

SUMMARY REPORT



Embargoes and international sanctions: Between Legality and Reality

1 February 2013



Faculté Libre de Droit, d'Economie et de Gestion de Paris
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Programme of the Symposium

- 13 h **Registration of participants**
- 13 h 30 *Welcome Speech*
Mr Jean-Pierre Audoyer
Dean of the Faculté Libre de Droit, d'Economie et de Gestion de Paris
- FIRST PANEL : LEGAL ISSUES**
(Moderator : Mr Pierre-Emmanuel Dupont)
- 14 h 00 *Keynote Speech*
International sanctions in a divided world
H.E. Mr Boutros Boutros-Ghali
Former Secretary-General of the United Nations
- 14 h 10 **The origins of international sanctions and embargoes**
Dr. Elie Hatem
Lawyer in Paris, lecturer et the Faculté Libre de Droit, d'Economie et de Gestion de Paris
- 14 h 20 **International sanctions and the non-proliferation of weapons of mass destruction**
Prof. Daniel H. Joyner (in English)
Professor of international law, Faculty of Law, University of Alabama (United States)
- 14 h 40 **International sanctions and the fundamental rights of States**
Prof. Alexander Orakhelashvili (in English)
Lecturer at the Faculty of Law of the University of Birmingham (United Kingdom)
- 15 h 00 **Targeted sanctions and respect for human rights**
Prof. Matthew Happold (in English)
Professor of international law, Faculty of Law, University of Luxembourg
- 15 h 20 **Unilateral sanctions and the collective security system**
Mr. Pierre-Emmanuel Dupont
Expert and consultant in public international law (Paris)
- 15 h 40 **The reactions of States to wrongful sanctions**
Prof. Antonios Tzanakopoulos
Lecturer at the Faculty of Law of the University of Oxford (United Kingdom)
- 16 h 00 **Questions and answers**
- 16 h 15 Break

SECOND PANEL : POLITICAL AND GEOPOLITICAL ASPECTS

(Moderator : Dr.. Elie Hatem)

- 16 h 30 *Keynote Speech*
The political aims of international sanctions
H.E. Mr Roland Dumas
Former French Minister of Foreign Affairs, former president of the Conseil constitutionnel
- 16 h 40 **The contemporary practice of international sanctions**
Mrs. Sabine Van Haecke-Lepic
Lecturer at Paris-Dauphine University, lecturer at the Faculté Libre de Droit, d'Economie et de Gestion de Paris
- 16 h 55 **Geopolitical consequences of international sanctions**
Dr. Aymeric Chauprade
Geopolitician, PhD in political science
- 17 h 10 **The efficiency of international sanctions: a case study**
Dr. Rouzbeh Parsi (in English)
Research fellow at the European Union Institute for Security Studies (Paris)
- 17 h 25 **International sanctions as military weapons**
Mrs. Anne-Marie Lizin
Honorary President of the Senate of Belgium; Vice President of the Plenary Assembly of the Organisation for Security and Cooperation in Europe (OSCE)
- 17 h 40 **What alternatives to sanctions?**
Mr. Jean-Pierre Vettovaglia
Former Ambassador of Switzerland to France
- 17 h 55 **Sanctions in the Middle East and the emergence of new axes**
Mr. Pierre Berthelot
Researcher at the Institut Français d'Analyse Stratégique
- 18 h 10 Questions and answers



Executive Summary

FIRST PANEL : LEGAL QUESTIONS

- While it is clear that sanctions are in reality adopted by political bodies rather than by judicial organs in a world where the law shall rule and regulate the relations within the international community, it is desirable that these political bodies which decide the implementation of sanctions define and delimitate the objectives of the latter in a prudent and objective fashion to avoid the hazards of political subjectivity and that these sanctions be only imposed in the respect of public international law, and in preserving those fundamental rights which cannot be derogated.
- Regarding sanctions adopted in the framework of Chapter VII of the United Nations Charter by the Security Council, it is to be observed that decisions of the Security Council remain subject to some extent to the limitations found in the Charter itself and the general principles of international law: in particular the principle de proportionality, the principle of discrimination between combatants and non-combatants, and the principle of a regular periodic review of sanctions programs.

- As regards unilateral sanctions, some argue that the right of States (or of regional organizations) to take countermeasures ceases when the Security Council has taken measures pursuant to Articles 41 or 42 of the Charter. Such doctrinal opinion is based on the primacy of the Security Council in the collective security system.
- Unilateral sanctions, since they qualify as countermeasures, shall respect certain conditions, both substantive (the main being: (i) a countermeasure shall be a measure in response to an unlawfulness ; (ii) only the injured State can take countermeasures against the responsible State) and procedural. If these conditions are not fulfilled, the unlawfulness of the action of the State concerned cannot be precluded. The action remains unlawful, which will allow the other State to take in turn countermeasures.
- Regarding ‘targeted’ sanctions, since the *Kadi* case, which has seen the ECJ upholding the necessity of judicial control over their imposition, there has been at the UN level a ‘tightening-up’ of the procedures for listing and delisting individuals. It is however unclear whether these reforms will be considered sufficient by the EU courts.
- Disobeying by way of countermeasures constitutes the only possibility of control of the Security Council by States admitted in a decentralized international legal order. If such possibility entails a danger for the efficiency of the system based on the UN Charter, it shall be contemplated to introduce balanced reforms in order to ensure the conformity of Council action with international law.

SECOND PANEL: POLITICAL AND GEOPOLITICAL ISSUES

- Despite the existence of some organisation at the international level, and in particular of the UN system, the practice of sanctions remains in reality at the State’s mercy. In this sense, each country applies sanctions unilaterally.
- International sanctions are a weapon against ‘non-aligned’ countries and for ‘regime change’.
- The mere mechanism of collective security is challenged in its substance by the proliferation of unilateral actions.
- The legitimacy crisis of the UN Security Council is reinforced by the frequent application of the ‘double standart’ rule. The Security Council indeed frequently

advocates different solutions for similar situations, depending on the particular interests of the permanent Member States of the Council, and this gives a certain taste of arbitrary to the decisions taken.

Summary of presentations

1. On 1 February 2013 was held in Paris, under the auspices of the Free Faculty of Law, Economics and Management of Paris (*Faculté Libre de Droit, d'Economie et de Gestion de Paris, FACO*), an international symposium on « Embargoes and international sanctions: between legality and reality », under the high patronage and in presence of H.E. Mr. Boutros Boutros-Ghali, former UN Secretary-General and of H.E. Mr. Roland Dumas, former Minister of Foreign Affairs of France. The symposium lasted for about five hours and was attended by about two hundred participants, among them many diplomats, academics, researchers and students.

2. The symposium was opened by **Mr. Jean-Pierre Audoyer**, dean of the Faculty, who delivered a welcome address to participants.

