

The Humanitarian Impact of Targeted International Sanctions and the Problem of Humanitarian Exemptions

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Received: 11/07/2026

Accepted: 01/10/2026

Published: 27 /10/2026

Abstract:

International sanctions can be seen as one of the key tools that the international community employs to ensure compliance with international law, from full sanctions as set out in Chapter VII of the United Nations Charter to unilateral coercive measures that have been taken without any approval from the international community. The following study will look into the legal background and development of international sanctions from general sanctions to smart sanctions, and how the enforcement role of international sanctions conflicts with their adverse effects on the human rights of civilians, through poor humanitarian exceptions and ineffective listing and delisting of individuals and entities.

Keywords: International Sanctions; UN Security Council; Unilateral Coercive Measures; Human Rights.

1. INTRODUCTION

International sanctions have become one of the most frequently used instruments of contemporary international relations occupying an intermediate position between diplomatic protest and the use of armed force. They are deployed by the United Nations Security Council pursuant to Chapter VII of the Charter, by regional organizations such as the European Union and the African Union, and unilaterally by individual States or groups of States acting outside any specific Security Council authorization. Their declared purpose is generally to compel a target State, entity, or individual to comply with obligations arising under international law whether by ending an act of aggression, curbing the proliferation of weapons of mass destruction, or halting serious violations of international humanitarian or human rights law.¹ Likewise the very instrument designed to enforce respect for international law has itself, with increasing frequency, been

¹Charter of the United Nations, Arts. 39-42; Farrall, J., *United Nations Sanctions and the Rule of Law* (Cambridge University Press, 2007).

criticized for producing effects that are difficult to reconcile with the human rights of the populations of targeted States, or indeed of the individuals and entities directly designated. Comprehensive sanctions regimes of the 1990s, most notoriously those imposed on Iraq were widely documented to have caused severe humanitarian harm to civilian populations without a commensurate effect on the political conduct of the targeted government, prompting a doctrinal and policy shift toward so called targeted or "smart" sanctions aimed more precisely at responsible individuals and entities.¹

This tension is compounded by the parallel proliferation of unilateral coercive measures adopted by individual States or groups of States without specific Security Council authorization, which a dedicated United Nations Special Rapporteur has, since 2014, been mandated to examine for their negative impact on the enjoyment of human rights. The central problem of this study may accordingly be formulated as follows: to what extent can the international sanctions regime reconcile its stated function of enforcing respect for international law with the imperative of protecting the human rights of the populations and individuals affected by it, and what legal mechanisms exist, or should be developed, to manage this tension?² To answer this question, the study adopts the descriptive analytical method in examining the relevant provisions of the UN Charter, Security Council practice, and international human rights instruments, supported by a critical review of the doctrinal and institutional debate surrounding targeted sanctions and unilateral coercive measures. The study is divided into two main sections: the first examines the legal framework and evolution of international sanctions as an instrument for enforcing international law; the second examines their impact on human rights and the mechanisms proposed, or already adopted, to mitigate that impact.

The literature on this subject has grown considerably since the early 2000s, driven in large part by litigation before European and domestic courts challenging the individual listing of persons and entities under UN and EU sanctions regimes, most notably the Kadi litigation before the European Court of Justice, which placed squarely before an international judicial body the question of whether and how fundamental due-process rights constrain the design and implementation of targeted sanctions.³

The subject also carries considerable contemporary relevance, given the scale of sanctions activity witnessed in recent years, from the extensive sanctions regimes adopted by the United States, the European Union, and other States against the Russian Federation following its invasion of Ukraine in February 2022, to continuing sanctions

¹See generally Farrall (2007), cited above, on the humanitarian impact of comprehensive UN sanctions on Iraq during the 1990s.

²UN Human Rights Council Resolution 27/21 of 3 October 2014, establishing the mandate of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

³Joined Cases C-402/05 P and C-415/05 P, Kadi and Al Barakaat International Foundation v. Council and Commission, Judgment of the European Court of Justice, 3 September 2008.

