

THE DEVELOPMENT OF INTERNATIONAL SANCTIONS POLICY AND THE INTERNATIONAL HUMANITARIAN LAW (FROM ECONOMIC SANCTIONS TO SMART SANCTIONS)

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Abstract

The development of the concept of smart sanctions occurred during the second half of the 1990s, due to the increasingly detrimental and unacceptable consequences observed at both the international level (involving the United Nations and its affiliated Nations and its affiliated organizations) and the domestic level (involving states and civil society organizations). Many academics highlighted these issues through various conferences and educational programs. This study aims to propose an intelligent approach to mitigate the adverse consequences associated with the traditional approach. Particularly, it focuses on the concept of "targeted" or "smart" sanctions, which directly impact political leaders or individuals responsible for peace violations. The objective is to ensure that innocent civilian populations remain unaffected by these measures, thereby eliminating civilian suffering. This emphasis on targeted sanctions has been underscored by decision makers. There is a growing emphasis among scholars on the significance of formulating an original system of penalties in order to effectively accomplish their intended objective.


Key Words: Smart sanctions-humanitarian law-ban- basic commodities-financial sanctions aviation sanctions

1-INTRODUCTION

The contemporary period, sometimes referred to as the age of human rights, is concurrently characterized by the prevalence of punishments. Concurrently with the extensive array of accords and covenants pertaining to human rights, there exists a substantial number of instances when these rights, as well as international law and international legitimacy, are violated. These transgressions are met with various forms of punishment. Alternatively, the imposition of sanctions may be considered. (**Marinov, Nikolay (2005)**)

International sanctions, particularly those of an economic nature, have not arisen by chance, but rather have a historical lineage dating back to ancient civilizations. These measures have been used as a means of exerting pressure on targeted entities or nations, with the aim of achieving certain objectives. Throughout history, numerous examples can be found that illustrate the widespread practice of employing sieges and closures as a means to compel adversaries to yield to the demands of dominant entities. These instances, such as those witnessed in Rome, Berlin, England, and Jerusalem, among others, demonstrate a common strategy aimed at subjugating opponents by undermining their capabilities, severing their diplomatic ties, disrupting their trade networks, and depriving them of essential resource The majority of those who pursue this strategy undermine their military and economic capabilities, all in pursuit of attaining decisive triumph, a goal that has not consistently been attained only by armed means. Throughout history, economic sanctions have often been seen as a cost-effective alternative to warfare for the imposing party, while proving to be financially burdensome for the targeted recipient. The elevated cost was associated with the economic sanctions zone, which was founded on the concept of depriving the adversary of resources in order to eradicate it, so establishing a foundation for a foreign policy that is both ethically grounded and lawful. This strategy has been sustained for over two millennia, supported by many explanations. (**Joy Gordon (2011)**)

The aforementioned reasoning persisted as economic sanctions gradually acquired a legal character through the establishment of international organizations. This process involved the transition of economic sanctions from an informal customary norm to a formal written legal rule, initially under



the auspices of the League of Nations and subsequently under the Charter of the United Nations. Nevertheless, this clash occurred between the aforementioned logic and the principles pertaining to the fundamental rights of individuals, such as the right to life, health, and education. These rights were prominently emphasized through the introduction of the Universal Declaration of Human Rights in 1948, which was further supported by a range of international agreements, treaties, and mechanisms aimed at monitoring and advancing human rights. Notably, the two International Covenants on Human Rights, adopted in 1966 and ratified in 1976, played a significant role in this regard. The proposal to reconcile coercive logic and humanitarian logic emerged as a response to the United Nations' extensive utilization of economic sanctions during the 1990s, known as the "Decade of Sanctions." This period witnessed numerous instances of inhumane economic sanctions, some of which were deemed by certain observers as deliberate acts of mass genocide. Countries such as Iraq, Libya, Yugoslavia, and Haiti were subjected to these measures, as well as the regime of Saddam Hussein in Iraq starting from 1997. Additionally, there were instances of smart sanctions that were intended to impact civilian populations similarly to comprehensive economic sanctions. The objective of this study is to examine the underlying motives that led to the adoption of smart sanctions, with a particular focus on the humanitarian inclination associated with smart sanctions. This inclination is closely tied to the growing recognition of human rights by the international community. Therefore, the study aims to achieve the following objectives: 1. Establishing a clear conceptual and legal framework for both traditional and smart economic sanctions.

