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Zusammenfassung

Im Projekt wurde auf institutionentheoretischer Grundlage untersucht, ob und auf welche Weise die Übertragung von Entscheidungen auf Sanktionsausschüsse die im Weltsicherheitsrat vorherrschende Entscheidungslogik beeinflusst, die in erster Näherung der jeweils aktuellen Machtverteilung unter den Mitgliedern, insbesondere unter den Großmächten, folgt. Damit wurden die Implikationen der Übertragung von Entscheidungsbefugnissen auf Sanktionsausschüsse erstmals Gegenstand einer theoriegeleiteten und systematisch vergleichenden Untersuchung.

Dazu wurde zunächst ein theoretischer Kausalmechanismus entwickelt, der erkennen lässt, dass (und warum) in einem zweistufigen Entscheidungsverfahren selbst dann ein verändertes Verhalten rationaler Akteure zu erwarten ist, wenn auf beiden Stufen dieselben Akteure entscheiden. Der kausale Mechanismus zeigt auf, wie durch funktionale Differenzierung des Entscheidungsprozesses, insbesondere durch die Trennung der beiden Teilfunktionen der Regelsetzung und der anschließenden Fallentscheidung, institutionelle Opportunitätsstrukturen entstehen, die die situativen Präferenzen von Akteuren so beeinflussen, dass regelgeleitetes Verhalten vorteilhaft wird.

Die empirischen Befunde bestätigen die theoretisch vermutete Tendenz zur regelbasierten Entscheidungspraxis im Ausschuss. Untersucht wurde das Entscheidungsverhalten von sechs Sanktionsausschüssen sowie der UN-Kompensationskommission für den Irak. Die Regelbindung von Ausschussentscheidungen ist über viele Fälle, Konstellationen und Entscheidungsinhalte hinweg robust. Erstens tritt sie bei der Listung von Personen und privaten Institutionen auf, die mit Sanktionen belegt werden. Dies gilt sowohl für den Al-Qaida/Taliban-Sanktionsausschuss, der Personen und Institutionen (z.B. Vereine) listet, die der Unterstützung von Al-Qaida und den Taliban verdächtig sind, als auch für den Kongo-Sanktionsausschuss und den Iran-Sanktionsausschuss. Zweitens ist die Tendenz zur Regelbindung ebenso erkennbar in mehreren Fällen, in denen Entscheidungen ganz anderer Art getroffen werden, etwa im Irak-Sanktionsausschuss oder im Jugoslawien-Sanktionsausschuss, welche über zahlreiche Ausnahmen von den über diese Länder verhängten Handelsboykotten entschieden, oder in der Irak-Kompensationskommission, die über eine Vielzahl von Entschädigungsforderungen von Opfern des irakischen Überfalls auf Kuwait zu befinden hatte, aber auch für den bis in die jüngere Vergangenheit tätigen Iran-Sanktionsausschuss, der seine Entscheidungen über die Listung von zivil-militärisch nutzbaren (‚dual use') Gütern sogar auf der Grundlage extern zusammengestellter Listen traf.

Wir kommen zu dem Schluss, dass die Übertragung von Entscheidungskompetenzen auf Sanktionsausschüsse tatsächlich zu einer stärkeren Regelbindung führt, in deren Folge politische Grundsatzentscheidungen des Rates im Ausschuss stärker vorhersehbar und damit weniger willkürlich umgesetzt werden. Dies gilt unter zwei Voraussetzungen: Zum einen müssen die beteiligten Staaten ein grundsätzliches Interesse an der Handlungsfähigkeit des Rates haben und die Einigung einer Blockade des Entscheidungsprozesses im Ausschuss vorziehen. Zum anderen müssen sie ein Mindestmaß an Interesse an den Ausschussentscheidungen selbst haben, um einen Mechanismus der gegenseitigen Kontrolle im Ausschuss hervorzurufen.

Abstract

Based on an institutionalist framework, the project examined for several sanctions regimes of the UN Security Council, whether and how the assignment of decision making powers to sanctions committees modifies the prevailing decision process, assuming that Council decisions predominantly follow the distribution of power among the Council members and in particular among the great powers. The project for the first time systematically examined the implications of delegating decision competencies to sanctions committees in a theory-oriented and comparative perspective.

In the first step, we developed a causal mechanism, which illustrates why we would expect rational actors to behave differently in a two-stage decision process as opposed to a uniform decision process, even if the same actors take all relevant decisions in both stages. The causal mechanism demonstrates that separating the functions of rulemaking and subsequent case-specific decision-making creates institutional opportunity structures, which affect the situative preferences of actors in such a way that rule-based behavior becomes preferable.

