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UN ECONOMIC SANCTIONS AS A MEANS OF ENSURING COMPLIANCE WITH INTERNATIONAL LAW: PROBLEMS OF APPLICATION

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The enforcement of international legal obligations through coercive measures, particularly economic sanctions, has become increasingly central in contemporary international law due to widespread violations of these obligations. The United Nations Security Council (UNSC) has adopted economic sanctions as a key tool to compel States to comply with international legal norms, thereby maintaining international peace and security. Despite their significance, the use of economic sanctions by UNSC is fraught with significant complexities and challenges, including issues of legality and effectiveness. Existing research largely focuses on these issues but often overlooks critical questions related to the domestic implementation of economic sanctions.

This study examines the multifaceted problems associated with the application of UNSC economic sanctions from the perspective of both international and national law. It builds on existing literature and employs systematic, analytical, and documentary methods to investigate these issues. Key findings include such UNSC economic sanctions application challenges, which arise at the international level, as the blocking of UNSC resolutions through veto power; delays in its adoption; inconsistencies between UNSC resolutions and international law; vague language of these international legal acts. Other problems include those that arise at the national level, such as refusal to implement, improper or delayed implementation of UNSC resolutions within domestic legal orders due to the peculiarities of UN Member States' legislative processes, vague wording in UNSC resolutions, lack of a Member State's capacity, resources, or political will to effectively implement economic sanctions; absence of constant monitoring of economic sanctions application; ineffective enforcement of these coercive measures and the lack of coordinated efforts among UN Member States in these areas.

The research highlights the need for enhanced focus on national implementation of UNSC economic sanctions, stressing the importance of adopting enabling legislation, establishing a coherent system of national bodies, and improving coordination among UN Member States. Addressing these issues is crucial for ensuring the effective application of UNSC sanctions and fulfilling obligations under the UN Charter.

Key words: *coercive measures, economic sanctions, effectiveness of sanctions, enforcement, legitimacy, sanctions implementation, United Nations.*

Карлюга Єлизавета. Економічні санкції ООН як засіб забезпечення дотримання міжнародного права: проблеми застосування

Забезпечення виконання міжнародно-правових зобов'язань за допомогою примусових заходів, зокрема економічних санкцій, стає дедалі важливішим у сучасному міжнародному праві через поширеність їхніх порушень. Рада Безпеки Організації Об'єднаних Націй (РБ ООН) застосовує економічні санкції як основний інструмент для примусу держав до дотримання норм міжнародного права, тим самим підтримуючи міжнародний мир і безпеку. Незважаючи на важливість цього механізму, застосування економічних санкцій РБ ООН супроводжується значними труднощами, що пов'язується з питаннями законності та ефективності цих примусових заходів. Існуючі дослідження переважно зосереджуються на зазначених проблемах, проте часто ігнорують критичні питання, пов'язані з імплементацією санкцій на національному рівні.

На відміну від них, це дослідження охоплює комплексні проблеми, пов'язані із застосуванням економічних санкцій РБ ООН, як з точки зору міжнародного, так і національного права. Воно спирається на існуючу літературу та застосовує системний підхід, методи аналізу та синтезу, а також метод документального аналізу для дослідження окреслених питань.

Основні висновки дослідження включають такі виявлені проблеми застосування економічних санкцій РБ ООН, що виникають на міжнародному рівні, як блокування резолюцій РБ ООН через право вето; затримки у їхньому прийнятті; невідповідність резолюцій РБ ООН нормам міжнародного права; а також нечіткість формулювань, що містяться у цих міжнародно-правових актах.

До інших проблем належать ті, що виникають на національному рівні, такі як відмова від імплементації, неналежна або несвоєчасна імплементація резолюцій РБ ООН у національних правопорядках через особливості законодавчих процесів держав-членів ООН, розпливчатість формулювань резолюцій РБ ООН, брак спроможності, ресурсів або політичної волі держав-членів ООН для ефективного впровадження економічних санкцій; відсутність постійного моніторингу виконання економічних санкцій; неефективне забезпечення дотримання цих примусових заходів та відсутність координації зусиль держав-членів ООН в цих сферах.

