

SMART SANCTIONS AND THE UN ***FROM INTERNATIONAL TO WORLD SOCIETY?***

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INTRODUCTION

This paper analyzes the United Nations' (UN) practice of smart sanctions and argues that the evolution of the sanctioning policy of the UN is one of the elements—along with the International Criminal Court (ICC), the practice of humanitarian intervention, and others—that contributes to the creation of a world society. The new international scenario that has developed since the end of the cold war has nourished the conditions wherein the legal relevance of non-state actors, such as entities and individuals, has grown substantially.

International sanctions have been extensively used in history: Jerusalem, Rome, Berlin, England and other examples could be reported to describe how sieges and blockades were commonly implemented to coerce an adversary through non-military means. Sanctions were mainly economic and targeted states as a whole, given that the goal of economic sanctions was to weaken the entire economy of the opponent aiming to force its leadership to comply with certain demands. Conventionally, the imposer of sanctions is called *sender* and the receiver is called *target*, and historically, they used to be either states or group of them.

Nowadays, the targets of sanctions imposed by the Security Council of the United Nations are mainly individuals and entities, while states are rarely targeted. The first article of the Charter of the United Nations states that one of the main missions of the UN is “to maintain international peace and security.” The second article of the Charter affirms that “The Organization is based on the principle of the sovereign equality of all its Members.” The Security Council has interpreted these two principles by targeting with sanctions only states till the mid-1990s. Nowadays, the UN Security Council has changed this praxis and has bypassed states by targeting individuals within member, thus violating the Westphalian principle of nonintervention. The breach of the nonintervention norm is justified with the need to make sanctions more effective and to contain humanitarian costs. Whereas the latter could be substantiated by the affirmation of the principle of the responsibility to protect, the relevant innovation of the practice of smart sanctions is that individuals can be charged with the accusation of posing a threat to international peace and security. Countries such as Iran, North Korea, Liberia, Sierra Leone and others are only some among the episodes of sanctions in which the UN decided to punish individuals and entities under Chapter VII of the Charter.

In 1967, Galtung wrote that “individual sanctions were impossible under present conditions of international law, which reserves the right of jurisdiction over individuals to national and/or individuals on national territory” (Galtung, 1967: 414-415). In 2002, Cortright and Lopez wrote that “All UN and EU sanctions imposed since the mid-1990s have been selective” (Cortright and Lopez, 2002:1). This change in the practice of smart sanctions is at the roots of this paper. The importance of this study is twofold: first, a new principle in international relations has been established and it serves the creation of the world society; second, the UN sanctioning policy can substantially be improved if the principle of targeting individuals is established.

This paper is divided in five parts. The first part presents the literature in historical perspective of international sanctions. The second part illustrates what is meant by international and world society in the English School tradition. The third part summarizes the sanctioning policy of the UN. The fourth parts exposes the sanctions of the UN and compares the first two sanctions imposed by the UN with two of the last ones in order to underline the main difference. Finally, the last part of the article draws conclusions on the practice of smart sanctions and their contribution to world society.

THE LITERATURE ON SANCTIONS: FROM COMPREHENSIVE TO SMART

The literature offers several studies on sanctions from a variety of points of view: do they work? Are they useful? When do they work? The numerous works on sanctions have been justified by the extensive use in history of this method of statecraft. More precisely, the literature focuses its attention on economic sanctions, namely “the use of economic measures directed to political objective” (Barber, 1979: 376). However, especially since the mid-90s, by economic sanctions it is meant also non-economic forms of sanctions, such as diplomatic and cultural. Whereas the literature review will maintain the term economic sanctions, this paper will refer to all sanctions as *international* (or comprehensive) and *smart* (or targeted) *sanctions*. The first part presents the answers to the question about the effectiveness of sanctions. Since the mainstream of the literature holds that economic sanctions do not work, the second section deals with those who tried to explain that sanctions could be useful for other reasons rather than the compliance of the target. Finally, the last part describes the recent development of sanctioning from comprehensive to smart.

There are three different answers to the question on the effectiveness of sanctions. First, there are the optimists who think that economic sanctions work often enough to be considered as a valuable tool of foreign policy. Second, others think that the real challenge is to understand under which conditions sanctions work. Finally, there are a large number of studies that hold that economic sanctions are not effective and that they should never be imposed.

The group of the optimists is led by Hufbauer, Schott and Elliott with their study on economic sanctions published in 1990. Out of 115 cases, the scholars of the Institute for International Economics proved that economic sanctions were partially successful in 40 cases, equal to 34% of all the cases (Hufbauer, Schott and Elliott, 1990). The three authors identify five regularities in the cases of success: a) The goal is relatively modest, b) the target is much smaller than the country imposing sanctions, economically weak and politically unstable, c) the sender and target are friendly toward one another and conduct substantial trade; d) the sanctions are imposed quickly and decisively to maximize impact, and e) the sender avoids high costs for itself. HSE reached their conclusions by using a qualitative comparative case studies approach. The updated research goes up to 2000 and identifies about 200 cases of economic sanctions, but the result does not change that much: about 80 cases out of 200 are considered partially successful (Elliott, 2006).

Even if *Economic sanctions reconsidered* is probably the most comprehensive empirical work on sanctions, it has been targeted by several criticisms both on methodology and case analyses (Pape 1997 and 1998; Drury, 1998). Furthermore, HSE have been contested because of a selection bias problem concerning the cases of threatened sanctions: if the target complies with the demand of the sender because of the fear of being sanctioned, then sanction has to be considered successful (Smith, 1996; Drezner, 1999 and 2003; Miers and Morgan, 2002; Nooruddin, 2002; Lacy and Niou, 2004; Li and Drury, 2004; Drury and Li, 2006; Blake and Klemm, 2006).

The second school of thought on the effectiveness of economic sanctions maintains that economic sanctions are not a panacea to solve international disputes, but they can be very useful under the right conditions (Hovi, Huseby and Sprinz, 2005; Blanchard and Ripsman, 1999; Cortright and Lopez, 1995). Hovi, Huseby and Sprinz applied a different method to the HSE dataset and “demonstrated that a target country will yield to imposed sanctions only if it initially underestimated the impact of sanctions, miscalculated the sender’s determination to

impose them, or wrongly believed that sanctions would be imposed and maintained whether it wielded or not.

Also the target's misperception of these factors must be corrected after sanctions are imposed" (Hovi, Huseby and Sprinz, 2005: 480). In other words, economic sanctions work only when the negotiation process fails because the target underestimates the real intention of the sender. Another example is constituted by a study by Blanchard and Ripsman. The two authors believe that the effectiveness of sanctions is linked to the cost of non-compliance: if compliance is more harmful than non-compliance, the target will not be likely to yield (Blanchard and Ripsman, 1999: 225). Going back on time, Daoudi and Dajani held that economic sanctions do not work properly because they are not properly imposed (Daoudi and Dajani, 1983:159).

