

## The Effectiveness of Smart Sanctions in Maintaining International Peace and Security

### فعالية العقوبات الذكية في حفظ السلم والأمن الدوليين

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#### **Abstract:**

*The necessity of respecting the rules of international law requires punishing any violations through comprehensive sanctions. In an attempt to ameliorate the devastating impacts of comprehensive sanctions, the United Nations decided to use a new form of sanctions in order to restore international peace and security. This form of sanctions is called “smart” or targeted sanctions. In the following article, we are going to tackle the concept of smart sanctions, which is an alternative way to conventional comprehensive sanctions. These targeted sanctions aimed to protect human rights particularly, those of civilian population. The article searches as well to what extent are smart sanctions successfully implemented and whether they manage to achieve their ultimate goals. We address correspondingly, the effectiveness of smart sanctions through highlighting their main positive and negative effects.*

*key words : Smart sanctions - comprehensive sanctions- United Nations-international peace and security-effectiveness.*

#### **المخلص:**

إن فرض احترام قواعد القانون الدولي يقتضي ردع كل مخالف لها من خلال معاقبته، وذلك بتطبيق ما يسمى بالعقوبات الدولية الشاملة، إلا أن تطبيقها قد نتج عنه آثار مأساوية على شعوب الدول المخالفة، مما أدى إلى ضروره إيجاد حلول بديلة للتقليل من آثارها، لذلك فقد أقرت منظمة الأمم المتحدة استبدال تلك العقوبات بنوع آخر من العقوبات يكون أكثر عدلا من أجل حفظ السلم والأمن الدوليين، فتوصلت إلى إقرار ما يسمى بالعقوبات الذكية أو المستهدفة. سنتطرق في هذا المقال إلى مفهوم العقوبات الذكية - كبديل للعقوبات الدولية الشاملة - باعتبارها تهدف إلى حماية حقوق الإنسان، ولاسيما الأشخاص المدنيين الذين لا علاقة لهم بالمخالفات المرتكبة، كما يبحث المقال في مدى تطبيق العقوبات الذكية وتحديد فاعليتها من خلال إبراز الآثار الإيجابية وكذا السلبية، وهل نجحت فعلا في تحقيق الهدف الذي أقرت من أجله.

**الكلمات المفتاحية:** العقوبات الذكية - العقوبات الشاملة - منظمة الأمم المتحدة - السلم

والأمن الدوليين - الفعالية.

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### **Introduction:**

The increased criticism of comprehensive sanctions in the 1990's and the sorrowful experiences that took place were not encouraging. Those sanctions had a long history of damaging the income distribution, increasing the poverty gap, spreading violence, military intervention, threatening democracy of many countries and violating human rights. These adverse consequences are meant to provoke unfavourable effects for the civilian population.

The tragic situation that was achieved through comprehensive sanctions called for the urgent need to look for alternative solutions. In an attempt to ameliorate the devastating impacts of comprehensive sanctions, the United Nations decided to use a new form of sanctions in order to restore international peace and security. This form of sanctions is called "smart" or targeted sanctions, since they target a particular individuals, groups or entities who are condemned of breaching international peace and security. The sanctions are smart because they protect the civilians and get them away from the negative effects that may happen in their region or country.

In this respect, the Security Council used smart sanctions to confront dangers that are created in three main areas which are; countering terrorism, preventing armed conflicts, and nuclear non- proliferation. In addition to that, the Security Council made a huge effort to protect human rights and international law, and promote democracy in different countries. From this, we identify the research problem; what is smart sanctions? And to what extent are smart sanctions effective?

To study this research problem, we conduct an analytical descriptive method of inquiry, where there is a detailed description of the concept of smart sanction and analysis of its effectiveness in regional and international levels.

To answer the research problem, the topic was subdivided into two sections. The first section includes definition and evolution of smart sanctions. The second section talks about the effectiveness of smart sanctions.

### **Section I: Definition and evolution of smart sanctions**

Under this title, we are going to define the concept of smart sanction, to recognize its different types and to have a general background about smart sanctions and its evolution.

