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Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

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(Disarmament and International Security Committee)

"Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion"

The Nature of Economic Sanctions

- **Definition**

Economic sanctions are the deliberate withdrawal of customary trade or financial relations (Hufbauer et al., 2007), ordered by a state, supra-national or international governmental organisation (the 'sender') from any state, sub-state group, organisation or individual (the 'target') in response to the political behaviour of that target.

The specific elements of this definition merit some discussion. First, economic sanctions may comprise the withdrawal of customary trade or financial relations in whole or in part. Trade may be restricted in its entirety by refusing all imports and exports. If all imports and exports are refused then the sanctions are known as 'comprehensive' sanctions. (Though note that even in the case of comprehensive sanctions humanitarian exemptions are usually made, for example, for food and medicine). In other cases, only some imports or exports are refused—usually commodities like oil and timber—or weapons in the case of arms embargoes. Financial restrictions include measures such as asset freezes, the denial of credit, the denial of banking services, the withdrawal of aid and so on. Again, withdrawal of financial relations may be comprehensive or not.

Second, economic sanctions may be ordered (or 'imposed') by a variety of actors. Sanctions can be 'multilateral', ordered by the United Nations or regional organisations such as the European Union, or they can be 'unilateral', ordered by one state acting alone. The actor ordering economic sanctions is typically known as the 'sender' of the sanctions.

In practical terms, contemporary economic sanctions are imposed by following a legal process. For example, economic sanctions mandated by the United Nations Security Council are required to be adopted by all member states under chapter VII of the United Nations Charter. States then pass legislation prohibiting their citizens from entering into trading and/or financial relationships with the target and setting penalties for sanctions-breaking. So although we often talk of sanctions being 'imposed' on the target, it should be clear that economic sanctions are actually legal measures imposed by a sender *on its own members*. It is a sender's own citizens who are prohibited from trading.

Further, note that this definition excludes measures undertaken by non-state actors, for example, consumer boycotts or boycotts undertaken by companies or religious organisations. Such measures are undeniably worthy of ethical enquiry; however, the ethical concerns they present are sufficiently distinctive to make it sensible to treat them as a separate issue.

Third, states are not the only targets of economic sanctions. Economic sanctions can be, and often are, imposed on sub-state groups. Well known examples from the recent past are the sanctions imposed on Serb-controlled areas of the former Yugoslavia in the 1990s or the ban on trade in conflict diamonds that targeted sub-state rebel groups in parts of Africa. Economic sanctions can also be imposed on companies, organisations and individuals. For example, the UK regularly freezes the UK-held assets of companies, charities or individuals suspected of funding terrorist activities. For this reason it is perfectly possible for a state to sanction its own citizens. Those

on the receiving end of economic sanctions are typically known as the 'target'.

In recent years there has been a shift away from targeting entire states, and towards targeting economic sanctions more narrowly at specific sub-state groups and individuals—those considered responsible for the political behaviour the sanctions are responding to. The reasons for this are two-fold. First, it is expected that such sanctions are more likely to achieve their objectives. Second, it makes it less likely that the harms of sanctions will fall on innocent people. Economic sanctions that are narrowly targeted in this way are known as 'targeted' or 'smart' sanctions. There is no common term for sanctions imposed on an entire state. This entry suggests 'collective'.

Fourth, under this definition, economic sanctions are imposed in response to the *political* behaviour of the target—as distinguished from its *economic* behaviour. Such a stipulation is common in the economic sanctions literature. For example, Robert Pape distinguishes economic sanctions from what he calls 'trade wars':

When the United States threatens China with economic punishment if it does not respect human rights, that is an economic sanction; when punishment is threatened over copyright infringement, that is a trade war (Pape, 1999, 94).

However, not everyone accepts this distinction. David Baldwin, for instance, denies that economic sanctions must be a response to political behaviour. For Baldwin economic sanctions can be a response to any type of behaviour—there is no reason to restrict the definition of economic sanctions to those measures which aim to respond to *political* behaviour. Thus, *contra* Pape, Baldwin argues that if the U.S imposes restrictions on trade with China over copyright issues then this *is* an economic sanction. Further, he argues that in any case there is no clear-cut distinction between the 'political' and the 'economic' and so there would be no clear-cut basis for making the distinction even if it were warranted (Baldwin, 1985).
In response to Baldwin, it is worth pointing out that in common usage the term 'economic sanctions' is actually reserved for a distinctive class of cases that we can roughly describe as being a response to political rather than economic behaviour. Baldwin is right that there is no clear-cut distinction between the political and the economic, but to categorise responses to both as economic sanctions is to ignore the fact that people do actually manage to make the distinction in practice.

Finally, the definition presented here makes no reference to the objective sought by economic sanctions or the mechanism by which they are expected to work. This is an advantage since both the question of the proper objectives of sanctions and the question of how they work, are controversial.

- **Objectives**

Economic sanctions theorists tend to conceptualise economic sanctions in one of two ways: as tools of foreign policy or as tools of international law enforcement. As tools of foreign policy, their objective is to achieve foreign policy goals. As tools of international law enforcement, their objective is to enforce international law or international moral norms.

i. Achievement of Foreign Policy Goals

Economic sanctions are most commonly conceptualised as being tools for achieving foreign policy goals. They are considered part of the foreign policy 'toolkit' (a range of measures that includes diplomacy, propaganda, covert action, the use of military force, and so forth) that politicians have at their disposal when attempting to influence the behaviour of other states. The foreign policy conception comes in both simple and more sophisticated versions.

In the simple version, the objective of economic sanctions is to change or prevent a target's 'objectionable' policy or behaviour where a policy or behaviour is understood to be 'objectionable' if it conflicts with the foreign policy goals of the sender.

However, a frequent criticism of economic sanctions is that—if these are their goals—then economic sanctions don't work. That is, they usually fail to change or prevent a target's objectionable policy or behaviour (Nossal, 1989). This concern has led some to ask the question: if economic sanctions don't work, why do we keep using them? The attempt to answer this question has led some theorists to develop more sophisticated conceptions of economic sanctions.

It has been argued, for instance, that although changing a target's 'objectionable' pol-

icy or behaviour is sometimes the objective of economic sanctions, politicians often employ economic sanctions in much more nuanced and subtle ways (Baldwin, 1985, Cortright & Lopez, 2000).

First, Baldwin argues that economic sanctions are often employed with the more limited objective of influencing a target's 'beliefs, attitudes, opinions, expectations, emotions and/or propensities to act' (Baldwin, 1985, 20). No *immediate* policy or behaviour change is expected—even if, in the long—term, some change is hoped for. In such cases Baldwin argues that economic sanctions are being used symbolically to 'send a message'. They can signal specific intentions or general foreign policy orientations or they can be used to show support or disapproval for the policies of other states. If the economic sanctions are imposed at some cost to the sending state then this demonstrates the sender's commitment to its position and strengthens the message being sent. Importantly, even if the objective of an episode of economic sanctions is to 'send a message', it is unlikely to feature as the officially stated objective. The message is stronger if the sanctions are framed as demanding a change in the target's objectionable policy or behaviour—even if it is clear that the economic sanctions alone cannot hope to change this behaviour.