Finally, the pessimists maintain that economic sanctions cannot be effective and advise policy-makers not to use them at all. A pioneering work on the effect of economic sanctions belongs to Johan Galtung. Not only are the conclusions of the author that "the probable effectiveness of economic sanctions is generally negative" (Galtung, 1967: 409), but he also sustains that the target could even be strengthened by sanctions. Accordingly, restrictive measures trigger hidden forces—adaptation to sacrifice, restructuring the economy to absorb the shock, smuggling, the collectivity is threatened, no identification with the attacker and that there is a firm belief in one's own values—that will eventually reinforce the will of the target in pursuing its policy. This phenomenon has been called the rally-around-the-flag effect (Galtung, 1967: 410). Similar conclusions were reached by Margaret Doxey in *International Sanctions in Contemporary Perspective* (Doxey, 1987; but also Doxey, 1971; Losman, 1972 and 1979; Knorr, 1975 and 1977; Renwick, 1981). Other scholars reached similar deductions by analyzing the HSE database: only 5 of 115 attempts were successful (Pape, 1997 and 1998; Drury, 1998). The verdict is categorical:

The record of international sanctions of a non-military kind, even when applied within an organizational framework, suggests that on their own they will not succeed in drastically altering the foreign or domestic policy of the target (Doxey, 1987:92).

Logically, the puzzling question becomes: if economic sanctions do not work, why do policy-makers keep using this tool? The second group of studies in the literature on economic sanctions strives to understand why economic sanctions are imposed. While the mainstream pessimist scholars conceive that economic sanctions aim at the compliance of the target, compliance may not be the only goal that senders want to achieve (Barber, 1979; Weintraub, 1982; Nincic and Wallesteen, 1983; Baldwin, 1985). James Lindsay sets five goals that policy-makers have in mind when they decide to impose economic sanctions: 1) compliance, 2) subversion, 3) deterrence, 4) international symbolism, and 5) domestic symbolism.

"Three results emerge from this analysis. First, trade sanctions rarely force compliance or subvert the target government and have a limited deterrent value. Yet they often or succeed as international and domestic symbols. Their success in achieving these two goals explains why states continue to employ sanctions. Second, sanctions pose costs the country applying them. They often reinforce the target state's behaviour and forfeit the initiator's future economic leverage over the target. Third, the goals of international

and domestic symbolism undercut the goals of compliance and subversion” (Lindsay, 1986: 154).

In regard to these five goals, Nossal wrote that “if, however [...] sanctions are policy responses to acts perceived by the sender to be acts of moral wrongdoing, it is difficult to exclude the punitive objective of sanctions: in other words, the goal of punishing an act of wrongdoing” (Nossal, 1989: 308; Doxey, 1987:93-94).

To this list of goals, we could add also that economic sanctions are imposed as a consequence of domestic pressures within the sender (Kaempfer and Lowenberg, 1992 and 1999; Shambaugh, 1999; Fearon, 1994 and 1997): “Sanctions are symbolic policies to please some interest group or divert attention away from the inability to really do something about the problem” (Dorussen and Mo, 2001: 397). There are two types of domestic factors that can justify the imposition of international sanctions. The first is referred to in the literature as the audience costs (Fearon, 1994 and 1997) or the agent veto (Putnam, 1988; Mo, 1995); the second is commonly referred to as rent-seeking (Dorussen and Mo, 2001). This point will not be developed further because domestic factors are not considered in this study.

Cortright and Lopez confirm the *raison d'être* of sanctions: “sanctions are imposed to bring about a change in the policies of a targeted regime” (Cortright and Lopez, 2002:2), and “sanctions are successful if—and to the extent that—they extract political concessions from the target country” (Hovi, Huseby and Sprinz, 2005: 483; Pape, 1997 and 1998). However, assessing the effectiveness of sanctions only by looking at the compliance of the target with the demands of the sender is misleading for three reasons. First, as shown in the literature of the pessimists as well, sanctions may serve other goals rather than coercion, such as symbolic goals (see also Galtun, 1967; Paalberg, 1983; Lundberg, 1987; Doxey, 1987; Lundahl, 1992). Some “suggest(ed) that the success of sanctions may depend upon the goals of the sender” (Dashti-Gibson, Davis and Radcliff, 1997: 610), but this approach is faulty as well because sanctions are only a piece of a strategy—“the term strategy is taken, here, from the *theory of games*, which distinguishes games of skill, games of chances, and games of strategy, the latter being those in which the best course of action for each player depends on what the other players do. The term is intended to focus on the interdependence of the adversaries’ decisions and on their expectations about each other’s behavior” (Schelling, 1960:3)—that aims at achieving goals. Finally, sanctioning targets could be the only viable alternative between doing nothing or waging war, but the latter could be either too costly or unfeasible and, in a few cases, all of these options are likely to be ineffective anyway (i.e. in settling civil conflicts) (Baldwin, 1999). HSH evaluates whether other measures rather than sanctions alone have been imposed and the contribution of sanctions to success (Hufbauer, Schott and Elliott, 1990: 41), but they appraise the effectiveness of sanctions according to the success of the strategy overall. Indeed, sanctions can be successful but the strategy can be unsuccessful (Baldwin, 1985 and 1999; but also Art, 1980; Haas, 1974; Schelling, 1966). They credit, or blame, sanctions for the success or the failure of the strategy. Nonetheless, the efficacy of sanctions can be assessed only by looking at the contribution to the strategy in achieving a certain goal, regardless from the success of the failure of the strategy.

In this direction, an alternative way of looking at sanctions has been through the lenses of the “bargaining model” (Wagner, 1988; Cortright and Lopez, 1997; Morgan and

Schweback, 1997). The underlining concept is that economic sanctions are only one aspect of conflict management and their use can grant the sender with a greater lever over the target to extract better concessions (Morgan and Schweback, 1997). In other words, economic sanctions are only one in the midst of many variables that can influence the outcome of an interaction between two actors; therefore it would be more appropriate to reason in term of gaining or losing “bargaining power” rather than in terms of success or failure of a sanction (Baldwin, 1985; Cortright and Lopez, 2000).

“Analyzing whether and how sanctions *contribute* to foreign policy outcomes, rather than whether they *cause* them, leads to important differences in research method (Elliott, 1998:51)

In order to describe this point, some have drawn examples and techniques from bargaining theory. Wagner defines bargaining power in the following way:

If two individuals bargain over the division of a sum of money, how the money is divided provides an unambiguous measure of bargaining power: to say that Bargainer 1 is more powerful than Bargainer 2 means simply that Bargainer 1 receives more than half the sum of money to be divided (Wagner, 1988:468).