This discourse aims to examine the several rationales behind the shift from conventional economic penalties to the implementation of smart sanctions.. (A. van Aaken,2019)

The current study explores the appropriateness of using smart sanctions as a viable substitute for conventional economic penalties, as they provide a balanced approach that encompasses both efficacious punitive measures and the preservation of fundamental human rights.(Cortright, David2002)

1-1-Methodology of study

The research utilized a descriptive and comparative technique through the historical view followed by an analytical approach due to its legal character, facilitating the investigation and assessment of several legal principles. Furthermore, the reliance on a political approach was evident since sanctions were often influenced by political concerns and backgrounds in several instances

112-literature review

In a systematical review and analysis of existing research related to impose smart sanctions The primary impetus behind the implementation of smart sanctions as a punitive strategy is rooted in the inclination towards humanism. (chachko,2017) demonstrates that how This approach aims to mitigate, if not completely alleviate, the excessive human toll suffered during periods of comprehensive economic sanctions. Such sanctions, characterized by indiscriminate punishment, fail to differentiate between wrongdoers and innocent individuals, thus adversely impacting human rights without achieving the intended outcome of exerting pressure on governing authorities.

In addition,.(illustrates that Smart sanctions are seen as an alternative approach to conventional economic sanctions. These measures are characterized by their selectivity and targeting, and have been used by various international bodies such as the United Nations, the European Union, and the United States since the mid-1990s. The individual espoused a specific ideology. against examining her humanity, it becomes apparent that the actuality contradicts the aforementioned notion (Xavier Philipe , 2008)

Elhaw(2020) discussed that the concept of smart sanctions has emerged as a proposed alternative to the traditional approach of using ineffective and inefficient economic sanctions. This unique approach aims to redefine the characteristics of sanctions by including new aspects. The aforementioned phenomenon has evolved into a system that compromises upon human rights rather than protecting them. ,The objective is to highlight the adverse impacts of conventional economic penalties on human rights. The aim of this analysis is to assess the efficacy of smart punishments,



examining both their advantages and disadvantages, as well as the potential problems they might face (Watson , 2001)

-2- The concept of smart sanctions

A smart sanctions policy is one that has coercive restrictions on individuals and limited entities that restrict particular products or actions, while limiting unforeseen economic and social repercussions on vulnerable groups and innocent bystanders.

Smart punishments are also believed to be: concentrating coercive pressure on those responsible for violations, while minimizing unintentional negative impacts. They target methods of pressure on decision-makers and elites in corporations or organizations that control them. Targeting may also indicate placing bans on renewed items selectively or Activities that are necessary to enabling a policy are rejected and that have value to responsible decision makers. **(Dinah Shelton (2013)**

Therefore, most authors regard the application of sanctions to be sensible when they take into consideration the humanitarian implications on the targeted nation, and the design of sanctions has a larger impact on the targeted elite while reducing civilian suffering. However, this general and broad definition overlooks the following important considerations, including that the paradox lies in: The political elite that make up the regimes themselves have benefited greatly economically from the black markets that have emerged to circumvent the sanctions that aim to put pressure on them. In addition, the success of the strategy of the sanctions regime sometimes leads to avoiding the flag, which can be plainly noticed in most nations. So-called authoritarian acts Accordingly, a more broad and comprehensive definition of smart punishments should be created that takes into consideration the following principles: (Brzoska, Michael 2001)

- They might be considered beneficial sanctions if they pay attention to the humanitarian repercussions.

- It should be corresponding with reference to the balance of human and political hardship and benefit.

- It is implemented as an aspect in the carrot and stick strategy to prevent slipping into the trap of escalation.

- The evaluation of the efficacy of various penalty strategies in the relevant instance is considered, leading to the development of an enhanced plan.

2-1-The distinction between smart and economic sanctions

Traditional economic sanctions and modified smart economic penalties may be distinguished based on their characteristics and implementation strategies (Peter L Fitzgerald , 2008)

Smart economic sanctions are a kind of prescriptive measure that is specifically targeted towards those individuals who are accountable for a violation, as well as anybody who is closely associated with them. This is in contrast to conventional economic penalties, which are often comprehensive in nature and do not differentiate between the governing authority and the general population.

