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HOLLOW ACCOUNTABILITY: THE BOUNDARIES OF THE INTERNATIONAL HUMAN RIGHTS LAW IN THE CONTEXT OF THE UNSC ECONOMIC SANCTIONS

Abstract:

After the end of cold war, multilateral or unilateral coercive measures have frequently been imposed to penalise recalcitrant states, and to force them into compliance with the terms of sanctions' senders.

According to the United Nations Security Council, economic sanctions are designed to maintain or restore international peace and security. However, the history of sanctions' era shows us that the frequent imposition of sanctions hasn't produced greater peace and security in the sanctioned states and for the wider international community, even when it is imposed by the UN Security Council. Coercive measures hinder the development process of target countries, and they jeopardise the economic, social, and cultural rights of the civilian populations'. Sanctions produce a form a lawlessness that is impossible to fully measure or resolve.

Nevertheless, the boundaries of the international law, specifically the international human rights soft law, do not allow to hold the sanctions' senders accountable for the humanitarian impacts of their measures, especially within the highly politicised UN Security Council. Most international human rights documents address the responsibility of states towards the rights of civilians within their own sovereignty, and not towards the rights of other countries' populations. Therefore, many countries have been inattentive to scale of the misery they produce for other nations; I find this issue a flaw in the administration of justice, that invalidates the goals of international law and the peace process. My paper argues this limitation in detail by providing an example of the UNSC economic sanctions' lawlessness and argues how international courts and judicial processes could gradually contribute to strengthening the accountability of the UN Security Council sanctions' regimes and the UNSC permanent member states towards the detriments they produce for the human beings.

Keywords:

International Human Rights Law, United Nations Security Council, Economic Sanctions, Accountability, Administration of Justice, Jurisprudence.

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