#### **A) What is Smart sanctions?:**

Smart sanctions are also known as "targeted" sanctions since it target those who carry out crimes, in the same time it try to keep ordinary citizens safe. They are considered as a refinement of conventional sanctions tools. Generally, Smart

sanctions are constructed to raise the target groups' costs of disobedience in one hand and avoiding the unhumane negative effects that conventional sanctions usually made in the other hand. Thus, they target the guilty parties and attempt to minimize the loss and damage as much as possible<sup>1</sup>.

In the same regard, smart sanctions led to the diminishing of comprehensive sanctions by moving from sanctions targeted countries to sanctions designed against special groups and individuals. Targeted sanctions can be used in two ways; the first one is by being a motive to change the behaviour of certain groups, parties or individuals. This is made essentially by exercising pressures on political leaders to convince them think twice about their practices. It is used as well to prevent illegal actions from happening<sup>2</sup>.

The efforts to create sanctions that are more humanitarian aim basically to maintain international peace and security. They seek to protect the civilian 'rights in the targeted countries, minimize their suffering and improve the situation in different sectors including public health (increases in infant deaths, shortages in medicines and deterioration in water supply). Another sector that targeted sanctions try to reduce its negative effects in comparison to comprehensive sanctions is governance and civil society (the increased levels of crime and repression, suppression of political parties and independent media). More than that, economic issues (decline of important goods, adverse changes in income distribution). Besides the absence of humanitarian activities, which meet people's, need for assistance and the rapid expansion of refugee's camps and internally displaced persons<sup>3</sup>.

Under chapter 7 of the United Nations Charter and more specifically, Articles 39 to 42 make it legal for United Nations to maintain or restore the international peace and security through smart sanctions<sup>4</sup>. The four previously mentioned articles state respectively; the Security Council determines any threat to peace, it call upon parties which are concerned. The Security Council decides on the measures that should be taken not involving armed forces. Finally, if necessary measures would be taken by the Security Council. The latter may take an action that is necessary to maintain or restore international peace and security (may be a demonstration, blockade or land forces of members of the United Nations<sup>5</sup>.

There are different types of smart sanctions including the following:

**1- Arm Embargoes:** it is one of the tools that United Nations use against targeted states as a way to change their behaviour in order to restore and maintain the international peace and security. The fact that is mentioned in the UN Charter

in its seventh chapter. Arm embargoes ban the transfer of conventional arms, ammunition, military equipment and other tools used by the targeted groups in conflicts<sup>6</sup>.

Arm embargoes restrict and ban the use of military instruments and tools, the fact that do not affect the life of ordinary people in the targeted countries, since it is not a crucial element in everyday life. Likewise, arm embargoes have a great importance in making conflicts have an end, reduce the suffering of civilian people and decreases loss of life. It aims at the containment, deterrence, compliance and establishment of peace. There are two types of arm embargoes: impartial or “blanket” which are dictated to all sides of the conflict. However, partial arm embargoes are imposed on a merely one side at the cost of the other conflict parties<sup>7</sup>.

**2- Financial sanctions:** they aim to destroy financially the ability of the sanctionee and put their business interests under external pressure. Financial sanctions have common forms involving; suspension of loans and aids from national governments and multilateral organizations such as United Nations, the World Bank, and the International Monetary Fund. These sanctions equally tend to the restriction or denial of access to the international financial markets and bans on capital investment flows in the targeted states. Financial sanctions can be very effective means if they are directed to the political and economic elites and leaders by freezing their private assets, bank accounts, seizing assets and properties and denial of private bank loans<sup>8</sup>.

This type of sanctions applies a great pressure on groups, individuals and leaders who are responsible of the different conflicts through isolating those less popular leaders. As a result, a maximum political gain would be attained without affecting the civilian led companies or individualspeople<sup>9</sup>. Like the other sanctions, financial sanctions are made to punish the target country, which weighs the costs imposed. These costs are meant to push the target country to change its behaviour<sup>10</sup>.

