

The Concept of Smart International Sanctions

Aras Abdullah Najmaldeen¹, Dr. Husam Abdul Ameer Khalaf²

Abstract

The issue of analyzing the nature of smart international sanctions as a concept developed for traditional economic sanctions is linked to a number of elements that make understanding it one of the most important issues with regard to determining the legal basis on which these sanctions are built, on the one hand, and on the other hand, clarifying the conceptual framework for smart international sanctions. This would explain the basic motives for which this type of measure was adopted instead of comprehensive international sanctions. These sanctions avoid negative effects that could affect vulnerable social groups or civilian populations, given that what distinguishes smart international sanctions is that they are based on smart strategic targeting towards individuals, political systems, or non-state entities, and therefore it becomes necessary to analyze the special theoretical framework. To clarify the difference between it and other measures that could lead to a comprehensive restriction of basic human rights.

Keywords: *Smart sanctions, international efforts, maintaining international peace and security, the United Nations Charter.*

Introduction

Theoretically, the concept of smart international sanctions differs from traditional ones in two fundamental respects: The first is the results that result from this type of sanctions. Smart ones are more capable of achieving compliance with the provisions of international law through the pressure they exert on the target groups, as this pressure includes a group of types, the most prominent of which is pressure. Political at the international level, which is represented in isolating the target group from the international community. It also includes economic pressure by reducing the funding outlets for the targeted group, which would limit the ability of this group to continue in behaviors that violate international law and that cause a threat to international peace and security.

On the other hand, the design of smart international sanctions is far from comprehensive in application and begins by identifying the political elites responsible for the violations, and then comes the process of choosing the methods through which they are directly targeted, and thus the hardship on the general population, especially the most vulnerable groups, can be alleviated.

Clarifying the concept of smart international sanctions is linked to analyzing the design of the practical methodology through which the structure of these sanctions is built and implemented in accordance with the legal framework regulating them, so that they are directed towards targeting people and officials who commit acts or behaviors that violate

¹ University of Baghdad, College of law, Iraq, Araas.abdullah1104a@colaw.uobaghdad.edu.iq

² University of Baghdad, College of law, Iraq, dr.hussam@colaw.uobaghdad.edu.iq

international peace and security on the one hand, and protect the rights of innocent people from harm. the other side.

First - the importance of research:

The importance of this research is highlighted by explaining the concept of smart sanctions, the variables that affect their design and planning, as well as its attempt to define the sources and goals that smart sanctions seek to achieve and maintain.

Second: The research problem:

The research problem lies in the extent to which there is a clear and specific definition of smart sanctions in international law.

Several sub-questions arise from this main problem, including:

- 1- What is the concept of smart international sanctions?
- 2- What is the difference between smart international sanctions and comprehensive economic sanctions?
- 3- What are the types of smart international sanctions?

Third: Research plan

We will divide this research into two requirements, where we devote the first requirement to studying the definition of smart international sanctions, while we devote the second requirement to studying the types of smart sanctions.

The first requirement: Definition of smart international sanctions

Returning to the international legal texts that are considered an objective basis for imposing economic sanctions as a punitive measure in the event of a breach of international peace and security or the presence of a serious threat to them, it can be said that there is no specific definition of smart international sanctions within the framework of the United Nations, nor is there any international agreement that may Identified the conceptual framework for this type of sanctions or the procedural methodology through which it can be imposed or applied.

Despite this, many studies and legal research have clarified the main concept of smart international sanctions based on a number of elements, most notably the target groups of imposing these sanctions or relying on the negative consequences that result from traditional economic sanctions, as international legal jurisprudence indicates in the framework of Clarifying the concept of smart international sanctions as a set of coercive pressures targeting those responsible for illegal acts from the point of view of international law, and targeting those responsible for decision-making, companies and entities that control this decision in a particular country..

Smart international sanctions are also defined as “one of the types of international sanctions that involve sanctions that are imposed collectively, without fragmentation, and target precisely defined groups away from the state, including elites responsible for violations of international law or aggressive policies within a particular state by cutting off the means by which It provides them with a practical basis to continue these hostile policies by freezing their financial assets, restricting their international movements, and isolating them from the international environment, and at the same time seeks to avoid the negative effects that affect social groups of the civilian population and try to remove suffering from them.” Some consider that smart international sanctions have humanitarian goals, given that they exclude civilians from any negative consequences that may affect their rights. Others consider these sanctions to be an international political tool, regardless of the impact they could cause on civilians. In addition, protecting public places and property during international armed conflicts as civilian property, such as places of worship and schools from the perspective of international regulation, smart sanctions

include selective and targeted sanctions. Selective sanctions are those that include restrictions imposed on specific products or financial flows, such as an arms embargo, while targeted sanctions are those that focus on some groups or individuals in the targeted country, such as a travel ban on specific individuals.