Wagner concludes that economic sanctions are not worth it because, overall, they do not offer a bargaining edge to the sender, but this interpretation is questionable. In fact, Wagner talks about bargaining situations, while sanctions as defined here (and elsewhere) are policies that aim at punishing an act of wrongdoing as well.

The same problem is encountered by those who adopted the spatial theory model of crisis bargaining to analyze economic sanctions concluding that “sanctions can be useful under fairly restrictive conditions and perhaps may enhance the impact of other policies. [...] In most cases, a state imposing sanctions on its opponents can expect an outcome that is just about the same as would be obtained without sanctions” (Morgan and Schweback, 1997:46). In a sanction episode as defined here, the status quo (SQ) after the act of wrongdoing could be worse for the sender than the SQ after poor sanctioning. Overall, the intuition of spatial theory is that sanctions may give a bargaining advantage to the sender under certain conditions.

In sum, if the literature holds that sanctions are not effective in modifying the behavior of the target, it is plausible to assess that the importance of sanctions may have been underestimated. In fact, sanctions must grant benefits to senders, otherwise the extensive use of sanctions would not have an explanation. Compliance may not be the only goal and sanctioning is only one among several methods and instruments that a state can employ.

The conception of sanctioning as a method to gain a leverage edge over targets is necessary to understand the shift from comprehensive to smart sanctions that took place in the mid 90’s. Not only economic sanctions were not able to modify the behavior of the target, but they also were harming bystanders more than wrong-doers (Walker, 1995; Mueller and Mueller, 1999; Cortright and Lopez, 2002). The latter were often the result of targets’ policymakers that directed the pressure of the measures toward either their people or their internal enemies. The shift from comprehensive to targeted (smart) sanctions is the answer to

the twofold need of improving the effectiveness and decreasing the humanitarian consequences of economic sanctions.

That the effectiveness of sanctions depended on their consequences within the target country became clear in the mid-90s (Cortright and Lopez, 1995, Morgan and Schweback, 1995; Kirshner, 1997). The idea is that the impact of sanctions cannot be measured in absolute terms and only in regard to the whole target economy, on the contrary, “what is important is that the costs of the sanctions be high (relative to the value of the issue at stake) for the domestic actors that are politically capable of producing the desired change in the target state’s policy (Morgan and Schweback, 1995: 252). A microfoundation approach has been suggested as alternative to the classical one to study economic sanctions according to whether or not they work.

A microfoundations approach looks not at economic sanctions in general, but at the differences between various forms of economic statecraft. Instead of considering how those sanctions hurt the target state, this approach emphasizes how groups within the target are affected differentially, and how these consequences change with the form of statecraft chosen. (Kishner, 1997:33)

Domestic effects are more important than the general impact, and smart sanctions go to this direction: they attempt to answer the question “who suffers” rather than “how much does a state suffer.”

Furthermore, economic sanctions imposed against Iraq and Haiti have proven to be more harmful to civilians than to the elites that were intended to be punished because of the will of the latter. In a 1995 report released by the Red Cross, Peter Walker wrote that sanctions against Iraq, Haiti and Serbia-Montenegro “have paid only minimal political dividends at a very high price in human terms” (Walker, 1995). The Iraqi case became unfortunately known for the widely reported study that charged UN sanctions for death of 500.000 children (Unicef, 1998; Ali and Shah, 2000; and Alnasrawi, 2001).

In 1997, the economic and social council of the United Nations called the attention of state members about the human rights violations that sanctions had provoked. The point of the council was that states are responsible for human rights violations in other states that have signed the International Covenant on Economic, Social and Cultural Rights (1966). Accordingly, the imposition of economic sanctions directly hurts innocents and states should be held responsible for their actions. Not only states must be held into account to guarantee people’s rights, but also each state must commit itself to the enforcement of such treaty. Therefore, the conclusion of the Committee is that “while sanctions will inevitably diminish the capacity of the affected state to fund or support some of the necessary measures, the state remains under an obligation to ensure the absence of discrimination in relation to the enjoyment of these rights, and to take all possible measures, including negotiations with other states and the international community, to reduce to a minimum the negative impact upon the rights of vulnerable groups within the society” (UN, 1997).

The unintended consequences of economic sanctions have been largely studied and are presented in the literature (Weiss, Cortright, Lopez and Minear, 1997; Naylor, 2001; Mueller and Mueller, 1999; Clawson, 1993). The message is clear-cut: economic sanctions violate human rights. “Although many people favor economic sanctions as more humane than military

force, the preference for nonforcible (economic) over forcible (military) sanctions often has little to do with humanitarian values. Rather, it is due to the low domestic political cost combined with the low risk of lost credibility in case of failure” (Weiss, Cortright, Lopez and Minear, 1997: 15). Others commented ironically economic sanctions damages: they are supposed to stop rogue states from violating human rights; in fact sanctions do more damages than the disease that they want to fight (Mueller and Mueller, 1999).

The frequent alarms raised by many led the Swiss, the German and the Swedish governments to cooperate on the improvement of the effectiveness of sanctions. The three governments organized three international conferences with the objective of making sanctions “smarter.” The first conference on how to make targeted financial sanctions more effective was held in 1998 and 1999 in Interlaken, Switzerland. “The result of the Interlaken process significantly advanced the collective understanding of the promise and feasibility of targeted financial sanctions” (Wallensteen and Staibano, 2005: 16). To maximize the utility of the two sessions of the conference, the Swiss government began a cooperation with the *Watson Institute* to develop a manual for practitioners—*Targeted Financial Sanctions*—that was submitted to the Security Council in 2001 (The Interlaken Process Website, 2006). The research group on sanctions at the Watson Institute just released a new manual with a variety of proposal to improve the effectiveness of financial targeted sanctions (Biersteker and Eckert, 2006).

Interlaken paved the way for other events suchlike which took place in Bonn-Berlin and in Stockholm. The former aimed at improving the effectiveness of sanctions tailored against individuals or specific groups. The results of the conference has been published in *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions: Results of the “Bonn-Berlin Process”* that was presented before the Security Council in 2001 (The Bonn-Berlin Process Website, 2006). Finally, the Swedish government funded the Stockholm Process. The activity was divided in three groups that provided their recommendations about the implementation process of sanctions, about the challenges posed by the legislation of nation states, and about the opportunity to evade the sanctions from the targets. The result were published in *Making Targeted sanctions Effective: Guidelines for the Implementation of UN Policy Options*” (The Stockholm Process Website, 2006).