Дослідження підкреслює необхідність посилення уваги до імплементації економічних санкцій РБ ООН на національному рівні, наголошуючи на важливості ухвалення відповідного законодавства, створення злагодженої системи

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національних органів та покращення координації між державами-членами ООН. Розв'язання цих питань має вирішальне значення для забезпечення ефективного застосування санкцій РБ ООН та виконання зобов'язань, передбачених Статутом ООН.

Ключові слова: *примусові заходи, економічні санкції, ефективність санкцій, забезпечення дотримання, законність, імплементація санкцій, Організація Об'єднаних Націй.*

Introduction. In recent years, international law has increasingly focused on the enforcement of international legal obligations through mechanisms of coercion, largely due to the widespread violation of these obligations [1, p. 320]. Sanctions, in particular, are one of the primary instruments of legitimate coercion that international law provides to its subjects for the enforcement of international norms. In this sense, the United Nations Security Council's (hereinafter UNSC) sanctions are understood to play a crucial role in maintaining the international legal order by exerting collective pressure on States violating international law, forcing them to stop their illegal activities and take responsibility for their actions.

The UNSC's practice of applying sanctions shows that economic sanctions are most often used [2, p. 5]. However, despite the importance of economic sanctions for maintenance of international peace and security, their application is one of the most complex and significant issues in modern international law [3, p. 377], and it has not attracted significant attention of scholars. Moreover, practice demonstrates that the adoption of UNSC sanctions raises various problems, including questions concerning their legality and effectiveness. As for the effectiveness, there is a noticeable tendency toward negative assessments: the effectiveness of the UNSC's economic sanctions is often assessed low and is increasingly questioned.

These circumstances, along with the primary responsibility of the UNSC for the maintenance of international peace and security, the growing complexity caused by an expanding range of sanctions targets, instruments, and mandates, which makes it difficult to effectively apply UNSC economic sanctions, emphasize the importance of studying this topic.

Materials and methods. Issues related to UNSC economic sanctions have garnered considerable attention in international law doctrine, especially since the resurgence of UNSC powers after the end of the Cold War. However, most of the existing research focuses mainly on the legality of UNSC economic sanctions under international law or the effectiveness of their impact on targeted actors. Other issues related to the application of UNSC economic sanctions, particularly those that may arise at the domestic level, are largely overlooked in the legal literature. Only a few studies have dedicated attention to this specific research topic, including those by Yu. V. Malysheva, S. E. Eckert, T. J. Biersteker, M. Tourinho, V. Gowlland-Debbas, M. Brzoska, J. Brewer, and R. Nephew. The current research builds on the conclusions of these authors and applies the following scientific methods: a systematic approach to identify problematic issues related to the UNSC's application of economic sanctions, synthesis and analysis methods to investigate the international legal regulation of the UNSC's sanctioning authority and its components, and method of documentary analysis to study and summarize the practice of applying economic sanctions at both the international and domestic levels.

Discussion. At the outset, it should be noted that the legal literature contains numerous definitions of the term «sanction», as well as its variant «economic sanction». These variations stem from different approaches used in international and national legal systems, as well as the evolution of relevant terminology in legal doctrine. The primary reason for this diversity seems to be the absence of a legally binding definition of the term «sanction» in any international legal instrument. Likewise, soft law instruments have failed to establish a definition of this concept that is both generally accepted and supported by State practice.