Smart international sanctions are also defined as “measures taken by a state alone or in conjunction with another state in response to an unacceptable approach or behavior by another state.” While some define this type of sanctions as focusing coercive pressure on those responsible for violations while minimizing unintended negative effects, such that the means of pressure target the decision-making process, political elites, and non-state entities to bring about changes in behavior that violates international law.

It should be noted from a practical perspective that the analytical review of the concept of economic sanctions within the United Nations Charter does not reveal the concept of smart international sanctions, given that the concept of smart includes the formulation and implementation of these sanctions on the one hand, and is related to the necessity of avoiding the negative consequences of traditional economic sanctions. Therefore, based on this matter, it is necessary to clarify the characteristics and justifications for this type of sanctions compared to traditional sanctions in light of the legal framework of the United Nations Charter and the practical efforts to establish the concept at the present time. We will review this issue in two sections:

Section One: Characteristics and justifications for smart international sanctions

Section Two: International efforts to establish this concept

Section One: Characteristics and justifications for smart international sanctions

Smart international sanctions are united with their traditional counterparts in the issue of the goal for which they are decided by the Security Council, which is the process of maintaining international peace and security in the event of any threat to them as a result of any actions or behaviors that may be issued by one of the member states of the United Nations.)From a technical standpoint, it can be said that smart international sanctions are a fairly advanced concept as it relies on research, auditing, and measuring results. This includes creating an experimental practical study of the results that are expected to occur before imposing them, in order to achieve a high possibility of harming those responsible for the illegal policy and those who make it. decision and restrict their activities.

Clarifying the concept of smart international sanctions is linked to the international legal framework that explains its substantive and procedural elements. Returning to the United Nations Charter of 1945 reveals the specific nature of economic sanctions as a punitive measure in general.)While smart sanctions that target leaders and members of the political elite or that target non-state entities are based on behavior that violates the provisions of international law in relation to maintaining international peace and security, such that these sanctions are lifted when that violating behavior disappears.)Some people link the characteristics of non-state entities, especially terrorist organizations, with the characteristics of the smart sanctions that the Security Council imposes on them, as these sanctions are considered among the most important deterrent measures that the Security Council applies in a way that is consistent with the characteristics of modern terrorist organizations, given that they are difficult to distinguish from states. Oversight and expansion of the scope of its activities that threaten international peace and security..

Therefore, smart international sanctions represent international measures carefully directed to achieve the objectives of maintaining international peace and security in the event of serious threats resulting from actions or practices that undermine international peace.)It targets specific and narrow interests linked to the ruling regime in a particular country or the targeted entities in order to avoid any negative effects or consequences that may affect innocents and vulnerable groups of the civilian population.

First: Characteristics of smart sanctions

From a practical standpoint, and by analyzing the above, we find that smart sanctions, in their advanced concept, are distinguished by several characteristics that can be considered a basic rule in the formation of smart sanctions:

1. **Intelligence characteristic:** Intelligence is considered a distinct element within the scope of this type of sanctions according to the advanced concept, and this matter carries a major significance, which is strategic targeting. It can be said that the latter is based on a practical plan being prepared to determine what will be targeted through economic sanctions, and therefore the results will be more positive in achieving a main goal of transforming the behavior of the targeted groups and cutting off all means that enable these groups to implement their strategy based on violation of international law. Thus ensuring the maintenance of international peace and security.
2. **Proportionality property:** What distinguishes smart international sanctions is their abandonment of the concept of comprehensiveness, and this element is a logical result of working according to the strategic targeting methodology. Traditional economic sanctions bear a completely comprehensive nature for the state and thus affect society and the civilian population and innocents alike, so precision in the formulation and design of economic sanctions is important. in an intelligent and proportionate manner that neutralizes social groups from the negative effects of these sanctions.
3. **Efficiency characteristic:** As a result of applying smart logic in targeting in accordance with the concept of smart international sanctions, the pressure achieved by these sanctions is more capable of reaching the specified goals accurately, effectively and efficiently. Freezing the financial balances of the targeted groups will create concentrated pressure and make the targeted persons or entities unable to finance their activities that violate the law. International.
4. **Discipline feature:** Smart international sanctions are considered temporary sanctions in nature, as they are linked to the behavior issued by the target group that affects the stability of international peace and security, and therefore the end of this behavior will inevitably lead to the cancellation of these sanctions.
5. **Air conditioning feature:** Smart international sanctions are characterized by continuous updating and adaptation, as the lifting or modification of specific sanctions by the relevant sanctions committee within the Security Council is linked to specific criteria, most notably verification of a systematic change in the behavior of the target group, which forms the basis for determining sanctions against it. This also applies to the issue of adding new names to the list of targeted individuals or entities based on their behaviors.
6. **Regular property** What is meant is that smart sanctions are broader in scope, in terms of meaning, compared to traditional sanctions, as some of them are imposed on natural persons responsible for violations of international law, while we find that traditional sanctions are imposed only on legal persons represented by states, because international jurisprudence has been established, which is The individual is a subject of international law and therefore bears international responsibility.).