**3- Travel sanctions:** they are one of the effective smart sanctions since they directly affect the targeted companies or individuals. Therefore, travel sanctions make it impossible for the sanctioned groups to carry on their commercial activity, contact or ask help from foreigners. Travel sanctions can be in the form of flight bans, restrictions on visa and prohibition of air cargo flights. Travel sanctions work chiefly on demoralizing and embarrassing the targets in order to drive them into altering their behaviour. There are three types of travel sanctions: Travel bans which block international, social and commercial travel of

targeted groups, it is effective in demoralizing the psychology of the targets. Aviation sanctions and they include restrictions or ban on air flight (all flights or particular airlines) of the target country. General transport sanctions and they involve the restrictions or bans across frontiers and cover all means of transportation<sup>11</sup>.

In addition to these three types of targeted sanctions, there are other sanctions including trade sanctions that involve the restrictions on imports and exports to and from the targeted country, particular goods that may encompass (arms, diamonds, oil and lumber) and services that frequently violate the maintaining of international peace and security. Moreover, sanctions can be in the form of diplomatic constraints with targeted groups or countries, as well as cultural and sport restriction with the targets.

### **B) Background and Evolution:**

The essence of sanctions can be traced back to the ancient Greeks, when Athens dictated a trade embargo on its neighbour Megara in 432 BC. Thus, this marked a long history of state sanctioning its opposing rival in order to enforce it to change its behaviour. With time, today “smart” or “targeted” sanctions become more effective and humane. There were a quasi or incomplete smart sanctions over history, because sanctions at that time were targeting whole countries involving innocent population and civilians rather than targeting specific groups or individuals. An example of conventional sanctions includes USA trade sanctions on Japan since the latter decided to embark on WWII<sup>12</sup>.

On August, 1990, Iraqi military forces came across Kuwait and saying that the latter is a part of Iraq. The United Nation Security council responded immediately asking the removal of Iraqi forces and started imposing sanctions on both Iraq and Kuwait. A sanction committee was created to control the implementation of the sanctions. This committee was established under the United Nation Security Council Resolution 661. Among the sanctions that were imposed on the two countries; the freezing of Iraqi and Kuwaiti assets abroad, a ban of trade including imports and exports. In addition to United Nation Security Council Resolutions 665 and 670 which state respectively; naval interdiction and ban on the flights to and from Iraq. Iraq had the permission to to import some goods for humanitarian purposes under resolution 687, paragraph 22<sup>13</sup>.

In the case of Iraq, sanctions that were implemented are comprehensive targeting the whole country rather than particular actors. Other similar sanctions include; Haiti (1994), Federal Republic of Yugoslavia (1992). In other cases, arm embargo was applied in Ethiopia and Eritrea (2000-2001), Liberia (1992), Rwanda (1994), and Kosovo (1998). Thereupon, the previously mentioned cases

introduced the application of smart sanctions. In 1993, the council started to punish the parts that evoked the conflict in Angola and particularly the “National Union for the Total Independence of Angola” or UNITA (the second largest party in Angola), which threatened the international peace and security in the region. The party and its leader Jonas Savimbi refused the demands of the Security Council. As a result, the party was targeted on its important funding “diamond” except the ones that were certified by the Angolan government. In 1995, the five permanent members of the council stressed on the fact that international conflicts should be settled in a peaceful way pursuant to the seventh chapter of the United Nation Charter, in the same time to emphasize the effectiveness of the sanctions with less negative effects on the targeted individuals or groups<sup>14</sup>.

There were three important initiatives that worked on the development of targeted sanctions, their main aim was to make those sanctions as much effective as possible:

**1- Interlaken process:** it was introduced by the Government of Switzerland in 1998, it focused primarily on targeted financial sanctions and developing several policies and procedures to make them more effective. The Swiss Government has launched two international seminars in Interlaken, Switzerland in 1998 and 1999 and they are called Interlaken I and Interlaken II. Twenty countries participated in the two seminars, in addition to representatives from government, Central Bank agencies, the UN Secretariat, the private banking sector, and other academic and research institutions. The seminars attempt to improve the technical aspects of financial sanctions, work on sanctions in order be implemented among United Nation member states and also to clarify and explain the different resolutions made by the Security Council. The Interlaken process succeeded in defining the general terms and important steps toward effective financial sanctions. The seminars concluded on the significance of international efforts to control the financing of illegal drug transactions by banning supply, decreasing demand and prohibition of the big financial transactions especially the flow of money<sup>15</sup>. The Interlaken II developed special language for future Security Council resolution. This language was used against the Federal Republic of Yugoslavia over the issue of Kosovo and brought by the Afghanistan Sanctions Committee<sup>16</sup>.