Nevertheless, some kind of consensus has been reached, at least regarding the fact that the term «sanction» is currently employed to indicate measures taken by the UNSC under Art. 41 of the United Nations Charter (hereinafter UN Charter) to remedy a situation falling under Art. 39 and implying «a threat to peace, a violation of peace, or an act of aggression» [4, p. 9]. Although the application of this term in the mentioned sense is sporadically contested. It is considered inaccurate and «not self-evident» because it does not appear in the UN Charter [5, p. 151], where Art. 39 refers to «measures…taken in accordance with Articles 41 and 42», Art. 41, in turn, refers only to «measures», while Art. 42 refers to «action» when it comes to measures involving the use of armed force [6]. These observations have not been entrenched in either legal literature or practice. In particular, UNSC resolutions themselves sometimes refer to the relevant measures as «sanctions» [7, p. 4].

Thus, within this paper, the term «sanction» will be used to define measures taken by the UNSC under Chapter VII of the UN Charter, while the term «economic sanction» will be used to denote its particular type, the application of which is anticipated by Art. 41 of the UN Charter, which reads as follows: «The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations…» [6, art. 41]. According to K. V. Gromovenko, an analysis of the practice of imposing these measures by the UNSC allows to conclude that the application of the formula for «complete or partial interruption of

economic relations» involves a wide range of measures, including embargo, boycott, blockade, freezing of financial assets, prohibition of investment in the economy of a targeted State, as well as providing it with financial, material, technical, and other assistance [8, p. 72]. Moreover, as indicated by N. Ronzitti, the possible measures provided for in Art. 41 constitute a non-exhaustive list [4, p. 15].

Thus, apart from the issue of defining the notion of sanctions, particularly those of an economic character, it is important to attain a clear understanding of the existing types of economic sanctions, their nature, and specific characteristics, on which the effectiveness of their application directly depends. This understanding will help justify and define the criteria for applying specific types of economic sanctions, foresee possible outcomes of their application, and anticipate potential obstacles as outlined in international and domestic law.

In this context, it is necessary to consider the existing types of economic sanctions. The most common and significant classification of economic sanctions is based on the nature of restrictions. Within this classification, economic sanctions are divided into trade and financial sanctions. The first category includes restrictions on imports and exports of goods, services, and technologies, as well as blacklisting practices, which involve banning trade with entities on such lists. The second category encompasses measures that interrupt financial flows, such as asset freezes, prohibitions on financial transactions, and restrictions on the export of loans and investments [9, p. 44–45, 63].

Another important classification is based on the scope of economic sanctions: comprehensive and targeted sanctions. Comprehensive sanctions are imposed on an entire State and include a ban on a broad range of economic activities. Targeted sanctions, also known as «smart sanctions», are restrictions applied to «leaders, decision-makers, their principal supporters, or individual sectors of an economy or geographic regions, rather than indiscriminately at an entire population» [10, p. 2]. Individuals are often subjected to travel bans and asset freezes, while legal entities may face restrictions on their assets. Targeted sanctions can be applied to specific sectors of activity, such as aviation, or can restrict trade across entire economic sector of a State. These sectoral targeted sanctions often include arms embargoes, bans on commodity and transportation, as well as broader financial sector limitations. Finally, economic sanctions can focus on a particular regions within a State, such as provinces, sub-regional areas, or territories controled by proscribed rebel groups [11, p. 13].

Regardless of the type of economic sanctions implemented, their application remains crucial in any sanctions regime. Doctrinally, different terms are used to describe the process of implementing economic sanctions. This variation is particularly noticeable when working with English and Ukrainian sources. Therefore, it is also necessary to clarify the specific meanings of certain terms as they are used in this study. When discussing economic sanctions, the term «application» can be understood in two distinct ways. In the narrow sense, «application» refers to the process of adopting a legal act that imposes economic sanctions on a target. In a broader sense, «application» encompasses additional procedural actions, depending on the level at which the legal act is adopted [12, p. 177–179]. These may include transposing international legal acts into domestic legal orders, applying them through relevant policy provisions in domestic processes and procedures, and enforcing policies undertaken by national authorities to ensure compliance and impose penalties in case of violations [13, p. 37–39].