regimes targeting the Democratic People's Republic of Korea's nuclear and ballistic-missile programs, Iran, and various armed groups and individuals across Africa and the Middle East. This proliferation of sanctions activity across multiple legal bases Security Council resolutions, regional organization decisions, and purely unilateral national measures has made the doctrinal task of mapping their legal foundations and human rights implications considerably more complex than it was even two decades ago, when Security Council sanctions constituted the near exclusive focus of scholarly attention.¹ Also, the Russia Ukraine sanctions episode since 2022 is particularly instructive for the purposes of this study, since it illustrates at an unprecedented scale, the dynamics of purely unilateral and regional sanctions activity operating entirely outside the Security Council framework the Russian Federation's status as a permanent Security Council member having foreclosed any prospect of Chapter VII action while simultaneously generating one of the most extensively documented contemporary debates over the humanitarian exemptions necessary to protect food and energy security not only within the sanctioned State but across third countries dependent on Russian and Ukrainian agricultural exports. This episode demonstrates that the human rights dimension of sanctions is not confined to the population of the immediately targeted State, but can extend, through global supply chain effects to populations in entirely unrelated third States a dimension of sanctions related human rights impact that existing legal frameworks, focused as they are on the bilateral relationship between the sanctioning and the sanctioned State, are not well equipped to address.²

2. The Legal Framework and Evolution of International Sanctions

2.1 The Legal Basis of Sanctions under the UN Charter and their Evolution

The primary legal basis for international sanctions lies in Chapter VII of the UN Charter, and specifically in Article 41, which empowers the Security Council, once it has determined the existence of a threat to the peace, breach of the peace, or act of aggression under Article 39, to decide upon measures not involving the use of armed force to give effect to its decisions, including the 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. Article 41 measures are legally binding upon all UN Member States by virtue of Article 25 of the Charter, and prevail, pursuant to Article 103, over conflicting obligations under any other international agreement.³

¹See generally OHCHR reporting on the human rights impact of sanctions regimes adopted since 2022; Human Rights Council Resolution 58/4 (2025).

²See UN and FAO reporting on global food security impacts associated with the 2022 disruption of Black Sea grain exports.

³Charter of the United Nations, Arts. 25, 39, 41 and 103.

Historically, Security Council sanctions regimes evolved through three broad phases. During the Cold War, the Council's practice was minimal, given the frequent use of the veto by permanent members, with the sanctions imposed on Southern Rhodesia (1966) and apartheid South Africa (arms embargo, 1977) standing as rare early examples. Following the end of the Cold War, the 1990s saw a marked expansion of Security Council sanctions activity, including the comprehensive sanctions imposed on Iraq following its invasion of Kuwait in 1990, which remained in place for over a decade and became the principal case study for the humanitarian costs of comprehensive, economy-wide sanctions regimes.¹

The Rhodesia sanctions regime is of particular doctrinal interest as the first instance in which the Security Council exercised its Article 41 powers to impose comprehensive mandatory sanctions, in response to the white minority government's unilateral declaration of independence a measure the Council characterized as giving rise to a threat to international peace and security notwithstanding the fact that the situation was, in a formal sense, internal to a single territory rather than an inter State conflict, thereby establishing an early precedent for a broad, flexible reading of the threshold conditions in Article 39 that would later be extended to internal armed conflicts, gross human rights violations, and even non proliferation concerns far removed from the paradigm of inter State aggression that had originally inspired Chapter VII.²

The Charter itself contains an early, if limited, textual acknowledgment of the potential humanitarian costs of Article 41 measures: Article 50 provides that any State, whether a UN Member or not, confronted with special economic problems arising from the carrying out of Security Council preventive or enforcement measures, has the right to consult the Council with regard to a solution of those problems a provision originally conceived primarily to address the economic difficulties of third States whose trade was disrupted by a sanctions regime targeting a neighboring State, but which is sometimes cited in the contemporary literature as an early, embryonic recognition, within the Charter's own text, that Article 41 measures could generate collateral economic harm requiring some form of institutional response.³

The documented humanitarian impact of the Iraq sanctions including credible estimates of substantially elevated child mortality attributed in part to the breakdown of the civilian economy and public health infrastructure triggered what is generally described in the literature as the shift toward "targeted" or "smart" sanctions during the late 1990s and 2000s. Rather than embargoing an entire national economy, targeted

¹UN Security Council Resolution 661 (1990), imposing comprehensive sanctions on Iraq; Resolution 232 (1966) on Southern Rhodesia.

²UN Security Council Resolution 232 (1966); see generally scholarly commentary on the evolving interpretation of the Article 39 threshold.