Second: Justifications for smart international sanctions

During the past decades, the imposition of this type of sanctions, at the international level, has been linked to a group of factors that justified resorting to them and refraining from traditional economic sanctions, especially since many international humanitarian organizations have strongly criticized the methodology through which these sanctions are imposed and the negative effects they carry, In 1994, the United Nations General Assembly considered economic sanctions a means of political and economic coercion against developing countries, especially when the imposition of these sanctions was

linked to the purpose of restricting the exercise of the sovereign rights of the countries under sanctions.

In 1995, the International Committee of the Red Cross also indicated that the economic sanctions imposed on Iraq, Haiti, Montenegro and Serbia had achieved only minimal political results, while the civilian population had paid a heavy price as a result of these sanctions. Many international organizations working in the humanitarian field had faced There are great difficulties in delivering humanitarian aid to communities targeted by comprehensive economic sanctions, as is the case in Iraq and the former Yugoslavia.

On the other hand, and as one of the most prominent factors that prompted the creation of the concept of smart international sanctions, the analysis of the essence of the purposes of the United Nations is considered a major reason for the shift towards a new concept in imposing economic sanctions with an advanced methodology based on strategic targeting, as this matter clearly appears through consensus in the substantive discussion. Regarding the connection of economic sanctions with the goals that the United Nations seeks to achieve, the latter represents an international body that unites global efforts in order to achieve equality and development for all people around the world, and in order for it to remain trustworthy, it needs to follow a legal methodology that is far from contradiction so that it does not impose economic sanctions. With the aim of maintaining international peace and security while at the same time causing the loss of basic human rights and weakening economic development in societies affected by these sanctions.

Also, the problems raised by the imposition of economic sanctions are not only problems at the practical level, in terms of the consequences they cause for vulnerable social groups or innocent people who pay the price, but rather they have raised problems related to the legal basis on which they are built, especially since the Charter of the United Nations of 1945 does not clearly indicate the framework for this type of measures as punitive sanctions or the enforcement mechanism by which they can be carried out, and this is what prompted some to say that the issue of the existence of a legal basis does not depend only on the Charter of the United Nations, but also that there is nothing in international humanitarian law that supports the imposition of These sanctions, especially since they are accompanied by hostile policies or violations of international law by a particular country, and thus the issue of imposing smart economic sanctions has become a necessity justified by the weakness of the international legal basis on which the Security Council relies in imposing economic sanctions to protect international peace and security. The issue of the existence of a legal basis for international economic sanctions within international humanitarian law raises many problems. Although imposing these sanctions is an international option alternative to military options that could be taken to stop violations of international law, at the same time the Geneva Conventions prohibit of 1949 and the Additional Protocols thereto of 1977 causing unnecessary suffering to the civilian population, which opened the way for the implementation of the rules of international humanitarian law to cooperate with the United Nations in serious cases of international humanitarian law (For the civilian population, which opened the way for the implementation of the rules of international humanitarian law to cooperate with the United Nations in serious cases of international humanitarian law (For the civilian population, which opened the way for the implementation of the rules of international humanitarian law to cooperate with the United Nations in serious cases of international humanitarian law (For the civilian population, which opened the way for the implementation of the rules of international humanitarian law to cooperate with the United Nations in serious cases of international humanitarian law This matter imposed the reality of searching for advanced and sophisticated options that would keep the issue of economic sanctions in place, but at the same time achieve positive results in preserving the basic rights of the population and targeting only the groups responsible for violations in accordance with the basic goals and objectives of the United Nations.

Section Two: International efforts to establish the concept of smart sanctions

In the context of analyzing the basic factors that led to the emergence of the concept of smart international sanctions, it can be said that the content of the strategic targeting on which these sanctions are based is based on the necessity of separating the ruling political system in a particular country from the state as a moral entity that includes an entire society. Economic sanctions represent, in principle, measures Punitive action taken by the UN Security Council against the ruling political regime in a particular country, which is considered responsible for a systematic policy that constitutes a violation of the principles of international law. Therefore, sanctions cannot affect society in this country in a complete and comprehensive manner. This matter is illogical, and it was the main reason that For this reason, international smart sanctions were created..

