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# Conceptualizing Security Council "Sanctions" Under International Law

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In recent times, the Security Council has come under significant criticism for its failure to ensure procedural fairness in its decision-making process on sanctions. Cases such as Kadi and Al Barakaat in the European context have highlighted the alarmingly arbitrary nature by which individuals have been placed on Security Council "blacklists", leading to a world-wide freeze on their assets and travel bans. As a precursor to the development of normative standards applicable to the Security Council, it is necessary to consider the nature and role of sanctions under international law – are they criminal measures, administrative measures, emergency measures? The traditional conception of sanctions as a legal system's response to violation of law does not necessarily apply to the Security Council, which is entitled to apply sanctions to maintain or restore international peace and security. The aim of the paper is to examine the role and nature of international sanctions, and to identify the normative values that shape and condition the legitimacy of sanctions within legal systems. It draws on analogies from domestic jurisdictions (including criminal sanctions, preventive sanctions (such as ASBOs, terrorist control orders), bills of attainder, emergency measures and administrative sanctions), together with theories of legal punishment and censure, to arrive at a conceptualization of international sanctions.

Devika Hovell is currently undertaking a DPhil at the University of Oxford on "UN Sanctions, Security Council Decision-making and Procedural Guarantees". From 2003 to 2006, she was a lecturer and Director of the International Law Project at the University of New South Wales. She has worked as a judge's associate at the International Court of Justice and the High Court of Australia.