**2- The Bonn- Berlin process:** In an attempt to make sanctions “smarter”, the Foreign Office of Germany organized the Bonn-Berlin process in 2000. It focused essentially on arm embargoes and travel related sanctions. The Bonn International Center for Conversion (BIIC) that had organized the Bonn- Berlin

process to include two expert seminars and a variety expert working groups. The BICC in collaboration with United Nation Secretariat and guidance from the German Foreign Office to make sanctions effective. The first seminar in Bonn aimed to analyse the inadequacies of both arm embargoes and travel bans in addition to several discussions on ups and downs that had occurred in the past. Bonn seminar discussed similarly many proposals about how to create new ideas concerning arm embargoes and travel sanctions and particularly when those sanctions are violated by the targeted groups. Proposals from the Expert Working Groups include: The model resolution on arm embargoes, which discussed matters like common lists of goods or services, inclusion of brokering activities in arm embargoes. A model resolution on travel bans discussed issues like how to draw up a list of targeted persons and the means used to target individuals. The model resolution on aviation bans which includes ban on particular aircraft to general ban on international air travel<sup>17</sup>.

3- **The Stockholm process:** it was the third international attempt to deal with the targeted sanctions. It was organized by the Swedish Government in 2002, looking for better ways used to effectively implement targeted sanctions. The Stockholm process tries to look for the possible ways used to improve and provide help for Member States to strengthen the national capacity for sanctions' implementation. It proposed various strategies on the type of sanctions, to counter sanctions evasion and keep up the accuracy of those sanctions<sup>18</sup>.

The process' activity was divided into three sections, giving recommendation about: targeted sanctions' implantation, challenges that are imposed by the targeted countries' laws and the possibilities used by the targeted groups to evade from the targeted sanctions. The result of the initiative was a report represented to the United Nations Security Council in 2003. They called for the need of an "established methodology" to achieve humanitarian and socio-economic impact assessment<sup>19</sup>.

The three international processes made a great efforts in the creation and implementation of targeted sanctions. They provide the United Nations with the sufficient proposals and recommendations for better application of smart sanctions.

## **Section II: Effectiveness of Smart Sanctions:**

Under this section, we are going to tackle the different efforts that were made by the United Nation to implement targeted sanction. In addition to the effectiveness of targeted sanctiond including positive and negative effects.

**A) United Nations Efforts to Implement Targeted Sanctions:**

The United Nation Security Council stopped imposing comprehensive economic sanctions since 1994. The Security Council focused instead on culpable individuals and entities who threaten international peace and security. In this way, “smart” or targeted sanctions have been used to restrict negative impacts on civilians, regulate armed conflicts and terrorism in one hand. Consolidating peace agreements, contribute in peace building, limit the nuclear weapons industry in the other hand<sup>20</sup>.

For the purpose of gathering sufficient information and figuring out the impact and effectiveness of smart sanctions and making sure if those sanctions do indeed work. There was a need for creating a body to inform public debate and getting involved in policymaking communities internationally, the body Targeted Sanctions Consortium was formed. The Targeted Sanctions Consortium began with a workshop at the Graduate Institute in Geneva in October 2009. It welcomed scholars from all around the world to research on targeted sanctions<sup>21</sup>. Its main goal was to improve the tools that are useful to sanctions policymakers including; the policy briefings, applications on smartphone and lists of all United Nation targeted sanctions cases<sup>22</sup>.

A Sanction Committee is established and it consists of all members of the Security Council with a chairman as head of the committee. He is assisted by two delegations chosen by the Security Council. Decisions that are taken by the committee are decided in accordance with its members. An agreement would be facilitated by the chairman if consensus is not possible on a given issue. The committees’ main goal was to control the application of measures that are instructed by the resolution<sup>23</sup>.