In fact, the issue of preserving human rights during the application of international smart sanctions has been the focus of academic and practical debate, as the imposition of these sanctions and the methodology for their implementation are linked to an analysis of the political nature of the ruling regime in the country on which the sanctions will be imposed. In other words, the sanctions are designed based on the nature of the regime. The ruling political party in the targeted country, so that the sanctions target totalitarian and dictatorial regimes that use the state's economic capabilities to implement their own political methodology, which often involves violations of international law. This ensures that social groups are not affected by the sanctions that target these regimes, but rather that the implementation of these sanctions It affects the ruling political elites responsible for violations of international law in a strategic manner that does not affect the capabilities of the state or the rights of society within those states.

these practical and realistic data constituted one of the most prominent international efforts that helped create the concept of smart international sanctions, especially in light of the inability to abandon these measures as part of international policy that is undertaken in the event of an unwillingness to resort to the use of armed force and given its ability To stop the economic supply of any activities that may be undertaken by some States or non-State entities within the framework of their international or domestic policy that involve violations of international law.

Therefore, based on the negative consequences that result from the comprehensiveness of traditional economic sanctions, many countries have put forward reform initiatives with the aim of creating a new concept for this type of sanctions based on strategic targeting. Switzerland has launched the "Interlaken" initiative as the first international forum to analyze the effectiveness of smart international sanctions. And the mechanism for its implementation, which included the establishment of two conferences, the first held on March 1, 1998, with the aim of focusing on the goals that must be achieved through smart international sanctions, while the second was held on March 1, 1999, to research the mechanism for implementing this type of sanctions at the national level, during These two conferences presented a methodological model through which resolutions issued by the UN Security Council that include the imposition of targeted financial sanctions can be formulated so that the work of these sanctions is activated in the correct manner and the negative effects that result from the issue of comprehensiveness in traditional economic sanctions are avoided.

These international efforts aimed at changing the methodology of comprehensive economic sanctions to a more precise and intelligent one were not limited to the Swiss Interlaken Initiative. In 1999, the Bonn-Berlin Forum was organized between Germany and the United Nations Secretariat, which included a set of proposals represented by focusing on three main types of sanctions. The subtleties that fall in accordance with the concept of intelligence in the use of international economic sanctions, which are the measures to prevent the travel of officials in the ruling political system who commit internationally illegal acts or those close to it among the political elites, and the

restrictions imposed on air traffic and airports, in addition to what is related to the ban on the supply of weapons.

Also in May 2001, the United Kingdom and the United States of America submitted an initiative before the UN Security Council, regarding the comprehensive economic sanctions that were imposed on Iraq in 1990, which includes a project to introduce smart sanctions. As an alternative to traditional economic sanctions with a comprehensive concept, The UN Security Council adopted the smart sanctions plan in May 2002 under Resolution No. 1409. With the aim of reducing the concept of comprehensiveness in traditional economic sanctions and protecting human rights that are negatively affected by them. It should be noted that during the 51st session of the Special Committee on the Charter of the United Nations in 1997, the Russian Federation also submitted a proposal aimed at guiding the Security Council on a major set of standards aimed at putting an end to the impact of economic sanctions on human rights.

Also in 2002, the Swedish Ministry of Foreign Affairs organized the Stockholm Forum in cooperation with the Department of Peace and Conflict Research within Uppsala University to enhance the effectiveness of targeted economic sanctions that are designed to target specific individuals or groups responsible for wrongful acts from the point of view of international law, where the focus was on. This forum emphasizes the necessity of establishing a consensus methodology between the practical implementation of economic sanctions and the basic goals that the United Nations seeks to achieve. These efforts resulted in a set of recommendations, the most prominent of which is the necessity of basing the decisions issued by the Security Council on a sufficient degree of accuracy and clarity regarding the imposition of international punitive measures, and working to create a pattern of international consensus regarding the practical application of these measures. This forum also recommended establishing training for bodies. Working in this regard, which is responsible for implementing the decisions issued regarding international sanctions, in addition to establishing a structured evaluation methodology to limit any negative consequences that may affect basic human rights..