FIRST PANEL : LEGAL QUESTIONS

3. In his keynote speech on ‘sanctions in a divided world’, **H.E. Mr. Boutros Boutros-Ghali** observed that recourse to coercive measures or sanctions had increased within the international community during the two last decades. He noted that “since war is no more authorized except in very few cases, such measures are considered as a substitute to the use of force and thus as the only

‘The legal foundations and the political motives regarding the conditions of adoption and implementation of these measures should be reviewed and analysed in an academic setting’

alternative option”. Then he described the evolution of sanctions from the Peace of Westphalia to the adoption of the Charter of the United Nations, and underlined that in the framework of the provisions of Article 41 of the Charter, the stated objective of these measures is « to modify the behaviour of a party which threatens international peace and security, not to punish it nor to take reprisals against it ». He referred to the practice, parallel to that of sanctions enacted by the UN Security Council, of unilateral sanctions decided by a State or by a common decision of a group of States in the framework of regional

organizations, such as the recent measures adopted by the European Union, and stressed that many legal and practical issues were raised concerning adoption and implementation of sanctions. ‘The legal foundations, he emphasized, and the political motives regarding the conditions of adoption and implementation of these measures should be reviewed and analysed in an academic setting’. He referred to his own experience as Secretary-General of the United Nations (1992-1996), and noted that he had endeavoured so as to « clarify aspects relating to the implementation and application of international sanctions, by trying to establish a legal framework ensuring the efficiency of international sanctions ». In this context, he had tried to set up a roadmap to avoid the mismanagement of the sanctions’ objectives, hampering human and socio-economic conditions. He recalled that in his report entitled ‘Supplement to Agenda for Peace’, dated 1995 (A/50/60), he had proposed a ‘modification of the regime of sanctions aiming not only at rendering them more efficient but also and mostly to avoid the said drifts, which affect human rights and sanction civilian populations or third States ». He also underlined that ‘despite the adoption of a new regime of sanctions named *targeted sanctions*, the elements and the regime exposed in my above-mentioned 1995 report remain actual, in particular as regards targeted sanctions ». He deplored that the objectives of sanctions put in place in a specific way are not clearly defined. ‘Such combination of imprecision et legal insecurity, he stated, renders difficult to assess the moment when these objectives could be reached and, as a consequence, the sanctions be lifted. Thus, certain sanctions may appear without effect if not superfluous. Moreover, I recall that prudence is needed in the taking and the implementation of sanctions to avoid giving the impression that they are taken in a spirit of revenge, as a punishment, rather than aiming at a modification of illicit political behavior endangering international peace and security or to compel a State to abide by its international obligations’. In that respect, he stated that he shares the concerns reflected in the recent resolution of the UN General Assembly of 16 December 2009 (A/RES/64/115) which states that sanctions ‘should be carefully targeted in support of clear and legitimate objectives under the Charter and be implemented in ways that balance effectiveness to achieve the desired results against possible adverse consequences, including socio-economic and humanitarian consequences, for populations and third States’. ‘While acknowledging that sanctions are in reality adopted by political bodies rather than by judicial organs in a world where the law shall rule and regulate the relations within the international community, I wish that these political bodies which decide the implementation of sanctions define and delimitate the objectives of the latter in a prudent and objective fashion to avoid the hazards of political subjectivity and that these sanctions be only imposed in the respect of public international law’, and in preserving those fundamental rights which cannot be derogated. He recalled that priority should be given to the peaceful settlement of disputes by all means of negotiation and mediation, and that sanctions should only be imposed as a last resort when all pacific measures have proven useless, and in a balanced and proportionate way. In the case of sanctions taken in the framework of the so-called ‘countermeasures’, he underlined that they should not ‘be taken in an exacerbated way, for if so they would have the same consequences as the use of force by destabilizing the country targeted by these measures. Also, sanctions should not derogate from *jus cogens* by violating the principle of non-intervention, as affirmed in the rules and principles of public international law confirmed by the United Nations Charter’. Describing sanctions as a ‘blunt tool’, he stressed that they ‘raise the ethical question whether the suffering inflicted on vulnerable groups in a targeted country is a legitimate means to exercise pressure on the political elite of the said country. The question is whether these measures really affect the political

'It is almost certain that no application of unilateral counterproliferation sanctions to date has met all of the applicable legal requirements'

rulers or if they use the civilian population as an hostage to compel the rulers by turning public opinion against them. The experience has demonstrated, in that respect, that sanctions have unpredicted and unintended effects.

4. Dr. Elie Hatem (France) spoke of 'arm-wrestling between politics and law' regarding sanctions. For him, sanctions question the existence and efficiency of international law. He underlined that what is required is that law can delimitate these sanctions and their

modalities, and namely the conditions of the lifting of sanctions. His presentation was devoted to the historical development of international sanctions. At the origins, sanctions were most often under the form of embargoes, which, in the absence of any legal framework, were a tool for the rule of the stronger on the weaker. He then distinguished the concepts of embargoes, blockade, and boycott, and stressed the evolution which led to the United Nations Charter, which has delimited and prohibited recourse to force in international relations and, thus, has given a content to the conditions for having recourse to sanctions.

5. Professor Daniel H. Joyner (United States) focused on the relationship between international sanctions and the non-proliferation of weapons of mass destruction. Sanctions may be multilateral under the aegis of the Security Council, or enacted unilaterally (even where they are enacted by several States). In terms of efficiency, an authoritative study has shown that sanctions (either unilateral or multilateral) achieved success in changing target state behavior in the manner desired by the sanctioning states, in only thirty-four percent of cases. In cases where high political interests, such as national security (e.g. WMD nonproliferation), are involved, the likelihood of sanctions significantly affecting target state behavior in the desired way is even further diminished. Thus, in the cases of UNSC authorized sanctions against Iran and North Korea, where longstanding counterproliferation sanctions have not had the desired policy effect – even though their collateral effects upon the economy and the civilian populace, particularly in the case of Iran, have been severe - the sanctions program adopted by the UNSC now stands as a hindrance per se to a final resolution of the standoff between these countries and their Western detractors. In the case of Iran, the UN Security Council has ordered Iran to cease uranium enrichment – a fundamental element of a peaceful nuclear fuel cycle program. The economic sanctions that the Security Council has placed upon Iran are tied directly to Iran's compliance with this command, among others. We now know that any final resolution of the crisis regarding Iran's nuclear program will necessarily involve Iran keeping its uranium enrichment program. In this context, sanctions enacted by the Security Council raise a difficulty, since it is unlikely that the Security Council would ever rescind the sanctions it has applied, in the absence of Iranian compliance with its command regarding enrichment. It would be seen by some states on the Council as unacceptable for the Security Council to lose face in this way, notwithstanding the miscalculated and now failed nature of the Council's chosen program of action. However, without the lifting of these sanctions, there can be no final resolution to the crisis from Iran's perspective. Through this example, it appears that sanctions taken with a view to non-proliferation objectives can be not only inefficient, but also have the potential to become impediments per se to achieving desired policy aims. Examining then the legality of sanctions