The empirical results confirm the theoretically expected tendency toward rule-based decision-making within committees. We studied the decision practices of six UN Security Council sanctions committees and of the United Nations Compensation Commission on Iraq. The rule-based nature of committee decisions is robust across a number of cases, political constellations, and decision contents. First, it appears in the listing of individuals and private entities subjected to travel bans and assets freezes. This holds true for the Al-Qaida/Taliban sanctions committee, which lists individuals and private entities suspected of supporting Al-Qaida or the Taliban, as well as for the sanctions committees on the Democratic Republic of the Congo, and on Iran. Second, the tendency for rule-based decision-making is equally observable in cases, where the committee decides about other issues, namely in the Iraq or the Yugoslavia sanctions committees, both of which decided about exemptions from a comprehensive trade embargo. The effect also appeared in the UN Compensation Commission deciding on claims of those affected by the Iraqi invasion of Kuwait as well as in the recent Iran sanctions committee, which decided about trade restrictions on civil-military items ('dual-use') on the basis of externally provided lists.

We conclude that the transfer of decision competencies to sanctions committees in fact prompts rule-based decision-making, with the effect that political decisions of the Security Council are implemented more predictably and less arbitrarily by the committees. This holds true under two conditions. On the one hand, all committee members need to share a basic interest in the operability of the committee and to prefer decisions over blockade. On the other hand, all committee members must share a minimum interest in committee decisions to evoke the mechanism of mutual control that prompts the need for rules in the first place.

1. Introduction

Delegation of decision competencies by the Security Council to its sanctions committees changes patterns of decision-making among Council member states profoundly. It creates a functionally differentiated multi-stage decision process and transfers the Security Council from a forum for power politics into a complex governance structure that affects the maneuvering room of member states, even though the world's most powerful states dominate the Council and the composition of sanctions committees mirrors Council membership. The Council frequently delegates decision competencies to its sanctions committees, which constantly adopt implementation decisions including exemptions from a comprehensive trade embargo, listing and delisting of individuals and entities within its targeted sanctions regimes, as well as determining the range of items subject to non-proliferation related commodity sanctions. With its sanctions regimes, which may exist over extended periods, the Council develops an activity that requires continuous decision-making as opposed to its temporarily limited military and political interventions in crisis situations. In their context, decisions of sanctions committees are central and can considerably increase or hamper the effectiveness and legitimacy of its efforts to maintain international peace and security.

The existing literature does not yet study the effects of delegating decision competencies by the Security Council to its sanctions committees systematically in a theory-guided and comparative fashion. It tends to consider the Council and its sanctions committees as a single unitary organ, most likely because of the prevailing dominance of member states, especially the five permanent members. This approach prevails in the debate on the effectiveness of sanctions, and the humanitarian consequences of comprehensive sanctions (Cortright/Lopez 2000; Cortright et al. 2002) that sparked the development of "smart sanctions" (Brzoska 2003). Thus, existing analyses pay little attention to the effects of more complex and functionally differentiated sanctions regimes on decisions-making, and particularly to the restraining role of rules within sanctions committees. Only a handful of studies focus from a legal perspective on the Council's subsidiary organ practice (Sarooshi 1999; Sievers/Daws 2014) and the competencies of sanctions committees (Farrall 2007; Paulus 2012) or provide empirical case studies of committee activities (Conlon 2000; Koskenniemi 1991; Scharf/Dorosin 1993; van Walsum 2004).

The vocal discussion on the absence of civil rights protection of sanctioning individuals and private entities under the Al-Qaida/Taliban (AQT) regime, established under resolution 1267 (1999), has produced a one-sided picture of sanctions committee activities. It seems to suggest, first, that a sanctions committee composed of member states operates according to rationales of power politics and cannot, therefore, ensure due process standards, unless an effective remedy outside the control of the Council is installed. For instance, Sullivan/Goede (2013: 853) claim that, "the Office of the Ombudsperson as a 'legal grey hole' that is in some ways more 'dangerous' or detrimental than a black hole because it accords a veneer of legitimacy to exceptional practices and renders it more difficult to question the political assumptions behind, and fundamental rights implications of, the 1267 listing regime". Second, these accounts maintain that the creation of the remarkably strong office of the Ombudsperson has changed the situation within this sanctions regime profoundly. For instance, the Watson report found that "[b]ecause of the significant steps taken by the Security Council to create an effective review mechanism at the UN level, the situation in 2012 has changed substantially. Unprecedented action by the Security Council to establish the Office of the Ombudsperson in UNSCR 1904, and equally important, to strengthen the mechanism in UNSCR 1989, has addressed critical due process concerns" (Eckert/Biersteker 2012: 36).