- Smart economic sanctions are distinguished by their discerning application to specific goods and products, targeting those of significance for punitive measures, as opposed to the previous sanctions framework that imposed a comprehensive ban on all goods except for humanitarian purposes.
- Conventional sanctions encompassed a range of measures such as economic boycotts, embargoes, and blockades, whereas smart economic sanctions primarily relied on embargoes in diverse manifestations, including travel restrictions, arms embargoes, trade embargoes, and financial sanctions (Xavier Philipe 2008)

Smart economic sanctions measures differ from traditional sanctions in that they do not have direct impacts on the economy of the targeted nation. Certain measures have a discernible influence on the economy, such as targeted trade restrictions and financial sanctions, while others have an indirect effect, such as embargoes on weaponry and restrictions on travel.

2-2-The kinds of smart sanctions

2-1-A-Weapons ban

The implementation of an arms ban is a well-established concept throughout the framework of smart sanctions. It is distinguished by its selective nature, since it particularly restricts the trade of military equipment, as opposed to a broader range of commodities that may impact civilian



populations. After the end of the cold war, the United Nations has adopted the practice of implementing an arms ban, which has gained recognition from the global community as a significant measure for mitigating risks to peace, violations of peace, or acts of armed aggression, as outlined in Chapter VII of the United Nations Charter. The arms embargo serves as a crucial measure in reducing human rights abuses and breaches of international humanitarian law. It effectively prevents both governmental bodies and non-state actors from obtaining the repressive instruments, especially firearms, used in perpetrating such crimes (Ronnie Hjorth , 2002)

The United Nations implemented weapons embargoes on two occasions, specifically Southern Rhodesia and South Africa, throughout a period spanning 45 years prior to 1990.

The aforementioned initiative was primarily aimed at governmental entities, and after the conclusion of the Cold War, the United Nations recognized the threat posed by weaponry. This recognition was subsequently reaffirmed on fifteen occasions and extended to include non-state actors. The implementation of the weapons embargo is a direct reaction to the existing circumstances, without exceeding the scope of any of the subsequent scenarios:-

- The act of external aggression committed against a nation via the use of an automobile.
- Repeated breaches and infringements of the peace accords..(Ronnie Hjorth , 2002)
- Humanitarian crises refer to situations characterized by widespread and severe human suffering, often resulting from natural disasters, armed conflicts, or other emergencies
- Revolutionary movements or support for what is often referred to as terrorism.
- The occurrence of severe human rights breaches.
- The subject of discussion relates to civil conflicts.

2-2-B- Travel ban

Travel plays a crucial role for encouraging the engagement of political leaders in many essential activities such as performing business, securing foreign backing, as well as procuring and constructing weapons. Therefore, the imposition of travel restrictions faces costs on the targeted entity via the implementation of two distinct forms of penalties.

-One potential measure is implementing restrictions on any flights to and from the specific nation in question, or alternatively, implementing a ban on public transit.

-The implementation of travel restrictions on individuals, organizations, or companies associated with or providing assistance to the targeted regime, including the prohibition of granting visas and potential entry bans, is being considered(Peter L Fitzgerald , 2008)

The fundamental justification for implementing focused travel bans is in the objective of shifting the responsibility of indifference onto privileged individuals. The implementation of travel restrictions, whether applied to individuals or commercial passenger flights, has the purpose of creating obstacles for individuals who hold positions of power in the realm of trade relations, external communications, and seeking assistance or empathy from individuals from other countries. It is anticipated that the implementation of visa restrictions and other measures specifically targeting regime families would have an adverse effect on the morale of both the inner circle of regime members and the accompanying delegation.

The travel ban often encompasses the suspension or revocation of travel documents, denial of visa or residency applications, and prohibition of entry into or transit through the sanctioned nations for any reason, unless there are specific provisions for travel and medical treatment. Furthermore, as a measure to reduce these operations, it may include the suspension of services associated with them, such as the closure of the airline's foreign offices located in the nation subjected to the sanctions. These actions were an integral component of the sanctions system. The aforementioned actions were implemented as components of the sanctions regime imposed on Libya, Serbia, Bosnia, Haiti, and Sudan, as well as on "UNITA" in Angola. The Taliban, an extremist militant group, has had a significant presence in Afghanistan.

The parties involved in the war or internal strife in Côte d'Ivoire are the ones who fail to adhere to the peace accords that have been established (Matthew Happpolod , 2015)



The determination of the level of comprehensiveness of the travel restriction is dependent upon many factors, including the humanitarian consequences that ensue, the accuracy and effectiveness of the imposed sanctions, the specific groups affected by these measures, and the level of agreement among Security Council members. In contrast to resolutions that impose restrictions on weapons and financial transactions, it is imperative to give due consideration to the humanitarian dimensions while devising a framework for travel sanctions. This is crucial since such sanctions have the potential to impede those who need overseas travel for accessing essential medical treatment.