related to non-proliferation, he questions the rules of public international law applicable to sanctions whether unilateral or multilateral. He stressed that there is a significant difference in analysis as between sanctions applied multilaterally under the mandate of the UN Security Council, on the one hand, and unilaterally applied sanctions on the other. In the framework of Chapter VII of the Charter, the Security Council can authorize action by UN member states that would otherwise be a violation of Article 2(4)'s general prohibition on threats and uses of force. Sanctions would appear to fall neatly within the Article 41 authority of the UN Security Council to authorize, among other things, 'complete or partial interruption of economic relations'. However, the decisions of the Security Council remain subject to some extent to the limitations found in the Charter itself and the general principles of international law. As shown by professor Michael Reisman in a 1998 article published in the *European Journal of International Law*, there exist indeed several rules limiting the exercise of sanctions in international law¹: the principle de proportionality, the principle of discrimination between combatants and non-combatants, and the principle of a regular periodic review of sanctions programs. Reisman's conclusion is that severe, coercive economic sanctions, given their potential destructive effect upon the economy and the civilian populace of the target state, should be understood to be subject to the restrictions of both the *jus ad bellum* and the *jus in bello*. Now regarding unilateral sanctions, unlike in the context of UNSC authorized sanctions, there is no enjoyment of an automatic exception from the prohibition of Article 2(4). Furthermore, there is an evolving – and many would say fully evolved – rule of customary international law that is reflected in the statements of the UN General Assembly, inter alia in the 1970 Declaration of Principles of International Law Concerning Friendly Relations, the 1974 Charter of Economic Rights and Duties of States, Resolution 44/215 (1989), and Resolution 66/186 (2011). This principle is a specific prohibition on unilaterally adopted economic sanctions, whose purpose is to coerce particularly developing states into making decisions or taking actions contrary to their independent sovereign will. Thus, in order to be lawful, unilateral counterproliferation oriented sanctions must either be justified by Article 51, or, possibly, by the general law of countermeasures. In conclusion, he observed that the rules of international law limiting the lawfulness of unilaterally applied, coercive economic sanctions, aimed at counterproliferation objectives, leave a vanishingly small window of lawfulness for such actions. Indeed, it is almost certain that no application of unilateral counterproliferation sanctions to date has met all of the applicable legal requirements. It is further unlikely that any will do so in the future.

6. M. Alexander Orakhelashvili (United Kingdom) devoted his presentation to the issue of relationship between sanctions and the fundamental rights of States, and focused in particular on United Nations and EU sanctions against Iran and Syria. From Vattel and Oppenheim onwards, the concept of fundamental rights of States has been identified with the ability, in the realm not covered by particular international obligations, to freely conduct foreign and domestic policies and protect and benefit their own population. Any interference with these fundamental rights is justified only on the basis clearly provided under international law. The UN and EU sanctions against Iran and Syria have certainly interfered with such fundamental rights of the two above States. Sanctions of these kinds raise the issues as to the relationship between countermeasures under the law of State

¹ V. W. M. Reisman, "The Applicability of International Law Standards to United Nations Economic Sanctions Programmes", *European Journal of International Law*, vol. 9 (1998), pp. 86-141.

responsibility and sanctions as collective security measures. The presentation highlighted what each of those kinds of measures can lawfully achieve and impact it can lawfully have. This issue runs into the danger of duplication of collective security efforts between the UN and the EU, which is ridden with risks of hampering the effectiveness of sanctions by inflicting damage on the target State's population without any adequate justification.

7. Professor Matthew Happold (Luxembourg) spoke (in English) on targeted sanctions and the respect for human rights. He explained that since the 1990s, there has been a shift from comprehensive to targeted sanctions. This has occurred at the United Nations, the regional and the national level. In particular, the practice now is to impose asset freezes and travel bans on listed persons. Targeted sanctions are now preferred for two reasons: (1) because comprehensive sanctions were seen as indiscriminate, hurting the 'innocent'; and (2) because they were also seen as ineffective, too easily avoided by the 'guilty'. At the UN level this development was accelerated by the attacks of 9/11. Al-Qaida not being a Government, it could only be pursued at the level of the group and those composing and supporting it, who were not to be found only within the territory of a single State. Famously, however, targeted sanctions imposed by the EU pursuant to Council resolution 1267 were successfully challenged before the EU courts in *Kadi*, where the ECJ upheld the necessity of judicial control over their imposition. The judgment has had effects at various levels. At the UN level, there has been a 'tightening-up' of the procedures for listing and delisting individuals; the establishment of a 'focal point' to which complaints can be made; and even the creation of an ombudsperson for complaints concerning listing under resolution 1267. Whether these reforms will be considered sufficient by the EU courts, however, remains to be seen. At the European level (and the EU Council has increasingly exercised its powers to impose sanctions on 3rd States), albeit that certain issues remain to be determined, the EU courts have developed a range of procedural requirements for persons to be subject to targeted sanctions: the giving of notifications and reasons; rights of the defence; the right to judicial protection (which has been held to entail that the courts can review the evidential basis of Council decisions). However, a crucial change of perspective has occurred since the early 1990s. The rights it was claimed comprehensive sanctions violated then were socio-economic rights (the right to food, the health, etc). The rights that the EU courts have sought to guarantee are procedural rights. Persons targeted tend to be leaders or financiers; persons of wealth and power. Of course, they enjoy human rights, as does any human being. However, concentration on their rights must not be at the expense of other, more vulnerable victims of sanctions regimes, a contemporary example being the impact financial sanctions imposed on Iran is having on access to medicaments in that country.

