relations have been unstable while constantly new political tension is presented between them and new sanctions are applied. Steps towards the lifting of various restrictions were made by the Obama administration in 2014-2016, however the Trump administration cancelled any deals made by Obama.

DPRK

The case of DPRK has been an issue of concern for the international community as well as UN officials for years. There have been several attempts to both eliminate the humanitarian law violations conducted by the state as well as ensure the non-proliferation of all nuclear weapons within the North Korean peninsula. As of 1985 North Korea signed the Non-Proliferation Treaty (NPT). However, in 1993 the International Atomic Energy agency accused North Korea of violating the treaty and requested that inspectors were sent to the country to inspect North Korea’s nuclear facilities. By January 10th of 2003 North Korea had withdrawn from the NPT and in April of the same year the state declared its possession of nuclear weapons. In 2006 the first UN sanctions were applied to the state following DPRK’s first nuclear test. The UN applied economic and commercial sanctions to the state prohibiting trade of missiles or missile related items as well as military equipment such as helicopters, aircraft and tanks which could eventually aid the state’s nuclear program. Following a second test in 2009 the UNSC expanded sanctions to almost all types of arm imports. On February the 13th, 2013 the North Korean state, under the rule of new leader Kim-Jong-un launched another missile and conducted another nuclear test. As a result, all government officials faced economic sanctions and all

their assets were frozen by March 7th of the same year. During the last 2 years, DPRK conducted another 5 nuclear tests, which led the UNSC to ban any trade of copper, nickel, silver, zinc, coal, iron, lead, seafood, petroleum products, crude oil, and gas.



Photo released by KNCA, North Korea’s agency, showcasing the test of an ICBM missile, 2017

Libya

In 1969 Muammar Gaddafi overthrew the King of Libya and took power. In March 1992, the UN established an arms embargo along with a set of other sanctions on Libya after the bombing of Pan Am Flight 103 in 1988 to press the government to hand over two suspects. In 2003 the sanctions were lifted. In February 2011 tensions rise in Benghazi where protests took place against the current government of Gaddafi, while protestors reported to the UN that the government used mercenaries to put an end to the protests. A few days later both

the UN and the AU condemned all actions of the Libyan government. Concurrently, a sanctions committee was established regarding the issue, while sanctions in the forms of assets freeze, travel bans and arms embargo were implemented, while Libya was also suspended from the Human Rights Council after unanimous vote of all members. Since military forces were used on unarmed civilians as well as cases of rape and execution had been reported, the Security Council under resolution 1973 deemed that all necessary measures should be taken for peace to be established, except from occupational forces. Furthermore, the resolution issued a no-fly zone over Libya, while at the same time it strengthened already existing sanctions, and more specifically the arms embargo and the asset freezes of the Gaddafi family. After the

active involvement of NATO, France, the UK, US as well as Italy along with other countries of the Middle East and the AU and with the assistance of the United Nations Support Mission in Libya the conflict ended with the defeat of Gaddafi



Anti-Gaddafi protestors in Kuala Lumpur in 2011

forces. By February of 2011 members of the High National Electoral Commission had already been preparing for elections, which took place in July 7th of 2012. As of this day the arms embargo was lifted.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America

USA has been actively using sanctions as a measure to rebuke state’s actions which come in contrast with international rules and human rights. The United States of America also have set an independent organ which is responsible for monitoring the state’s foreign affairs in regard to sanctions, called the ‘The Office of Economic Sanctions Policy and Implementation’. The SPI’s sanctions target states as well as organizations and corporations. Simultaneously, they aim at minimizing the effects of the sanctions on the US economy.

In the example of Cuba, US was the first to impose an arms embargo, an assets' freeze as well as a financial and commercial embargo to the Cuban government. Furthermore, in 2017 the US voted against the resolutions which called for the lifting of the US financial embargo from Cuba as well as the condemnation of it. Moreover, the US was one of the states which voted in favor of sanctions on Libya in 2011. Lastly, apart from the sanctions applied by the UN on DPRK, the US administration has applied individually more sanctions. The US administration has deemed the situation as urging as well as threatening to US safety. The goal of all US sanctions, is to cease all hostile behavior as well as to establish international peace.

Russian Federation

Russia, along with the rest of the P5 has one of the most prominent roles in the UNSC. Russia and USA have always been in the middle of high political tension influencing the different decisions taken by the Council. To begin with, Russia was one of the two P5 states to abstain when voting on Libya's sanctions. Moreover, Russia has faced a huge amount of sanctions by different states both from the UN and the European Union following the annexation of Crimea. Many countries including the US have imposed financial embargos to Russian Companies as well as Russia itself. It was observed the Russia's GDP has been significantly decreased since the first sanctions were applied. Concluding Russia's involvement has been vital in the DPRK crisis too; Russia and China pressed in the Security Council to "water" down the sanctions. Russia's economic affiliation with DPRK has been one of the main reasons causing the state to refrain from supporting harsher sanctions to be implemented on North Korea.

People's Republic of China

China's involvement has been of significant value especially for the DPRK crisis which is currently a global concern. Apart from that the Chinese government most of the times decides to remain neutral in different occasions and most of the times abstain from voting procedures regarding the sanctioning of different states. Similarly, China followed the same tactic when it came to the sanctioning of the Libyan state in 2011. During the Crimean crisis, the Chinese state didn't contribute to formation of sanctions against Russia, neither did it implement any. Furthermore, China was one of the countries which heavily opposed to the implementation of harsher sanctions to the DPRK. However, after international pressure, the Chinese government has voted in favor of more UN sanctions against North Korea, and both prohibited financial relationships with the DPRK as well as agreed to implement more economic sanctions on oil trade.