2-2-C- Trade ban of basic commodities

This ban aligns with the principles of smart sanctions, especially in relation to the risk associated with commodity trading. The primary emphasis is placed on critical and strategic commodities that possess significant material worth, including but not limited to oil, diamonds, and lumber. These resources have immense importance for the entities subjected to sanctions, whether it governmental bodies or non-state players (Peter L Fitzgerald , 2008)

This kind of punishment seeks to restrict the capacity of the governing body or liberal faction to achieve success in instances of severe human rights transgressions or civil conflicts. Natural resources, such as oil, diamonds, and lumber, may have a detrimental impact since they provide financial resources for rebels to fund their armed conflicts. Instances of violent coups, rebellions, and civil wars are prevalent throughout many regions. The prevalence of natural resources in sub-Saharan Africa accounts for this phenomenon. Hence, it is seen that a significant number of nations subjected to smart sanctions, possessing substantial natural resources, have experienced or continue to endure protracted wars, as shown by Angola and the Democratic Republic of the Congo. The aforementioned proposition has been posited by some researchers as an attempt to consolidate and encapsulate a discourse pertaining to the interconnection of natural resources. The use of targeted economic penalties, sometimes referred to as "smart sanctions," has been identified as a strategy aimed at resolving conflicts or reducing their length. Limited commodity boycotts have been seen in many instances, such as the implementation of oil embargoes against Iraq and Yugoslavia. Additionally, censorship measures have been used against UNITA in Angola and the junta in Sierra Leone. Timber export embargoes have also been imposed in Cambodia, as well as embargoes against Angola, Liberia, and Sierra Leone.

2-2-D-Targeted financial sanctions

It Also known as targeted financial sanctions, are a crucial component of the smart sanctions strategy. This approach gained significant traction, particularly in the aftermath of the September 11, 2001 attacks.

Financial sanctions, also known as smart sanctions, are referred to as such due to their similarity to weapons embargoes. This is because they are specifically aimed at the individuals or entities responsible for engaging in abusive actions that are the focus of the penalties. These measures differ from weapons embargoes in that they were not implemented as stand-alone actions. Throughout history, they have consistently constituted an integral component of the system of sanctions, including restrictions on travel, essential commodities, and other modalities. Financial penalties can take various forms, including the suspension or cessation of loans and assistance from national governments and multilateral organizations such as the United Nations, the World Bank, and the International Monetary Fund. Additionally, they may involve limitations on and the prevention of access to international financial markets, as well as the imposition of restrictions on capital flows seeking to invest in specific targeted businesses (gregoire, Farzan , 2020)

2-3-The measures of smart sanctions

The idea of using smart sanctions as an alternative for comprehensive trade restrictions is a relatively recent development. The humanitarian need for protecting civilians is deeply rooted in this notion, and it is achieved via a series of procedures, with the utmost significance placed on:-

- One such measure is the implementation of asset freezing, which pertains to the restriction of funds owned by the government and individuals associated with the governing regime, especially those located outside the jurisdiction in question.

- The application of a business risk to guns and high-value luxury products.



-The prohibition of travel and air transportation.

-The use of sanctions or a political blockade is intended to enforce diplomatic isolation and weaken the state's representative capacity.

-One potential measure to address the issue involves restricting the travel abroad, entry visas, and educational opportunities for regime members and their families. In addition, implementing security personnel to monitor their movements and suspending government credits as well as state credits to international entities such as the United Nations, the World Bank, and the International Monetary Fund could be considered. Moreover, limiting their access to markets could be another viable option. Global commerce and finance are often regarded as a kind of strategic tool for implementing smart sanctions. However, it is important to note that if smart sanctions are not implemented with precision, there may be potential possibilities for their lifting (Matthew Happolod 2015)

-Therefore, smart sanctions include the implementation of specific and focused measures. Selective sanctions refer to a specific kind of punishments that include the imposition of limits on some protected items or financial flows. Targeted sanctions, which specifically concentrate on certain organizations or persons inside the designated nation, are designed with the objective of directly exerting influence on these specific entities. The primary categories of selective sanctions that have significant importance include the establishment of a weapons embargo. Additionally, targeted sanctions are also important, including measures such as freezing assets and placing travel bans on certain persons. Hence, it is evident that there exists an overlap between the two aforementioned ideas