Third, it is often argued that the transformation from power politics to sound administrative process requires the activity of non-governmental organizations and international civil society. For instance, Biersteker (2010: 103) asserts that, "the council has shown an ability to respond to external criticism and to alter its practices regarding targeted sanctions. Much of this movement has been motivated by human rights criticisms and legal challenges". Foot (2007: 489) argues that, "initially, the procedures (….) damaged human rights protections, an outcome criticized by UN officials, human rights NGOs, and certain, mainly middle-power, states. Using the UN as a platform, they made the argument that a failure to ensure that anti-terrorist measures were in accordance with human rights standards would be counter-productive. As a result, Committee procedures have evolved and now give greater attention to the human rights consequences of counter-terrorist action". Moreover "[t]he idea that powerful states were behind these adjustments in the procedures of the 1267 and 1373 Committees (…) is unsupported by evidence" (Foot 2007: 507).

In contrast, practitioners and close observers have identified profound effects already for the Iraq sanctions committee, which operated within the first post-Cold War sanctions regime and lacks the institutional features emphasized for the AQT-regime. Hence, David Malone, a former Canadian ambassador to the UN, observed on that "the evolution of the Security Council's role on Iraq points to one significant shift – from a mainly politico-military approach to international peace and security to a greater reliance on a legal-regulatory approach. In its legal-regulatory approach, the Council establishes detailed rules governing the behavior of states or other entities and devolves power to implement and monitor those rules to administrative delegates" (Malone/Chitalkar 2016: 557).

To examine the likely effects of delegating decision-making power to sanctions committees, we first develop a theoretical causal mechanism that can explain whether and how the assignment of decision making competencies to sanctions committees modifies the prevailing decision process, and how this may affect the content of the adopted decisions (section 2). We do not assume that member states, in particular the powerful ones, are always inclined to sacrifice their power resources to influence outcomes. We show that delegating decision-making competencies to a committee considerably alters the decision situation of committee members. It facilitates the separation of two distinct decision functions, rule-making and rule application. Within the committee, the processing of a stream of small decisions generates strong demand for rules that provide focal points, and help overcome blockade among committee members. Rules can either be provided by the Council, they may be negotiated within the committee, or they may even be derived from precedent during decision-making. Hence, institutional theory points at inherent drivers toward rule-based decision-making, and to the conditions under which they are likely to be mobilized.

Subsequently, we analyze the consequences of assigning the power to adopt implementation decisions to committees for a number of UNSC sanctions regimes in a comparative perspective. In section 3, we examine the constraints of committee governance on member states in two post-Cold War sanctions regimes on Iraq and Yugoslavia. Committees were requested to decide upon numerous exemptions requests from the overall trade restrictions imposed upon these countries. These cases demonstrate that rules may emerge purely from precedent, even against the explicit intentions of powerful members. Section 4 investigates the listing of numerous individuals and private associations subject to financial and travel restrictions under the smart sanctions approach of the Al-Qaida/ Taliban sanctions regime as well as sanctions regimes of the Democratic Republic of Congo and on Sudan. It elucidates that a strong and impartial entity like the Office of the Ombudsperson established within the former regime, although it is conducive to rule-based decision-making, is not indispensable to ensure decisions that are predictable and thus

legitimate. In section 5, we examine two special cases. The Iran sanctions regime allows a within-case comparison. The Security Council has first listed sanctions individuals and private entities as part of its own encompassing decisions, and only subsequently assigned the task to the sanctions committee. Moreover, it has attributed to the committee other tasks, namely the listing of non-proliferation-related goods subject to trade restrictions. The United Nations Compensation Commission attached to the Iraq sanctions regime exemplifies that actors can deliberately commit themselves credibly to rule-based decision-making without delegating decisions to an independent agent. Finally (section 6), we present policy recommendations. The empirical research is based on previously neglected sanctions committee documentation, secondary material, and interviews. Activities of the Iraq and Yugoslavia sanctions regimes are examined primarily based upon the Paul Conlon Sanctions Papers,[1] which comprise of a comprehensive record of the first 120 Iraq committee meetings from 1990-1995, and over 60 Yugoslavia committee meetings from 1991-1995. Analysis on the other sanctions regimes are partly based on US diplomatic cables as available in the WikiLeaks documentation.[2] Apart from these two sources, the analysis relies on public Security Council documents, news coverage (via LexisNexis), and reporting by close observers (e.g. Security Council Report). In addition, the authors conducted a range of semi-structured interviews with committee members, Panel of Experts members, and close observers.

