Articulation Between Unilateral and Multilateral Sanctions

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## A Broad Picture

<table>
<thead>
<tr>
<th>Old Practice</th>
<th>Unilateral Practice</th>
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<tbody>
<tr>
<td>Ancient Greece</td>
<td>Trade with the Enemy Acts</td>
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<tr>
<td>Napoleon</td>
<td><em>Arab Boycott v Israel</em></td>
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<tr>
<td>Jefferson</td>
<td><em>UK v Mossadengh</em></td>
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<tr>
<td>Chinese Boycotts</td>
<td><em>USA v Cuba</em> (and so many more)</td>
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<tr>
<td>Wilson</td>
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</tbody>
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### Multilateralisation

- Art. 16.1 of the League of Nations Covenant
- Art. 41 of the UN Charter

### From broad ... to smart ... to broad (again) sanctions

- Targeted killings
Legal Analysis

<table>
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<tr>
<th>Are unilateral economic sanctions lawful?</th>
<th>What if a treaty prohibits restrictions on international trade or financial relations?</th>
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<tbody>
<tr>
<td>- Principle of non-interference?</td>
<td>Can a State justify such restrictions in the context of the adoption of unilateral economic sanctions?</td>
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<td>- Exercise of State sovereignty</td>
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<td>- Extraterritoriality</td>
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Five Hypotheses

1. **Unilateral sanctions implement a UN Security Council resolution adopted on the basis of Chapter VII of the UN Charter.**
   - Art. 103 UN Charter
   - Consent
   - Circumstance precluding wrongfulness

2. **Unilateral sanctions implement a UN General Assembly recommendation.**
   - Resolution 377(V)
   - Resolution ES-9/1 of 5 Feb 1982
   - Art. 103 does not apply
   - Circumstance precluding wrongfulness (counter or third party measure)?
3. Unilateral sanctions as supplementary sanctions (additional to multilateral sanctions)
   - ‘Floor v ceiling’ debate
   - Must be assessed on their own face
   - Circumstance precluding wrongfulness (counter or third party measure)?

4. Unilateral sanctions implement a UNSC ‘almost’ resolution – not adopted because of a veto
   - No decision
   - Circumstance precluding wrongfulness (counter or third party measure)?

5. Unilateral sanctions in the absence of multilateral sanctions