The Security Council opted for a series of resolutions to implement smart sanctions in three crucial areas which are, terrorism, armed conflicts, and nuclear proliferation. To start with the Security Council’s efforts to counter terrorism. Among the earliest and most important resolutions that was launched in this respect RES 1267 in (1999). It was adopted by the Security Council in its 4051st meeting. The resolution aims for the prevention of terrorist (Taliban) from any financing by calling states to deny permission for any aircraft off from or land in their territory. In addition to freezing funds and other financial resources owned by the Taliban<sup>24</sup>. Another similar resolution was adopted in 2000, the S/RES 1333 which reminded states to implement measures of paragraph “4” of resolution 1267(1999). Moreover, it sought for the prevention of direct or indirect supply, sale and transfer of technical advice, assistance, or training related to the military activities of armed personnel under the control of Taliban and the



withdrawal of member states' military officials, agents, advisers and other individuals advising the Taliban<sup>25</sup>.

Several successive resolutions were adopted to affirm the RES/1267 and to change sanction regimes including S/RES 1390(2002) which broadened the sanctions into travel ban and arm embargo. Another resolution S/RES 1455 (2003) which encouraged states to report the conditions when implementing sanctions. Resolution 1617 (2005) equally reinforced the freezing of assets in addition to implementing of previous measures and stressed the importance of international cooperation<sup>26</sup>. In October, 2005 the United Nation Security Council passed resolution 1636 after the bombing in Beirut which resulted in killing the prime minister RafikAlhariri and 22 others. The resolution condemned the terrorist act and the inquiry of the United Nations International Independent Investigation Commission (UNIIC) led a report which concluded that Lebanese and Syrian officials were involved in the terrorist act. The resolution imposed a travel ban and asset freeze on individuals identified by the UNIIC that were linked to the assassination<sup>27</sup>.

Current resolutions that combat terrorism through targeted sanctions include; S/RES 2368 (2017) which comprised an arm embargo, a travel ban, and ban on trade in petroleum products, natural resources, chemical or agricultural products and weapons on ISIL and Al-Qaida<sup>28</sup>. In the same year, the Security Council passed S/RES 2370, which prevented terrorists from acquiring weapons<sup>29</sup>. In 2019, the S/RES 2462 fought against the financing of terrorism<sup>30</sup>. Finally, in December, 2020 with S/RES 2560 which based on the work of resolutions 1267/1989/2253 concerning sanctions imposed on Islamic State and the Levant (ISIL) (Dae'sh) and Al-Qaida<sup>31</sup>.

Concerning the second issue, which is preventing armed conflicts and the protection of civilians. The Security Council had passed many resolutions in this respect for the aim of restoring and maintaining international peace and security pursuant to chapter vii of United Nation Charter under articles 39 to 42. The armed conflicts and civil war in Libya led the Security Council to respond by adopting S/RES 1970 in (2011) which opted for: imposing a no-fly zone over Libya, strengthening an arm embargo and ban on all Libyan flights. The resolution imposed also an asset freeze on Libyan authorities' properties. Furthermore, the Security Council called for a ceasefire to make an end on all violence and abuses against the Libyans<sup>32</sup>.

Another similar example is the case of Yemen. The Yemen's crisis led the Security Council to impose several targeted sanctions on the groups, individuals

and entities that caused bloody conflicts in Yemen. Those targeted sanctions are; arm embargoes in 2015 under resolution 2216, extending the asset freeze and travel ban in 2016 under resolution 2266. In 2017, there were a renewing of a targeted arm embargo, travel ban and assets freeze under resolution 2343<sup>33</sup>.

In Sudan, the Security Council adopted for S/RES 1591 on March, 2005 which include targeted sanctions for specific individuals who threatened the stability in Darfur, those who abused human rights and international humanitarian law. The resolution aimed to make an end to the conflicts in Sudan by imposing an arm embargo to restrict the supply of arms, in addition to freezing assets and travel ban on those individuals<sup>34</sup>.

Regarding the field of nuclear non- proliferation and for achieving the purpose of restoring and maintaining the international peace and security. Under the seventh chapter of the United Nation Charter, the Security Council adopted RES/ 1737 in December 2006, which imposed an arm, embargo on importation from and exportation to Iran of any item or technology related to nuclear weapons. Similarly, in 2010, the Security Council opted for resolution 1929 that prohibited Iran from buying heavy weapons such as attack helicopters and missiles<sup>35</sup>.