The peculiarity of the UN's application of economic sanctions lies in the integration of two key stages: the adoption of a sanctions resolution by the international organization within the international legal order, and its subsequent adoption by States, which is regarded as translating the resolution into the domestic legal order.

Thus, the application of UNSC economic sanctions requires certain measures at both international and national legal levels. On this basis, it is possible to distinguish two levels of the imposition of UNSC economic sanctions—international and domestic.

It is noteworthy that problems with the application of UNSC economic sanctions can arise at both of these stages. As logically follows, the adoption of UNSC sanctions resolutions marks the initial step in the UN sanctions mechanism. Thus, the effectiveness and alignment of these resolutions with international law, as well as their practical impact on the behavior of targeted entities, largely depend on the thoroughness and precision of the work performed by Member States representatives and UNSC services at this stage. This is particularly crucial in assessing the necessity of sanctions and in defining their scope and nature [12, p. 179].

Nevertheless, several significant problems arise at this stage that require attention. The most pressing among them are as follows. First, there is the issue of the veto power held by one of the five permanent members of the UNSC [6, art. 27(3)], which often renders the UNSC incapable of adopting a relevant resolution. This has been a frequent point of criticism against the UN. As P. Achilleas notes, the «hyper-centralized model of the sanctions system poses a problem for the work of the UN. Due to the way Security Council resolutions are adopted, any veto raised by one of the five permanent Member States blocks the sanctions system. Consequently, the Security Council can never act against the interests of one of the five permanent members or their allies. This explains the weak nature of the sanctions mechanism, especially during the Cold War. This observation remains valid even today» [14, p. 32]. This perspective is difficult to dispute, particularly in light of the ongoing aggression by the Russian Federation against Ukraine. While this aggression constitutes a clear violation of Article 2(4) of the UN Charter [6], the

UNSC remains paralyzed by Russia's veto, unable to enforce the obligations under the UN Charter [15, p. 32], and, obviously, maintain and restore international peace and security [6, art. 39].

Other problems associated with the veto power, as enshrined in the UN Charter, also emerge. One frequently cited issue is the UNSC's sluggish response to international crises, making it «not necessarily effective in addressing the problems of rapidly evolving international relations» [7, p. 10]. Additionally, the lack of transparency and rationalization in sanction measures is criticized, particularly since nothing «can be expected from the permanent Member States» [14, p. 33], apart from the well-known practice where «the superpowers and other permanent members of the Security Council, as well as their allies, are protected from mandatory sanctions» [16, p. 276].

Moreover, beyond the UNSC itself, numerous UN-related actors are involved in sanctions implementation at this level. The key institutional actors among them are the UN sanctions committees, their Panels of Experts, and the UN Secretariat [17, p. 157]. The effectiveness of sanctions implementation is also greatly impacted by the performance of these bodies. However, it has been observed that the UN Secretariat often falls short in fully executing its responsibilities: «The willingness of officials to integrate sanctions with other UN operations is often impeded by erroneous and outdated misperceptions about sanctions...High-ranking officials at the UN and in prominent member states may not be aware of their obligations to implement sanctions or of the security benefits that accrue from compliance with Security Council measures» [18, p. 2]. In this context, some scholars have accused the UN Secretariat of self-limiting its role by failing to raise awareness and assist in sanctions implementation, thereby reducing the effectiveness of sanctions [17, p. 159].

The performance of Panels of Experts, which are independent investigative teams authorized by UNSC resolutions and appointed by the UN Secretary-General to monitor sanctions implementation [17, p. 154], has also faced criticism. These panels are primarily responsible for preparing reports that provide recommendations on the designation of sanctions targets or their subsequent modifications. These reports serve as the basis for action by the UN sanctions committees. However, it has been observed that the experts' reports are often carefully filtered to conform to the political leanings of the permanent members of the UNSC. Such a filtering process leads to the «lowest common denominator» of information, thus reducing the effectiveness of monitoring sanctions implementation [17, p. 160].