France

The stance of France in the Security Council over diplomatic relationships has been quite clear, as a constant ally of the US. Regarding the Libyan crisis France stood alongside the US and voted in favor of all the resolutions sanctioning the state. It was one of the states which strongly opposed to Libyan policies and pushed for EU sanctions to be implemented too. Moreover, France, as an EU country has been involved in the Crimean crisis. France has implemented an array of different sanctions to the Russian state. However, France has asked USA to restrict the harshness of the sanctions applied to Russia as they “appeared at odds with international law”⁸ Lastly, regarding the DPRK situation France has been very vocal about the entire crisis and has condemned the acts of the state numerous times supporting economic and diplomatic sanctions.

UK

The UK has been actively involved in the application of sanctions too. The state has always shared common interests with USA and France. However, one of the most challenging issues for UK foreign policy was the one of the apartheid. The UK government always had good relations with South Africa, yet the UK voted in favor of the applications of sanctions on the state and condemned the apartheid. Moreover, the UK stood along all European countries and America in the Libyan crisis when the government voted in favor of sanctions. Moreover, UK implemented and enforced all sanctions against DPRK.

TIMELINE OF EVENTS

Date	Description of Event
1948	Apartheid is adopted in the national legislative system of Africa
1950	The apartheid policy is condemned by the General Assembly
1959	Fidel Castro comes to power as the president of Cuba
15/10/1962– 28/10/1962	Cuban Missile Crisis takes place
11/1962	Naval quarantine of Cuba is lifted

⁸ Melander, Ingrid. “France Says U.S. Sanctions on Iran, Russia Look Illegal.” Reuters, Thomson Reuters, 26 July 2017, www.reuters.com/article/us-usa-trump-russia-france/france-says-u-s-sanctions-on-iran-russia-look-illegal-idUSKBN1AB1MS.

8/1963	The first voluntary sanctions are applied by the UN on South Africa
1969	Muammar Gaddafi becomes the president of Libya after successful coup
1977	Sanctions regarding the case of South Africa become mandatory for each state
1986	The first 'World Conference on Sanctions against Racist South Africa' is hosted by the UN and the Organization of African Unity
1989	Security Council calls for negotiations to be made to end the apartheid
17/6/1992	The Inkatha Freedom party supporters come in conflict with the African National Congress, leading to 45 fatalities in Boipatong
9/10/1993	UN sanctions on South Africa are lifted
1994	North Korean nuclear program freezes
10/1/2003	DPRK withdraws from the NPT
4/2003	DPRK announces it possesses nuclear weapons
9/10/2006	DPRK conducts its first nuclear test
2006	First UN sanctions are applied on North Korea prohibiting military equipment trade such as helicopters, aircraft and tanks
15/2/2011	Protests spark in Benghazi of Libya against the Gaddafi government; protestors report to that the government uses mercenaries against them
7/7/2012	New democratically elected government is established in Libya
12/12/2012	Pyongyang, launches a satellite
13/2/2013	New North Korean leader, Kim Jong-un launches another missile
5/9/2016	DPRK conducts its biggest nuclear test. 3 missiles are launched in the Sea of Japan
4/7/2017	Another ICBM missile launch is conducted by North Korea
5/8/2017	Exportations of coal, iron, lead, and seafood are completely banned, under new resolution of the UNSC

29/8/2017	Another ICBM missile is launched over Japanese soil
11/9/2017	The UNSC responds to the acts of DPRK by banning the imports of petroleum products, crude oil, and gas
15/9/2017	North Korea launches another ICBM missile

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Sanctions have been proven to be one of the most widely used tools of the Security Council in order to efficiently tackle issues which pose a danger to international security. Here is a list of all previous resolution adopted, under which sanctions were applied to different states:

DPRK

- Resolution 1718/2006; prohibiting the export of military supplies to DPRK
- Resolution 1874/2009; the arms embargo is enforced
- Resolution 2094/2013; money transfers prohibited and asset freezes take place
- Resolution 2321/2016; economic sanctions are applied prohibiting the exportation of copper, nickel, silver, and zinc
- Resolution 2371/2017; exportations of coal, iron, lead, and seafood are banned
- Resolution 2375/2017; imports of products such petroleum products, crude oil, and gas are banned

Libya

- Resolution 748/1992; an arms embargo and diplomatic sanctions are imposed on Libya
- Resolution 1506/2003; all previous sanctions imposed on Libya are lifted
- Resolution 1970/2011; an arms embargo is imposed on Libya as well as assets freeze to the Gadhafi family

POSSIBLE SOLUTIONS

Sanctions are an inalienable part of the UNSC, however as it was previously mentioned there are only adopted as an extreme measure to tackle situation of global threat, reprimand violations of human rights or even prevent situation of international impact. However, as it was presented, sanctions, whether these are UN sanctions or any other type

of sanctions, do seem to have numerous problems which still prevent them from achieving their aim in the best way possible. Therefore, it is essential to investigate all problems and tackle them.

Using the case studies of different sanction imposed on different countries and further examples, the Council needs to set some circumstances and rules related to when and how sanctions are to be implemented.

It is also to demonstrate effective ways, by which the legal foundation related sanctions is to be strengthened and enforced. Moreover, it is important to establish a humanitarian framework, which sanctions have to abide by, in order to protect civilians from being victimized by the effects of sanctions. Furthermore, the application of sanctions comes along with economic consequences to UN states, and therefore solutions must be found to establish a way by which the implementation of sanctions will have a limited impact on other states. Lastly, it's of utmost importance to make sure that all times sanctions are indeed applied efficiently. It is important to propose measures by which the overlooking of sanctions will become stricter and further propose measure by which all targeted individuals and states will be restricted and unable from finding any other illegal tactics to refrain from implementing the sanctions imposed by the UNSC.

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