8. The presentation by **Mr. Pierre-Emmanuel Dupont** (France) was devoted to unilateral measures, and was illustrated by the case of the measures taken against Iran by the European Union and its member States in 2012, namely the comprehensive embargo on Iranian petroleum and gas. He stated that these measures, from the point of view of international law, raise first the issue of their legal qualification, of which depends the applicable legal regime. It can be thought first that these measures qualify as retorsion, since they are an 'unfriendly' conduct from the part of the State, and would not imply the violation of an international obligation of the State enacting sanctions *vis-à-vis* the target State. But in the case considered, there is little doubt that the measures referred to go beyond a conduct merely unfriendly, and that they lead for instance certain EU States

to violate obligations found in treaties in force with Iran (for example several bilateral investment treaties). One could thus think that the measures decided by the EU in 2012 shall rather be viewed as sanctions. That would raise the issue whether they are measures taken for implementation of UN Security Council resolution, or if they are ‘autonomous’ measures. In the case at hand, no Security Council adopted so far provides for a prohibition of imports of Iranian oil and gas. Therefore, the idea that the measures considered are implementation measures of the Security Council decisions is to be discarded. If these measures qualify as sanctions, these are ‘autonomous’ sanctions, and these belong to the legal category of countermeasures, whose legal regime has been clarified by the International Law Commission (ILC) in the course of its work on State responsibility for internationally wrongful acts. The ILC states that countermeasures are to be understood as measures taken against a State responsible for an internationally wrongful act, and they aim at coercing the State to abide by its international obligations. They are, according to the ILC, ‘limited to the non-performance for the time being of international obligations of the State taking the measures towards the responsible State’. The measures taken by the EU in 2012 implied indeed the non-performance of international obligations owed to Iran. They are seen by the EU as a response to an internationally wrongful act from the part of Iran, and they aim at coercing it to comply with its international obligations (namely to fully cooperate with the IAEA). He then stressed that in this case, it is unclear whether all procedural conditions for recourse to countermeasures have been complied with. More generally, he emphasized, the question arises whether and to which extent recourse to countermeasures is excluded since a dispute settlement mechanism exists and is used; indeed, in the case considered, one of these mechanisms, negotiation, is ongoing. Now regarding substantial conditions for recourse to countermeasures, he evoked four main points. First, the legality of recourse to countermeasures is conditioned by the effective existence of the alleged internationally wrongful act (in our case the reality of violations by Iran of its bilateral agreement with the IAEA, and of certain provisions of the Non-proliferation Treaty). He noted that several authors have expressed doubts on the effective occurrence of these violations, and that others underline that in any case, the final and authoritative determination of the existence (or not) of these violations would suppose that the dispute be subject to an international tribunal, for instance to the International Court of Justice. Second, countermeasures can only be taken by a State (or an international organization – the EU in our case) injured by the internationally wrongful act of the target State, and this requirement also raises difficulties in the case considered. Third, countermeasures, as stressed by the ILC, ‘must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question’. In the case studied, it is a priori unclear whether the measures taken (which are very comprehensive) are proportional to the ‘injury suffered’ by the EU regarding the alleged violation by Iran of its bilateral agreement with the IAEA or of the NPT. Fourth, there is a question whether one may have recourse to countermeasures with respect to situations which the Security Council is seized of. Divergent views have been expressed on this point. For certain authors, the fact that the UN Security Council has adopted measures in the framework of Chapter VII of the UN Charter does not in itself constitute an impediment to the taking of additional measures by States or regional organizations. For others, on the contrary, measures taken by the Security Council exclude the lawful resort to countermeasures. In favor of this interpretation one can invoke an analogy with self-defence in the face of an aggression, which under Article 51 of the Charter, is authorized only until the Security Council has taken measures necessary to the maintenance of international peace and security. Some

authors argue that a similar rule should apply to countermeasures. This scholarly opinion is based *inter alia* on the primacy of the Security Council in the collective security system.

9. Mr. Antonios Tzanakopoulos (United Kingdom) spoke on the issue of reactions by States to illegal sanctions. He first addressed the issue of reactions to unlawful countermeasures. He recalled that a countermeasure is, by definition, an act of a State in non-compliance with an international obligation of this State *vis-à-vis* another State. But the unlawfulness of this act is precluded to the extent that such act constitutes a countermeasure taken by an injured State towards the responsible State. However, countermeasures shall themselves conform to certain conditions, both substantive conditions (the main being the following : (i) a countermeasure shall be a measure in response to an unlawfulness ; (ii) only the injured State can take countermeasures against the responsible State) and procedural. If these conditions are not fulfilled, the unlawfulness of the action of the State concerned cannot be precluded. The action remains unlawful, which will allow the other State to take in turn countermeasures. It may be that the State which attempts to take countermeasures violates substantial conditions for recourse to countermeasures. For example, it may be that a State portrays the behavior of another State as a violation of international law but that such behavior be not actually unlawful. It may be also that the State targeted by unlawful countermeasures takes against the State having enacted these, its own countermeasures in reaction to these, which would potentially to an escalation of the conflict between the two States. In the end, these two States will be obliged to solve their dispute, either by way of negotiation, or by recourse to an international forum. The violation of procedural conditions entails the same consequences than the violation of substantive : the unlawfulness of the act of the State which does not comply with its international obligations by taking countermeasures cannot be precluded by invoking the countermeasures theory. He then turned to ‘general interest’ countermeasures, i.e. measures taken by States ‘others than the injured State’, that is to say by States indirectly injured by the violation of an obligation *erga omnes*. The ILC Articles on the responsibility of States do not take a defined position on the lawfulness of this kind of countermeasures. Article 54 of the ILC Articles avoids the question. The academic literature is divided on the lawfulness and the opportunity to allow ‘general interest’ countermeasures. In a second part, Mr. Tzanakopoulos focused on the reactions to unlawful ‘institutional’ sanctions. The United Nations Charter, i.e. the States, grants the Security Council the power to react to threats against international peace by the imposition of non-coercive measures pursuant to Article 41 of the Charter. The Security Council is empowered to take non-coercive measures in the framework of Article 41 of the Charter only after having determined the existence of a threat to the peace. The qualification of a factual situation as a ‘threat against peace’ is a qualification which entails legal consequences (here, the application of sanctions against the entity responsible for the threat to peace). It can be said that by its determination of a threat to the peace, the Security Council concretizes a general obligation arising from the Charter : the obligation not to threaten peace. Thus, the entities targeted by Sanctions of the Security Council, in particular the States targeted, have engaged their international responsibility. As is confirmed by the practice of the Security Council, measures taken under Article 41 of the Charter may thus truly be characterized as sanctions. So the question arises : can these sanctions be themselves unlawful ?

The United Nations, since it possesses international personality, has the capacity to violate international law. And if the organization violates its obligations, it engages its international responsibility. This is confirmed by international practice and recognized in the ILC draft Articles

on the responsibility of international organizations. In order to establish the responsibility of the UN for sanctions imposed by the Security Council, it is necessary to establish, on the one hand, that it is a fact attributable to the UN and, on the other hand, that this act violates the obligations of the organization. These two issues are quite complicated in themselves, but it may be briefly recalled that, the Council being one of the principal organs of the organization, its behavior is attributable directly and automatically to the UN. Thus, if such behavior violates international obligations of the UN and if no circumstance precluding wrongfulness comes into play, the responsibility of the organization may be engaged. The source of the international obligations of the UN is either the Charter (which imposes, for example, the obligation de to determine the existence of a threat to peace, or the obligation to respect the principle of proportionality in the context of measures adopted under Article 41) or general public international law (which impose, for instance, obligations of an imperative character (*jus cogens*) or the obligation to respect rules related to the protection of human rights).