The Democratic People's Republic of Korea launched a nuclear test and conducted ballistic missile technology. Under these circumstances, the Security Council opted for 10 resolution condemning these acts. The first resolution RES/ 1718 was imposed in 2006, which banned imports and exports of battle tanks, armoured combat vehicles, attack helicopters warships, and missiles. Targeted sanctions also included assets freeze and travel ban on individuals and companies that were engaged with DPRK's weapons' programmes. The resolution equally prohibited imports of luxury goods to the country. Many successive resolutions took place in North Korea and they all aimed to prevent the country from nuclear proliferation. Those resolutions are: RES/ 1874 in (2009), RES/ 2087 in (2013), RES/ 2094 in (2013), RES/ 2270 in (2016), RES/ 2321 in (2016), RES/ 2356 in (2017), RES/ 2371 in (2017), RES/ 2375 in (2017), and RES/ 2397 in (2017)<sup>36</sup>.

## **B) Positive and Negative Effects of Smart Sanctions:**

### **1-Positive Effects:**

The main goal of switching sanctions from comprehensive to targeted or smart ones was the upholding of international peace and security. For this reason, the Security Council saw an urgent need to embrace the targeted sanctions under chapter VII of the United Nation Charter. In the meantime, the Security Council tried its best to create a balance between its major focus for maintaining peace

and security and respecting human rights and fundamental freedoms of targeted individuals<sup>37</sup>.

United Nations sanctions are used to counter any threat that may face the maintaining or restoring of international peace and security without utilizing force. Therefore, targeted sanctions are utilized to counter terrorism, prevent conflicts from happening and to work hard in order to eradicate those conflicts. Moreover, targeted sanctions are used to protect human rights and civilians, increase democracy and most importantly, to prohibit proliferation of weapons of mass destruction<sup>38</sup>.

Targeted sanctions were imposed against terrorism and terrorist to paralyze their activities by blocking any resource that may help them or urge terrorist organization from launching any terrorist action. Examples can be given are the ones concerning Islamic State in Iraq and the Levant (ISIL) which was prohibited from receiving financial aids under resolution 2253. Cutting off the financing of terrorists which led to stop their activity and thus it is a way of maintaining peace and security in the region<sup>39</sup>.

Correspondingly, targeted sanctions plays an effective role in preventing international and regional armed conflicts. In the case of Libya for instance, smart sanctions were imposed to restore peace and security for Libyan citizens and protect them from violence caused by the governing regime. As a consequence, the assets freeze of Gaddafi family made it difficult for the regime to finance the armed forces which ought to fuel armed conflicts in the region<sup>40</sup>.

As far as, targeted sanctions weaken the terrorist's actions and eradicate armed conflicts from occurring. Under these circumstances, targeted sanctions promote democracy of the countries, maintain peace and security and above all protect human rights including the rights to live in freedom and security, preventing gross violations of human rights or genocides. Civilians as well are not deprived from the fulfilment of their basic needs like food, health facilities and medical care. Since smart sanctions are targeted to punish particular leaders, individuals or entities instead of the whole country or population<sup>41</sup>.

Furthermore, the weapons of mass destruction's proliferation is considered as a threat to international peace and security. For this reason, targeted sanctions under resolution 1540 in (2004) obliged all states to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery. Hence to prevent possible international nuclear war<sup>42</sup>.

Beyond all the positive effects that are mentioned above, targeted sanctions further coerce or change the behaviour of the targeted individual or entities.

Example of effective coercion includes the case of Libya, which was condemned of terrorism on April 1999. Sanctions imposed under United Nations Security Council resolution 1192 led to four suspects turning over, conducting trials, providing compensation and renouncing terrorism. In addition to all that, targeted sanctions support regional arrangements, engage in peace facilitation and enforcement and promote democracy and acceptance of election results<sup>43</sup>.

## **2- Negative Effects:**

The secretary General Kofi Annan in International Peace Academy Seminar approved that “it is not enough merely to make sanctions “smarter”. The challenge is to achieve consensus about the precise and specific aims of the sanctions, adjust the instruments accordingly and then provide the necessary means. This requires, on the part of the Security Council and Member States, a willingness not only to tackle technical operational questions, but also the broader political questions of how best we ensure the fullest and broadest compliance with the will of the international community on the part of recalcitrant States”<sup>44</sup>.