Empirical evidence confirms our theoretical expectation that assigning executive decisions to sanctions committees is indeed systematically and highly conducive to rule-based decision-making, if Council members have a general interest in a given sanctions regime and if they care of the content of committee decisions. This general pattern may be exploited more systematically to enhance the legitimacy and predictability of Council decisions within long-term sanctions regimes. More detailed results of the project are available in the following publications: Gehring/Dörfler (2013), Dörfler/Gehring (2015), Becker (forthcoming), Becker et al. (forthcoming), Dörfler (forthcoming), and Dörfler/Gehring (forthcoming).

1 The documentation is available at the Special Collections Department, University of Iowa, Iowa City, see: <www.lib.uiowa.edu/scua/msc/tomsc550/msc529/msc529.htm> [27 July 2015]. All referenced files are on file with authors. Abbreviations are used for ease of referencing: 'SR' denotes 'summary records', i.e. transcripts of committee member's interventions during meetings in UN reported speech (see Conlon 2000: 30).

2 <https://www.wikileaks.org/plusd/> [27 July 2016].

2. The Theoretical Causal Mechanism and the Institutional Set-up

2.1 Delegation to Executive Committees Creates Distinct Institutional Incentives

Whenever the Council delegates decision tasks to a sanctioning committee, it introduces a division of labor between the two bodies involved. Delegation may be defined as "a conditional grant of authority from a principal to an agent that empowers the latter to act on behalf of the former. This grant of authority is limited in time or scope and must be revocable by the principal" (Hawkins et al. 2006: 7). It applies even to situations in which a given group of actors, i.e. the Council member states, transfer decision powers to a committee composed of the same group of member states (Bradley/Kelley 2008). In contrast to legislative or advisory committees, decisions of a sanctions committee do not prepare broader political decisions, but they follow upon these broader decisions. They obtain themselves binding force under international law, not only on those participating in the decision, but on all UN member states alike. When delegating implementation decisions to a committee, the actors ideally separate two parts of one originally encompassing decision task, namely negotiations on one large ('political') decision regarding the setup of a sanctions regime, and negotiations on many small ('technical') decisions regarding its subsequent implementation. Hence, the sanctions regime, as adopted by the Council, does not constitute a complete contract that exhaustively regulates the terms of cooperation, but an incomplete contract that settles some important aspects and requires subsequent implementation (Abbott/Snidal 1998: 15–16). Effects of delegation to a sanctioning committee are likely to be immediately related to the consequences of the division of labor established between the Council and its committee, especially to modified intra-institutional behavioral incentives with which Council members are confronted.

Negotiations on a comprehensive agreement constitute the bottom line against which changes of the incentive structure through reorganization of decision processes is best assessed. In such negotiations, Council member states enjoy wide discretion. There are hardly any institutional constraints that could effectively limit the range of possible solutions, provided that they can reach agreement. The loose and ambiguous provisions of the UN Charter do not provide meaningful constraints, and effective political and judicial review of Council measures does not exist. In such negotiations, all components of the agreement form a comprehensive package and can be traded-off against each other. As a consequence, the nature of the decision depends immediately on the constellation of interests and the distribution of power among actors.

When negotiating the general set-up of an incomplete contract, actors operate within opportunity structures that differ remarkably from those of a comprehensive agreement. Their task is now to design the general procedural and substantive rules that are intended to apply to an unknown number of implementation cases. Hence, Council members are hindered from opportunistically pursuing case-specific preferences, and from trading-off case-specific advantages. Instead, they will struggle for rules that promise to subsequently produce acceptable implementation decisions across cases. As a consequence, they are forced to aggregate many case-specific interests into a median position because the negotiated rules will apply to a larger number of subsequent cases (Brennan/Buchanan 1985: 28–31). In addition, they may have to operate under a 'veil of uncertainty' (Young 1989: 361–362), if they are unaware of their preferences regarding future cases to which the negotiated rules will apply. Hence, resulting rules are not necessarily particularly fair or

problem-adequate, because they emerge from power-based negotiations and actors may bargain hard to realize their preferred set of rules. However, the constraints inherent in negotiations of the general rules of a delegation contract push actors toward accepting, and indeed preferring, rules that are likely to be more consistent, and promise to produce acceptable implementation decisions even for yet unknown cases (Brennan/Buchanan 1985: 30; Gehring/Plocher 2009: 673).