Second, Baldwin argues that economic sanctions may have multiple objectives of which some will be more important to the sender than others. Behaviour change might be a sender's secondary or even tertiary objective whilst 'sending a message' might be the primary objective. Even if the most important objective for the sender is to 'send a message', the economic sanctions must be framed as demanding behaviour change if this secondary or tertiary objective is to be met.

Third, economic sanctions may have multiple targets. For example, if economic sanctions are employed as a general deterrent, then there will be many targets of the influence attempt extending well beyond the original recipient of the economic sanctions (Baldwin, 1985).

David Cortright and George A. Lopez have also worked on developing more sophisticated understandings of economic sanctions. Economic sanctions, they argue, can be imposed for purposes that include deterrence, demonstrating resolve, upholding international norms and sending messages of disapproval as well as influencing behaviour change (Cortright & Lopez, 2000).

Finally, Kim Richard Nossal argues that senders might also have retributive punishment as their objective. In other words the intent is to inflict economic harm on a target they regard to have wronged them solely for its own sake and not to achieve any change in behaviour or policy. For Nossal, to be clear, saying a sender has been

'wronged' is not to say it has been morally wronged. It is only to say that the target's actions have displeased the sender. Thus, on Nossal's account, senders can 'punish' agents who—objectively—have done nothing morally wrong—just as a mafia boss might 'punish' underlings who have been passing information to the police. Again, it is important to realise that even if the purpose of the economic sanctions is retributive punishment, it is unlikely to be stated as such by the sender for fear of appearing irrational or vindictive (Nossal, 1989).

For all these reasons it would be a mistake to assume from the fact that economic sanctions often fail to achieve their *stated* objectives that economic sanctions do not work; stated objectives are not always true objectives. The true objectives might be to punish or to send a message. Even when the stated objectives are true objectives they may not be the primary objectives.
Given the above discussion, it appears that changing or preventing objectionable policies or behaviour, 'sending a message', and punishment are all possible objectives of economic sanctions.

ii. International Law Enforcement

Alternatively, economic sanctions are sometimes conceptualised as being a tool for enforcing international law or international norms of behaviour. On this conception, the ultimate objective of economic sanctions is understood to be international law enforcement.

For Margaret Doxey, enforcement of the law through the use of economic sanctions might take several forms.

First, enforcement might involve the ending of ongoing violations of international law/norms—the domestic analogy is that of stopping a crime in progress. Doxey's own

example is that of economic sanctions imposed to reverse the illegal invasion of the Falklands Islands by Argentina (Doxey, 1987, 91).

Second, enforcement might require *preventing* violations of international law from occurring in the first place. The domestic equivalent is that of preventing a known criminal conspiracy from being realised. As Doxey notes, under chapter VII of the UN Charter, given adequate support from its members, the Security Council can designate any situation a threat to peace and then order preventive action to ensure that the threat is not realised (Doxey, 1987, 91).
Third, enforcement might require that economic sanctions are imposed punitively subsequent to violations of international law to deter either the recipient state or others from repeating the violations. Here economic sanctions are 'a kind of fine for international misbehaviour' (Doxey, 1987, 92).

The main difference between the law enforcement and the foreign policy conceptions of economic sanctions is that the former claims that the objectives of economic sanctions are purely to enforce international law/international norms of behaviour, whereas the latter claims that the objectives of economic sanctions are determined by a sender's foreign policy. Of course the two conceptions are not mutually exclusive. A given sanctions episode may align with a sender's foreign policy goals *and* work to enforce international law.
This difference between the two conceptions can partially be explained with reference to the focus of the respective theorists' studies: those employing a foreign policy conception tend to focus on cases where states are the senders of economic sanctions, whereas those employing a law enforcement conception tend to focus on cases where the UN is the sender. Undoubtedly the foreign policy conception fits states better than the UN and the law enforcement conception fits the UN better than states. However, it would be wrong to say that the foreign policy conception applies to states and the law enforcement conception to the UN. States can also act to enforce international law. Likewise, the UN is not immune to the national interests of its more powerful member states.

To summarise then, these are the possible objectives of economic sanctions:

1. To change or prevent objectionable or unlawful policies or behaviour
2. To send a message with regards to objectionable or unlawful policies or behaviour
3. To punish objectionable or unlawful behaviour on deterrent or retributive grounds

Mechanisms

Whatever the objectives of economic sanctions, we also need to address the question of how economic sanctions work. Five mechanisms are discussed here: economic pressure, non-economic pressure, direct denial of resources, message sending and punitive mechanisms.

i. Economic Pressure

Theorists of economic sanctions began addressing the question of how economic sanctions worked in the 1970s and 80s and took as their model collective sanctions imposed on states—as this was the predominant mode of sanctioning at the time. They theorised that economic sanctions achieved behaviour/policy change via the imposition of economic pressure. Robert Pape sums this view up well when he states that economic sanctions 'seek to lower the aggregate economic welfare of a target state by reducing international trade in order to coerce the target government to change its political behaviour' (Pape, 1997, 94). In elaborating on this mechanism Pape argues that:

Targets of economic sanctions understand they would be better off economically if they conceded to the coercer's demands, and make their decision based on whether they consider their political objectives to be worth the economic costs. (Pape, 1997, 94)

A similar view to Pape is shared by Hufbauer. They use the following framework to analyse the utility of economic sanctions:

Stripped to the bare bones, the formula for a successful sanctions effort is simple: The costs of defiance borne by the target must be greater than its perceived cost of compliance. That is, the political and economic costs to the target from sanctions must be greater than the political and security costs of complying with the sender's demands. (Hufbuaer, 2007, 50)

Indeed, the view that economic sanctions work via the imposition of economic pressure is the most widely accepted in the literature. Johann Galtung even calls it 'the general theory of economic sanctions' and he elucidates as follows. Focussing on collective economic sanctions, Galtung argues that the objective of economic sanctions is to cause an amount of economic harm sufficient to bring about the 'political disintegration' of the state which, in turn, will result in the state being forced to comply with the sender's demands. For Galtung 'political disintegration' is a split in the leadership of a state or a split between the leadership and the people that occurs as people within the state disagree about what to do with regards to the sanctions and the resulting economic crisis. This may involve popular protest and the government being forced to change the objectionable or unlawful policy for fear of losing power. Under what Galtung calls the 'naïve theory' of economic sanctions (which he rejects), the more severe the economic pressure, the faster and more significant the political disintegration and the sooner the state will comply. This theory is naïve, Galtung argues, because it does not take into account the fact that sanctions might—at least initially—result in political *integration,* as the people of the state pull together in the face of adversity. This is especially likely to occur if the target government can muster up the spirit of nationalism. Indeed, 'rally-round-the-flag' effects are often cited as a reason for the failure of economic sanctions. Under Galtung's 'revised theory' of economic sanctions, economic pressure results initially in political integration but will eventually lead to political disintegration as economic pressure increases but, he warns, the levels of economic harm required for this might in some cases be exceptionally severe (Galtung, 1967).