³Charter of the United Nations, Art. 50.

sanctions regimes freeze the assets of, and impose travel bans on, specifically designated individuals and entities considered responsible for the underlying conduct that the sanctions regime seeks to address, while in principle sparing the wider civilian population from the regime's direct economic effects.¹

This shift produced its own body of institutional innovation, most notably the sanctions regime targeting individuals and entities associated with Al Qaida and, subsequently, the Taliban, established initially by Security Council Resolution 1267 1999 and substantially reformed over the following two decades. The 1267 regime pioneered the practice of an international "consolidated list" of designated individuals and entities, binding on all Member States, and later introduced an Ombudsperson mechanism, established by Resolution 1904 2009, empowered to receive and review delisting petitions from designated individuals a significant, if still partial, response to due-process criticisms of the earlier listing procedure, which initially offered no independent avenue of individual redress at all.²

Alongside Security Council sanctions, a distinct category of unilateral coercive measures has proliferated, consisting of economic and political measures imposed by one State or group of States to compel another State to change its policies, without specific Security Council authorization under Chapter VII. The UN Human Rights Council has, since 2014, distinguished such unilateral measures from Security Council sanctions proper, on the grounds that the former lack the multilateral legitimation and institutional safeguards, however imperfect, that attach to a Security Council decision adopted by the collective security system established under the Charter.³

Beyond the Al-Qaida/Taliban framework, the Security Council currently maintains, or has at various points maintained, a range of other sanctions regimes tailored to specific conflict or non proliferation situations, including regimes addressing the Democratic People's Republic of Korea's nuclear and ballistic missile program, established by Resolution 1718 (2006) and subsequently tightened through successive resolutions; the Iranian nuclear file, addressed through Resolution 2231 (2015) endorsing the Joint Comprehensive Plan of Action; and a series of country or situation specific regimes addressing armed conflict and instability in Libya, Somalia, Yemen, and the Democratic Republic of the Congo, among others. Each such regime is administered by its own dedicated Security Council sanctions committee, with its own

¹See generally Farrall (2007), cited above, Chapters 4-5, on the transition from comprehensive to targeted sanctions.

²UN Security Council Resolutions 1267 (1999), 1989 (2011) and 1904 (2009), establishing and reforming the Al-Qaida/Taliban sanctions regime and the Office of the Ombudsperson.

³UN Human Rights Council Resolution 27/21 (2014) and Resolution 45/5 (2020), defining unilateral coercive measures and extending the Special Rapporteur's mandate.

listing criteria, exemption procedures, and where established its own panel of independent experts monitoring implementation.¹

This proliferation of parallel, situation specific sanctions committees has itself generated a degree of institutional fragmentation, since the procedural safeguards available to a listed individual or entity including the scope of any humanitarian exemption, and the existence or absence of an independent review mechanism comparable to the Ombudsperson vary considerably from one committee to another, despite the underlying due-process concerns being substantially similar across regimes. Harmonizing these procedural safeguards across the different sanctions committees, rather than allowing the relatively more developed Ombudsperson mechanism to remain confined to the Al Qaida Taliban regime alone, is a recurring theme in the reform proposals discussed later in this study.

A further layer of complexity arises from the relationship between UN sanctions and regional or national implementing measures. Because Security Council resolutions typically require, rather than directly effect, implementation by individual Member States, the practical human rights impact of a given UN sanctions regime depends significantly on how it is transposed into the domestic or regional legal order of the implementing State or organization – a dynamic vividly illustrated by the Kadi litigation itself, in which the European Union's implementing regulation, rather than the underlying Security Council resolution, became the direct object of judicial review. This layered structure means that meaningful human rights protection in the sanctions context often depends as much on the quality of domestic and regional implementing legislation as on reform of the underlying UN framework, a point sometimes underappreciated in policy debates that focus primarily on the Security Council level.²

The role of independent panels of experts, established by the Security Council to monitor the implementation of specific sanctions regimes, deserves separate mention as a further institutional feature of the modern sanctions architecture. These panels, typically composed of a small number of technical experts appointed for renewable one-year mandates, investigate and report on sanctions violations, including arms trafficking, natural resource exploitation used to finance armed groups, and attempts at circumvention through front companies or intermediary jurisdictions. Their reports, generally made public, have become an important source of factual information not only for the sanctions committees themselves but also for independent researchers and civil society organizations monitoring the human rights dimensions of specific conflicts,

¹UN Security Council Resolutions 1718 (2006) and 2231 (2015); see also the range of country-specific sanctions committees maintained under the Council's Chapter VII practice.

