Sanctions committees have been established to improve the effectiveness and the efficiency of sanctions imposed by the UN Security Council, in particular when dealing with non-State actors. These committees share the Council's character as political organs; however, over time they have acquired normative and administrative powers as subsidiary organs of the Council. Apart from selecting specific targets of UN SC sanctions these powers have contributed to improving the fairness of sanctions regimes. Having gradually obtained a role in implementing procedural safeguards to respect the rights of non-State addressees of sanctions and to avoid arbitrary decisions, sanctions committees have to some extent compensated the lack of judicial control over such listings. In sum, sanctions committees enhance the fairness of sanctions regimes but do not serve as a review mechanism in light of human rights standards. They remain political, though embedded in a law-like procedural framework.

Keywords

sanctions committee – smart sanctions – targeted sanctions – human rights – judicial review – fairness

1 Introduction

Sanctions committees have been established to facilitate the administration, monitoring and implementation of sanctions imposed by the UN Security Council.¹ Normally, sanctions committees are tailor-made subsidiary bodies of

¹ For an early account see P. Conlon, 'Lessons from Iraq – the Functions of the Iraq Sanctions Committee as a Source of Sanctions Implementation Authority and Practice', 35 Virginia Journal of International Law (1995), p. 633. For a general overview and for insights into the
the Council, set up to serve the particular sanctions regime adopted.\textsuperscript{2} As a matter of routine, they are easy to identify by the number of the resolution on the basis of which they were created.

Over time two major shifts in the roles performed by these committees can be identified:

First, initially sanctions committees managed economic sanctions directed against States; with the increasing move towards targeted or smart sanctions, their focus shifted towards individuals.\textsuperscript{3}

Second, sanctions committees moved from effectiveness to fairness and from mere administration to rule of law-based governance. This reflects the growing concern about human rights implications of targeted or smart sanctions.\textsuperscript{4}

In the following, this chapter will highlight the institutional setting of sanctions committees, discussing their legal basis, their composition, and their mandates; furthermore, it will provide an overview of human rights-related practice of sanctions committees and critically review their contribution in so far. The main hypothesis is that sanctions committees enhance the effectiveness and the fairness of sanctions regimes but do not (and perhaps will never) serve as a review mechanism for sanctions regimes in light of human rights standards. They remain political, though embedded in a quasi-judicial procedural framework.

2 Legal Basis

On 29 May 1968, as part of UN SC resolution 253 (1968) on Southern Rhodesia, a sanctions committee was established. According to para. 20 of UN SC resolution 253 (1968), the committee was established “in accordance with rule 28 of the provisional rules of procedure of the Security Council”. Rule 28 simply

\textsuperscript{2} The Council’s basis for the creation of subsidiary organs is Article 29 of the UN Charter: “The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions”.