With regards to *targeted* sanctions, it seems possible that they could also sometimes operate via an economic pressure mechanism. For example, asset freezes on top government officials might pressure them into changing the objectionable or unlawful policy/behaviour if the amounts involved were significant enough.

ii. Non-Economic Pressure

Baldwin, however, argues that although economic pressure is one possibility for how economic sanctions might work, it is not the only one. In particular, he argues that economic sanctions do not have to cause economic harm to work. He argues that even if the economic sanctions make barely a dent in a target state's economy, its government may be moved to act out of a concern to avoid international embar-

rassment or a reputation as a pariah state. This is particularly likely to occur when targets believe themselves to be members in good standing of international society. Suffering international condemnation might be unacceptable to them. In other cases Baldwin argues that targets might worry that the economic sanctions are a prelude to war. Since a just war must be a last resort, those about to resort to war often impose sanctions first—either in a genuine attempt to reach a non-military resolution or, more cynically, to demonstrate to domestic and international audiences that non-military methods have been attempted and failed—thus making war the last resort. A target might comply with the economic sanctions not because they damage the economy but out of concern to avoid war (Baldwin, 1985). The pressure employed here does not derive from the economic effects of the sanctions. Both collective and targeted economic sanctions may utilise a non-economic pressure mechanism.

iii. Direct Denial of Resources

Economic sanctions employing either the economic or non-economic pressure mechanisms work only indirectly: pressure is applied to targets to force them to change their objectionable/unlawful policies *themselves*. Thus such sanctions are sometimes referred to as 'indirect' sanctions (Gordon, 1999).
However, economic sanctions can also operate *directly* by denying a target the resources necessary for pursuit of their objectionable/unlawful policy. For example, if the objectionable/unlawful policy of that target state is its militarisation, then economic sanctions might be designed to damage a target state's economy so thoroughly that it does not have the resources available to build up or maintain its military capacity, or they might involve arms embargoes or nuclear sanctions. Similarly, asset freezes of either state funds or the funds of government officials may operate with a direct mechanism. Freezing Libya's state funds and the funds of Colonel Gadaffi was intended to make it impossible for him to pay mercenaries during the Arab Spring. Plus the freezing of assets suspected of belonging to terrorist groups is intended to make financing terrorist operations more difficult. Such 'direct sanctions' do not apply pressure to the target to change their objectionable/unlawful policy themselves but instead work directly by denying the target the resources it needs to pursue the objectionable/unlawful policy.

iv. Message Sending

Of course, not all economic sanctions aim to change or prevent an objectionable/unlawful policy. Some aim only to 'send a message'. If the objective of the economic sanctions is simply to 'send a message' then the imposition of sanctions in itself should be sufficient to achieve this—causing economic harm should not be necessary. Having said this, there are undoubtedly ways of making the message stronger and causing some economic harm to the target might do this. Of course, as both

Baldwin and Doxey note, this is not the only way to strengthen the message. If the sanctions are costly to the sender—because, for instance, they involve putting a stop to valuable exports, this willingness of the sender to bear costs shows how seriously it takes the situation.

v. Punitive Mechanisms

Punishment necessarily involves the infliction of some harm, suffering or otherwise unpleasant consequences on the target, and this is the case whether the objective of the punishment is to deter or whether the punishment is purely retributive in nature. Thus economic sanctions imposed as punishment must either inflict some economic harm or, if a target state (or organisation/individual) is particularly sensitive about its standing in the international community, symbolic sanctions expressing international condemnation might suffice as punishment.

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HISTORY OF UNILATERAL COERCIVE MEASURES

Unilateral Coercive Measures After the Formation of the UN

The emergence of the United Nations marked a turning point in the history of unilateral coercive measures (UCMs). While the pre-existing principle of non-use of force was gaining traction, its application remained ambiguous. The League of Nations' Covenant, for instance, lacked a clear definition of "act of war" and relied on economic sanctions – unenforceable due to the absence of an international enforcer. Similarly, the Kellogg-Briand Pact condemned war but witnessed its own swift violation.

The UN Charter, with its explicit prohibition on the use of force (including exceptions) and the establishment of the Security Council as an enforcer, paved the way for a new era. This development coincided with the "Era of Decolonisation," where newly independent states, particularly in Africa and the Americas, championed their economic sovereignty within the UN General Assembly (UNGA). Resolutions like the 1965 Declaration on Inadmissibility of Intervention distinguished between force and UCMs, declaring both as violations of international law.

This focus on non-intervention and sovereignty intensified in the 1970s. The 1974 Declaration on the Establishment of a New International Economic Order aimed to bridge the gap between developed and developing nations. It emphasized the "permanent sovereignty of every State over its natural resources and all economic activities," viewing UCMs as a violation of this right. The Charter of Economic Rights and Duties of States, adopted later that year, further solidified this view. It declared

that every state has the right to choose its economic system “without outside interference, coercion or any form of threat whatsoever.” This right, however, has been challenged in recent times, as UCMs are often used to pressure developing countries to adopt neoliberal economic models.

The late 1980s and early 1990s witnessed a shift. The collapse of the Soviet Union and the rise of neoliberalism led to a surge in UCMs, often targeting specific individuals. However, this trend also triggered a new wave of opposition focused on human rights. The 1993 Vienna Declaration and Programme of Action acknowledged this tension. It called upon states to refrain from UCMs that impeded the enjoyment of human rights, particularly the rights to food and healthcare. This marked a shift from the earlier focus solely on sovereignty.

The debate around UCMs continues within the UN human rights framework. The UN General Assembly has repeatedly condemned the US embargo on Cuba, reflecting a growing international consensus against comprehensive UCMs. The Human Rights Council established a Special Rapporteur on the negative impact of UCMs on the enjoyment of human rights, highlighting the potential for such measures to violate economic and social rights.

Therefor, the history of UCMs after the UN’s formation reveals a dynamic interplay between evolving international politics, legal interpretations, and human rights concerns. While the UN Charter provided a framework for regulating forceful economic sanctions, the debate surrounding UCMs continues. The focus has shifted from non-intervention and sovereignty to encompass the potential violation of essential human rights, particularly in developing nations. As the international community grapples with this complex issue, the UN human rights framework remains a crucial platform for fostering dialogue and seeking solutions.