²Joined Cases C-402/05 P and C-415/05 P, Kadi and Al Barakaat, cited above, paras. 285-289, on the EU implementing regulation as the object of review.

even though the panels' mandates are typically confined to monitoring compliance with the sanctions regime rather than assessing its humanitarian impact as such.¹

Regional organizations have, in parallel, developed their own sanctions practice that interacts with, but remains formally distinct from, the UN Security Council framework. The European Union in particular maintains an extensive body of restrictive measures adopted through its Common Foreign and Security Policy, some implementing UN Security Council resolutions and others adopted autonomously, subject to review by the Court of Justice of the European Union under the standards developed in the Kadi line of case law; the African Union has likewise developed sanctions practice directed primarily at unconstitutional changes of government among its member States, reflecting a regional emphasis on the protection of constitutional order distinct from, though at times overlapping with, the international peace and security rationale underlying UN Chapter VII sanctions. This regional layer adds a further dimension of legal complexity to any comprehensive account of the contemporary sanctions landscape, since a single targeted individual or entity may in principle be subject to overlapping UN, regional, and national listing decisions, each governed by its own procedural safeguards and each requiring separate delisting efforts to achieve full relief.²

2.2 The Function of Sanctions in Enforcing Respect for International Law

Sanctions perform several distinct legal functions within the international system: a coercive function, seeking to compel the target to alter its conduct; a punitive function, expressing the international community's condemnation of that conduct; and a signaling function, reaffirming the content of the underlying primary norm of international law that has allegedly been violated, whether the prohibition on the use of force, on the proliferation of weapons of mass destruction, or on serious violations of human rights and international humanitarian law. In each of these functions, sanctions operate as a form of collective, or in the unilateral case individual, countermeasure or enforcement action taken in response to an internationally wrongful act, or, in the specific case of Chapter VII measures, in response to a Security Council determination under Article 39.³

The legal architecture of Chapter VII sanctions rests on a delegation of authority from the collective membership of the United Nations to the Security Council, whose five permanent members retain a veto over any decision, including the decision to impose or to lift a sanctions regime. This structure gives Security Council sanctions a degree of legal and political legitimacy that unilateral coercive measures inherently

¹See, for illustrative examples, the Panel of Experts reports issued under the DRC, Yemen, and DPRK sanctions committees.

²See generally EU Common Foreign and Security Policy restrictive-measures practice; African Union Constitutive Act, Art. 30, on unconstitutional changes of government.

³International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001), Arts. 22 and 49-54, on countermeasures.

lack, since the latter reflect the unilateral judgment of the sanctioning State or States as to what conduct violates international law and what response is proportionate, without the check however imperfect in practice of collective Security Council deliberation and the possibility of a veto by an affected permanent member.¹

At the same time, the effectiveness of Security Council sanctions as an enforcement mechanism has been repeatedly questioned in the literature, on grounds including the frequent non-compliance of targeted States, the difficulty of monitoring and enforcing implementation across the UN's near universal membership, the risk of sanctions busting through third States or non-State intermediaries, and the phenomenon of secondary sanctions and over compliance by financial institutions that extends the practical reach and the collateral humanitarian effects of a sanctions regime well beyond what the Security Council itself formally required.²

The distinction between the enforcement function of sanctions and their practical effectiveness is itself doctrinally significant: a sanctions regime may be entirely lawful, in the sense of having been properly adopted under Chapter VII, while proving largely ineffective in changing the targeted government's conduct, and simultaneously imposing severe costs on the civilian population a combination of outcomes that lies at the heart of the human rights critique examined in the following section.

International jurisprudence outside the specific sanctions context has also contributed to the doctrinal understanding of when coercive economic measures taken in response to an internationally wrongful act remain lawful. In its 1986 judgment in the Nicaragua case, the International Court of Justice addressed the lawfulness of a unilateral trade embargo imposed by the United States, concluding that, absent a specific treaty obligation to the contrary, international law generally does not itself prohibit a State from choosing to limit or suspend its own trade relations with another State, since no State can claim a right under general international law to continued trade with any other; the Court's reasoning has since been invoked, on different sides of the debate, both by those defending the basic lawfulness of unilateral coercive measures and by those emphasizing that such measures must nonetheless respect other applicable rules of international law, including the prohibition on intervention in a State's internal affairs and applicable human rights obligations.³

The principle of proportionality, well established in the law of countermeasures as codified by the International Law Commission, requires that any countermeasure and,

¹See Human Rights Council resolution 58/4 (2025) on the humanitarian impact of unilateral coercive measures.

²OHCHR, "Humanitarian Impact of Unilateral Sanctions and Over-Compliance," collective monograph convened by the Special Rapporteur on unilateral coercive measures, discussing secondary sanctions and de-risking practices.