The United Nations also has been committed in evaluating the impact of economic sanctions. The alarm has been raised by UN Secretary Boutros-Gali in 1992, when he urged the Security Council to prevent sanctions from hurting the disadvantages (von Braunmühl and Kulesa, 1995). Even if the United Nations, through its various agencies, was involved in the study of the impact, the Security Council began to address this issue in the second part of the ‘90s, by shifting its strategy of sanctions to more targeted sanctions (OCHA Web Site, 2006) These extensive endeavors from the Swiss, the German and the Swedish governments in improving the “smartness” of sanctions prove that international sanctions are still important for policy makers.

Smart sanctions are different from conventional sanctions in two ways: first, they are targeted and selective—which means that they can “focus coercive pressure on those responsible for wrongdoing, which minimizes unintended negative impacts” and that they apply “pressure on specific decision-making elites and the conies or entities they control.” As

abovementioned, smart sanctions are not only economic in nature, but they also encompass other measures.¹ In brief:

A smart sanction policy is one that imposes coercive pressures on specific individuals and entities and that restricts selective products or activities, while minimizing unintended economic and social consequences for vulnerable populations and innocent bystanders (Cortright and Lopez, 2002: 2).

Smart sanctions are a natural follow up of the previous conceptualization of international sanctions, with the only exception that *targets* do not only mean only states, but also individual and entities. This shift—justified by the need of increasing the pressure on targets so to enjoy a greater bargaining power over them in solving the dispute—represents an important step toward a society wherein individuals and states coexist along with each other. The next paragraph introduces this difference through the lenses of the English School Theory.

THE ENGLISH SCHOOL: INTERNATIONAL AND WORLD SOCIETY

UN sanctions shifted from comprehensive to targeted: whereas the object of sanctions were only states, nowadays sanctions focus mainly on individuals and entities. This represents a major change for the United Nations and international law, since only in 1987 a prominent expert on sanctions wrote that “The prime actor [of sanctions] are not individuals or corporations but sovereign states, subject to no over-arching authority, and there are no international institutional structures or institutionalized procedures comparable to those found within states” (Doxey, 1987:2). Today, the United Nations on its web-site explicitly declares that “targeted sanctions, for instance, can involve the freezing of assets and blocking the financial transactions of political elites or entities whose behaviour triggered sanctions in the first place” (United Nations Security Council Sanctions Committees Website, 2007).

The goal of this paper is to address this shift by using an “underexploited resource in IR” (Buzan, 2001): the English School. Whereas the English school is not a theory that allows to explain international phenomena, it is very relevant in capturing the nuances of a world that is shifting its focus from state toward non-state actors (Buzan, 2004:24-27; but also Walt, 1998; Jervis, 2002; Snyder, 2004).

The tripartite conceptualizations of the English School—international system, international society and world society—can offer important tools to understand the magnitude of the change brought about with smart sanctions (Bull, 1977; Wight, 1992). Barry Buzan summarizes the three:

International system (Hobbes/Machiavelli/realism) is about power politics among states [...]. International society (Grotius/rationalism) is about the institutionalization of shared norms, rules and institutions [...]. World society (Kant/revolutionism) takes individuals, non-state organizations and ultimately the global population as a whole as the focus of global societal identities and arrangements [...]. (Buzan, 2004:7)

¹ 1) Financial restrictions, 2) Travel bans, 3) Commodity Boycotts, and 4) Arms Embargoes.

The historical process that is quickly on the move seems to lead us from an international society of states to a world society of states, transnational organizations and individuals as well (Wheeler, 2000; Welsh, 2004; Buzan, 2004; Ralph, 2005). The basic unit of the international system since 1648 has been the nation-state, and the main pillar of the international system became the non-intervention norm, which means that nation-states do not have the right to interfere within other nation-states. The debate has grown substantially over the possibility of breaching this norm: on one hand, some have argued that the non-intervention norm is the “most precious” element of the system and should not be violated (de Wattel, 1916; Ralph, 2005), on the other hand, others maintain that states can intervene within others’ borders under certain circumstances (Grotius in Lauterpacht, 1946). This debate is reflected in the split between the solidarists and the pluralists within the English School framework: the pluralists advocate an international society made of states that cannot violate their borders, while the solidarist believe that international society should encompass norms that allow the violation of the absolute sovereignty principle under certain conditions (Jackson, 2000; Mayall, 2000; Buzan, 2004). The concept of world society has been at the center of the debate among English school theorists on whether it is a solidarist society flows into a world society or it is still a society of states and by being such it is still far from a world society wherein individuals play a role. In other words, if an international society is one composed of states, the world society is one in which human beings gained legal recognition (Little, 1998; Brown, 2001; Buzan, 2004).

This paper argues that the international system is shifting from an international to a world society, insofar recent developments of international society demonstrate this point. UN sanctions are only one area wherein one can see this historical process on the move, but the new practices of humanitarian intervention and the approval of the International Criminal Court are just other aspects of the same issue: the growing relevance of non-state actors.

Humanitarian intervention is a new norm in international law (Weiss, 2007; Welsh, 2004; Wheeler, 2000). The last relevant contribution has arrived from the International Commission on Intervention and State Sovereignty (ICISS) that elaborated the concept of “responsibility to protect” (International Commission on Intervention and State Sovereignty, 2001). Basically, “state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.” If a state fails in providing protection to its citizens, the state loses the shield of the non-intervention norm. This means that the absolute sovereignty of a state can be infringed when the latter cannot, or does not want to, stop massive violations of human rights, genocide, crimes against humanity, massacres, or ethnic cleansing on a large scale. The responsibility to protect is based on the idea to protect individuals and to overcome the state authority whereupon no higher authority exists. The importance of individuals is taken into consideration at the global level and the new practice of the international society shows a shift from a pluralist international society to a solidarist one.

The real shift toward world society takes place with the ICC and, as it is argued here, smart sanctions. This point is summarized by Jason Ralph:

[...] the Rome Statute might be seen as a revolutionary document that helps to legally constitute a world society of humankind beyond that expressed by the society of states (Ralph, 2005: 28).

The contribution of the ICC to world society is more significant than smart sanctions, but they differ just in intensity, not in quality. The ICC is empowered to transcend the sovereignty of states when they are not willing to prosecute responsible for serious crimes such as genocide, crimes against humanity and war crimes (Roy, 1999; Cassese et al, 2002). In this sense, the ICC must be intended as a complementary institution to states, not as a replacement for them. Nonetheless, the innovation is radical (Sadat, 2002). Whereas states were the only actors that were allowed to prosecute and to rule over their own territory, the ICC is authorized to break the non-intervention norm and to prosecute individuals in case states do not want to.