B . *The concept and history of economic sanctions*

Unilateral sanctions are typically imposed by a government as the main tool of its foreign policy to correct the conduct of the sanctions government ((Unilateral Sanctions and International Law: Views on Legitimacy and Consequences2013, p. 9). Some authors define unilateral sanctions as a deliberate withdrawal by a government Lillich, 1976; Paust and Blaustein, 1977; Brownlie, 1963).

The Declaration on the Prohibition of Interference in the Internal Affairs of Governments states that5 : (No State shall be compelled to compel another State to adopt or encourage the exercise of economic, political or any other measure to obtain compliance with that State’s right to exercise its sovereign rights or to enjoy any privilege or advantage)6 . Paragraph 1 of the Declaration stipulates that; “Armed intervention and all other forms of intervention, or the beginning of threats against

the character of the state or its political, economic and cultural elements, violate international law." Five years after the Declaration, General Assembly Resolution 2625 was issued, entitled "Declaration of the Principles of International Law on Friendly Relations and Cooperation between States under the Charter of the United Nations"7 . The text of paragraph 1 above has been explicitly endorsed in the text of the abovementioned resolution, which has been widely accepted as the competent text for the interpretation of the Charter of the United Nations. (Rosenstock, 1971, p: 713). The International Covenant on Economic, Social, and Cultural Rights freely states the right of all nations to self determination and economic, social, and cultural development8 . The UN General Assembly has also emphasized the principle of non-interference through unilateral economic action in the Charter of Economic Rights and Duties of States, adopted by the 1974 UN General Assembly9 . Over the years, the UN General Assembly has adopted several resolutions declaring the use of economic Unilateral sanctions and treaty rights Charter of the United Nations.

Because the Charter of the United Nations imposes multilateral sanctions only through the United Nations collective security mechanism, Unilateral sanctions imposed outside the mechanism are illegal under the Charter of the United Nations. According to Article 39 of the Charter, the Security Council will make recommendations and recommendations on the existence of any threat to peace, breach of peace, or act of aggression. Article 41 of the Charter, therefore, provides a set of measures that can be imposed by the United Nations Security Council. Accordingly, the Council may request member States to implement the measures adopted by the

Council. Both of the above-mentioned articles do not contain explicit or implicit provisions by which member states alone can impose unilateral sanctions.

Opponents, however, argue that; Unilateral sanctions are not in conflict with the Charter, as Article 4 4 4 of the Charter prohibits only (threat or use of force) unilaterally. Therefore, the prohibition in the Charter cannot include unilateral economic sanctions of states against each other. Because these sanctions do not involve any force or even threat of use of force, Article 4 4 4 of the UN Charter prohibits members from threatening to use force against the territorial integrity or political independence of any State (Cleveland, 2001, pp. 50-52). The question that arises here is; does the word “force” in paragraph 4 of Article 2 of the Charter include economic pressure? In other words, are unilateral sanctions legitimate under Article 2 4 4 of the Charter? Most international law writers recognize the illegitimacy of economic sanctions under the UN Charter 4 (Simma, 2002 p: 118; in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, the obligations under the Charter shall prevail. Sanctions imposed by the United Nations are therefore justified, even if the breach of an obligation under a treaty is justified unless it is considered a violation of an internationally mandated rule (Thematic Study of the Office of the United Nations High Commissioner for Human Rights, 2012, p. 8). Unilateral actions violate the rights and obligations of governments in many unilateral and multilateral international agreements. However, according to the traditional interpretation, the most important goal of classical international law was to regulate military action and the use of the armed forces, not foreign trade policies (Queguiner, 2006, p. 793). Therefore, according to this interpretation, countries are completely free in their economic policies towards other governments, including economic sanctions, and do not contradict the UN Charter. But this narrow interpretation of international law ignores the oppressive nature of economic sanctions and their destructive effects on the people of the target government (Reisman and Stevick, 1998, pp: 98–105, 110–111,).

According to human rights instruments, four categories of human rights can be distinguished: Fundamental human rights (eg political imprisonment and torture), economic rights (eg property rights, freedom of trade), liberating rights (such as women’s economic and political rights), and political rights and civil liberties (eg freedom of assembly and speech). For example, the right to life is endangered through death threats, disappearances, and torture (Gutmann, j. Ant et. Al, 2018: 4). The right to life13 and adequate living force by governments illegal10 and urgent and effective measures were taken by developed countries against developing countries to stop the application of unilateral sanctions imposed without the permission of the United Nations or contrary to the principles of the Charter11 . While it is accepted that UN General Assembly resolutions are not binding, it should be noted that these resolu-

tions play a major role in the proclamation of existing customary law as well as the emergence of customary rules. (O. Asamoah, 1967, pp. 46-62)12. Therefore, the use of unilateral economic pressure by governments violates the prohibition on the use of force provided for in paragraph 4 of Article 2 of the UN Charter. This prohibition is also stated in international legal documents and resolutions.
Unilateral sanctions are also inconsistent with Article 7 7 7 of the Charter because the prohibition in this article refers to the intervention of the United Nations, not the unilateral intervention of governments (Jennings and Watts 1992 pp. 447-449). Overall, paragraphs 7 and 4 of Article 2 of the Charter implicitly prohibit all forms of civilian intervention, including economic pressure and coercion against other countries. Finally, paragraph 3 of Article 2 and Article 33 of the Charter of the United Nations oblige member states to settle their disputes by peaceful means. However, unilateral sanctions are not one of the peaceful means of resolving international disputes. As a result, its application in international relations is contrary to the obligations outlined in the said articles (Brosche, 1974, p: 32).

The Increased Use of Unilateral Economic Sanctions and a New Geo-economic World Order

The recent surge in unilateral economic sanctions (UES) demands our attention. In a world where military interventions appear increasingly ineffective and politically unpopular, UES offer a seemingly “politically cheap” alternative. These sanctions allow states to pressure other governments and officials, often in response to perceived violations of international law or human rights abuses.

However, the rise of UES also raises concerns. Critics argue they can infringe upon the immunities traditionally afforded to government officials under international law. Additionally, broad UES can disproportionately harm civilians, raising ethical questions about their effectiveness.

Several prominent examples illustrate UES in action. In response to Russia's annexation of Crimea, a range of states imposed UES aimed at pressuring Russia to change course. Similarly, the United States and the European Union have adopted "Magnitsky Sanctions" frameworks, targeting individuals implicated in human rights violations. As cyber threats evolve, states are also developing UES to deter malicious actors in cyberspace.

Beyond these specific examples, a broader trend suggests we may be entering a new "geo-economic" world order. This emerging concept emphasizes the convergence of economic and security concerns in foreign policy. Previously, a distinction existed between the pursuit of power through military might and the pursuit of wealth through economic means. Today, the lines are blurring. States increasingly view economic strength as a pillar of national security, with potential strategic rivals targeted through economic measures like export controls. The ongoing trade war between the US and China exemplifies this trend.