³International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment of 27 June 1986, paras. 245-246, 276.

by extension, any unilateral coercive measure invoking a similar logic of response to an internationally wrongful act be commensurate with the injury suffered, taking into account the gravity of the underlying wrongful act and the rights in question, and must in any event not affect obligations for the protection of fundamental human rights or obligations of a humanitarian character prohibiting reprisals against protected persons. This proportionality requirement provides one of the principal doctrinal bridges between the law of sanctions and international human rights law, since it supplies a legal, rather than purely political, standard against which the humanitarian design of a given sanctions regime including the adequacy of its humanitarian exemptions may be assessed.¹

A further doctrinal debate concerns the applicability of international human rights treaties to a State's conduct in imposing unilateral coercive measures against the population of another State, given the traditionally territorial or jurisdictional scope of most human rights treaty obligations. While the sanctioning State does not typically exercise effective control over the territory or population of the sanctioned State in the sense usually required to trigger extraterritorial human rights obligations under instruments such as the International Covenant on Civil and Political Rights, a growing body of scholarship and UN practice has argued that a State's deliberate and foreseeable infliction of severe economic harm on another population, through measures it fully controls and could lawfully choose not to adopt or to modify, engages at least a duty of due diligence and proportionality that is not wholly divorced from human rights considerations, even if it falls short of full extraterritorial applicability of the sanctioning State's own human rights treaty obligations.²

This unsettled doctrinal terrain helps explain why the UN Human Rights Council has approached the subject primarily through the specialized mandate of the Special Rapporteur on unilateral coercive measures, developing a body of soft law guidance and thematic reporting, rather than through litigation seeking to establish binding extraterritorial human rights obligations directly enforceable against sanctioning States before an international human rights tribunal an avenue that remains, for the time being, largely unavailable given the jurisdictional and procedural obstacles such litigation would face before most existing human rights bodies.

3. The Impact of Sanctions on Human Rights and Proposed Solutions

3.1 The Negative Impact of Sanctions on the Enjoyment of Human Rights

¹International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001), Arts. 50-51.

²See discussion of extraterritorial human rights obligations in the sanctions context in OHCHR thematic reporting; International Covenant on Civil and Political Rights, Art. 2(1).

Comprehensive sanctions regimes, by restricting a target State's external trade and financial relations across the board, have historically produced severe effects on the civilian population's enjoyment of economic and social rights, including the rights to food, health, and an adequate standard of living, particularly where the sanctioned economy is heavily import dependent for essential goods such as food, medicine, and medical equipment. The Iraq sanctions regime of the 1990s remains the paradigmatic illustration of this effect, and was a principal catalyst for the subsequent shift toward targeted sanctions, precisely because the disproportion between the humanitarian cost borne by the civilian population and the limited effect on the conduct of the targeted government's leadership became increasingly difficult to defend, politically and legally, before UN Member States and the wider international community.¹

Even targeted sanctions, despite being designed to spare the general civilian population, raise their own distinct set of human rights concerns, this time centered on the due process rights of the specifically designated individuals and entities. Designation typically results in the freezing of all of a listed individual's assets and a ban on international travel, imposed on the basis of a listing decision taken by a Security Council sanctions committee acting by consensus, historically without any requirement to disclose the evidentiary basis for the listing to the individual concerned, and without any judicial or quasi judicial avenue by which the individual could challenge the listing before an independent body.²

This due process deficit was precisely what the European Court of Justice addressed in its landmark Kadi judgment of 2008, holding that European Union measures implementing a UN Security Council asset freeze against Mr. Kadi could nonetheless be reviewed by the Court for compliance with fundamental rights protected under EU law, including the rights of defense and to effective judicial protection, notwithstanding the fact that the underlying obligation to freeze assets originated in a binding Security Council resolution. The judgment did not purport to review the Security Council resolution itself, but insisted that its implementation within the EU legal order remained subject to fundamental rights review a position that generated considerable controversy regarding its implications for the primacy of Security Council decisions under Article 103 of the Charter, but which is widely credited with having accelerated subsequent reforms to the UN listing and delisting procedure.³

Unilateral coercive measures raise an additional, and in some respects more acute, set of human rights concerns, precisely because they are adopted outside the (however

¹UN Security Council Resolution 986 (1995), establishing the "Oil-for-Food" program in partial response to the humanitarian impact of the Iraq sanctions.

²Joined Cases C-402/05 P and C-415/05 P, Kadi and Al Barakaat, cited above, paras. 333-353, on the due-process deficiencies of the original listing procedure.