From an analytical point of view, it can be said that international economic sanctions, whether traditional or smart, are linked to the United Nations policy that it seeks to implement in light of the goals and objectives it seeks, and achieving these goals is linked to the United Nations Charter, which is considered the legal basis for the Security Council's authority to impose smart international sanctions. This matter is related to the concept of the legitimacy of smart international sanctions, as any of them that are based on the United Nations Charter are legitimate from an international legal perspective, but if they are not based on this Charter, they are not legitimate because they deviate from international will. The above can be applied to smart international sanctions issued at the will of individual countries, as these sanctions depart from the concept of international legitimacy as they are not based on the United Nations Charter..

But on the other hand, unilateral smart sanctions can be legitimate if they are one of the actions that represent a legitimate defense by a country based on its right to maintain its national security and peace. This matter is based directly on Article 51 of the United Nations Charter, which gives the right to any country to defend itself to repel any armed attack on its territory until the necessary measures are taken by the UN Security Council to maintain international peace and security.

From our point of view, it can be said that the issue of the absence of a clear and specific concept of international sanctions, whether traditional or smart, has reinforced the unilateralism of some countries in imposing unilateral economic sanctions on other countries according to political rather than legal criteria.

The second requirement: Types of smart international sanctions

The reality of international sanctions that are taken at the international level reflects two main types. It cannot be said that all of them are based on the rules of the United Nations Charter. Rather, many countries use this type of measures as a means of political pressure against other countries. Analyzing the types of smart international sanctions is not only related to moving from a comprehensive nature to a smart one based on strategic targeting, but rather it is related to the entity that imposes these sanctions.

Also, the concept of strategic targeting can be read in international sanctions at the present time through the growing role of international and regional organizations, as these organizations have resorted to a policy of targeted sanctions based on intelligence to bring about a change in the behaviors of some countries that conflict with the goals of these organizations.)Therefore, as it becomes clear to us in the framework of analyzing the types of smart sanctions that this type of measures is divided into two types, which are collective smart sanctions and unilateral smart sanctions, we will analyze the concept of each of these types and the mechanism through which these sanctions are imposed according to the following:

The first section: smart unilateral sanctions

Section Two: Smart Collective Punishments

The first section: smart unilateral sanctions

The concept of unilateral international sanctions refers to actions taken by one country towards another country outside the legal framework of the United Nations Charter. This type of economic sanctions remains one of the most problematic issues within the framework of international law and the mechanism of work of the United Nations in general, and the reason for This matter is represented by the connection of this type of sanctions with the political methodologies of countries more than with the international principles that the United Nations works to achieve, the most important of which is maintaining and protecting international peace and security. When international sanctions developed from a system of comprehensive sanctions to smart ones, the means of recruiting money and banking assets appeared. As an international punishment practiced unilaterally by states on other states.)This matter was raised on multiple occasions within the framework of periodic reviews of the Charter of the United Nations and the methodology of this organization in maintaining international peace and security. The focus of these reviews is to shed light on the concept of legitimacy in economic sanctions that are imposed by specific countries of their own volition on other countries without taking Taking into account the legal role played by the United Nations.

In this regard, within the proposal submitted by the delegation of the Russian Federation, during the work of the Special Committee on the Charter of the United Nations and on Strengthening the Role of the Organization in 2002, it was noted that it is necessary to make an amendment to the legal framework that defines the mechanism for imposing coercive measures on states in a way that makes these measures compatible with The principle of legality, as this is done by strengthening the legal authority of the United Nations and the Security Council to impose these measures in accordance with the objectives set within the United Nations Charter and not the policy standards of some countries.

In practice, although this type of unilateral sanctions is very problematic due to its incompatibility with international law in many cases and the absence of the legal basis on which it is built, many forms of economic sanctions have been imposed by countries with global economic influence. It is significant towards other countries that do not have the same economic power, as this type of sanctions is considered a form of pressure exerted by some countries on other countries within the framework of negotiating relations

between them to obtain certain results represented by a change in political or economic positions.

The shift in the concept of comprehensiveness in international sanctions to the concept of intelligence was not limited to those sanctions that are imposed by the UN Security Council, but it also affected the unilateral economic sanctions that some countries implement of their own volition in light of the disparity in international political positions. From our point of view, although this shift is based on a study of the negative effects on the civilian population and the weakening of economic and social development in the targeted country, it is an attempt by the countries that impose this type of sanctions to keep the latter acceptable in practice. In other words, countries that impose smart sanctions unilaterally seek to avoid any negative effects that their comprehensive economic sanctions may cause in order to prevent international criticism of them.