The rise of this geo-economic thinking has significant implications for UES. If states increasingly use economic pressure to achieve national security objectives outside the framework of international law enforcement, the legitimacy of such measures will likely be challenged. The strategy of inflicting economic pain on rival states, while potentially effective in the short term, could ultimately undermine the long-term effectiveness of UES as a tool for enforcing international norms.

This potential erosion of legitimacy underscores the need for a more nuanced understanding of UES. While they offer a seemingly convenient tool for foreign policy, their application should be carefully considered. The potential violation of sovereign rights, the impact on civilians, and the potential for undermining international law all require close scrutiny.

Furthermore, the effectiveness of UES is often questioned. Critics argue that broad sanctions are blunt instruments, often harming unintended targets like ordinary citizens. Additionally, the targeted nature of some sanctions raises concerns about their enforceability. Powerful states with vast economic resources may find ways to circumvent UES, diminishing their impact.

Moving forward, a more strategic and multilateral approach to UES is necessary. International cooperation can enhance the effectiveness of sanctions while mitigating the risk of unintended consequences. Additionally, a clearer legal framework for UES is needed to address concerns about their use outside the bounds of international law enforcement.

Therefore, the rise of UES presents both opportunities and challenges for the international community. While they offer a potentially valuable tool for foreign policy, their application requires careful consideration of legal, ethical, and practical concerns. By fostering international cooperation and developing a clearer legal framework, the international community can promote the responsible use of UES and ensure their effectiveness in promoting international peace and security.

Questioning the legality of unilateral economic sanctions

Since the imposition of unilateral economic sanctions does not abide by international law, its use should be reconsidered

Unilateral economic sanctions have undoubtedly become the primary weapon for responding to any geopolitical challenge. Be it the human rights situation in Xinjiang and Myanmar or the nuclear programmes of Iran and North Korea, the imposition of sanctions has been the first response to force the alleged wrongdoer to course correct. Recent sanctions imposed against Russia for invading Ukraine are the most comprehensive and coordinated actions taken against a major power since World

War II. Examples of such unilateral economic sanctions include trade sanctions in the form of embargoes and the interruption of financial and investment flows between sender and target countries. A more problematic aspect of the unilateral economic sanctions regime is the targeting of third or neutral countries that engage in any sort of trade or commerce with the targeted state. The United States' (US) law on economic sanctions, i.e., Countering America's Adversaries through Sanctions Act, 2017 (CAATSA) allows for the imposition of sanctions on such third states if they enter into any significant transactions with the targeted states, i.e. Iran, North Korea, or Russia.

A more problematic aspect of the unilateral economic sanctions regime is the targeting of third or neutral countries that engage in any sort of trade or commerce with the targeted state.

The widespread use of this economic tool warrants an enquiry relating to their legality under international law. State practice throughout the history of international relations is evidence of the fact that coercion has been one of the defining features of engagement during wars. Over the course of time, the coercive practices used during armed conflict like blockades, reprisals, embargoes, deliberate starvation of the enemy's population, etc. came to be regulated by numerous international legal instruments. These international norms like obligation to allow unhindered transit of basic necessities like food and medicines during armed conflict have achieved universal ratification, despite occasional violations. However, the international legal regulation of non-forcible coercive measures such as unilateral economic sanctions, which are employed even during peacetime, is still in the nascent stage of its development. Although Chapter VII of the United Nations Charter allows for imposition of sanctions, these sanctions are in form of collective action taken under the aegis of United Nations Security Council (UNSC) so as to force a country to put an end to its actions which threaten or breach international peace and security. The UN Charter does not recognise unilateral measures, either forcible or non-forcible, by any member state except the right to self-defence as an interim measure. The international community has generally regarded unilateral economic sanctions as operating outside the framework permitted by international law. For example, the UNGA resolution of 2018 condemning the US sanctions on Cuba which have been in operation since 1962 witnessed 189 countries (a majority) voting in favour of the resolution and only two states voting against it, i.e. the US itself and Israel. The resolutions note that the imposition of unilateral coercive measures violates the international obligations of the state under the UN Charter.

However, the international legal regulation of non-forcible coercive measures such as unilateral economic sanctions, which are employed even during peacetime, is still in the nascent stage of its development.

This is because Article 2(3) of the UN Charter imposes an obligation upon member states to resolve their disputes peacefully. Sanctions which are generally imposed in a blanket manner in no manner contribute to the peaceful settlement of disputes. For example, the massive package of sanctions imposed by the US on Iran to counter its nuclear programme has not resulted in any positive outcome, and the two sides still remain at loggerheads. Economic sanctions do nothing except aggravate the sufferings of civilians in the targeted state and cannot be expected to resolve a dispute peacefully. Additionally, economic sanctions, especially those which are extra-territorial in nature, violate Article 2(7) of the UN Charter which prohibits non-intervention in internal affairs of a state. The threshold of intervention is satisfied when a state compels another "to change its policy or cause of action, not through influence or persuasion but through threats or imposition of negative consequences." The economic giants force the relatively weak economies to stop engaging with the targeted state, thereby, influencing their foreign and trade policies which is an exclusive domain of a state where no outside interference should be tolerated. This attacks the principle of sovereign equality of states, a key norm of international law. Comprehensive unilateral economic sanctions target the entire financial landscape of a state and are mostly imposed indiscriminately without taking into regard the common people of the state who are the most affected due to the consequent economic shocks. The The Office of the United Nations High Commissioner for Human Rights (OHCHR) Special Rapporteur on the negative impact of the unilateral coercive measures has repeatedly pointed out in its reports the 'exceedingly' negative impact of unilateral sanctions on the enjoyment of human rights. Unilateral sanctions have the ability to deprive a civilian population of their means of subsistence. Consider for example, the state of the healthcare sector of Iran which has been gravely affected to the imposition of sanctions by the US, as reported by the Human Rights Watch Sanctions drastically reduced Iran's capacity to finance humanitarian imports, and it has negatively impacted the common Iranians' right to health and access to medicines and medical care.

The The Office of the United Nations High Commissioner for Human Rights (OHCHR) Special Rapporteur on the negative impact of the unilateral coercive measures has repeatedly pointed out in its reports the 'exceedingly' negative impact of unilateral sanctions on the enjoyment of human rights.