Smart sanctions follow the same principles. The Security Council is sceptor with the power of sanctioning individuals and entities if they are thought to be a threat to international peace and security. The importance of this change has been emphasized also by a report prepared by the Watson Institute for International Studies at Brown University that brought the attention to the legal challenges that national and regional courts pose to the efficacy of targeted sanctions. Especially, the challenges come from the alleged violations of the right to a fair trial and to an effective remedy. These rights are established in Art. 8 and 10 of the Universal Declaration of Human Rights (UDHR), and in Art. 2 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Individuals, and not states, are the subject of laws. Both the preamble of the UDHR and ICCPR recognize that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (UDHR, 1948:preamble; ICCPR, 1966:preamble). The preamble of the ICCPR recognizes that “these rights derive from the inherent dignity of the human person” (ICCPR, 1966:preamble). The concern is that alleged wrongdoers are denied their rights to a fair trial and clear procedure with the imposition of penalties by the Security Council. In other words, the alarm is raised because targets can be punished only after a trial and should have the right to appeal against a wrong judgment (Biersteker and Eckert, 2006).

Individuals are not only participants in the international society, but they become members of it (Vincent, 1992; Keck and Sikkink, 1998; Risse-Kappen, 1995; Krasner, 1995). The next paragraph shows that the recent developments in the practice of smart sanctions on one hand endanger the non-intervention norm and on the other, empower individuals as members of the world society.

THE UN SANCTIONING POLICY

The UN Security Council can impose sanctions under Chapter VII of the Charter, which deals with countries’ “Action(s) with respect to threats to the peace, breaches of the peace, and acts of aggression.” As established under Art. 41 of the Charter, the Security Council is authorized to impose “measures not involving the used of armed force” that “may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (United Nations, 1945). The focus of this paper is on sanctions imposed by the UN to respond to a threat against international peace and security

The United Nations has a long history of sanctions that can be divided in two phases according to its intensity and to the type of sanctions. By intensity it is meant the frequency with which the UN has resorts to sanctions, and by type is intended whether sanctions are comprehensive (general) or smart (targeted).

First, the frequency of sanctions has increased since the end of the Cold War. Theretofore, the Security Council imposed sanctions against Southern Rhodesia (Zimbabwe) and South Africa. In the first case, the UN tried to “bring the rebellion in Southern Rhodesia to an end” (UNSCR 253, 1968). The goal of the latter was to stop “the acquisition by South Africa of arms and related *matériel*” because they “constituted a threat to the maintenance of international peace and security” (UNSCR 421, 1977). In both cases, sanctions were comprehensive: there was the imposition of a total embargo in the case of Rhodesia and an arms embargo in the case of South Africa. After the end of the Cold War, the Security Council proved to be very active in adopting such measures. Thenceforth, the UN imposed sanctions 20 times: Somalia, Rwanda, Sierra Leone, Al Qaeda, Iraq (twice), Liberia, Congo, Cote d’Ivoire, Sudan, the Middle East (murder of Rafik Hariri in Lebanon), North Korea, Iran, Ethiopia/Eritrea, Yugoslavia (War in the Balkans and in Kosovo), Angola (UNITA), Haiti, Libya and Afghanistan (United Nations Security Council Sanctions Committees Website, 2007). The reasons for imposing restrictive measures cover a large varieties of topics, including the fight of terrorism (Afghanistan, Libya and Al Qaeda), the punishment of violations of international law (Yugoslavia and Iraq), the response to threats of international peace (Haiti, Somalia), the protection of human rights (Sudan and Congo), the halting of civil conflicts (Liberia and Sierra Leone) among others.

The second way that these sanctions cases can be presented is through the dichotomy general/targeted sanctions. It can be said that Rhodesia, South Africa, Iraq, Haiti, Somalia, Libya, and Ethiopia were comprehensive sanctions, while the others were targeted given that by the latter we mean that individuals rather than only states were the objects of sanctions. As it has been emphasized before, this shift is justified with the need of both improving the effectiveness of sanctions and decreasing the humanitarian costs.

The governments of members state of the UN decide whether or not to impose sanctions, thus that is entirely a political decision insofar the UN does not have a body that has neither the authority nor the responsibility to pre-assess the efficacy of sanctions. The only previous consideration is done in regard to the humanitarian consequences of sanctions, task that is carried out by UN Office for the Coordination of Humanitarian Affairs (OCHA). The Security Council also depends on member states when deciding for sanctions: why that type of sanctions instead of another? Why sanctioning in the first place, instead of other options? The targets are selected by states and the decisions are justified by the information that is provided by states’ agencies (police, secret service, etc). Since the UN does not have an independent secret agency that gather information, the Security Council has to rely entirely on the members in order to identify who is to be sanctioned and how.

The UN Security Council has to decide whether and how to monitor the performance of sanctions by establishing sanction committees with the tasks of monitoring the impact of the restrictive measures, to advise further restrictions and to report violations of sanctions. Overall, sanctions committees have been established for the Democratic People’s Republic of Korea, the Sudan, Côte d’Ivoire, Democratic Republic of the Congo, Liberia, Counter-terrorism, Al-Qaida and the Taliban and associated individuals and entities, Sierra Leone, Rwanda, Somalia and others. The sanctions committees are composed by the members of the Security Council and they may have not time enough to carry out the task, thus a “Panel of Experts” (also “Group of Experts” or “Monitoring Group”) can be established to reinforce the monitoring activity of the committee or to carry out field research on both the impact and the enforcement

of the measures. The size of the group is decided on a case-by-case basis according to the duty that they have to carry out. For example, the Sanctions Committee on Al Qaida and the Taliban has to control more than 300 targets, therefore the group is large. Overall, the average in the groups is of 5 people. The experts are selected from a Roster of Experts that is elaborated by the Secretariat according to experience and expertise of the candidates, and their main duty is to gather information on possible violation of the measures. Other panel of experts has been created in the cases of Somalia, Al Qaida and the Taliban, Democratic Republic of the Congo, Côte d'Ivoire, and the Sudan. This practice has been criticized because the UN should have a standing group of staff to monitor the impact of sanctions (Select Committee on Economic Affairs, 2007).

Since the Security Council and the sanctions committees can decide arbitrarily to include in the black list of targets also individuals and entities, the need to ensure the rights of due process and transparent procedures to people that could have been wrongly listed has been recognized by general guidelines for delisting requests. In the resolution 1730 approved on 19 December 2006, the Security Council, “*Committed to ensuring* that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions, [...] requests the Secretary-General to establish, within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive de-listing requests. Petitioners seeking to submit a request for de-listing can do so either through the focal point process outlined below or through their state of residence or citizenship” (UNSCR 1730, 2006). Basically, the Focal Point functions as an intermediary body between individuals and the governments that suggested the listing: it collects the requests and it submits them to the member states that provided information about the petitioner for evaluation. If they do not answer within three months, the Focal Point submits the requests for delisting to the competent committee.