Given the presumption of validity of acts of the United Nations, and since there is no organ explicitly empowered to make a finding on nullity or invalidity of the acts of the Security Council, his analysis is based on the assumption that the acts of the Security Council shall always be considered as valid and, as a consequences, as producing legal effects. Resolutions imposing sanctions are thus valid, but potentially unlawful. This entails as a consequence the responsibility of the UN. How could a State react to such unlawfulness? For UN member States, the main countermeasure is disobeying the Security Council. Since it does not execute a binding resolution of the Security Council, a member State violates the obligation found in Article 25 of the Charter. This measure, i.e. the act of disobeying, is foremost a measure limited to the non-performance for the time being of an international obligation of the State taking the measure towards the responsible organization. If it fulfils certain conditions, it could be considered as a countermeasure. In conclusion, he took the view that, if it may be admitted that the fact to justify disobeying the Security Council as a countermeasure admissible under international law is dangerous, insofar as it entails risks of instability, and is likely to threaten and undermine the Security Council and the collective security system, it shall however be admitted that the Council possesses a very comprehensive and insufficiently controlled coercive power. Disobeying by way of countermeasures constitutes the only possibility of control of the Security Council by States admitted in a decentralized international legal order. If such possibility entails a danger for the efficiency of the system based on the UN Charter, it shall be contemplated to introduce balanced reforms in order to ensure the conformity of Council action with international law.

‘Disobeying by way of countermeasures constitutes the only possibility of control of the Security Council by States admitted in a decentralized international legal order’

Recommendations

- (A) The guidelines advocated by the UN Secretary-General in his 1995 report entitled ‘Supplement to Agenda for Peace’, dated 1995 (A/50/60), for a modification of the regime of sanctions aiming not only at rendering them more efficient but also and mostly to avoid the said drifts, which affect human rights and sanction civilian populations or third States, shall be applied to ‘targeted’ sanctions.
- (B) Unilateral sanctions shall only be justified either in the context of Article 51 of the UN Charter (on self-defence), or, possibly, by the general law of countermeasures.
- (C) A reform of the Security Council, aiming at ensuring the conformity of its action with international law, appears highly desirable.

SECOND PANEL : POLITICAL AND GEOPOLITICAL ISSUES

10. In his opening speech, **H.E. Mr. Roland Dumas** stated that he considered international sanctions as « war without weapons ». Each country, he emphasized, looks for advantages and defends his interests, and those which appear as the most virtuous are not always such in reality. He observed that despite the existence of some organisation at the international level, and in particular of the United Nations system, the practice of sanctions remains in reality at the State’s mercy. In this sense, each country applies sanctions unilaterally. Two contemporary examples illustrate that observation. The first concerns sanctions on Iran : he notes the fact that France is the only European country which, in the name of sanctions, refuses to supply Iran Air aircrafts with gasoline, and in doing so it goes beyond the texts which prescribe sanctions. Another example concerns financial sanctions against Iran, enacted by the United States, in the name of which pressure is exercised on banks, including European banks, to compel them not to honour current transactions. He then underlined that sanctions in reality assault the civilian population, which is the first victim of sanctions, rather than the target State itself. For him this observations proves right in Iran as well as

‘International sanctions are a weapon against ‘non-aligned’ countries and for regime change’

in Syria. He also referred in that respect to the recent case of Libya. He concluded his speech with a call to realism, emphasizing the fact that international sanctions, even when enacted under the cover of international organizations, in reality serve particular interests.

11. Mrs. Sabine Van Haecke-Lepic (France) started her presentation with a reference to the ‘legitimacy crisis’ of the UN Security Council. She described the Council as a tool in the hands of the most powerful States. It would be desirable, in her view, that the Security Council be in a position to better represent today’s world : maybe it shall include emerging powers such as Brazil and India, for instance, and perhaps Japan and Germany. Such redistribution would have as a consequence to soften international tensions. It would also contribute to peace-keeping insofar as the seizure of power by certain States may feed frustrations. These frustrations lead to a reconsideration of the legitimacy of UN interventions and are such as to affect durably the powers of the UN as well as its mission. Mrs Van Haecke Lepic then underlined that the mechanism of collective security itself is hampered in its very nature by the proliferation of unilateral actions. These turn aside the veto rights of the Security Council. On the other hand, this legitimacy crisis is reinforced by the frequent application of the ‘double standard’ rule. The Security Council indeed frequently advocates different solutions for similar situations, depending on the particular interests of the permanent Member States of the Council, and this gives a certain taste of arbitrary to the decisions taken. If the UN Charter was really applied, certain situations would deserve particular attention from the part of the United Nations ; however, most of the time, enforcement and application of international sanctions depends upon the goodwill of permanent Member States of the Council and upon their particular interests (no action has ever been recommended against repression in Tibet or in Chechnya, for instance). She emphasized the fact that this legitimacy crisis bears directly on the difficult ‘reception’ of the various sanctions imposed inside the target States, as well as in neighbour countries. Indeed, how to respect sanctions imposed by States which power is challenged ? How not to take into account collateral damages of sanctions on populations, which reinforces feelings of oppression et injustice ? International sanctions often have perverse effect and lead most of the time to consequences of an exceptional gravity. Sanctions are likely to raise an humanitarian paradox: isn’t the aim of the United Nations to keep peace and to protect civilian populations ? Economic sanctions can throw target States into a situation of unprecedented economic and humanitarian distress: the case of Iraq constitutes evidence in that respect. These dramatic economic and humanitarian situations may be worsened by the diversions of funds related to programs designed to alleviate the effects of sanctions and their impact, to complete the paradox (e.g. the case of the ‘oil for food’ program in Iraq). Another consequence of international sanctions is a perverse effect which reinforces national cohesion around the targeted regime. Finally, she underlined the porosity between the notions of intervention and ingerence. The first concept is by essence one of the fundamental principles of the United Nations, and may be justified by the maintenance of peace (Article 39 of the United Nations Charter), while the second concept is prohibited by Article 2(4) of the Charter (‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations’), but ingerence is often implemented under cover of ‘human rights’ justifications. Finally, she put the question whether the fact to impose international sanctions is often a source of arbitrariness.