Economic sanctions act as a significant disincentive for foreign investors, international organisations, and foreign companies to engage in trade and commerce with the targeted state due to the constant threat of secondary sanctions which could inadvertently target them. This economic standoff affects the life and human rights of every person, especially the most marginalised section of the populace. This violates human rights covenants such as the International Covenant on Economic Social and Cultural Rights (ICESCR), and the International Covenant on Civil and

Political Rights (ICCPR), both of which mention in their common Article 1 that "in no case may a people be deprived of its own means of subsistence." However, there is one instance where the imposition of economic sanctions is allowed. That instance is when the targeted state breaches its obligations under international law and commits an "internationally wrongful act" which can be attributed to the state in question. To compel the perpetrator state to comply with its obligations and to cease the wrongful act in question, imposition of countermeasures is allowed. However, those countermeasures must solely aim at cessation of the wrongful act and should not be punitive. Further, countermeasures must be of a proportionate nature and should be terminated once the wrongful act cease to operate. Additionally, countermeasures shall, at any time, not affect the obligations for the protection of fundamental human rights and must not violate peremptory norms of international law—those norms from which no deviation is possible under any circumstance. Despite the existence of these rules on state responsibility and countermeasures, most of the unilateral economic sanctions which are imposed are not directed against a wrongful act, for example, the sanctions imposed against Iran and North Korea for their nuclear weapons programme. The International Court of Justice in its ***Nuclear Weapons Advisory Opinion*** *has clearly held that proliferation of nuclear weapons, and even their use, is not per se unlawful. Considering this decision and the general state practice in respect of nuclear proliferation, neither Iran nor North Korea have committed a wrongful act particularly when the Nuclear Non-Proliferation Treaty itself allows for withdrawal under Article X on grounds of "protection of supreme interests of a country". Therefore, the sanctions imposed on these countries are punitive in nature. Similar is the situation with sanctions on Cuba. The Cuban Democracy Act of 1992 states that the purpose of imposing sanctions in Cuba is to force to move towards democratisation. There is nothing under international law which imposes a legal obligation on a country to stick to a specific model of governance. Imposition of sanctions on such dubious grounds is clearly motivated by political reasons.*

The International Court of Justice in its Nuclear Weapons Advisory Opinion has clearly held that proliferation of nuclear weapons, and even their use, is not per se unlawful.

The lack of any judicial scrutiny of these sanctions and countermeasures makes it an arbitrary exercise of power on the part of the states. Countermeasures may be unlawful if a state has failed to observe the above-mentioned conditions as well as limitations. Conclusion The risks that this economic weapon poses should not be ignored. Sanctions in their most powerful form, have the ability to become weapons of mass destruction. Thus, to ignore these weapons which have the ability to shake the very foundations of a country, destroy its central institutions, firms, lives and even livelihoods is nothing but a travesty of justice. Considering the gravity of damage that can arise out of the imposition of sanctions, a proper checks and balances in form of judicial scrutiny is desirable. The International Court of Justice (ICJ) in its recent decision in Iran-US Sanctions case held that it has jurisdiction to decide upon the merits of the case. This shows that economic sanctions imposed under domestic legislations are not immune to judicial review.

The Legality of Unilateral Economic Sanctions under the Charter of the United Nations

Unilateral Economic Sanctions: A Debate at the UN

Countries can exert economic pressure on others by stopping trade or investments, hoping to influence their behavior. These are called unilateral economic sanctions, meaning one country takes this action alone, outside of the United Nations (UN). However, the UN Charter prohibits both the use of force and undue interference in another country's affairs. This raises the question: are unilateral economic sanctions legal under the UN Charter?

Opposition to Sanctions:

Russia and China are vocal critics of unilateral sanctions, even though they have been known to use them themselves. Their arguments often center on:

- **UN Power:** Russia believes the UN Security Council, with its powerful members like itself, should have more control over when sanctions are used.
- **Global Image:** Both Russia and China want to be seen as fair players on the international stage. Opposing sanctions helps them portray themselves as the "good guys."
- **Self-Interest:** They worry that other countries might use sanctions against them someday.

China's Shifting Approach:

Interestingly, China has been increasingly using targeted sanctions themselves, despite their public opposition. These sanctions might involve stopping trade with specific companies in a rival country or offering favorable deals to countries that align with their interests. China even passed a new law allowing them to restrict trade with countries that limit what they can sell to China.

The UN's Stance:

The UN General Assembly has passed resolutions condemning unilateral sanctions, leading some to believe they are always illegal. However, other experts argue that these resolutions don't create a clear legal ban.

The Takeaway:

The legality of unilateral economic sanctions remains an ongoing debate at the UN. Both sides have valid arguments, and there is no definitive answer yet. As the world continues to evolve, so too will this complex discussion.

ETHICAL ANALYSIS OF THE ISSUE;

Article 2(4) of the UN Charter states that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . . ." Thus, threatening attack and the corresponding application of armed force are equally prohibited under international law, according to this famous and precedentsetting formulation. But are threats as morally and legally problematic as the actual use of armed force? Prima facie it would seem not. Threats, of themselves, cause no direct and tangible harm. And when one state party by way of a threat openly expresses its extreme disapproval of another's behavior, a space is thereby opened for negotiation and compromise. In this way, threats can prevent the outbreak of war. Nonetheless, the dark side of threats cannot be

denied. Especially where power asymmetries are great, threats can be an effective means of domination. The nations of East Asia still bemoan the “gunboat diplomacy” by which Western colonial powers would send warships with powerful cannons into urban ports, threatening to shell populated areas unless the rulers signed treaties allowing for the establishment of extraterritorial rights. More economical than warfare, threats can bring about the same net result—submission—and for this reason they are often placed alongside armed attack under the common heading of “aggression.”

Threats have traditionally occupied a significant place in diplomacy, representing an uncertain ground between consensual agreements on the one hand and armed confrontation on the other. As Thucydides immortalized in the “Melian Dialogue,” and as Hitler exemplified in his negotiations with the Czechs, Poles, and British, threats have long been integral to the practice of diplomacy, statecraft, and generalship. Reaching an apogee in the run-up to the Second World War, the state practice of issuing ultimatums went into decline after the war’s end. Beginning with the Yugoslav crisis of , however, ultimatums—particularly as issued by the United States—have made a remarkable comeback. They have been widely used to exert pressure, formulate expectations, and set the threshold for going to war. The Rambouillet talks in to resolve the status of Kosovo were conducted under the threat of NATO air strikes. In , U.S. President George W. Bush issued an ultimatum to the Taliban to hand over Osama bin Laden. Two years later he threatened Saddam Hussein with invasion. In , President Barack Obama issued an ultimatum to Muammar Qaddafi; and a year later he declared that the use of chemical weapons by Bashar al-Assad in Syria would cross a red line that, he insinuated, would entail a U.S. military response. Most recently, President Donald Trump has exchanged threats with Chairman Kim Jong-un over North Korea’s nuclear weapons program.

The normative evaluation of such coercive diplomacy lies at the crossroads of law and ethics. Within public international law, threats are most often treated as a modality of the jus ad bellum (that part of the law that regulates resort to armed force), usually under the heading of “ultimatums.” Another locus for juridical discussion is the law of treaties, particularly the Vienna Convention of , which provides for the voiding of treaties if they have been signed under duress. Despite their prevalence in the international sphere, threats have been little discussed in the literature on just war, apart from the specialized case of nuclear deterrence. This lacuna is regrettable. Most conventional military engagements do not aim simply at achieving victory on the battlefield; they are strategically nested in a broader context where the goal is to influence the political decisionmaking of the adversary. Such military engagements are typically preceded by verbal threats. And once carried out, these engagements themselves typically assume the character of a threat, since their function is to signal the prospect of renewed attack and to structure the adversary’s incentives

so its choices bend to a predetermined outcome. In this respect, threats pertain to the “idiom of military action” (to borrow a phrase from Thomas Schelling) and accordingly merit inclusion within the ethics of war.