The need of improving the sanctioning policy of the UN led to the creation on April 17th, 2000 of the Informal Working Group on General Issues of Sanctions that submitted the results of its work to the Security Council on 18 December 2006. The mandate of the group was “to develop general recommendations on how to improve the effectiveness of United Nations sanctions” (S/2005/841, 2005), and the Security Council passed resolution 1732 wherein it suggests the subsidiary bodies to *take notes*, a non-binding formulation, of the recommendations of the Informal Group (UNSCR 1732, 2006). The report touches upon several aspects within the sanctioning process: “sanctions design, implementation, evaluation and follow-up, committee working methods, monitoring and enforcement, and methodological standards and reporting format for expert groups” (S/2006/997). It is not relevant to go into extensive details, except for three considerations of the report. First, the Informal Group recommended the adoption of procedures to “standardize humanitarian and other exemptions to all targeted measures” (S/2006/997, 2006: 2/A/b/iii). This is relevant because humanitarian concern gain importance in designing sanctions. Second, Sanctions Committees should know more about the internal structure of target states in order to better design, implement and enforce sanctions. This implies that the victims of sanctions are not only solely states, but also individuals and subnational entities. The third consideration is that among the general recommendations is “to ensure that the selection of individuals and entities for listing is based on fair and clear procedures” and “to adopt guidelines based on fair and clear procedures for delisting early in sanctions regime” (S/2006/997, 2006:5). This point is crucial because the

Informal Group is advising the Security Council to bypass Member States and to direct their attentions directly to non-state actors. Again, the main difference between a pluralist international society and a world society stems from the plurality of actors in the latter. By encompassing individuals and subnational entities within the group of actors that is allowed to interact with the Security Council, United Nations sanctions contribute to the creation of a World Society.

UN sanctions are becoming more similar to the decisions undertaken under domestic Court rather than to measures of an international organization: growing attention to human rights and greater pressure on individuals are characterizing the action of the UN. These aspects of the UN's sanctioning policy are relevant to our discussion because they place greater emphasis on due process and fair procedures. For instance, it is of a crucial importance that individuals and entities can apply *directly* to the Secretariat for delisting procedure. Individuals are raised to the level of state at the international level: on one hand, individuals can be targeted while only states could be targeted in the past; on the other hand, individuals can interact directly with the UN in order to claim their rights. By using the English School's words, the pluralist character of international society appears to be stronger and by establishing the principle that individuals can be a threat to international peace and security, the United Nations are contributing to the creation of a world society. The next section of the paper presents the sanctions of the UN and analyzes in greater depth four case studies of sanctions in order to underline what has changed in the sanctioning policy of the UN from 1964 to 2007.

UN SANCTIONS

The end of the Cold War represents a watershed in the UN record of sanctions. Whereas the Security Council imposed sanctions only in two occasions before 1989, namely against Rhodesia and South Africa, there have been 20 episodes from 1989 until today.

Sanctions can be comprehensive or targeted, and, as abovementioned, there are four types of sanctions: 1) Financial restrictions, 2) Travel bans, 3) Commodity Boycotts, and 4) Arms Embargoes. Finally, the reasons and the targets vary. By reasons it is meant the triggering cause of sanctions and by targets it is meant states, entities or individuals. The following table summarizes all the cases of sanctions imposed by the UN Security Council so far.

Smart Sanctions and the UN

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Sanctions Case	Beginning	End	Sanction Type	Reason	Target
Afghanistan	15 October 1999	Present	Targeted Financial Arms Embargo Travel Ban Aviation	Support to terrorist organizations	Entities and individuals
Cote d'Ivoire	15 November 2004	Present	Arms Embargo Travel Ban Targeted Financial Diamonds	Civil war	Individuals and entities
Democratic Rep. of Congo	28 July 2003	Present	Arms Embargo Aviation Targeted Financial Aviation	Noncooperation with the UN	Individuals
Eritrea/Ethiopia	17 May 2000	Present	Arms Embargo	Conflict between Ethiopia and Eritrea	States
Haiti	16 June 1993	6 May 1994	Comprehensive Targeted Financial Travel Ban Aviation	Overthrown of Bernard Aristide in 1991, substituted by	State
Iran	23 December 2006	Present	Arms Embargo Targeted Financial	Violation of anti-proliferation treaty	State, entities and individuals
Iraq	6 August 1990		Comprehensive	Invasion of Kuwait	state
Iraq	22 May 2003	Present	Targeted Financial		Individuals and entities
Liberia	19 November 1992	present	Arms Embargo Travel Ban Timber Diamonds	All radio and television broadcasting inciting hatred, intolerance and violence	Individuals and entities
Libya	31 March 1992	12 September 2003	Arms Embargo Travel Ban Aviation Targeted Financial Oil Embargo	Libyan aids to terrorist event	State
Middle East	31 October 2005	Present	Travel Ban Targeted Financial	Murder of Hafik Hariri	Individuals
North Korea	14 October 2006	Present	Arms Embargo Targeted Financial Travel Ban	Missile test and nuclear rearmament	Individuals and entities
Rhodesia	1968	1979	comprehensive	Rebellion	State
Rwanda	17 May 1994	28 March 2007	Arms Embargo	Violation human rights	state
Sierra Leone	8 October 1997	4 December 2002 Present	Arms Embargo Travel Ban Oil Embargo Diamonds	Civil war	Individuals and state
Somalia	23 January 1992	16 December 2003 present	Arms Embargo	Civil war	State
South Africa	9 December 1977	1994	Arms embargo	Acquisition of arms and related materiel	State
Sudan	26 April 1996	Present	Travel Ban Aviation Arms Embargo Targeted Financial	Humanitarian crisis and human rights violations in Darfur	Individuals and entities
Terrorism-related	28 September 2001	Present	Terrorism-related measures	Sheltering terrorists and threat to civilians and Americans	Individuals
Unita (Angola)	15 September 1993	9 December 2002	Arms Embargo Oil Embargo Travel Ban Aviation-related Diamonds	UNITA attacks on civilians	Entities
Yugoslavia (I)	25 September 1991	23 September 1994	Arms Embargo Comprehensive targeted financial	Civil conflicts	States and entities
Yugoslavia (II)	31 March 1998	10 September 2001	Arms Embargo	Clashes over independence of Kosovo	States and regional government

*Elaboration from Watson Institute Database, 2007; United Nations Security Council Sanctions Committees Website, 2007.

Within the 22 cases, states have been targeted 8 times and individuals 14. Aside important questions regarding the effectiveness, the reasons and the extension of sanctions (comprehensive Vs. selective), the focus of this paper is on the difference between sanctioning states and individuals or entities. This practice is new for the UN sanctioning policy and this can be easily proven through the comparison of two old episodes of sanctions with two among the last ones.