Secondly, another important issue concerns the legality of UNSC resolutions. The adoption of the UN Charter in 1945 established the foundation for a new international legal order, fundamentally altering the view of coercion as an institution of international law. Since then, it has been generally recognized that any form of coercion, including economic sanctions, must be applied only on the grounds and in the manner prescribed by the principles and norms of international law [19, p. 77]. This principle is fully applicable to UN economic sanctions, which must be legitimate under the provisions of the UN Charter and other norms of international law to effectively maintain and restore international peace and security.

One of the primary concerns related to the legitimacy of UN economic sanctions is the UNSC's competence in imposing these measures. Decision-makers who decide to impose sanctions must act strictly in accordance with, and within the scope of, the coercive powers granted to them under international law, particularly under the UN Charter. This is especially crucial for the UNSC, given its central role in the collective security system. It is therefore imperative that UNSC decisions, which are of great importance and far-reaching implications for international security, be carefully considered, well reasoned, based on solid evidence, and consistent with sound assumptions.

In this context, an analysis of Chapter VII of the UN Charter reveals that economic sanctions can be imposed only in situations that the UNSC defines as «a threat to peace, breach of peace, or act of aggression» [6, art. 39]. As V. Gowlland-Debbas observes, although there is «no legal definition of these terms, at least concerning a threat to or breach of the peace» and that «such determinations are discretionary», these determinations should be made within the limits imposed by the UN Charter, particularly Article 24(2), which refers back to the purposes and principles of the UN, as well as general international law [20, p. 4]. M. Rowhani holds similar views, arguing that the UNSC's sanctioning power should be constrained by the «UN Charter's bounds», which include the UN's primary purposes as specified in its Preamble, as well as the other purposes and principles outlined in Articles 1–2 of the UN Charter [21, p. 133]. Particularly relevant to UNSC sanctions is the principle of respect for human rights and fundamental freedoms [6, art. 1(3)], which must be considered when drafting and adopting sanctioning resolutions.

However, this is not always the case, as evidenced by the fourteen ongoing UN sanctions regimes, most of which are embargoes [21, p. 133]. These comprehensive economic sanctions have sometimes posed risks to the UN's overarching goal of promoting a higher standard of living, fostering economic and social progress, and upholding the universal observance of human rights and fundamental freedoms [6, art. 55].

A notable example frequently cited in legal literature is the UNSC sanctions imposed on Iraq in 1990. The practical implementation of this comprehensive economic sanction had far-reaching and irreversible effects on the Iraqi economy and population, without achieving the intended behavioral change from the targeted government [22, p. 3]. These circumstances have led some international law scholars to characterize the measure not only as a

«blunt instrument, which hurt large numbers of people who are not their primary targets», but also as a tool of «mass destruction» [23, p. 108].

Moreover, the case of Iraq, along with the sanctions imposed on Yugoslavia, and Haiti [24, p. 27], sparked discussions about the applicability of core humanitarian law principles – such as necessity, proportionality, and discrimination – in assessing the «acceptable» collateral damage of UNSC sanctions regimes [25, p. 94]. M. O'Connell has argued that while international humanitarian law traditionally applies to State conduct during wartime, these humanitarian principles could provide a relevant framework for considering the design and implementation of economic sanctions outside of armed conflict [26, p. 74–75].

This approach finds justification in the similarity of collateral damage that both economic sanctions and military interventions can cause. Consequently, as some scholars have observed, it is widely accepted that the principles of necessity, proportionality, and discrimination should apply to any entity imposing sanctions [27, p. 7]. Therefore, the conformity of UNSC sanctions resolutions with these principles is crucial in determining the legality of such measures.

An additional consequence of the humanitarian impact of comprehensive sanctions was the introduction of UNSC sanctions reforms in the 1990s and 2000s. The primary goals of these reforms were to reduce the devastating humanitarian effects of comprehensive sanctions, improve the implementation of agreed measures, and ultimately develop measures that could focus on those responsible for threats to international peace and security without subjecting civilian populations to undue stress and suffering [23, p. 108]. These efforts led to a shift away from comprehensive sanctions toward more targeted ones. However, those involved in the reforms recognized that it would be nearly impossible to eliminate all negative side effects of sanctions [28, p. 15].