³Joined Cases C-402/05 P and C-415/05 P, Kadi and Al Barakaat, paras. 281-327.

imperfect) institutional framework of Security Council deliberation, and therefore lack even the collective political scrutiny that attaches to a Chapter VII decision. The UN Special Rapporteur on unilateral coercive measures has documented recurring patterns of harm across different sanctions regimes, including restricted access to essential medicines and medical equipment, impediments to humanitarian financial transactions caused by the reluctance of international banks to process transactions connected to sanctioned jurisdictions even where a humanitarian exemption formally exists, and adverse effects on the right to development of the population of the sanctioned State as a whole.¹

The phenomenon described in the literature as "over compliance" whereby banks and other private actors, out of an abundance of caution regarding potential secondary sanctions liability, decline to process even transactions that would in principle be permitted under a humanitarian exemption has emerged as one of the most significant, and least directly attributable, mechanisms through which sanctions regimes generate human rights harm in practice, since the resulting restriction on humanitarian financial flows cannot easily be traced to any single decision by the sanctioning authority itself, but arises instead from the cumulative risk aversion of numerous private financial intermediaries operating across different jurisdictions.²

Case studies examined by the Special Rapporteur and by independent human rights researchers illustrate the practical scale of these effects. In the case of the sanctions regimes affecting Venezuela, researchers have documented a marked contraction in the availability of imported medicines and medical equipment coinciding with the tightening of financial and oil sector sanctions from 2017 onward, compounding a pre-existing domestic economic crisis and complicating the precise attribution of resulting harm between the sanctions themselves and other, domestically rooted causes a recurring methodological difficulty in this field, since sanctioned States are rarely, if ever, subject to sanctions as the sole cause of economic hardship affecting their populations.³

A comparable pattern has been documented with respect to Iran, where extensive unilateral sanctions targeting the country's financial and oil sectors have been associated, according to reporting reviewed by the Special Rapporteur, with shortages of specialized medicines and medical equipment for patients suffering from cancer and other serious illnesses, notwithstanding the existence of formal humanitarian exemptions in the relevant sanctions instruments, precisely because international banks

¹OHCHR, Mandate of the Special Rapporteur on unilateral coercive measures; Human Rights Council Resolution 58/4 (2025).

²OHCHR, "Humanitarian Impact of Unilateral Sanctions and Over-Compliance," cited above; Conference on Humanitarian Action, Remedy and Responsibility in Unilateral Sanctions Environment, Geneva, 9-10 April 2026.

³See reporting summarized in OHCHR materials on the human rights impact of sectoral sanctions on Venezuela; UN Special Rapporteur country visit reports.

have frequently proven unwilling to process even exempted humanitarian transactions for fear of exposure to secondary sanctions or reputational risk. The over compliance dynamic discussed above translating, in this instance, into a very concrete impediment to patients' access to treatment.¹

These country specific illustrations should not obscure the more general, structural point that emerges from the comparative literature: across sanctioned jurisdictions as varied as Iraq in the 1990s, Venezuela, Iran, and Syria, a broadly similar causal pathway recurs, in which formally targeted or sectorial sanctions nonetheless produce broader economic contraction through their effect on a State's capacity to conduct routine international financial transactions, which in turn depresses public revenue available for health, education, and social protection, and is further amplified by private sector over compliance that extends the sanctions' practical reach beyond their formal legal scope.

Children are frequently identified in this literature as a particularly vulnerable category within sanctioned populations, given their heightened dependence on functioning public health and nutrition systems and their reduced capacity to adapt to sudden reductions in household income or access to imported medicines and infant formula. The elevated child mortality estimates associated with the Iraq sanctions of the 1990s remain the most extensively studied illustration of this vulnerability, but subsequent reporting on more recent sanctions episodes has continued to identify comparable, if generally less severe, effects on child health indicators in other sanctioned jurisdictions, reinforcing the case for treating child specific humanitarian exemptions as a distinct and non-negotiable component of any sanctions regime's design, rather than as a matter left to the general humanitarian exemption applicable to the population as a whole.²

Table 1, below, summarizes the principal typologies of sanctions discussed in this study, distinguishing their legal basis, their intended target, and the primary human rights concern most frequently associated with each in the literature reviewed above.

Sanctions type	Legal basis	Primary human rights concern
Comprehensive (economy-wide)	Security Council, Art. 41 UN Charter	Broad civilian economic/social rights harm
Targeted (asset freeze/travel ban)	Security Council sanctions committees	Due process and listing/delisting rights
Sectoral (financial/oil, etc.)	Security Council or unilateral	Indirect harm via financial over compliance
Unilateral coercive measures	National/regional legislation	Lack of multilateral

¹OHCHR, reports of the Special Rapporteur on unilateral coercive measures concerning the humanitarian impact of sanctions on Iran's health sector.