12. Mr. Aymeric Chauprade (France) challenges the qualification of sanctions as ‘internationales’. According to him, the international legal order, which purports to regulate power relations, is first and foremost the order of the 1945 victors, which is reflected in the composition of the permanent members of the Security Council. The notion of ‘international community’ reflects in

reality the will of the United States and of those States which follow them. The notion of ‘international community’ is a very vague concept, and for this reason Mr. Chauprade does not use it. Sanctions are not therefore in reality ‘international’ sanctions but rather ‘Western’ sanctions, which emanate foremost of the United States and their allies. By having recourse to sanctions, these use international law as ‘dressing of their power’. Therefore geopolitics asserts itself over international law, in the facts. International sanctions, thus in reality Western sanctions, are one of the many faces of interventionism, i.e. of aggression directed against a State sovereignty. The other faces being psychological warfare, subversive action (the speaker quotes the cases of Western assistance granted to insurgent groups in targeted countries, as well as cases of ‘targeted’ assassinations of Iranian scientists). He then undertakes an analysis of the effects of sanctions on Iran and on Syria. In these two instances, there is, according to him, an aggression against State sovereignty. But in these two cases the geopolitical consequences are different. Iran is a nation-state which possesses all assets needed to become in the 21st century the main power of the Islamic world (an identity rooted in an ancient history, demographics, an educated elite, and considerable energetic resources). By isolating this country, one reinforces in its elite the idea that ‘autonomous’ development solutions are needed (in the fields of nuclear energy, space, etc.). Iran is in reality currently achieving all this tout cela, thanks to sanctions. The embargo most certainly makes Iranians suffer and weakens their economy, most notably because of banking and financial sanctions. Access to means of payment are indeed a major problem for Iranians. But going beyond this observation, in fact sanctions reinforce Iranian cohesion and nationalism. Their effect is thus counter-productive for the United States and their allies. Now regarding Syria, the situation is somewhat different. The degree of national cohesion is lower, and the regime rests most notably on the Alawite minority. It seems however that the conflict in Syria cannot be adequately described in terms of opposition between the different communities. The Syrian insurgency is in reality an ancient problem, that of rebels linked to the Salafist ideology. He wonders whether Western officials have contemplated the hypothesis of the fall of the Syrian regime, and its foreseeable human consequences, likely to be tragical for Alawites and Christian Syrians. He observes that what unfolds in Syria is in reality a war between on the one hand a coalition involving the United States, the United Kingdom, France, Qatar and Saudi Arabia, and on the other hand an axis Russia-Iran-Syria. The stakes of this war are foremost related to petroleum and gas. The recent discoveries of offshore gas in the Eastern Mediterranean, notably off the coasts of Syria, are certainly one of the explanations of this war. This conflict has several faces : a war within Syria first, and a war between NATO and the Russia-China axis, as well as a Shia-Sunni war.

‘Sanctions reinforce the rulers and the cohesion of the population around the regime, and the search for autonomous development solutions’

13. Mr. Rouzbeh Parsi (France) stated at the beginning that he intervened in his personal capacity and not as representative of the European Union for whom he works, analyzing the foreign and domestic policy of Iran. His presentation was on sanctions against Iran. He stressed that it shall be distinguished between the efficiency of sanctions and their effect. If the effects of sanctions have been the object of in-depth analysis, their efficiency, i.e. their capacity to reach the objectives in the

name of which they have been enacted, proves a much more delicate question. If one aims at summarizing conclusions of empirical research works, it can be said that they evidence that sanctions for sure have effects, but that they are not efficient. In the case of Iran, sanctions have a very important effect on the economic situation, which is in itself – independently from sanctions – very bad since several decades. Sanctions in Iran render much more difficult the conduct of the economy. He then underlined that it is needed to look at the situation from the point of view not of the target – Iran – but of those which enact sanctions – in this instance the European Union. There are different kinds of sanctions in force against Iran : those of the United Nations, those of the United States and those of the EU. Some of them are targeted since they concern materials and technologies related to nuclear, as well as so-called ‘double-use’ goods. Other sanctions are related to human rights, and these are also quite targeted since they target certain personalities. There are no available data showing that personalities have actually been influenced by the fact of having been included on lists of persons targeted by sanctions. It seems that in some cases targeted persons are not even aware of the measure, and this raises the problem of the means to notify the measure to the targeted person. This is important insofar as sanctions have most notably an ‘announcement’ effect : the one who decides to implement sanctions thus proves his determination, as well as his disapproval of a certain behaviour. This is the reason why it is important that targeted persons be aware of the measure taken. If it is not the case, one may say that sanctions would merely have an ‘auto-therapeutical’ effect, and the announcement effect would be for ‘internal use’ only. Regarding recent economic sanctions on Iran, those implemented during the two last years, these may be compared to a ‘siege’ in the medieval sense. Indeed, they do not target entities or personalities only, but target the capability of Iran to interact with its environment, with the outside world. Mr. Parsi underlines that at this level, the perception of sanctions prevails, rather than law. He observes

‘if sanctions are a substitute to war, it appears that they are now often a substitute to politics’

indeed, for example, that many companies around the world, which could perfectly legitimately do business with Iran, refrain from doing so because of the perception they have of what the sanctions regime is, and by fear to expose themselves to costly lawsuits, particularly in the United States. As a result, in practice sanctions are going well beyond that is prescribed by the texts. Returning to the specific situation of the European Union, he recalled that in the 1990s, when the United States put in place the *Iran-Libya Sanctions Act*, whose application was

extraterritorial, the EU had reacted in a specific way by opposing itself to the fact that European companies subject themselves to this legislation. This is in striking contrast with the current situation, in that the EU now aligns itself on new american sanctions. The change is also visible at the diplomatic level. Diplomacy indeed is traditionally a means of communication, un tool for dialogue (in particular for dialogue directed at those whom are distant), not as a means to reward some and punish others. But in particular since 9/11, there is a trend in diplomacy to re-center on allies, which renders much more difficult the settlement of international conflicts. This represents a significant change in the concept of diplomacy itself. Such evolution has an incidence on the practice of sanctions. Indeed, if sanctions are a substitute to war, it appears that they are now often a substitute to politics. In this sense, they tend to become a kind of ‘orthodoxy’, whereas they complicate to a large extent the solution of international conflicts.

14. Mrs. Anne-Marie Lizin (Belgium) devoted her presentation to the question whether sanctions may be labeled “war weapons”. She started by noting that the UN had experienced an internal upheaval with the fall of the Soviet Union. The United States and their allies, in Europe and elsewhere, suddenly found themselves free to act. But this situation came to an end with the NATO Summit in Bucharest (2008), which saw the awakening of Russia namely on the military plane, regarding the issue of Georgia. Sanctions as they are used today, she argued, are a « pre-war weapon », in other words a « weapon designed to hide the intent to go to war ». On the issue of the power struggle within the Security Council, she observed that when a resolution is adopted, this supposes that it has at least three sponsor States, and two States which consider that they have more to lose by opposing themselves than to let the resolution pass even if they oppose it a priori. Small States which are non permanent members of the Security Council may thus be strongly constrained to follow the position of the United States on certain matters. She underlined in that respect that many European States, in particular new EU member States, are subject to a strong pressure from the United States. After that she evoked the birth and the structuration of the EU common foreign and security policy (CFSP), and the delicate character of the relationship between the CFSP and NATO, and spoke of « optimistic hypocrisy » about the way the United States « sell » sanctions to Europeans. The Europeans indeed take into account international law, and they think that sanctions do not necessarily lead to war. US officials regularly convince Europeans to enact sanctions by stressing the fact that sanctions will not lead to war, but rather are a means to avoid war. They persuade Europeans, either that sanctions will create unrest leading to regime change in the targeted country, or at least that sanctions will allow negotiations to proceed in better conditions. The United States obtain thus an agreement from the Europeans on implementation of sanctions ; the Europeans know that this will initiate a process likely to result in military action, and nonetheless they agree to it, while making clear that they do not intend to be involved in military action. She also underlined, from her experience with sanctions in Iraq, the fact that European governments disinterest themselves from the humanitarian consequences of sanctions in targeted countries.