Practice has shown that these concerns were well-founded, as issues related to the application of targeted sanctions—particularly in the area of human rights, such as due process rights—soon entered public debate. This raised questions about judicial review and other remedies for individuals affected by economic sanctions. As M. Honda points out, the «measures implemented through targeted sanctions are under significant and growing challenge. National and regional courts have increasingly found fault with the procedures used for listing designations of sanctions on individuals and entities, as well as with the adequacy of procedures for challenging designations. This is an unintended consequence of UN targeted sanctions. Human rights advocates have criticized the UN, contending that the prevailing UN procedures for making designations violate the fundamental norms of due process» [24, p. 31].

It is important to note that procedural process rights are not the only rights that can be affected by UNSC economic sanctions. Other vulnerable human rights include the right to property, privacy, and reputation, as well as the right to freedom of movement [21, p. 142].

To address these unintended consequences, the UNSC introduced the Office of the Ombudsperson. However, this development has not fully resolved the human rights issues associated with economic sanctions. As T. Ruys notes, «these efforts continue to fall short of providing adequate guarantees, for example with respect to the right to property and the right to be heard, particularly because the competence of the Ombudsperson is limited to the ISIL and Al Qaeda sanctions regime» [29, p. 39].

Thirdly, the subsequent problem that may arise during the adoption of UNSC sanctions resolutions is connected to the language used in these documents. The importance of this aspect lies in the link between the clarity and precision of the resolution's text and the effectiveness of UNSC sanctions. After all, an analysis of the content of resolutions imposing economic sanctions allows to determine the range of tasks assigned to Member States for ensuring the implementation of the adopted economic sanctions. Therefore, the extent to which the goals set by the resolutions are achieved largely depends on the quality of the legal drafting of the key wording in the resolutions [12, p. 181].

In this regard, UNSC resolutions must first specify the article of Chapter VII of the UN Charter on which the sanctions are based. This should be done to eliminate ambiguity in the interpretation of sanctions resolutions, given that Chapter VII of the UN Charter, in addition to non-armed measures defined in Art. 41, provides for the adoption of temporary measures (Art. 40) and armed measures (Art. 42) [6].

Furthermore, given the wording of Art. 41 of the UN Charter, which grants the UNSC the power to freely decide on «what measures not involving the use of armed force are to be employed to give effect to its decision» [6], and moreover, leaves the list of possible measures open, States might consider their obligations under the adopted resolutions to be unclear or technically challenging to comply with. The situation is further complicated by the absence of agreed legal definitions of terms used in UNSC resolutions. For this reason, a number of scholars have argued that standard language should be used to ensure a unified interpretation of Member States' obligations and their subsequent fulfillment [28, p. 17].

In addition to clear wording, UNSC sanctions resolutions should specify the exact behavior expected from the target, so that it is clear what changes will lead to the lifting of economic sanctions. This is essential from the point of view of the effectiveness of sanctions, which, in turn, affects their legality. According to M. Bossuyt, UNSC

sanctions that are legitimate at the outset may cease to be so, «…if after a reasonable period of time, they do not lead to the desired result. The lack of efficacy impairs their legitimacy» [30, p. 2]. In this case, concerns about the negative impact of economic sanctions on human rights emerge, as the point of maintaining sanctions is diminished if they continue to have a detrimental impact on human rights without achieving their intended outcomes.

Having outlined some of the main issues that arise at the international level of UNSC sanctions application, let us now turn to the domestic level. This level also has specific features that reflect the peculiarities of UNSC sanctions as coercive measures adopted by an international organization. This particularly concerns the fact that UNSC resolutions are acts of international law addressed to States and serve as a source of subjective rights and obligations for them. Moreover, the direct executors of sanctions are subjects of domestic legal orders, which include public authorities, natural and legal persons, whose behavior is regulated by domestic law. These factors highlight that UNSC resolutions cannot be applied in the abstract. Quite the contrary, for their validation and effective execution, resolutions must be incorporated into national legislation and work through domestic legal instruments [31, p. 257].

