

## Swedish State Practice 2004–5: United Nations Targeted Sanctions

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United Nations targeted sanctions are international coercive measures ordered by the UN Security Council under Chapter VII of the UN Charter for the maintenance of international peace and security. They are intended to focus pressure on individuals in positions of power or influence while sparing civilian populations. As Chapter VII measures, targeted sanctions are binding on all UN member states. The category includes notably asset freezes and travel bans. Typically, the measures are directed against individuals by way of a blacklist, compiled by a Sanctions Committee appointed by the Security Council to manage the sanctions regime in question.<sup>1</sup> Exemptions may be granted on humanitarian grounds, e.g. for living expenses. No legal remedy against decisions by the Sanctions Committee is available to blacklisted persons. The blacklisted individual's national state may exercise diplomatic protection and appeal to the Sanctions Committee for de-listing, but the decision to de-list is at the Committee's discretion. Targeted sanctions have been prominent in the practice of the Security Council since the late 1990s, replacing comprehensive trade embargoes as the main form of international pressure. Presently, UN targeted sanctions are in force against Cote d'Ivoire, Democratic Republic of the Congo, officials of the former Iraqi regime, Liberia, Sierra Leone, the Sudan, Syria and al-Qaeda.<sup>2</sup> The Swedish Government has consistently supported the shift from comprehensive sanctions, as used e.g. against Iraq during the 1990s, to targeted sanctions in Security Council practice. However, as pointed out not least by the High-level Panel on Threats, Challenges and Change, targeted sanctions are in need of some improvement, both with regard to effectiveness and adequate standards of legal certainty.<sup>3</sup>

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<sup>1</sup> This procedure distinguishes targeted sanctions proper from measures taken under Security Council resolution 1373 (2001), which are managed by states.

<sup>2</sup> See the Security Council Sanctions Committees' homepage for details, [www.un.org/Docs/sc/committees/INTRO.htm](http://www.un.org/Docs/sc/committees/INTRO.htm).

<sup>3</sup> *A More Secure World: Our Shared Responsibility*, Report of the High-level Panel on Threats, Challenges and Change, UN Doc. A/59/565, 2 December 2004, para. 178 *et seq.*

In the years 2004 and 2005 the Swedish Government has focused on following up the Stockholm Process on the implementation and monitoring of UN targeted sanctions, and especially its 'shadow' attendant project to strengthen the legal safeguards.<sup>4</sup> The question of legal safeguards, arguably the most pressing aspect of targeted sanctions at this juncture, was for political reasons not made part of the Stockholm Process as such.<sup>5</sup> Hence, the efforts of the Swedish Government in this regard are less well publicized.<sup>6</sup> In its foreign policy, the Swedish Government has, however, paid particular attention to issues regarding legal safeguards, such as criteria for listing, procedures for de-listing and possibilities for review of decisions. The Final Report of the Stockholm Process, entitled *Making Targeted Sanctions Effective*, was presented to the UN Security Council on 25 February 2003.<sup>7</sup> The follow-up has included i.a. a sanctions workshop at the Watson Institute of Brown University, USA in July 2004, with participants representing member states of the UN Security Council and other concerned states.<sup>8</sup> The Stockholm Process complemented the earlier Interlaken and Bonn-Berlin Processes, which had dealt with various issues regarding financial sanctions, travel sanctions and arms embargoes, and been sponsored by the Swiss and German Governments respectively.<sup>9</sup> At a seminar on UN sanctions organized by the Presidency of the European Union in New York on 22 March 2005 Sweden, among others, drew particular attention to the need for a review procedure accessible to blacklisted individuals.

Since the implementation of UN targeted sanctions takes place predominantly through the organs of the European Union, the Swedish Government has endeavoured to push the issue of legal safeguards within the EU. For example, Sweden has taken active part in the efforts to revise the EU Guidelines on implementation and evaluation of sanctions and EU Best Practices on targeted sanctions, which were successfully completed in late 2005.<sup>10</sup> On the national level, a parliamentary committee has been appointed to review the Swedish Sanctions Act, in order to make it better adapted to international law in the field.<sup>11</sup> The Committee Report, SOU 2006:41, was

<sup>4</sup> See e.g., *Sverige och FN* [Sweden and the UN], 20 September 2005, available at [www.regeringen.se/sb/d/2558/a/13844](http://www.regeringen.se/sb/d/2558/a/13844).

<sup>5</sup> I. Cameron, *Report to the Swedish Foreign Office on Legal Safeguards and Targeted Sanctions*, 2002, available at [www-hotel.uu.se/juri/sii/index.html](http://www-hotel.uu.se/juri/sii/index.html).

<sup>6</sup> See, however, E. Miller, 'The Use of Targeted Sanctions in the Fight against Terrorism – What about Human Rights?', 97 *ASIL Proc.* (2003) pp. 46–51. Ms. Miller is General Counsel to the Swedish Mission to the United Nations.

<sup>7</sup> For the discussions in the Council, see UN Doc. S/PV.4713, 25 Feb. 2003. For the Report of the Stockholm Process, see [www.smartsanctions.se](http://www.smartsanctions.se).

<sup>8</sup> See [www.smartsanctions.se](http://www.smartsanctions.se).

<sup>9</sup> See [www.smartsanctions.ch](http://www.smartsanctions.ch) and [www.smartsanctions.de](http://www.smartsanctions.de).

<sup>10</sup> See [europa.eu.int/comm/external\\_relations/cfsp/sanctions/index.htm](http://europa.eu.int/comm/external_relations/cfsp/sanctions/index.htm). The revised version of the Guidelines is not yet available on-line however.

<sup>11</sup> Utrikesdepartementet, Dir. 2005:34.