15. The presentation by **Mr. Jean-Pierre Vettovaglia** (Switzerland) has been on the question of efficiency of sanctions, and on that of possible alternative solutions. He observed that no major study to date has been devoted by the UN to the issue of the impact and efficiency of sanctions. He mentioned that the *Watson Institute for international studies* of Brown University (USA), in the framework of the *Targeted Sanctions Consortium* (TSC) has conducted for several years (since 2009) a survey on these questions, and he gave some preliminary results of this survey. According to the TSC, sanctions are efficient in only 31% of cases, this figure including all categories of sanctions. Efforts aiming at imposing a change in behaviour through constraint are the less efficient with a success rate of only 13%. Those aiming at preventing the target from engaging into a prohibited activity are three times more efficient (42%), as those simply designed to stigmatize the violation of an international norm (43%). The most severe sanctions, he concluded, appear thus as the least efficient. And sanctions aiming simply to give notice or admonish a country are three times more efficient, however their rate of success does not reach 50% of the cases. Moreover, again according to the TSC, different experiences regarding sanctions do not duplicate the same results. Each sanction regime is unique and complex. Of so much that they are always applied along with other measures, and never in isolation. They should thus be evaluated and integrated into a global approach, which is uneasy. There are indeed unilateral US and other sanctions, including those of

the EU, which add to UN sanctions, which renders very complex the assessment of their impact from the beginning. UN sanctions remain targeted, except in Libya since 2011, but more comprehensive sanctions, unilateral and regional, lead to confusion, complicate things and weaken UN sanctions. The coordination of sanctions within the United Nations system remains a very important issue, and an unresolved one, which diminishes the efficiency of sanctions. The TSC has indeed shed light on the importance of the sequencing and of the timing of sanctions. Preliminary results of the TSC survey show that embargoes on weapons are the least efficient of all sanctions, insofar as they are not accompanied by sanctions on raw materials. Sanctions on the trade of diamonds, on the contrary, have proven efficient. Generally, the result of the survey show that the belief that financial sanctions would not affect the daily lives of the population, which would only target responsible officials of the target States, and which would avoid leading to enrichment of the ruling class, belongs to utopia. The most efficient sanctions are those which are evoked but not implemented. What alternatives to sanctions ? Mr. Vettovaglia points out in turn to (1) negotiation, (2) mediation, (3) the ‘democratization’ of international relations, (4) God (and religion), as well as the concept of peace brokered by ‘exceptional’ Statesmen on both sides of the conflict, (4) the impact of the economic crisis (and the fact that trade shall be preferred to sanctions), (5) the fact that in some cases, doing nothing may be the best solution, and (6) what he names « imagination in power » (Nixon’s table tennis). In conclusion, he took the view that an alternative to sanctions may be a multipolar world, for the best and the worst, where national sovereignties could experiment a new ‘Spring’ away from the Washington consensus, hasty requirements for democracy and human rights, hasty requirements for free and fair elections in contexts which do not allow for that, with less opportunities for interventionism and more real solidarity and true equilibriums in world exchanges.

16. Mr. Pierre Berthelot (France) has studied, in a context characterized by recourse to sanctions, the phenomenon of emergence of new axes. He has first defined axes as structures more flexible than alliances, which are more restrictive (he quoted the case of NATO). He made reference to the getting closer of Euro-asian powers, which is evidenced by the growing influence of the Shanghai Cooperation Organization (SCO), within which Russia and China appear as heavy-weights, but which also cooperates with other States, including Iran. It appears clearly that the SCO has the will to follow its own political line, in an autonomous way, and has for instance adopted a very balanced position regarding the Iranian “crisis”. Another instance of emergence of new axes is the one he names ‘South-South’ partnerships. For example, the proposition for a settlement of the Iranian nuclear conflict put forward jointly by Brazil and Turkey. According to him, it is the first case in history of an intervention, on such scale, of emerging powers in one of the major international issues. Such event appears, to some extent, as a consequence of sanctions. In this context, he states, France, if it is without contest currently involved in the « Western » side, could however regain a more important role on the international plane, for instance if it adopted a more nuanced position on sanctions than its traditional allies do.

Recommendations

- (A) States foreseeing recourse to aux sanctions shall take into account their side effects, as identified in the various cases of application of sanctions during the last decades, and namely of collateral damages of sanctions on the populations, reinforcing the feelings of oppression and injustice and therefore national unity around the targeted regime.
- (B) The Europeans shall question the validity of the argument according to which sanctions will create unrest leading to regime change in the targeted country, or at least that sanctions will allow negotiation to proceed in better conditions ; the experience demonstrates indeed that the implementation of sanctions initiates a process likely to lead to military action, to which European countries do not *a priori* wish to take part.
- (C) In a context of emergence of new axes and the development of new of new ‘South-South’ partnerships, France today has an opportunity to regain a more important role on the international plane, provided that it adopts a more nuanced position on the issues of sanctions than its traditional allies do.

Biographies of speakers

H.E. Mr. Boutros Boutros-Ghali has been the sixth Secretary-General of the United Nations (1992-1996), after having been Vice-Prime Minister of Egypt in charge of foreign affairs, and State Minister for foreign affairs. A diplomat, lawyer, academic and author of numerous works, Mr. Boutros-Ghali has a strong experience in international affairs. As a diplomat, he has been involved in the negotiation of the Camp David Accord signed by Egypt and Israel in 1979, and has led many times the Egyptian delegation at meetings of the Organization of African Unity (OAU), of the Non-Aligned Movement, as well as during sessions of the General Assembly of the United Nations. As a lawyer, he has been a member of the UN International Law Commission from 1979 to 1991, and is a member of the Curatorium of the Hague Academy of International Law since 1978.

Dr. Elie Hatem is a lawyer admitted to practice before the French courts, holds a PhD, and teaches at the *Faculté Libre de Droit, d’Economie et de Gestion* of Paris. He has taught public international law and international relations at Boston University and at Paris XI University. He is the author of books on legal issues (among them « *La question chypriote : approche et perspectives juridiques* », « *L’Etonnante Suzanne Labin : sa vie, son œuvre, son message*») and of legal and political articles in general as well as specialized journals. He has advised politicians and heads of States. He is Officer of the *Ordre du Cèdre* and knight of the *Ordre des Palmes Académiques*.