In fact, the problem of the principle of legality in imposing this type of sanctions has directly led to a confusion of concepts between it and some actions at the international level. The most prominent of these behaviors or actions are those related to acts of economic aggression. Some of the opinions of international legal jurists are the result of the lack of legality in imposing Unilateral economic sanctions are classified as economic aggression practiced by one country against another country unlawfully.)In his opinion, this jurisprudential trend is based on the legal definition of aggression by the United Nations General Assembly Especially since it did not specify the use of armed military force as the only form of this aggression, but rather it considered that any other actions that are inconsistent with the Charter of the United Nations and cause a violation of the sovereignty of a country constitute aggression against it.

In addition to the above, the lack of legality within the framework of unilateral economic sanctions leads to them being considered a form of interference in the private affairs of states The measures included in these sanctions express interference in the economic affairs of a country and restrict its activities in a way that negatively affects the general interests of society as a whole. In this context, an almost complete convergence can be found between the concept of economic intervention and unilateral economic sanctions, given that economic intervention Based on the use of pressure through economic means to influence the internal affairs of a country And forcing it to make adjustments to its economic policies at the national or international level.

The economic sanctions imposed by the United States of America on Iraq are among the most prominent examples of smart unilateral sanctionsRepresenting the freezing of Iraqi physical assets in international banks, as some countries apply them to other countries, these sanctions have greatly contributed to the deterioration of the humanitarian situation in Iraq, even though they were characterized by intelligence and were built on strategic targeting. Also, on December 12, 2003, the United States of America imposed a package of smart international sanctions on Syria under the Syria Accountability and Lebanese Sovereignty Restoration Act. For this law, the United States relied on a set of justifications, the most important of which is Syria's possession of weapons that fall within the category of weapons of mass destruction and the continued occupation of Syria. Syrian military forces into Lebanese territory, as these reasons are considered, from the American point of view, a threat to American national security.)In 2019, the United States of America also issued a package of smart international sanctions under the "Caesar Act" which targeted a large group of Syrian political elites, military leaders, and diplomatic figures by preventing them from traveling and freezing their financial assets. These sanctions also included entities and companies that deal with Syria and provide it with any type of financial, material, or technological support..

Also, with the continuation of the armed conflict in Ukraine as a result of the Russian invasion, the United States of America imposed a wide range of sanctions targeting individuals from the political and economic elite in Russia, as the United States of

America considered that Russian foreign policy violates the principles agreed upon in international law regarding aggression. On the sovereignty of another country, the unilateral US sanctions on Russia included a visa ban, a ban on air navigation, and economic sanctions on Russian companies and the American companies that deal with them. It also joined the European Union in removing Russia from the global SOFT financial system to achieve economic pressure on Russia.

Despite the systematic shift in unilateral economic sanctions from the concept of comprehensiveness to the concept of precision and strategic targeting that makes them smart sanctions, this type of sanctions cannot be considered legitimate in any way as long as they are applied outside the framework of the United Nations, which is the only body authorized to carry out... With these measures. The United Nations General Assembly has indicated in many of its resolutions the need to end this type of measure due to its illegality from an international legal standpoint and as a means of political and economic coercion.)The United Nations General Assembly has considered that the use of these sanctions as a means of political coercion is unacceptable and contradicts the general goals and principles under which the United Nations operates. Therefore, it can be said as an objective result that the presence of the concept of intelligence within unilateral economic sanctions does not in any way enhance its principle of legitimacy. Rather, it remains outside the international legal framework.

However, objective analysis requires saying that this type of sanctions, despite the legal problems, may represent the only option to end a situation that may constitute a violation of the rules of international law carried out by the ruling political system in one of the countries, especially in the event that the Security Council is unable To take any measures that would end this situation, and thus these sanctions, in accordance with the concept of intelligence and far from the concept of comprehensiveness, become a necessity to protect international peace and security in case of necessity.

Section Two: Smart Collective Punishments

The concept of collective international sanctions refers to a group of economic measures that have a punitive nature and are taken by a group of countries with a combined will towards the political system in a particular country in accordance with the basic principles stipulated in the Charter of the United Nations, especially with regard to maintaining international peace and security. The modern practice of jurisdiction has tended to expand the interpretation of the concept of threat to international peace and security, so that it now includes human rights violations, terrorism, and others.

From a legal and objective perspective, the international sanctions imposed by the Security Council on a country are considered collective sanctions because they express the international will of the member states of this Council, and this matter is consistent with the legal procedures specified in the Charter of the United Nations regarding decision-making and implementation in light of the principle of international legality. Especially since the smart punitive actions and measures taken by the Security Council would maintain the balance between humanitarian necessities and the duty to maintain international peace and security, and this matter formed the essence of Resolution No. 986 issued by the Security Council in 1995 regarding sales of Iraqi oil and petroleum products, as it directly refers to The necessity of providing the humanitarian needs of the Iraqi people and neutralizing them from the negative effects of the comprehensive economic sanctions that were imposed on the Iraqi oil and energy sector. This matter constituted a turning point in the framework of imposing international sanctions from the comprehensive concept to the concept of built intelligence. On strategic targeting On the other hand, after the escalation in the pace of terrorist operations of an organized international nature, it led to the attention and efforts of the members of the United Nations and its agencies towards searching for material and legal means to limit terrorist support through General Assembly Resolution No. 51, 210 in 1996 on counter-terrorism

measures. A comprehensive convention on international terrorism was established by Resolutions 53 and 108 in 1998 to enhance international cooperation to prevent the financing of terrorism.