In the quotation above, the previous Secretary General asserted on the great importance of defining clear goals of smart sanctions, preparing the appropriate means and instruments in order to make them more effective. Moreover, the Security Council and member states have to do their best in putting those sanctions into implementation at the international level. However, those measures are often fail to achieve their principal goal, smart sanction are likely to remain a noble failure<sup>45</sup>.

The Security Council has imposed targeted sanctions in the form of arms embargoes in an attempt to prevent armed conflicts. However, they are rarely enforced and poorly monitored. The prohibition that is imposed by arm embargo led to trafficking in small arms, which increase profits, and creates lucrative markets for illegal trade. This trade usually make those who are meant to be hurt from the embargo ( targeted individuals or groups) got benefited the most. The matter that empowers the conflicts rather than curtailing it<sup>46</sup>. Thus, arms embargoes do not reduce the flow of arms and just make them more expansive which encourages illegal trade<sup>47</sup>. As example, Cote d’Ivoire, there were difficulties by the Panel of Experts mandated by the Security Council to monitor and enforce arm embargo imposed pursuant to RES 1572 in (2004)<sup>48</sup>.

In travel sanctions, there were different hardships encountered when they come to implement them. There still many disadvantages on civilians, neighbour countries, and people who are intended to be targets. The case of Libya is one example, in response to Lockerbie accident there was a ban on flights, which created a serious difficulties for Libyan population. Aviation ban can also block

other fields such as agriculture and health care like in Sudan where aviation ban affect the importation of medicaments, vaccines and food<sup>49</sup>. Common ways of violating air cargo sanctions by the targets may include; filing false flight plans, writing false identification numbers, using clandestine or non- regulated airstrips. Moreover, the weaknesses of air control of sanctioning states and the expansion of bribe by the monitoring personnel, all these conditions help the targeted individuals, groups and entities to evade from sanctions imposed on them<sup>50</sup>.

Financial targeted sanctions have many issues in its implementation as well. Most importantly is the lag between the decision and its implementation, which enables the targeted individuals to evade from the sanctions by moving all their assets in advance. Similarly, trade sanctions are faced by many difficulties, it is worth to mention some of them; goods can be interchangeable. So that it makes it impossible to recognize if the shipment of particular good came from the sanctioned state or not.<sup>51</sup>

#### **Conclusion :**

The «sanction decade» as it was known in the 1990's witnessed tremendous effects in different countries. The matter that urged the United Nations to adopt smart sanctions in order to maintain international peace and security and protect human rights. In this article we conclude to the following results:

- Smart sanctions are a refined form of sanctions, it was adopted in the 1990's to reduce the devastating consequences of comprehensive sanctions.
- Unlike the conventional sanctions, smart sanctions are targeted to particular individuals, leaders, groups or entities who breach the law, instead of sanctioning the whole population.
- Smart sanctions are used to restore and maintain international peace and security, protecting and respecting human rights, and promoting democracy.
- Smart sanctions target particular goods, products, arms, and assets only. The matter that do not prevent the supply of civilians with essential elements of life like food, water and medical care.
- Smart sanctions, thus has a slight and partial effect on the country's economy. Since, they target particular individuals (leaders or elites) rather than the whole country.
- The effective implementation of smart sanctions require an enormous international unity and huge efforts to get a detailed portfolio of the targeted individuals, groups or entities, their bank accounts and assets.

The following recommendations are very essential for smart sanctions to be a successful tool:

- Sanctions should be understood as a tool to be implanted in a large strategic setting.
- Identifying clear goals of smart sanction and preparing the appropriate means and instruments to implement them effectively.
- Sanctions should be implemented in a limited period. The lag between imposing the sanctions and their implementation led targets to evade easily from sanctions.
- Adjusting smart sanctions into each situation or case and according to the conditions in each country.
- Revising smart sanctions' effects in protecting human rights and trying to curtail sanctions especially on those targeted individuals who changed their behaviour.

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