3-International efforts to refine and develop the concept of smart sanctions

There have been significant international endeavors aimed at enhancing and advancing the notion of smart sanctions. All nations have put their aspirations in the implementation of targeted sanctions as a means to attain their intended objectives. A series of conferences, seminars, projects, and research initiatives were coordinated under the auspices of the Secretary-General of the United Nations, Kofi Annan, with the aim of fostering encouragement and support. Various worldwide projects evolved that tackled the concept of sanctions from diverse perspectives, some of which ran concurrently to the smart sanctions project. The objective of this project is to assist the Security Council in determining effective smart sanctions, particularly in the post-sanction adoption phase, in order to enhance their implementation and enforcement (Joy Gordon , 2011)

3-1-Interlaken Symposium 1998.

A three-day international seminar was place from March 17th to 19th, 1998, in the Swiss Federal Office for Economic Affairs in Tralaken, Switzerland. The conference brought together specialists from the United Nations Secretariat and other national governments. The objective of this initiative was to mitigate the adverse consequences of wide-ranging economic sanctions on civilian populations and developing nations. By implementing sanctions that specifically target the relevant elites and governments, with a particular focus on the financial aspect of imposing penalties,

3-2- the Bonn-Berlin process

In November 1999, the German government, in collaboration with the United Nations Secretariat and the Bonn International Centre for Change, organized a seminar with the aim of enhancing the efficacy of arms and travel embargoes implemented by the United Nations. This seminar was conducted in a manner akin to the Interlaken process. The discourse primarily centered on the identification of barriers that hinder the effective execution of economic sanctions in real-world scenarios. The emphasis was placed on the technical intricacies associated with the imposition of sanctions, rather than the political considerations involved. The conference reports, along with the Interlaken Guide, were submitted to the Security Council during its session on October 22, 2000. Subsequently, a final seminar took place in Berlin from December 3 to 5, 2000, where experts from 28 countries convened to discuss the adaptation of the reports and conclusions put forth by the four groups. To situate it within the best framework of intelligent punishments (Brzoska, Michael2001)

3-3-The Stockholm Initiative

sometimes known as the Third Stockholm Initiative, refers to a specific international effort that was undertaken in Stockholm. The Stockholm Initiative is widely regarded as a supplementary approach in the pursuit of economic sanctions reform and the realization of overarching objectives. In November 2000, a collaborative effort between the General Secretariat of the United Nations and the Department of Peace and Conflict Research at Uppsala University organized an international initiative focused on the implementation of targeted sanctions. This initiative, akin to the Interlaken and Bonn-Berlin initiatives, comprehensively examined all facets of the sanctions. Drawing upon the outcomes of the preceding two endeavors.

On February 25, 2003, the Security Council was presented with the conclusive report of the effort, which had three distinct sections. The first section of the discourse emphasized the imperative nature of selecting targeted punishments as a viable approach for mitigating and diminishing the existing issue.

The proposal under consideration involves transitioning from comprehensive sanctions to smart sanctions, with the primary focus being on the negative effects. The initiative emphasizes the need to enhance the role of the United Nations instead of solely relying on the implementation of these sanctions. Additionally, suggestions are made to bolster member states' capacity to implement targeted sanctions in order to support their effectiveness. In order to enhance the efficiency of various categories of sanctions examined and categorized within the Interlaken and Bonn-Berlin initiatives, it is imperative to propose measures for their effective implementation. These measures may involve the establishment of a comprehensive legal framework at both the national and executive levels, as well as the development of mechanisms for monitoring and enforcing sanctions to address any loopholes that may facilitate evasion (Francesco Giumelli, 2010)

4-The objectives of smart sanctions&The challenge of achieving its goals

In recent years, significant advancements have been made in the enhancement of economic coercive methods. There has been a notable rise in understanding and sensitivity towards the implementation of targeted sanctions, as well as the need of conducting thorough assessments and effectively mitigating possible humanitarian consequences. Henceforth, the implementation of intelligent sanctions is pursued with the aim of attaining the following objectives:

4-1-The revitalization of the sanctions mechanism

The divergence between the political ambitions of the Security Council and the humanitarian objectives of the United Nations is evident due to the implementation of extensive economic sanctions. The aforementioned viewpoint was explicitly expressed in the 1998 annual report on the activities of the United Nations, as articulated by Secretary-General Kofi Annan. In his statement, he emphasized the need for the international community to dispel the misconception that the sanctions system effectively accomplishes humanitarian objectives. The stringent and all-encompassing implementation of sanctions poses challenges in mitigating the occurrence of significant hardships for the general populace (Wenzel, Sami, 2009)