When taking a given implementation decision, actors are confronted with a completely different set of institutional constraints. They now operate in the shadow of a more stringent set of substantive and procedural rules that originate outside of their decision situation. Even if adopted by the same group of actors at a previous stage, these rules are likely to direct and limit their options for choice and related payoffs, unless actors collectively choose to ignore them. We investigate the particular incentives for actors in the implementation stage more closely in the next sub-section.

In essence, changed institutional incentives arise from the separation of decision functions, not from the creation of additional bodies. A group of actors may generate these effects if it first creates rules and procedures and then decides cases according to these rules within the same institutional body. In the first stage, the group deals with the broader task and acts as a political body, while in the second stage, it addresses the more technical task and acts as a committee. Assigning these tasks to different bodies simply institutionalizes the separation of functions.

2.2. The Specific Constraints of Executive Committee Governance

Why should even powerful Council member states in the implementation stage follow their own previously elaborated rules and institutional constraints? We cannot simply assume a general preparedness of all Council members to act always in rule conformity when deciding about implementation decisions within the sanctions committee. A group of actors having chosen to establish a system of divided labor may have a general interest in preserving this system. However, an individual Council member state may well be inclined to pursue parochial interests in light of the stakes involved in a particular case, while rule-conformity is difficult to enforce. Therefore, we conceive Council members as rational actors seeking to maximize their own utility and investigate more closely the institutional incentives prevailing in the implementation stage (Baylis 1989: 15–20; Sartori 1987: 227–232).

The implementation stage reflects an iterated prisoner's dilemma situation and a stream of case-specific decisions produces a cooperation-inducing 'shadow of the future' (Axelrod 1984). On every implementation decision, an actor has to weigh the losses from accepting an undesired case-specific decision against the gains from the desired operation of the overall arrangement. Blocking a single case-specific decision is likely to trigger similar behavior by other actors ('tit-for-tat') that might lead in turn to complete blockade of the whole process. According to the prisoner's dilemma logic, actors might prefer a smoothly running overall process (cooperation), but any one is tempted to reject unfavorable single decisions (taking a free ride). The more future decisions are likely to be negatively affected when blocking a single case, the longer is the shadow of the future and the more likely is it in the interest of any actor to accept an unfavorable case-specific decision.

Embedded within the prisoner's dilemma situation is a coordination problem that creates demand for a focal point (Schelling 1960: 57) because actors have to identify a particular out of a number of possible solutions for every single case. Unlike larger packages, any single implementation decision is, due to its limited scope, unlikely to provide sufficient

room for the accommodation of diverging preferences. A single exemption for certain deliveries from an economic trade ban or a proposal to list a particular person may either be accepted or not. Different preferences given, some actors are forced to compromise, while others will prevail. This constellation reflects the typical problem of coordination situations with distributive effects ('battle of the sexes'). A commonly recognized focal point helps overcome this problem because it identifies a particular solution out of a number of available ones (Schelling 1960; Snidal 1985). It allows the actors to reach coordination in spite of the distributive conflict, as long as they prefer coordination over non-coordination. A focal point denotes one among at least two possible solutions ('Nash equilibria') that stands out from the others – is salient – in virtue of some property which all the players can recognize (Sugden/Zamarrón 2006: 615–617). It has to be taken from beyond the specific decision situation, because the situation does not point at a single salient solution. Rational actors can accept settlement according to a focal point, as long as they prefer agreement on this particular solution over stalemate.

Rules that are externally given by the Council provide a powerful focal point. Institutional theory widely agrees that rules that are generally recognized by the parties involved constitute a suitable point of reference for subsequent decisions (Garrett/Weingast 1993: 181–185). If these rules are sufficiently specific and point at a particular solution, they change the payoffs of available solutions significantly (Huth et al. 2013: 92–94). Instead of the symmetrical choice between several solutions favored by distinct camps of actors, participating actors are faced with the asymmetrical choice between following an externally given rule and violating it. Hence, recognized rules privilege those preferring the solution in conformity with the rule. These actors have few incentives to violate their own parochial interests and previously agreed upon rules. Indifferent actors without strong preferences for either solution also do not have incentives to deviate from these rules. This in turn diminishes the prospect that agreement can be reached on any deviating solution. Accordingly, it is highly probable that actors as a group follow such rules in the implementation stage, because rules provide a solution to their coordination problem, not necessarily because they are particularly fair, wise, or uniformly welcomed by all actors involved.