The Security Council, as an executive authority of the United Nations, is considered the competent authority in accordance with its Charter to make decisions related to imposing international sanctions. However, it is not the only authority in this field. Rather, many international organizations are also capable of making decisions to issue and implement such sanctions, especially since some of these organizations consider that the international measures taken by the Security Council may be weakly effective in practical terms and do not achieve their desired goal. This is mainly the result of the Council's inability to take decisive decisions to impose such sanctions in many cases, due to some countries' use of veto power over draft resolutions establishing the imposition of international sanctions. The veto right represents the power to object to decisions that can be taken by the UN Security Council by the five major countries that have this right under the United Nations Charter. International legal jurisprudence has differed regarding the existence of this right and the mechanism for exercising it, as some consider that the existence of this right and its exercise would support consensus among the major countries on the substantive decisions issued by the Council to ensure the implementation of those decisions, while some believe that there is no legal and moral basis that justifies granting it. The five major countries use this right as it conflicts with the principle of equality and would obstruct the implementation of decisions issued by the Security Council, as exercising this right has obstructed the Security Council from carrying out its tasks in maintaining international peace and security, and this applies from our point of view to resolutions related to sanctions. Internationally, exercising the right of veto over decisions that include the imposition of international sanctions would obstruct international efforts to maintain international peace and security.

In general, the organizations that can take decisions to impose international sanctions are divided into two types: The first type is characterized by a general nature in which it brings together a group of countries according to their common will, where the goals pursued by these countries are general goals that include political, economic, cultural and social issues. Jurisprudence has tended to divide this type of organizations into two parts as well, which are global public organizations that aim to achieve international cooperation in political, economic, social, and other matters, and regional public organizations that aim to achieve international cooperation between countries that share the same regions in matters and issues that concern these matters. Countries.

As for the second type of international organizations, they are characterized by a special character, as their existence is linked to a specific goal and a specific mechanism of action. Some call this type of organization international public facilities, and they are concerned in particular with technical issues far from international politics in a way that their working mechanism is immune to interference in the sovereignty of any country. In turn, these organizations are divided into specialized global organizations, such as the International Monetary Fund, and regional specialized organizations, such as the European Common Market. Therefore, the actions taken by these organizations to impose economic sanctions are related to the basic nature of these organizations.

In 1980, the European Union imposed comprehensive economic sanctions on the Soviet Union as a result of the latter's invasion of Afghanistan. The methodology followed by the European Union in the issue of imposing economic sanctions later developed to move from the concept of comprehensiveness to the concept of strategic targeting, which is expressed in the concept of smart international sanctions. The first application of systematic targeting in economic sanctions was the measures taken by the European Union regarding Zimbabwe in the year 2002, in line with the resolutions issued by the UN Security Council regarding the situation in this country and the human rights violations it included. These sanctions specifically included freezing financial assets. And

the economic resources of members of the government and those who follow them politically.

Also, the European Union, as an international organization of a general nature, imposed economic sanctions of the type based on strategic targeting in Myanmar in 2008, and the main reason for these sanctions is related to serious human rights violations and the failure to achieve any tangible progress towards the comprehensive democracy process in the wake of the failure of the ruling military junta. to achieve peace These sanctions mainly include suspending the aid provided by the European Union to this country, imposing an arms embargo, and a travel ban for those responsible for human rights violations. In 2000, the travel ban was expanded to include a larger group of political elites and military leadership figures, and a freeze on financial assets was imposed. their own within the European Union. Although the European economic sanctions imposed on Myanmar were broad in scope,)However, the European Union excluded from these sanctions what is related to humanitarian aid provided to the civilian population, development projects and relief operations, and these exceptions are considered a true representation of the issue of smart, studied and directed international sanctions based on the strategic targeting of financial resources and leadership figures, whether political or military, with the aim of Achieving a fundamental purpose in halting instability and protecting basic human rights.).