The Secretary-General also acknowledged the increasing apprehension of developing nations and their recognition of sanctions aimed at mitigating humanitarian repercussions. Consequently, he expressed his previous emphasis on the necessity of a mechanism that renders sanctions less capricious and more efficacious. In this regard, he expressed his endorsement of the notion of "smart sanctions" which aim to exert pressure on regimes rather than individuals, thereby minimizing the humanitarian burdens involved.

4-2-Humanity of sanctions

Presently, there exists a general agreement that all-encompassing economic fines are an ineffectual and ambiguous approach, notwithstanding efforts made to alleviate their adverse effects on human welfare. In light of these issues, there has been a notable surge in the endorsement of smart sanctions as a potential solution. These penalties are seen as being more effective in attaining objectives while also safeguarding human rights. Upon its attainment, it can be confidently said that the violation of human rights would not be perpetrated to a comparable extent. the potential adverse effects on the targeted country's economy. Consequently, the imposition of smart sanctions may disproportionately burden the general population, particularly

those who are already disadvantaged, since regular trade activities continue despite the presence of these penalties. Certain types of imports and exports have the potential to be suspended (Francesco Giumelli , 2010))

4-3-The challenges of achieving goals

One of the primary obstacles in the pursuit of smart sanctions objectives is the presence of several challenges.

-The objective of smart sanctions is evident; nonetheless, they encounter many obstacles, with the most significant ones being:

-The objective of implementing sanctions is to intensify the pressure on the governing body, hence enhancing the probability of their adherence. Consequently, comprehensive sanctions, in theory, may prove to be more efficacious compared to targeted sanctions.

In some instances, the task of monitoring and executing particular business risks might prove to be more challenging compared to addressing broad commercial risks.

- The task at hand involves the identification of organizations, whether they persons or businesses, that possess the authority to enforce specific penalties.

- Exploring strategies to mitigate the adverse impact on non-combatant individuals resulting from the implementation of economic sanctions.

- There is a must to exert supplementary endeavors in order to alleviate the strain on third countries that bear the consequences of sanctions, whether imposed under Article 50 of the United Nations Charter or via other forms of multilateral, regional, or bilateral aid initiatives.

-Finally, it is essential to formulate a comprehensive strategy that considers the goals and actions undertaken to discover vulnerabilities in the targets. It is important to acknowledge that the targets will consistently attempt to evade detection or asset freezing by engaging in strategic movements and transfers of their funds or assets (Elena Chachko , 2014)

5-The evaluation of smart sanctions from the humanitarian aspects


The use of smart sanctions has resulted in restricted humanitarian consequences, as shown by the documented instances of smart sanctions in various scenarios. In Sierra Leone, Liberia, and Afghanistan, there have been instances of negative humanitarian consequences that have been confined to certain parties and are associated with particular rights, like the right to a fair trial, the right to seek remedy, and the right to access justice. Prior to this, we shall try to elucidate the favorable and unfavorable elements of each specific targeted measure individually.

5-1-The most important rights effected by smart sanctions

The rights that are most significantly impacted by the implementation of smart penalties: The concept of smart sanctions emerged as a reaction to human rights issues; nonetheless, it is important to acknowledge that the implementation of targeted sanctions inherently impacts the rights of people. Targeted sanctions have the potential to impact several categories of human rights. An instance of a travel restriction mostly impacts the liberty of movement of specifically targeted persons and has the potential to impact the privacy of these individuals. The individual, their reputation, and their rights.,If the aforementioned punishments were unjustly imposed on the persons in question, it is imperative that their right to contest the actions taken against them be upheld by their respective families (Danielw . Drezner , 2011)