Before: The Cases of Rhodesia and South Africa

The UN Security Council has imposed sanctions under Art. 41 of the Charter only twice during the Cold War: in 1966 against Rhodesia and in 1977 against South Africa. The targets in these two cases were only states.

The beginning of the dispute in Southern Rhodesia can be traced back to the early twentieth century when the British took responsibility for the country. The country's white minority enjoyed a great economic advantage by controlling more than half of the land and it feared to lose its predominant position when England stated that Rhodesia had to accept the majority rule to gain independence. In 1965, the government of Rhodesia led by Ian Smith and supported by a white minority issued the Unilateral Declaration of Independence (UDI) and the British immediately reacted by imposing voluntary sanctions against the entire country. In 1966, the Security Council decided that "the export [to Rhodesia] of petroleum, arms, ammunition and military equipment, vehicles and aircraft was embargoed; members were also required to ban imports from Rhodesia of tobacco, sugar, meat and meat products, asbestos, copper, chrome ore, iron ore, hides and skins—key commodities which made up the bulk of her export trade" (Doxey, 1987: 72).

The target of the sanctions was the entire economy of Rhodesia and the objective was to weaken the society and the white minority so to accept the majority rule. Humanitarian concerns were raised, since exemptions and exceptions were taken into consideration in the resolutions, but sanctions did not target individuals because it was unconceivable to target individuals within states at that time.

Resolution 221 passed on April 9th, 1966 "calls upon all States to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which may be en route for Beira" (UNSCR 221, 1966:2). The embargo encompassed tobacco as well, which was the main source of revenues for Rhodesia: the humanitarian consequences of sanctions were part of the debate, but they did not play an important role in tailoring the measure. Since the state was the sole actor, the rationale was to inflict high cost on the whole economy in order to produce a political change.

The second case of UN sanctions is against South Africa. Since 1948, the South African government embarked on the creation of the so-called Apartheid system. Basically, people were granted with different rights according to the color of their skin. The black majority was strongly penalized by this system, whereas the white minority was able to retain both the political and economic power. Given the inequity of this situation, demonstrations and protests took place in order to bring about changes in the system, but the government repressed them violently.

The UN's General Assembly condemned such behavior with resolution 1761 in 1962, and the UN Security Council approved a voluntary embargo against South Africa in 1963. However, art. 43 of Chapter VII of the Charter was invoked in 1977, after the Soweto uprising

in which hundreds of young south Africans were killed in the demonstration and the UN imposed an arms embargo on South Africa (Crawford and Klotz, 1999).

The target of the sanction was the entire South African state, regardless of any consideration about the humanitarian impact. Arms embargoes can be helpful in limiting warfare activity, but only in the long run and if the wrongdoers are clearly identifiable. If an arms embargo is imposed wherein the “bad” side has weapons and the “good” side has not, the sanction will play in favor of the wrongdoers, therefore it will cause more humanitarian damages than what it is supposed to prevent (Mueller, 1999). Nevertheless, the international context and the interpretation of the nonintervention norm in the 1970s did not allow to target only certain responsible of wrongdoings.

Resolution 421 of December 9th 1977 decided “to study ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council” (UNSCR 421, 1977). Resolution 418 of November 4th of the same year, condemned “the South African Government for its resort to massive violence against and killings of the African people, including schoolchildren and students and others opposing racial discrimination, and calling upon that Government urgently to end violence against the African people and to take urgent steps to eliminate *apartheid* and racial discrimination” and recognized “that the military build-up by South Africa and its persistent acts of aggression against the neighboring states seriously disturb the security of those States” (UNSCR 418, 1977). The target of sanctions was the entire state and it could not be otherwise since only member states had the legal recognition of the UN as international actors. The analysis of two among the newest cases of sanctions shows that individuals and entities have been granted with the status of international actors by the UN Security Council.

Today: The Cases of Al Qaeda and Iran

In the mid-1990s, the humanitarian consequences of sanctions brought about the discussion whether the UN should adopt restrictive measures to deal with threat to international peace and security. In the end, the measures in between “words and swords” did not result in a behavioral change of the target. Therefore, the alternatives were either to modify the sanctioning policy or adopt other methods. The former option was preferred.

The objective was to maximize the burden of sanctions on either/both the responsible for wrongdoings or/and the people who could beget a change of policy in the target. This reasoning led to the adaptation of the so-called “smart sanctions,” namely restrictive measures imposed directly on individuals or entities, and indirectly on groups within the targeted states to affect their cost/benefit calculations. After the end of the Cold War, the UN has imposed smart sanctions 14 times, but for simplicity this paper will describe only two cases: the terrorism related measures and the sanctions on Iran.

The terrorist attacks against the World Trade Center and the Pentagon on September the 11th 2001 were considered a threat to international peace and security, and the UN’s Security Council condemned and sanctioned those acts. However, differently from before, states were not involved: instead of targeting states and relying only on member states for seizing and punishing the responsible of the hijacking, the Security Council approved restrictive measures against those *individuals* and *entities* responsible for terrorist acts.

Resolution 1373 of 28 September 2001 decided that “persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities

owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities” (UNSCR 1373, 2001). Therein, the Security Council passed eight resolutions renewing sanctions and establishing new measures. Resolution 1617 froze the assets, restricted the movement and forbade the sell of arms and related materiel “with respect to Al-Qaida, Usama bin Laden, the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the “Consolidated List”)” (UNSCR 1617: 2005). Nowadays, the consolidated list includes:

- The list of **individuals** belonging to or associated with the **Taliban** (142 individuals)
- The list of **entities** belonging to or associated with the **Taliban** (1 entity)
- The list of **individuals** belonging to or associated with the **Al-Qaida** organisation (223 individuals)
- The list of **entities** belonging to or associated with the Al-Qaida organisation (124 entities) (Al Qaida Sanctions Committee, 2006).

The institutional framework of the sanctions committee resembles the one of a domestic judicial system. There is a judge that decides whether to impose sanctions, namely the Security Council. There is the prosecutor that investigates over the impact and violation of sanctions and suggests the measures to implement, the sanctions committee. The latter is assisted by its staff, the group of experts. Finally, the targets can appeal against wrong judgement, the de-listing procedure. This representation is a parody of the context, but it reveals a part of the real world that has been neglected by the literature.

Basically, an international organization, the UN, is interacting directly with individuals and it is carrying out judicial functions, if freezing assets, limiting freedom of movement, or altering rules of trade to affect individuals are penalties that could be imposed only after a fair trial.