This raises the problem of timely and effective incorporation of UNSC resolutions into municipal legal systems. In this regard, it has been observed that despite their importance on the international stage, UNSC decisions on economic sanctions are generally treated as non-self-executing and therefore require the enactment of implementing legislation to be enforceable within the domestic legal order [32, p. 40]. This has led to a lack of automatic and prompt application of UNSC sanctions by the executive branch, which in turn affects their effectiveness. It has been suggested that there may be a notable delay in the implementation of decisions in domestic law, and, while Member States have become more responsive to UNSC actions, there is still potential for further improvement [28, p. 19].

For instance, on average, it takes the European Union (hereinafter - EU) 42 days to enforce a UNSC decision within its legal order. While this can be considered a relatively quick reaction, it still creates a significant time gap. Moreover, given that the EU's bureaucracy is well-organized, one might assume that many States experience even longer delays [28, p. 19]. This is particularly relevant for States that rely on the parliamentary process to adopt specific sanctions laws on a case-by-case basis, as passing new legislation is a time-consuming process [32, p. 41].

Additionally, the challenge of national *ad hoc* sanctions legislation is tied to the issue of sanctions termination, since domestic measures are only justified while UNSC sanctions remain in effect. To avoid legal issues with domestic measures related to previously lifted UNSC sanctions, States must align the termination of domestic sanctions with the UNSC's decisions, which can be problematic if a State needs to navigate the entire legislative process. For some States, however, this is less of an issue as they rely on pre-existing legislation not specifically related to UNSC sanctions, such as trade and emergency laws, or laws regulating the export of war materials. Nonetheless, such legislation may also be problematic as it can lead to fragmented legal frameworks for economic sanctions implementation, potentially resulting in gaps, particularly regarding financial and currency transactions [32, p. 45].

Related to this is the problem associated with the full and accurate transfer of the meaning of UNSC decisions [33, p. 90]. This issue partly pertains to the problem of undefined terms, such as «goods», «food in humanitarian circumstances», «essential humanitarian need», and «military equipment», which are often left open-ended in UNSC resolutions [32, p. 51]. This drafting approach leaves a significant margin of discretion to implementing authorities and detracts from uniform implementation. Unfortunately, this practice continues, and UN Members States continue to express concerns about unclear obligations [28, p. 18], even though recent sanctions resolutions have increasingly employed standard language. However, ambiguous language is not the only factor contributing to uneven UNSC sanctions implementation. Another factor is States deliberately exceeding or falling short of what is required of them while implementing sanctions in domestic law [32, p. 47]. Together, these factors can hinder the impact and effectiveness of UNSC sanctions due to their inconsistent application [34, p. 8]. Gaps in legal regulation can be exploited by «sanctions busters», undermining the effectiveness of UNSC regimes in achieving their objectives.

It is also important to note that uneven implementation is not the sole factor affecting the effectiveness of UNSC sanctions. Other contributing factors include the lack of capacity, resources, or political will to effectively implement sanctions [34, p. 8].

Furthermore, there is the issue related to monitoring the implementation of sanctions. Monitoring and the adoption of economic sanctions by the UNSC are inextricably linked. Therefore, the design and implementation of sanctions cannot be evaluated separately. For instance, if a particular measure does not lead to the desired outcomes, this may prompt certain adjustments, which must then be adopted by the UNSC. In turn, to determine this, Member States must implement the UNSC resolution that was passed and report their implementation efforts back to the UN system [35, p. 6].