Mr. Daniel H. Joyner is professor of international law at the Law Faculty of the University of Alabama (United States). He is the author of *International Law and the Proliferation of Weapons of Mass Destruction* (Oxford University Press, 2009), and *Interpreting the Nuclear Nonproliferation Treaty* (Oxford University Press, 2011). He is co-editor (with Marco Roscini), of *Nonproliferation Law as a Special Regime* (Cambridge University Press, 2012). He is a member of the Committee on Nuclear Weapons, Non-proliferation and Contemporary International Law of the *International Law Association*.

Professor **Alexander Orakhelashvili** is lecturer at the Law Faculty of the University of Birmingham (United Kingdom), after having taught public international law and the law of armed conflict at the universities of Cambridge, London and Oxford. He has acted as counsel on issues of international law in the context of proceedings before British and U.S. jurisdictions. He is the author of several remarked works, including *Peremptory Norms in International Law* (Oxford University Press, 2006), *The Interpretation of Acts and Rules in Public International Law* (Oxford University Press, 2008), and most recently *Collective Security* (Oxford University Press, 2011), an important contribution on the architecture of the collective security system arising from the UN Charter.

Professor **Matthew Happold** teaches public international law and international human rights law at the Law Faculty of the University of Luxembourg. He has previously taught at the universities of Hull, Nottingham and Sussex, and has worked at the Office of the Prosecutor of the International Criminal Court. He has published, among other works, *International Law in a Multipolar World* (Routledge, 2011) and *Child Soldiers in International Law* (Juris Publishing, 2005).

Mr. Pierre-Emmanuel Dupont, a graduate at the universities of Nantes and Paris XII (France), is a lawyer, expert and consultant in public international law (Paris), for States as well as public and private entities. Author of numerous articles, he is a member of the Committee on Nuclear Weapons, Non-proliferation and Contemporary International Law of the *International Law Association*, and has recently published a study on the interaction between unilateral sanctions and the collective security system in the *Journal of Conflict & Security Law* (2012).

Professor **Antonios Tzanakopoulos** is a lecturer at the Law Faculty of the University of Oxford (United Kingdom). He has studied at the universities of Athens, New York and Oxford, and has taught at the universities of Glasgow, London and Paris X. He is a lawyer at the Athens, and has appeared in many international contentious cases, including before the International Court of Justice, EU jurisdictions, and ICSID as well as *ad hoc* arbitral tribunals. His main work, *Disobeying the Security Council*, has been published by Oxford University Press in 2011.

H.E. Mr. Roland Dumas is former Minister of Foreign Relations (1984 to 1986) and Foreign Affairs (1988-1993) of France, under the late President François Mitterrand, after having been many times MP and member of the Socialist party. He has also been President of the French *Conseil constitutionnel* from 1995 to 2000. He is the author of several books, the latest being « Coups et blessures », published by the Cherche-Midi publishing house in 2011.

Mrs. Sabine VAN Haecke-Lepic is a lecturer at the University of Paris-Dauphine in the Master Bank-Finance-Insurance. She also teaches law at the *Faculté Libre de Droit, d'Economie et de Gestion de Paris*. She is the author of international law articles.

Mr. Aymeric Chauprade is a writer, political scientist and a geopolitician, rooted in the « realistic » school of thought. He holds a PhD in political science of the Paris Descartes University, is a graduate of Sciences Po Paris, holds a diploma in mathematics as well as a post-graduate degree in international law. He is a lecturer at the Neuchâtel University (Switzerland), and is a visiting lecturer at the *Collège royal de l'enseignement militaire supérieur* of the Kingdom of Morocco. He is the director of the *Revue française de géopolitique* and of several collections (book series) for Ellipses editions in Paris. He has taught at the *Collège interarmées de défense* (CID) of the French military since 1999 and was director of the geopolitical course from 2002 to 2009. He is the author of numerous books and various geopolitical articles.

Mr. Rouzbeh Parsi is a Research Fellow at the *European Union Institute for Security Studies* in Paris. He holds a PhD in history from the Lund University (Sweden) and a degree in history from the Uppsala University (Sweden). He has taught at the Department of Interdisciplinary Human Rights Studies at Lund University. He is a specialist of geopolitical and security issues focusing inter alia on Iran, Iraq and the Persian Gulf. He is the author of various publications, and has devoted several studies to the Iranian nuclear program.

Mrs. Anne-Marie Lizin is the honorary President of the Senate of Belgium. She is a former Secretary of State of Belgium for European affairs (1988 to 1992). Since then she has been Senator, President of the Foreign Affairs Commission of the Belgian Senate, of the Control Commission of the Belgian intelligence services, and President of the Senate until 2007. Since 1971, she has been involved in the domestic policy of her country. She has been Mayor of her town for 26 years, Vice-president of the Parliamentary Assembly of the OSCE since 2004, as well as independent expert for the Human Rights Commission in Geneva. She is an active member of the ICMEC (International Centre for Missing and Exploited Children), a US NGO, a member of the Board of the Alexandria library, and member of the Board of a Swiss NGO (EHTN : End Human Trafficking Now) ; she heads the Hocrint coalition against forced marriages and honour crimes within the International League for Women's Rights. She is a founding member of CF2R.

Mr. Jean-Pierre Vettovaglia is a former Ambassador of Switzerland to France (1988-2007), a former representative of the President of the Swiss Confederation to the Francophonie in Paris (2000-2007). A specialist of multilateral international relations, having worked at the United Nations in New York, Geneva (ILO, WHO, etc), Vienna (IAEA, ONUDI, etc) and Paris. He has been a member of the Board of the *Agence universitaire de la Francophonie*, Vice-President of the Board of the Senghor University of Alexandria. He is the author of various publications, for instance « Médiation et facilitation dans l'Espace Francophone : Théorie et Pratique » (Bruylant, 2010), « Démocratie et Elections dans l'Espace Francophone » (Bruylant, 2010), etc. He is currently administrator of a bank and is the director of a series at Bruylant/De oeck publishers (Brussels). He is a knight of the Légion d'Honneur Order, a knight of the Ordre de la Pléiade, and has been awarded the Great Gold Medal of the City of Paris.

Mr. Pierre Berthelot holds a diploma in public international law, a PhD in arab and muslim studies and teaches international negotiation at the *Faculté Libre de Droit, d'Economie et de Gestion* of Paris. He is a Research Fellow at the *Institut Français d'Analyse Stratégique*, as well as at the *Fondation Méditerranéenne d'Etudes Stratégiques*. He is a frequent contributor to various publications (*Géopolitique africaine, Géostratégiques, Confluences Méditerranée, Maghreb-Machrek ...*). He is a member of the Water Academy.

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