In certain instances, these sanctions have the potential to infringe upon the perceived entitlement to life, such as when a travel restriction obstructs the ability of the individual in question to depart the nation in order to access medical assistance, or when substantial monetary penalties are imposed upon the targeted individual who lacks the means to procure essential commodities. Similar to the realm of sustenance, extant United Nations (UN) sanctions, alongside European Union (EU) sanctions, invariably incorporate provisions that allow for exemptions to be granted to regimes, precisely to circumvent circumstances of this nature. Consequently, when implementing focused sanctions, it becomes imperative to furnish suitable exemptions that duly acknowledge the fundamental humanitarian requirements of the individuals being targeted.(J. P. Zoffer,2019)

on summary, it can be argued that the establishment of a legal foundation is important for the protection of fundamental rights. This foundation is rooted on the public interest and the



adherence to the principle of proportionality. In the event that the first two prerequisites have been satisfied, it is evident that the third criterion remains unfulfilled in the context of persons who are only considered suspects. However, what is particularly astonishing is the discovery of individuals who have been shown to be deceptive. Despite being found guilty, the individuals in question continue to be included on the list. Consequently, it is imperative for the United Nations to ensure that every legal recourse is made available to the affected individuals or entities in order to address concerns over the perceived inequity and lack of openness in the Sanctions Committee's activities.

The persistent inequity and probable infringement upon procedural fairness linked to certain punishments need the resolution of a political quandary. The absence of enhanced transparency and a readily accessible review mechanism for sanctions might potentially jeopardize the overall credibility and efficacy of United Nations penalties.

5-2-A- the positive and negative humanitarian impacts of targeted sanctions.

The adoption of smart sanctions has brought attention to four distinct types of targeted sanctions, namely arms embargo, financial sanctions, travel sanctions, and trade sanctions. These categories have been assessed based on principles and data that were previously established by the United Nations Office for the Coordination of Humanitarian Affairs (Cortright, David , 2002)

A.I.The evaluation of ban on weapons

The potential adverse effects on the humanitarian sector resulting from the adoption of a targeted weapons embargo seem unlikely. On the contrary, it serves to mitigate humanitarian crises that are often triggered by alternative manifestations of economic penalties. Nevertheless, the adoption of this policy might potentially lead to a decrease in employment within some sectors, such as the production of defense industries or the military, thereby impacting the buying power of such persons. Nevertheless, the magnitude of indirect impacts is more apparent when governments provide specific sums. Nevertheless, the magnitude of indirect consequences becomes more apparent when nations commit substantial sums of limited foreign cash and administrative resources towards the acquisition of Prohibited weapons.

A.II. Evaluation of ban on travel and aviation sanctions

Sanctions pertaining to travel, specifically aimed at a limited group of persons, are expected to have little impact on the broader community, unless such measures result in diminished employment prospects, restricted access to essential commodities, or an increase in inflationary pressures. It has been observed that the impact of aviation-related sanctions on the general people may outweigh that on the privileged class due to three key factors.

Private entities have the ability to use airplanes that are restricted from operating.


A.III.Evaluation of Targeted Financial Sanctions

Financial penalties often have a somewhat lesser immediate effect in comparison to trade flows. The imposition of credit blocking, loan limits, and broader trade finance limitations may have a substantial influence on global commerce, perhaps resulting in unexpected humanitarian challenges comparable to those arising from comprehensive trade sanctions. Financial penalties may potentially have adverse effects on capital markets, leading to a reduction in the availability of credit, an escalation in inflation rates, and a decline in trade.

The aforementioned findings will yield adverse consequences on employment prospects and the overall inflation of commodities, including not just the economic domains of corporations and people subject to penalties, but also extending to the general populace (Brzoska, Michael , 2001)

A.IIIII.Evaluation of targeted trad sanctions

Among the several types of sanctions, it is widely acknowledged that targeted sanctions on products and services are the most likely to have a significant influence on humanitarian circumstances. General sanctions are characterized by their impact on the whole economy, hence affecting individuals and entities reliant on it. The population incurs significant humanitarian costs, and it is advised to minimize these costs unless the targeted commodities or services have exceptional significance.



If sanctions are implemented with caution, it is not guaranteed that targeting specific goods or services will effectively mitigate significant humanitarian consequences. This is due to the substantial reduction in employment within the affected sector, which subsequently diminishes the purchasing power of employees and exacerbates their circumstances. Consequently, this has a ripple effect on other sectors that offer goods and services (Biersteker, Thomas , 2005)

5-3-The reasons of negative impacts of smart sanctions on human rights

There are many factors contributing to the adverse humanitarian consequences arising from the implementation of smart sanctions.