Nonetheless, one could argue that the case of Al Qaida is an exceptional one, because there is no state that can be punished for the terrorist attacks that Al Qaida carried out in 2001 and elsewhere. There are two counterarguments to this. First, the UN could have simply required member states to investigate and to go after the responsible for the attacks. The UN could have, as it had often done, relied on the judicial systems of its member states, but it did not. On the contrary, the UN itself looked for and sanctioned the individuals and entities that were thought to be involved. The second counterargument is that the UN began to target individuals since the mid-1990s.

The last case of a long series is Iran. Since the aftermath of the Second World War, Iran began its plan of developing nuclear power plants that could have allowed it to increase its profits from selling oil. After the Islamic revolution in 1979, the level of attention of the international community increased further, but it is only in the past years that the situation became one of the most relevant issues in international politics. After the failure of several negotiations, the importance of this dispute has been tackled by the UN Security Council with the imposition of sanctions under Chapter VII of the Charter, insofar as the rearmament plans of Iran were considered a threat to international peace and security. To be clear, Iran is not allowed to develop nuclear technology for military purposes, but the Non-Proliferation Treaty (NPT) does not forbid signatory states to achieve nuclear facilities for peaceful purposes. Iran

has been considered a threat to international peace and security because of its lack of transparency in cooperating with the International Atomic Energy Agency (IAEA) (Sagan, 2006).

Thirty years ago, the international community had to face a similar problem that has been covered in this paper, although the sanctions were different in nature. Whereas the target in South Africa was the government, the targets in Iran are both members of the government and individuals that are involved, both directly and indirectly, with the Iranian plan of President Mahmoud Ahmadinejad to obtain nuclear weapons.

The Security Council passed resolution 1737 on 23 December 2006 that imposed financial and commercial restrictions: a freeze of assets, and a ban on the supply of any item that can be useful to advance or to contribute to the nuclear rearmament plan of the Iranian government. More specifically, the Security Council indicated individuals and entities to whom the resolution applies: 10 entities and 12 individuals (UNSCR 1737, 2006). The number of the targets increased from 22 to 28 with the approval of a second resolution on march 2007: 10 entities involved in the nuclear and ballistic program, 3 Iranian Revolutionary Guard Corps entities, 8 individuals involved in nuclear or ballistic missile activities, and 7 key persons of the Iranian Revolutionary Guard Corps were targeted (UNSCR 1747, 2007). This increase testifies that a monitoring activity is in place, which proves that targeting individuals and entities has become the norm rather than the exceptions in the international system.

The list of individuals could save, at least partially, the integrity of the principle of non-intervention if the individuals targeted were all members of the government. In doing so, it would be easy to understand that the targeting aimed at influencing the cost/benefit calculation of government officials. However, the targets are not only politicians, but also managers (i.e. Ali Hajinia Leilabadi - Director General of Mesbah Energy Company), bankers (i.e. Ahmad Derakhshandeh - Chairman and Managing Director of Bank Sepah), scientists (Mohsen Fakhrizadeh-Mahabadi - Senior MODAFL scientist and former head of the PHRC), and military officers (i.e. Brigadier General Mohammad Hejazi - Commander of Bassij resistance force). Governments and states are not the main target of the UN anymore; today the Security Council can target individuals and entities.

This procedure is reinforced by the possibility for individuals to apply for their removal from the list of sanctioned. A focal point of delisting has been created in pursuant of resolution 1730 “as part of [the United Nations] commitment to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions” (UN sanctions web site, 2007). A state can decide whether to force individuals to apply for de-listing only through the state of their citizenship, and insofar only France has taken steps to encourage its citizens to apply directly to the focal point for delisting procedures (de la Sabliere, 2007). However, the critical step is that individuals can apply directly to the UN to seek justice.

FROM INTERNATIONAL TO WORLD SOCIETY?

Individuals are progressively becoming objects and subjects to international relations, thus participating in dynamics in an international system that is shifting importance among the actors from states alone, to non-state actors such as individuals and entities. This tendency that has already been emphasized regarding other phenomena, such as the creation of the ICC or the establishment of the humanitarian intervention practice, can be traced also with the

establishment of smart sanctions. Whereas the Security Council used to impose sanctions only against states, nowadays its main targets are individuals and entities.

This shift has taken place due to the poor effectiveness of comprehensive sanctions and to the humanitarian crises that were caused by the imposition of all-embracing restrictive measures. Among the most told stories of failing sanctions, there is the Italian case in 1936. After Mussolini's government began the invasion of Ethiopia, the League of Nations responded with general sanctions, but Mussolini never changed his mind and, in fact, sanctions strengthened the will of the Italian population to fight (Doxey, 1971). More recently, Iraq in 1991 is often reported as the best case-study to understand how sanctions fail. After the invasion of Kuwait in 1990, the regime of Saddam Hussein was targeted with comprehensive sanctions. Not only Iraq did not withdraw from Kuwait, but also the UN measures were held responsible for thousands of casualties within Iraq. Certainly, it is easy to remember about the 500.000 children who died because of the UN sanctions (UNICEF, 1998; Ali and Shah, 2000; Alnasrawi, 2001). Clearly, comprehensive sanctions had to be either changed or abolished.

The former was chosen with the introduction of the concept of smart sanctions. Whereas it would have been impossible to adopt such measures during the Cold War due to the interpretation of the non-intervention norm, the establishment of new practices such as the rules for humanitarian intervention or the establishment of the ICC made the shift to smart sanctions much easier. As this paper has shown, in this day and age individuals and entities are the main targets of sanctions.

Sanctions are intended as a tool to create a bargaining power over individuals who can influence events, such as policy-makers, but also managers, scientists, companies or political parties. This tendency is also shown by the adoption of the carrot and stick principle in sanctions episode. For example, Annex II of resolution 1747 about Iran lists several advantages that are implied if the demands of the UN are met. This is another chapter of the story, but it is important to underline it in order to illustrate the new customs in the UN's sanctioning policy.

The identification of this new pattern is relevant from both a theoretical and a political point of view. From a theoretical point of view, the new practice of smart sanctions seems to confirm that the international system is moving from a society of states to a society of individuals and entities, namely a world society. The actors of the international system are changing: states are not alone in shaping international politics, individuals and entities are gaining relevance.

From a political point of view, the acknowledgement that individuals and entities can be sanctioned by supra-national organizations provides the international community with a greater leverage to deal with international conflict short of military means. The idea that nation-states or international organizations can punish individuals within states is new in the international system. For instance, Saddam Hussein and Slobodan Milosevic were not sanctioned directly by the Security Council of the UN: nowadays, the focus would be on them primarily.

An international system wherein individuals can be targeted with "global" sanctions is a world wherein Saddam Hussein or Slobodan Milosevic could have been sanctioned, while they had not (Cortright and Lopez, 2002). If the trend toward world society is sustained, what is called smart sanction today could reinvent itself into more invasive and enforceable penalties, such as detention or, as last resort, targeted legal assassination.

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