Also, as a result of the Russian invasion of Ukraine in the year 2022, the European Union as a collective organization issued smart sanctions against Russia. These sanctions were not new, but rather the European Union imposed a group of smart international sanctions on Russia during the crisis related to the Crimean Peninsula, and the European sanctions included... Russia has systematically targeted individuals from the political and economic elite as punitive procedural measures that would prevent Russia from achieving its goals and ending the armed conflict in Ukraine as a threat to international peace and security..

On the Arab level, in late 2011, the armed conflict began in specific areas within Syria, which soon developed to include most Syrian cities and regions between opposition factions and Syrian government military forces. Over time, many countries intervened militarily in Syria as part of the repercussions of this conflict, such as the American forces. Russian and Turkish Since the beginning of the conflict, the League of Arab States, as a regional organization, has tried to intervene to end the state of chaos and instability based on the basic principles under which it operates. A set of proposals were presented related to the release of political detainees, the withdrawal of army forces from cities, and holding negotiations with the opposition to find a peaceful solution that ends this conflict. However, these proposals were not implemented, which prompted the Arab League to impose a set of economic sanctions based on the strategic targeting of the political system in Syria. The sanctions issued by the Arab League regarding Syria included freezing Syrian financial balances in a number of banks in Arab countries and stopping financial transactions with the bank. The Central Bank of Syria and the Commercial Bank of Syria, and stopping government trade exchange operations with the Central Bank of Syria. These sanctions also included stopping trade exchange with Syria in a way that does not affect the basic goods related to the livelihood of the Syrian people, and freezing investment projects financed by Arab countries on Syrian territory.

As a preliminary assessment of the smart decision issued by the European Union as an international organization bearing a general nature, it can be said that the basic criterion for imposing such sanctions is largely consistent with the standards under which the United Nations and the Security Council work with regard to stopping violations related to human rights or trying to maintain international peace and security. However, on the other hand, it can be said from our point of view that the European Union, as an international organization, represents the will of the countries entering this union and works according to a systematic policy that takes into account the interests of the European Union in general in many areas, and despite the existence of compatibility

between the European Action Mechanism and the European Action Mechanism. The United Nations, but it cannot be accepted that these sanctions have absolute legitimacy, even if they are in accordance with the intelligent and not comprehensive concept. This can be applied to many cases in which the European Union has imposed sanctions on the basis of its own economic and political criteria that are more consistent with the basic criteria of the UN Charter.

At the level of specialized organizations, it can be noted that the economic punitive measures and procedures carried out by some of these international organizations of a special nature, which target specific economic activities that are compatible with their practical framework. For example, the World Trade Organization may impose a set of trade restrictions on the exchange of goods. trade in implementation of the resolutions issued by the United Nations))Likewise, the International Monetary Fund may resort to imposing procedures and measures that fall under the punitive framework against countries that the United Nations intends to punish economically as a result of their actions that are inconsistent with the standards and principles of the United Nations.)We can say that the concept of intelligence on which these sanctions are based may not achieve the desired results in many cases, and the reason for this is related to the procedural mechanism through which smart international sanctions are applied to the targeted groups within the country, so that these sanctions have negative effects on society and the civilian population and may lead to weakening the pace of economic development within the targeted country.

Conclusion:

In this research, we presented a study of the concept of smart sanctions through two requirements. In the first requirement, we addressed the definition of smart sanctions, while in the second requirement, we discussed the types of smart sanctions. At the end of this research, we reached a number of conclusions and proposals:

First - Conclusions:

- 1- The idea of smart sanctions emerged within the United Nations, in parallel with the demands of most countries to lift the sanctions on Iraq, as the United States of America and Britain submitted a report to the Security Council, aiming to ease the sanctions on Iraq instead of lifting them, which is known as the smart sanctions project.
- 2- Smart sanctions are characterized by a selective nature when imposed on goods and products, so that important goods are selected to be punished, in contrast to the old sanctions regime, which imposed bans on all goods except for humanitarian considerations.
- 3- The issue of the absence of a clear and specific concept of smart sanctions has reinforced the unilateralism of some countries in imposing unilateral sanctions on other countries according to political rather than legal criteria.

Second - Proposals:

- 1- The necessity of generalizing the imposition of smart international sanctions on all countries, persons and non-state entities Violators For international legitimacy without discrimination, in order to get out of the policy of double standards that undermines the credibility of smart international sanctions.
- 2- It is necessary to monitor smart international sanctions when they are imposed on states, individuals, and non-state entities in order to ensure that they do not cause suffering and harm to the citizens of those countries, which affects human rights.

3- It is necessary to hold an international conference on smart sanctions in order to reach an agreement that addresses all the legal problems that pose the imposition of smart sanctions.

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