²See UNICEF and OHCHR reporting on the differential impact of sanctions regimes on children, cited in Special Rapporteur thematic reports on unilateral coercive measures.

		safeguards; humanitarian access
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Table 1 Principal typologies of international sanctions and their most frequently documented human rights concerns.

The right to health has received particular attention within the broader human rights framework applicable to sanctioned populations, given the direct and often life threatening consequences of restricted access to medicines, vaccines, and medical equipment.¹

The Committee on Economic, Social and Cultural Rights has, in its General Comment on the right to health, confirmed that States retain human rights obligations that may be engaged by the extraterritorial effects of their own conduct, including the imposition of sanctions, insofar as such measures foreseeably and severely restrict a population's access to essential health related goods and services a position that, while addressed to the sanctioning State's own obligations rather than to the UN sanctions system as such, reinforces the broader doctrinal case for treating health related humanitarian exemptions as a matter of binding legal obligation rather than discretionary policy.

The right to development, recognized in the UN Declaration on the Right to Development and repeatedly invoked in Human Rights Council resolutions on unilateral coercive measures, offers a further, broader normative lens through which the cumulative impact of long duration sanctions regimes may be assessed, since sustained restrictions on a State's external trade and financial relations can impede not only the immediate humanitarian needs of its population but also longer-term investments in infrastructure, education, and economic diversification that underpin the progressive realization of economic and social rights over time. This longer term dimension of harm is frequently underrepresented in humanitarian-exemption frameworks, which tend to focus, understandably but perhaps too narrowly, on immediate survival needs such as food and medicine rather than on the developmental trajectory of the sanctioned population as a whole.²

A final, cross cutting observation concerns the difficulty of empirical measurement that pervades this entire field. Establishing a reliable causal link between a specific sanctions measure and a specific human rights outcome requires disentangling the effect of the sanctions from other simultaneous causes of hardship red conflict, pre-existing economic mismanagement, natural disasters, or global economic shocks a methodological challenge that has itself become the subject of specialized empirical

¹UN Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health, paras. 39 and 65.

²UN General Assembly Declaration on the Right to Development (1986); Human Rights Council Resolution 58/4 (2025), preamble.

research within international economics and public health, and one that inevitably qualifies the confidence with which any of the country-specific findings discussed above can be generalized. This measurement difficulty should not, however, be taken to undermine the broader normative point defended throughout this study: whatever the precise magnitude of attributable harm in any given case, the design of a sanctions regime its exemptions, its listing procedures, its review mechanisms remains squarely within the control of the sanctioning authority, and is accordingly a matter of legal and political responsibility regardless of the precise econometric contribution of sanctions to any particular humanitarian outcome.

3.2 Proposed Solutions and Mechanisms to Reconcile Enforcement with Human Rights

- Strengthening humanitarian exemption clauses within sanctions resolutions themselves, and issuing clear, standing guidance to financial institutions to reduce the practice of defensive over compliance that currently restricts humanitarian financial flows beyond what the sanctions regime formally requires.¹
- Extending and further strengthening the Ombudsperson mechanism established for the Al Qaida Taliban sanctions regime to other Security Council sanctions committees that currently lack any equivalent independent review mechanism for listing and delisting decisions.²
- Improving the transparency of listing procedures by requiring, as a matter of standing Security Council practice, the disclosure to a designated individual of a non confidential summary of the reasons for listing, consistent with the due process concerns underlying the Kadi jurisprudence.
- Developing a systematic, periodic assessment of the humanitarian impact of ongoing sanctions regimes, comparable to the Oil for Food experience in Iraq, to be conducted independently of the political body that imposed the sanctions in the first instance.
- Encouraging the further development, within the UN Human Rights Council, of the normative and monitoring framework applicable specifically to unilateral coercive measures, including continued support for the Special Rapporteur's mandate and the elaboration of guiding principles on effective remedy for those harmed by such measures.³

¹Human Rights Council Resolution 58/4 (2025), paras. 2-4, calling for concrete measures to mitigate the impact of unilateral coercive measures on humanitarian assistance.

²UN Security Council Resolution 1904 (2009), establishing the Office of the Ombudsperson.

³OHCHR, Guiding Principles on Effective Remedy and Responsibility in the Unilateral Sanctions Environment.