Targeted and meticulously crafted penalties may result in significant infringements on human rights, owing to their intricate nature and the presence of unforeseen variables that may significantly amplify their adverse consequences. Among these considerations, the most crucial ones are:

-The implementation of safeguards by governmental or private entities does not guarantee the complete safeguarding of individuals against severe adverse consequences. The implementation of prolonged selective sanctions, such as travel restrictions and financial penalties, would certainly have significant consequences(.Dinah Shelton 2013)

In light of a hypothetical scenario involving the implementation of pragmatic Security Council sanctions against North Korea, it is improbable that these measures, despite their underlying humanitarian motivations, would significantly ameliorate the suffering experienced by North Korean society. This is primarily due to the precarious state of the country's economy, which is teetering on the brink of collapse, as well as the continued occurrence of arms sales. The sector in question has significant importance, therefore rendering the United Nations sanctions theoretically sound. In practise, these restrictions are expected to have a broad reach, impacting a substantial portion of foreign economic activities involving North Korea, thereby leading to widespread hardships among the populace (Anton Moiseenko , 2014)

The ramifications of targeted sanctions extend beyond the specific persons who are the direct recipients of such measures. It is evident that the act of specifically focusing on the leadership of a nation has wide-ranging consequences that extend to the whole of the nation. Targeted sanctions have a discernible influence on the perceptions of external actors and the approach towards the whole nation, extending beyond the confines of particular targets.

While travel restrictions targeting certain people are implemented in certain nations, the process of subjecting every individual to scrutiny at border checkpoints or requiring them to get a visa may be an arduous ordeal. Consequently, empirical evidence supports the notion that targeted sanctions can have comparable effects to broader penalties imposed on the whole country. The subject of discussion pertains to the concept of population.

The targeting technique, in some instances, has a random nature, leading to adverse consequences for several issues (Watson 2001)

When implementing sanctions on certain persons or sectors, there are instances when they may be both effective and morally justifiable. However, it is important to note that these penalties may not include the whole spectrum of scenarios where applying sanctions is deemed appropriate. need to tailor sanctions based on the specific circumstances and unique characteristics of each case. It is evident that there are instances when the current approach to sanctions remains insufficient. The urge to implement more extensive punishments exists. Some individuals argue that targeted penalties, such as the implementation of a weapons embargo, might be considered adequate. If the main objective of the international community is to diminish the magnitude of violence in an armed conflict, it may be imperative to adopt a more comprehensive approach when using sanctions as a means to exert pressure and induce a change in the behavior of the state involved (Tostensen , Ball , 2002)



CONCLUSION

-Based on the aforementioned analysis, it is evident that intelligent economic sanctions have not deviated from their inherent economic characteristics or the underlying objectives upon which they were originally established. Hence, they primarily serve as economic sanctions and are imbued with a discerning disposition. Hence, the aforementioned fines are adaptations of the penalties outlined in Chapter Seven, with the only variation being the manner in which they are imposed. The formerly broad approach has transitioned into a more selective and targeted one, representing a recent development in the international criminal system rather than a novel kind of punishment. Hence, the concept of smart sanctions may be elucidated as "smart economic sanctions," whereby the economic dimension and the intelligent nature of penalties are integrated.

-The presence of smart sanctions does not imply the disappearance of comprehensive sanctions. Furthermore, it is now believed that comprehensive punishments may be the most suitable approach to address challenging situations.

Despite the arguments put out by proponents of smart sanctions' limited impact, empirical evidence demonstrates that these measures have failed to accomplish their intended objective of promoting respect for human rights. Individuals have always been the primary casualties of these penalties, since they have suffered from infringements against their individual rights as well as the rights of communities, particularly the fundamental right to growth.

In conclusion, it can be inferred that the aforementioned arguments and evidence support the notion that the Upon doing an analysis of the evolution of economic sanctions within the framework of the United Nations, including its inception and subsequent advancements, it becomes evident that these measures have undergone a tripartite progression.

Recommendations

-It is important to conduct regular assessments of the tangible outcomes resulting from the application of penalties. Furthermore, it is essential to take into account the suggestions put out by evaluation missions. In doing so, measures that give rise to substantial adverse consequences should be eliminated..

-It is essential to reduce the impact of sanctions on civilian populations and minimize their adverse impacts on human rights.

The use of previous reports on humanitarian effect assessments prior to the implementation of sanctions.


-It is crucial to establish a predetermined timeframe for the approval of punishments and strictly adhere to these temporal constraints.

One such approach is to consider the reduction of penalties as a response to a targeted country's proactive efforts in improving its behavior.

- Lastly ,in all cases human rights rules must be taken into account when-imposing these sanctions ,as it is logical for their effects to exceed one of the most important rights at the local and international levels

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