Rules that have been elaborated and agreed upon by a sanctions committee provide another powerful focal point. While they are not part of the delegation contract, and do not define the mandate of committee, they also generate the effects of separating the functions of rule-making and rule-application. Although such rules are likely to be more detailed, because they are embedded within the general Council mandate and specify and interpret Council rules, their making is subject to the same type of constraints for the Council. Moreover, committee-generated rules also transform a previously symmetrical situation with two or more camps of member states favoring different solutions into an asymmetrical one, in which the committee members as a *group* have to decide whether to abide by their own previously agreed rules, or whether to ignore them. And once again, a solution that is in conformity with existing rules is easier to advocate, and will thus be more likely prevail, than a deviating solution.

In the absence of both sufficiently clear externally provided rules and externally produced decision proposals, actors in the committee stage will resort to *internally produced focal points*, such as precedents and decision routines, to overcome decision blockade (Schelling 1960: 67–68). The lack of rules and proposals does not diminish the coordination problem that has to be overcome collectively to avoid stalemate. In the absence of rules, a first decision, however it has emerged, will almost inevitably provide a precedent for subsequent decisions of that type. Hence, if delivery of certain goods to Iraq applied for by a Western power has been approved, subsequent applications of delivery of the same good submitted by Russia, China, or Pakistan are highly likely to be approved as well. This is

simply because it will be difficult to identify a solution that is more widely accepted than the previous one. Thus, informal and non-binding precedent is likely to constitute the beginning of a process of rule evolution that is self-enforcing. The more decisions that have been guided by the normative principles enshrined in a precedent, the more stable the emerging rule is (Snidal 1985: 936).

The limited scope of any single implementation decision is conducive to rule-based decision-making (Gehring/Ruffing 2008: 127–128). If cases are processed separately (and not in larger packages), actors are dealing with a stream of decisions of comparatively limited relevance. Rational actors are known to resort to particularly tough bargaining, if stakes are high, because they will greatly benefit from even slight additional advantages (Fearon 1998: 270–271). Accordingly, limited stakes will facilitate compromise, because actors can gain relatively little from tough bargaining in a single case. Moreover, they have to trade-off limited case-specific advantages with the threat of blockade of the overall sanctions regime.

Alternatives to rule-based decision-making in the committee stage are unlikely or unattractive. Whereas it is difficult to enforce formal rules, informal rules or decision proposals against the collective will of the participating actors, it is even more difficult to agree on a deviating solution. This is true unless actors widely accept its usefulness, for example because externally given rules do not fit a certain type of case. If preferences clash, it is highly unlikely that the disadvantaged camp of actors will accept a deviating solution. Hence, we do not expect rule-based decision-making in the committee stage, because actors prefer it over power-based decision-making (although we do not exclude that this may be the case under certain circumstances). Rather, rules facilitate collective decision-making and help avoid stalemate. Alternatively, actors may accept collective stalemate to avoid rule-based decisions. Yet, blocking a decision that is in conformity with rules and procedures is likely to trigger blockade of other decisions, because opponents will hardly be inclined to accept a stream of undesired decisions that are in conformity with rules. Hence, blocking a decision for case-specific reasons is costly as long as actors remain interested in the overall sanctions regime. In particular if the stakes involved in the specific case are small compared to the stakes related to the overall project.

This logic of committee governance is not immediately related to any specific institution or dependent on any particular procedure for the adoption of decisions. It is expected to apply to situations that reflect the patterns outlined above, whether domestic or international, low or high politics, even if actors do not intend commit themselves to rule-based decision-making. The underlying causal mechanism is fully applicable to the specific institutional conditions of the Security Council. Accordingly, we expect the theoretically derived effects to occur, if the Council assigns streams of implementation decisions to subsidiary committees, as it does in its sanctions regimes.

However, the causal mechanism is subject to some scope conditions. It will not be triggered if actors assign to a committee a single important, although possibly ‘technical’, issue. In the absence of a number of similar cases, there can be no general rules that necessarily apply across cases, and thus no effective separation of rule-making and rule-application. And there is no ‘shadow’ of future cases that might balance a negative payoff from a particular case. Moreover, implementation decisions must be treated sufficiently separately from each other, so as to exclude the accumulation of packages. Finally, the mechanism is not triggered if at least one pivotal actor prefers stalemate over a rule-based decision. In this case, the participating actors are not faced with a coordination situation anymore, and rules lose their power as focal points.

Based upon these theoretical considerations, we put forward the following hypothesis:

> *If a committee composed of member states processes a considerable number of similar cases of limited scope separately from each other, it will tend toward rule-based decision-making even if rules cannot be enforced.*

Under the logic of committee governance, we expect that rules explain decisions and that non-preferred, but rule-based decisions are accepted even by powerful states. In contrast, we expect that the distribution of power among states or privileged access of Council members to the decision process is *not* a good predictor of outcomes.