In what follows we elucidate how threats represent a distinctive category within the broader field of just war ethics. Although our treatment is not specifically concerned with international law, it overlaps with the legal debate and should be of utility to lawyers as it lays the groundwork for a general normative evaluation of threats. Our first section is concerned with the definition and taxonomy of threats. The second section formulates some standard ethical objections that may be raised vis-à-vis the use of threats by state actors, and then goes on to employ just war categories to explain how threats may be morally assessed. Our overall aim is to explain how threats in the international sphere represent a distinctive category that warrants a just war analysis. The attendant moral issues are highly complex, and we do not purport to resolve them all. Our goal is somewhat more modest, namely, to provide a map of this morally fraught domain.

EXTRATERRITORIAL SANCTIONS AND HUMAN RIGHTS VIOLATION

Unintended Consequences of Extraterritorial Sanctions

While some argue that economic sanctions can be effective tools, there’s a growing concern about their impact on human rights. These sanctions often target entire countries, forcing foreign businesses to cut ties with them or leave altogether. This

creates a power imbalance between the countries imposing the sanctions (senders) and the ones being sanctioned (receivers).

Here's why this is a problem:

- **Sender states have a responsibility to uphold human rights, even outside their borders.** This means they should consider how sanctions might affect ordinary people in the sanctioned country, who often suffer the most. Studies show sanctions can disproportionately hurt the poor, limiting access to basic necessities.
- **Sanctions can violate international law.** The UN and human rights groups have criticized them for harming civilians and undermining the rights of targeted countries.
- **The impact spreads beyond borders.** Sanctions can have unintended consequences for neighboring countries and major trading partners, disrupting economies and causing hardship.

In short, sanctions can be a double-edged sword. While they may target governments, they often end up hurting the very people they're meant to help. Finding ways to impose sanctions that are more targeted and less harmful to civilians remains a challenge for the international community.

Do Countries Have Human Rights Responsibilities Beyond Their Borders?

This section explores whether countries have human rights obligations that extend beyond their own borders. Traditionally, human rights were seen as a domestic issue, with countries protecting their own citizens. However, things are changing.

Universality of Human Rights:

Human rights are meant to be universal, meaning everyone deserves them, regardless of location. This suggests that countries might have a responsibility to protect human rights even outside their borders.

The Debate:

Some argue that simply saying everyone has rights doesn't automatically create obligations for countries to protect them everywhere. They point out that countries

often focus on their own domestic human rights obligations (things they have to do within their borders).

Shifting Views:

Recent interpretations and legal decisions suggest a growing awareness of extra-territorial human rights obligations – meaning countries have responsibilities beyond their borders. This includes situations where they have significant control over a situation, even if it's not technically their territory.

Types of Obligations:

There are two main types of human rights obligations:

- **Negative Obligations:** These require countries to avoid causing harm to others, regardless of location.
- **Positive Obligations:** These require countries to take active steps to ensure people enjoy their human rights.

Challenges and Inconsistencies:

While the idea of negative extraterritorial obligations seems clear, things get more complex with positive obligations. Court cases haven't always been consistent on this. For example, the US was held responsible for some actions by US citizens in Nicaragua, but not others.

The Way Forward:

The gap between the ideal of universal human rights and the reality of limited international enforcement creates challenges. Some argue that rights without obligations are meaningless. As the world becomes more globalized, there's a growing need for countries to be held accountable for human rights both domestically and internationally

CONCLUSION

Economic sanctions initially emerged as a constituent element of military strategy, as the historical record clearly shows. The evolution of the system of collective security, first attempted via the Covenant of the League of Nations and later through the UN Charter, encompassed a shift in the role attributed to economic sanctions. Indeed, after World War I and even more so after World War II, economic sanctions evolved as measures to promote collective security. Eventually, with an increased number of international legal obligations and the lack of centralised institutional enforcement, measures of economic pressure have acquired value as a tool to enforce international law.

The end of the Cold War breathed new life into economic sanctions. The UN Security Council relied upon economic pressure to achieve its main goal – to maintain international peace and security. Furthermore, targeted sanctions gained momentum. The proliferation of unilateral economic sanctions and the diversity of the policy objectives pursued by such measures provide sufficient ground to argue that, in the last decades, states have relied excessively upon economic coercion.

The effectiveness of economic sanctions cannot be evaluated separately from their intended objectives and the domestic dynamics of a sanctioned state. Furthermore, the specific outcome of economic sanctions also depends on the targeted country's openness to international trade. Studies of the effectiveness of economic sanctions

demonstrate that they can be a viable policy response only if they are accurately framed and implemented.

Roll Call

A committee meeting begins with a roll call, without which quorum cannot be established. A debate cannot begin without a quorum being established. A delegate may change his/her roll call in the next session. For example, if Delegate answers the Present in the First session, he can answer the Present and vote in the next session when the roll call occurs.

During the roll call, the country names are recalled out of alphabetical order, and delegates can answer either by saying Present or Present and voting. Following are the ways a roll call can be responded in -

Present - Delegates can vote Yes, no, or abstain for a Draft Resolution when they answer the Roll Call with Present;

Present and voting - An delegate is required to vote decisively, i.e., Yes/No only if they have answered the Roll Call with a Present and voting. A Delegate cannot abstain in this case.

Abstention - The Delegate may abstain from voting if they are in doubt, or if their country supports some points but opposes others. Abstention can also be used if a delegate believes that the passage of the resolution will harm the world, even though it is unlikely to be highly specific. A delegate who responded with present and voting is not allowed to abstain during a substantive vote. An abstention counts as neither “yes” nor “no vote”,and his or her vote is not included in the total vote tally.

Quorum

In order for the proceedings of a committee to proceed, quorum (also known as a minimum number of members) must be set which is one-third of the members of the committee must be present. Quorum will be assumed to be established unless a delegate’s presence is specifically challenged and shown to be absent during the roll call. The Executive Board may suspend committee sessions if a quorum is not reached.

General Speakers List

After the agenda for the session has been established, a motion israised to open the General Speaker’s List or GSL. The GSL is where all types of debates take place throughout the conference, and the list remains open throughout the duration of the

agenda's discussion. If a delegate wishes to speak in the GSL, he or she must notify the Executive Board by raising his or her placard when the Executive asks for Delegates desiring to speak in the GSL. Each country's name will be listed in the order in which it will deliver its speech. A GSL can have an individual speaker time of anywhere from 60-120 seconds. Following their GSL speech, a Delegate has the option of yielding his/her time to a specific Delegate, Information Points (questions) or to the Executive Board.