- Establishing standardized, cross-regime humanitarian carve outs covering food, medicine, medical equipment, and the financial transactions necessary to procure them drafted in sufficiently precise and internationally consistent terms that compliance officers at private financial institutions can apply them with confidence, thereby reducing the incentive for defensive over compliance that currently undermines the practical effect of existing exemptions.¹
- Requiring sanctions-imposing authorities, whether the Security Council or individual States, to conduct and publish periodic, independent assessments of the humanitarian and human rights impact of sanctions regimes that remain in force for extended periods, on the model of the assessments that ultimately informed the Oil for Food reforms to the Iraq sanctions regime.
- Developing dedicated, simplified banking channels or humanitarian payment mechanisms comparable to arrangements piloted for certain jurisdictions in recent years through which humanitarian organizations and, where appropriate, ordinary commercial actors engaged in exempted trade can process transactions without exposing intermediary banks to undue secondary sanctions risk.²
- Strengthening the mandate and resources of the UN Special Rapporteur on unilateral coercive measures, including through enhanced country visit access and more systematic engagement with international financial institutions on the practical implementation of humanitarian exemptions.

None of these measures would eliminate the underlying tension between the enforcement function of sanctions and their human rights costs; that tension is, to some extent, inherent in any coercive instrument that operates by restricting a target's access to resources or relationships in order to compel a change in conduct. What the measures proposed above would achieve, if adopted cumulatively, is a narrowing of the gap between the sanctions regime's stated objective compelling compliance with international law and its practical humanitarian and due process costs, bringing the design of sanctions regimes closer to the proportionality that international law generally demands of any coercive measure taken in response to a violation of its norms.

A further dimension of reform concerns the accountability of the sanctioning authority itself for harm caused by a disproportionate or poorly designed sanctions regime. Under the general law of State responsibility, a countermeasure that is disproportionate, or that violates human rights or humanitarian obligations that countermeasures may never lawfully breach, is itself internationally wrongful, potentially engaging the responsibility of the sanctioning State toward the population, or

¹Compare the general licence approach developed in some national sanctions regimes for humanitarian trade, as discussed in OHCHR materials on over-compliance.

²Compare humanitarian payment channel arrangements discussed in OHCHR materials on over-compliance and de-risking.

the individual, harmed. In practice, however, avenues for such accountability remain underdeveloped there is at present no standing international mechanism through which the civilian population of a sanctioned State, or an individual wrongly or disproportionately designated, can seek reparation from the sanctioning authority for harm suffered, as distinct from seeking the more limited remedy of delisting or the lifting of the measure itself. Developing such an accountability mechanism, whether within the UN system or through the progressive development of customary international law on the responsibility of States for internationally wrongful countermeasures, represents an important, if institutionally demanding, direction for future reform.¹

4- Conclusion

It is clear that this research has revealed that international sanctions continue to be one of the most prominent means of enforcing laws available to the international community, but at the same time, they represent one of the greatest challenges to the proper balance of collective security and protection of basic human rights. Although Security Council sanctions receive their legitimacy in the light of the collective security regime provided by the UN Charter, both UN sanctions and unilateral sanctions created substantial legal problems with respect to humanitarian effects, procedures, and international human rights standards. The shift from comprehensive sanctions to targeted sanctions, along with procedural changes like the creation of the UN Ombudsperson system and the increased role of humanitarian exemptions demonstrates the fact that the international community has recognized the truth that it is impossible to separate the process of implementing sanctions from the rule of law. However, the mentioned improvements are not enough to fix all of the existing deficiencies in terms of due process, accountability, transparency, and preventing humanitarian harm to civilians. At the same time, the trend of using unilateral coercive measures raises serious legal issues.

The analysis, moreover, highlights the fact that the legitimacy of international sanctions cannot be judged solely through considerations of their political goals or success in affecting the behavior of States. Instead, it is contingent upon whether such measures are applied in compliance with the principles of international law, which include the need to justify necessity, proportionality, nondiscrimination, and the observance of international human rights. Thus, increasing procedural guarantees, securing appropriate humanitarian exceptions, reviewing independent oversight procedures, and improving the transparency of sanctions are necessary elements of any more legitimate sanctions framework. In the end, the future of international sanctions

¹International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001), Arts. 31 and 49-52, on reparation and the limits of lawful countermeasures.

does not depend on increasing their number, but rather on strengthening the legal protections that exist with respect to their imposition. It is only through such a sanctions regime based upon legality, accountability, and human rights that it can retain its legitimacy as an element of international law and its credibility within the international community of the collective security system provided for by the UN Charter.

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