2.3 The Institutional Set-up: Security Council, Sanctions Committee and other Bodies

UNSC sanctions regimes with delegation of power to sanctions committees display a similar institutional design. They comprise two main bodies, namely the Security Council as the delegating body and a sanctions committee as the power-wielding body, as well as, occasionally, some additional entities with specific functions.

The Security Council, as the hierarchically superior body, establishes a sanctions regime by its resolutions under Chapter VII of the UN Charter and provides the framework for the operation of all other bodies. In the absence of specific Charter provisions, the Council enjoys considerable discretion in designing its sanctions regimes. It has the power to create subsidiary bodies, and to transfer decision competencies to them as appropriate (Farrall 2007: 76-78, 146-157). The Council defines the task, mandate, and procedures of its subsidiary bodies including the sanctions committees. Such decisions may be linked to other components of the overall sanctions regime. The Council has the power to adopt any relevant decision on its own and does not have to delegate any decisions to subsidiary bodies. If it does, it constrains Council activities to elaborating substantive and procedural rules for its subsidiary bodies, which may be more or less detailed and are applied to an unknown number of future decisions. It uses mandate extensions to overhaul or intervene whenever specific decision-making issues demand regulation. Occasionally, the Council requests a sanctions committee to elaborate rules on a particular aspect of its decision-making activities, thus indicating its general preference of rule-based decisions, while providing the committee with full discretion on the content of such rules. The Council retains the formal right to decide on any issue that its sanctions committee cannot resolve (Farrall 2007: 146–157; Paulus 2012).

A sanctions committee constitutes the main subsidiary body created by the Council to implement a particular sanctions regime and fulfills two main functions. Sanctions committees are composed of all Council member states and usually decide by the ‘no objection’ procedure (consensus), which provides all fifteen Council members with a de facto right to block any decision (Farrall 2007: 146–157; Sievers/Daws 2014: 520). On the one hand, they adopt implementation decisions as envisaged under the Council mandate with binding force for all UN member states under international law. While the substance of decisions differs, tasks tend to be comparable, namely to produce a series of relatively similar small implementation decisions. Unresolved issues may be referred to the Council, but all mem-

ber states have strong incentives to keep matters within the committee. The nonpermanent member states enjoy a stronger position within the committee, while the permanent members, although having a stronger position in the Council, would risk exposing their motivations and politicizing an issue of limited scope. In most sanctions regimes, this procedure has never been employed. On the other hand, sanctions committees engage in rule-making alongside the Security Council. As regulators, they relieve the Council of the necessity to provide detailed rules to ensure a proper decision process without undermining the latter's oversight function. Generally, they adopt their own rules of procedure (Farrall 2007: 146–157; Paulus 2012), which specify and elaborate the more general Council resolutions, and provide an opportunity to overcome case-specific decision blockade through committee rule-making. Occasionally, committees adopt new rules upon Council request. These calls reflect the perception of member states that the two bodies constitute, despite identical membership, distinct subsystems of the sanctions regime. Rules elaborated by a sanctions committee fulfil the same function as rules adopted by the Council: They separate the stage of rule-making from a subsequent stage of case-specific decision-making in light of these rules. In the absence of the committee as a regulator, regulatory density of the committee decision process would most probably be significantly lower, with the consequence of more far-reaching discretion of committee members.

UNSC sanctions regimes may include other subsidiary bodies. On the one hand, they tend to comprise regime-specific 'Panels of Experts' as advisory bodies composed of four to ten experts. These bodies oversee the implementation of sanctions, assist decision-making, and recommend measures to improve the sanctions regime (Farrall 2009: 191–214). Hence, they offer an external perspective on the operation of a given sanctions regime. On the other hand, UNSC targeted sanctions regimes with listing of individuals and private entities include a 'Focal Point for Delisting' established within the UN Secretariat. While this office is part of a (rudimentary) appeals procedure, it does not change the formal decision-making process of the sanctioning committee. As an exception, the AQT sanctions regime comprises the 'Office of the Ombudsperson' as a remarkably strong review mechanism (see section 4.1).