Speakers List will be followed for all debate on the Topic Area, except when superseded by procedural motions, amendments, or the introduction of a draft resolution. Speakers may speak generally on the Topic Area being considered and may address any draft resolution currently on the floor. Debate automatically closes when the Speakers List is exhausted.

Yield

A delegate granted the right to speak on a substantive issue may yield in one of three ways at the conclusion of his/her speech: to another delegate, to questions, or to the Director. Please note that only one yield is allowed. A delegate must declare any yield at the conclusion of his or her speech.

- Yield to another delegate. When a delegate has some time left to speak, and he/ she doesn't wish to utilize it, that delegate may elect to yield the remaining speaking time to another delegate. This can only be done with the prior consent of another delegate (taken either verbally or through chits).The delegate who has been granted the other's time may use it to make a substantive speech, but cannot further yield it.

- Yield to questions. Follow-up questions will be allowed only at the discretion of the Director. The Director will have the right to call to order any delegate whose question is, in the opinion of the Director, rhetorical and leading and not designed to elicit information. Only the speaker's answers to questions will be deducted from the speaker's remaining time.

- Yield to the EB. Such a yield should be made if the delegate does not wish his/her speech

to be subject to questions. The moderator will then move to the next speaker.

Motions

Motions are the formal term used for when one initiates an action. Motions cover a

wide variety of things.

Once the floor is open, the Chairs will ask for any points or motions. If you wish to bring one to the Floor, this is what you should do:

- Raise your placard in a way that the chair can read it
- Wait until the Chair recognizes you
- Stand up and after properly addressing the Chair(":hank you, honourable Chair" or something along these lines), state what motion you wish to propose
- Chairs will generally repeat the motions and may also ask for clarification. Chairs may do this if they do not understand and may also ask for or suggest modifications to the motion that they feel might benefit the debate.

Every motion is subject to seconds, if not otherwise stated. To pass a motion at least one other nation has to second the motion brought forward. A nation cannot second its own motion. If there are no seconds, the motion automatically fails.

If a motion has a second, the Chair will ask for objections. If no objections are raised, the motion will pass without discussion or a procedural vote. In case of objections, a procedural vote will be held. The vote on a motion requires a simple majority, if not otherwise stated.

While voting upon motions, there are no abstentions. If a vote is required, everyone must vote either "Yes" or "No". If there is a draw on any vote, the vote will be retaken once. In case there are multiple motions on the Floor, the vote will be casted by their Order of Precedence. If one motion passes, the others will not be voted upon anymore. However, they may be reintroduced once the Floor is open again.

During a moderated caucus, there will be no speakers' list. The moderator will call upon speakers in the order in which the signal their desire to speak. If you want to bring in a motion for a moderated caucus, you will have to specify the duration, a speakers' time, a moderator, and the purpose of the caucus. This motion is subject to seconds and objections but is not debatable.

In an unmoderated caucus, proceedings are not bound by the Rules of Procedure. Delegates may move around the room freely and converse with other delegates. This is also the time to create blocks, develop ideas, and formulate working papers, draft resolutions, and amendments. Remember that you are required to stay in your room unless given permission to leave by a Chair.

During the course of debate, the following points are in order:

- Point of Personal Privilege: Whenever a delegate experiences personal discomfort

which impairs his or her ability to participate in the proceedings, he or she may rise to a Point of Personal Privilege to request that the discomfort be corrected. While a Point of Personal Privilege in extreme case may interrupt a speaker, delegates should use this power with the utmost discretion.

- Point of Order: During the discussion of any matter, a delegate may rise to a Point of Order to indicate an instance of improper parliamentary procedure. The Director may rule out of order those points that are improper. A representative rising to a Point of Order may not speak on the substance of the matter under discussion. A Point of Order may only interrupt a speaker if the speech is not following proper parliamentary procedure.

- Point of Enquiry: When the floor is open, a delegate may rise to a Point of Parliamentary Inquiry to ask the EB a question regarding the rules of procedure. A Point of Parliamentary Inquiry may never interrupt a speaker. Delegates with substantive questions should not rise to this Point, but should rather approach the committee staff during caucus or send a note to the dais.

- Point of information: After a delegate gives a speech, and if the delegate yields their time to Points of Information, one Point of Information (a question) can be raised by delegates from the floor. The speaker will be allotted the remainder of his or her speaking time to address Points of Information. Points of Information are directed to the speaker and allow other delegations to ask questions in relation to speeches and resolutions.

- Right to Reply: A delegate whose personal or national integrity has been impugned by another delegate may submit a Right of Reply only in writing to the committee staff. The Director will grant the Right of Reply and his or her discretion and a delegate granted a Right of Reply will not address the committee except at the request of the Director.

Draft Resolution

Once a draft resolution has been approved as stipulated above and has been copied and distributed, a delegate(s) may motion to introduce the draft resolution. The Director, time permitting, shall read the operative clauses of the draft resolution. A procedural vote is then taken to determine whether the resolution shall be introduced. Should the motion receive the simple majority required to pass, the draft resolution will be considered introduced and on the floor. The Director, at his or her discretion, may answer any clarificatory points on the draft resolution. Any substantive points will be ruled out of order during this period, and the Director may end this clarificatory question-answer period' for any reason, including time con-

straints. More than one draft resolution may be on the floor at any one time, but at most one draft resolution may be passed per Topic Area. A draft resolution will remain on the floor until debate on that specific draft resolution is postponed or closed or a draft resolution on that Topic Area has been passed. Debate on draft resolutions proceeds according to the general Speakers List for that topic area and delegates may then refer to the draft resolution by its designated number. No delegate may refer to a draft resolution until it is formally introduced.

Amendments

All amendments need to be written and submitted to the executive board. The format for this is authors, signatories and the clause with mentioning the add, delete and replace. There are two forms of amendment, which can be raised by raising a motion for amendment and approval of the chair

Friendly Amendments: Amendment,which is agreed upon by all the author's does not require any kind of voting

Unfriendly Amendments: Amendments that are introduced by any other need not be voted upon by the council and are directly incorporated in the resolution. You need a simple majority in order to introduce a normal amendment.

BODY of Draft Resolution

The draft resolution is written in the format of a long sentence, with the following rules:

- Draft resolution consists of clauses with the first word of each clause underlined.
- The next section, consisting of Preambulatory Clauses, describes the problem being addressed, recalls past actions taken, explains the purpose of the draft resolution, and offers support for the operative clauses that follow. Each clause in the preamble begins with an underlined word and ends with a comma.
- Operative Clauses are numbered and state the action to be taken by the body. These clauses are all with the present tense active verbs and are generally stronger words than those used in the Preamble. Each operative c