Interestingly, the first instance of UNSC sanctions, imposed on Southern Rhodesia in 1966, did not include any provisions for reporting. In contrast, today Member States are generally requested or obligated to provide periodic reports on their legal and regulatory measures for implementing UNSC sanctions. However, sanctions committees receive substantive responses in fewer than 50 percent of cases [17, p. 155]. Moreover, when information is provided, it is often minimal [17, p. 163]. Furthermore, there is no mechanism in place for maintaining institutional

memory on previous UNSC sanctions regimes or for formulating lessons learned from the sanctions machinery. Similarly, no agreed evaluative framework exists to assess the progress of sanctions implementation. For example, while the EU is responsible for implementing UNSC sanctions regimes, its institutional contact with UNSC sanctions policies is limited only to organizing a biannual EU-UN sanctions seminar in New York [36, p. 89].

Finally, the issue of sanctions enforcement arises. An important aspect of sanctions implementation that is often overlooked is the role of the private sector. Most measures would be ineffective and «unimplementable» if they relied solely on government actions [17, p. 163]. Moreover, it should not be forgotten that economic sanctions create strong incentives for evasion: evasion is reported to occur in more than 90 per cent of cases involving targeted UNSC sanctions. Targets of sanctions commonly devise methods to circumvent these measures and are likely to explore various strategies to mitigate their impact [37, p. 18]. To address this issue, the UNSC has, in several instances, explicitly called on States to adopt domestic enforcement measures, including appropriate penalties for violations of sanctions [38, p. 4].

However, States' legislation has not been uniform in this regard. Since general sanctions legislation does not always include penalties, a legal basis for imposing such penalties has been sought in general penal codes, specifically tailored penal measures for violations of arms embargoes, and customs codes. This has led to varying degrees of severity, with penalties ranging from criminal to administrative punishments [38, p. 22].

Nevertheless, in practice, very few individuals or entities responsible for sanctions violations are effectively held accountable [38, p. 4]. This issue is partially connected to the lack of harmonization in judicial sanctions enforcement and the unequal penalization of sanctions violations across UN Member States. This results in pervasive incentive structures for malign economic operators to engage in «shopping» [36, p. 2] – a term that refers to the practice of individuals and entities seeking to carry out prohibited or restricted activities in UN Member States with the least stringent implementation and enforcement standards [36, p. 41].

Conclusions. The above suggests that the challenges associated with the application of UNSC economic sanctions should be analyzed at both the international and national levels, from the development and adoption of an economic sanctions resolution by the UNSC to its full implementation within the domestic legal order. Within this study, the following problems have been identified: blocking of the UNSC through the use of the veto power; untimely adoption of economic sanctions resolutions by the UNSC; improper performance of duties by UN officials; inconsistency of the content of UNSC economic sanctions resolutions with international law; ambiguity in the text of UNSC economic sanctions resolutions; refusal to implement, improper or delayed implementation of UNSC economic sanctions resolutions within domestic legal orders due to the peculiarities of Member States' legislative processes, inaccuracy of UNSC economic sanctions resolutions, the lack of a Member State's capacity, resources, or political will to effectively implement economic sanctions; the absence of constant monitoring and analysis of the results of economic sanctions application as well as their effective enforcement at the national level; and the lack of coordination in the aforementioned activities among the UN Member States. While some of these problems have already been addressed by scholars, policy-makers, and the UN itself (through the Interlaken Process (1998–1999), the Bonn/Berlin Process (1999–2000), and the Stockholm Process (2001–2003)), leading to proposals for certain reforms of the UN system, in our opinion, the main focus should currently be directed toward the national implementation of UNSC economic sanctions, particularly in terms of monitoring and enforcement. In this regard, the domestic efforts of UN Member States are crucial to ensure their capacity to carry out UNSC sanctions resolutions in a swift and thorough manner and in conformity with their obligations under the UN Charter. This primarily implies the adoption of proper enabling laws, the establishment of a coherent system of national bodies responsible for the application, monitoring, and enforcement of UNSC economic sanctions, and fostering closer coordination between UN Member State authorities in the area of sanctions enforcement.

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