3. Toward Rule-based Decision-making in Comprehensive Sanctions Regimes of the 1990s

3.1. The Iraq Sanctions Regime: Committee Blockade Prompts Rule-based Decision-making despite Resistance by Powerful States

The Iraq sanctions regime elucidates how even major powers are pushed toward accepting rule-based decisions despite their firm resistance against commitment to rules. In this sanctions regime, the Council delegated for the first time after the end of the Cold War decision-making powers to a newly established sanctions committee. When Iraq invaded and occupied Kuwait in 1990, the UNSC imposed a comprehensive trade embargo on imports to and exports from Iraq (resolution 661 (1990)) that was maintained after Iraq had been repelled from Kuwait to enforce Iraqi compliance with Council requirements until 2003 (resolution 687 (1991)). The UNSC transferred decision-making on exemptions from the comprehensive embargo to the Iraq sanctions committee.

Decision-making proceeded in light of strongly diverging interests of committee members. One group, mainly the United States (US) and the United Kingdom (UK), consistently opposed any weakening of sanctions and struggled to grant exemptions restrictively (Graham-Brown 1999: 72). Another group, mostly from the elected non-aligned caucus (Cuba, Yemen, Malaysia, Colombia), pursued a policy of lifting sanctions, and persistently tried to exempt an increasing number of goods from the embargo (Conlon 2000: 60). A third group, including Belgium and Canada, occupied an intermediate position.

3.1.1. First Phase: Blockade on Foodstuffs Leads to Rules

In the first phase, during the Gulf War, an initial decision blockade was overcome by formal rules provided by the Council and informal rules derived from precedent.

The committee had to ask the Council to provide additional guidance to overcome stalemate regarding the interpretation of very general provisions on foodstuffs. While resolution 661 (1990) provided that the import of foodstuffs to Iraq was only permissible under “humanitarian circumstances”, it was unclear what that meant in practice. The Western permanent members insisted on a narrow interpretation of the term and a restrictive exemption policy, which would have required substantiating the humanitarian need in every case (US, UK, France, SR.6/7/8). In contrast, non-aligned members advocated exempting foodstuffs shipments generally (Cuba, Yemen, Colombia, Malaysia, SR.5/7). The issue became pressing when India requested to ship foodstuffs to its 160,000 nationals in Iraq and Kuwait. The case was explicitly considered as a “precedent” that would guide, but also trigger subsequent requests (China, Zaire, Finland, SR.8; Ethiopia, Canada, SR.12/14; Doyle 1990). It led to a contentious discussion, and could not be solved within the committee (Graham-Brown 1999: 90), partly because the US was anxious that a positive decision would provoke further requests. Accordingly, the committee agreed to request external clarification. The Council provided in resolution 666 ((1990), para. 6) that a foodstuffs exemption required impartial information on the humanitarian situation and that recognized humanitarian agencies should supervise such shipments, thus defining a narrow interpretation.

The first decision triggered the gradual evolution of an informal rule because it constituted a precedent and attracted follow-up applications that had to be decided on similar terms. When the committee had authorized the Indian shipment (SR.11; Cuba, SR.13), four

states immediately filed similar requests. In a first step, the committee authorized India to distribute the surplus of its shipment to third-country nationals (SR.15). In a second step, the authorization was expanded to Palestinians (SR.20). The US was suspicious of the motives of the PLO, which had openly supported Iraq (Malone 2006: 10), and argued that Palestinians in Kuwait were not third-country nationals but rather "resident population" (US, SR.20). However, the Chair had already informed the Palestinian authorities to bilaterally approach India, and several delegations refused to reverse the committee's decision (Chair, China, Yemen, Cuba, SR.20). In a third step, the US was forced to accept that surplus foods could be provided to "all needy non-Iraqi groups" (Chair, SR.21). Finally, the committee broadened the range of acceptable foodstuffs recipients by precedent to include not only third-country nationals (Conlon 1996: 252), but also ordinary Iraqis (1991/COMM.68/69).

3.1.2. Second Phase: Decisions Follow Rules on the Type of Goods, not Requestors

In the second phase, after the Gulf War, the demand for rules prevailed, although decision tasks changed profoundly. The sanctions regime was transformed into a long-term effort to ensure Iraqi compliance with its disarmament and compensation obligations (Bosco 2009: 164). A report by Under-Secretary-General Martti Ahtisaari (S/22366) documented severe humanitarian consequences of the comprehensive ban, and urged to lift foodstuffs sanctions, among others. Accordingly, the Security Council formalized a previous committee decision (S/22400) to establish three exemption procedures (resolution 687 (1991), para. 20). First, medical and health supplies were generally exempted and did not need case-specific authorization. Second, export of foodstuffs to Iraq did not need specific approval, but had to be notified to the committee. Third, "civilian and humanitarian imports" were subject to the 'no-objection' procedure. The committee would authorize such items unless a committee member objected (S/22400, para. 3, 5; Conlon 2000: 60–62). As a result, the type of item defined the applicable procedure, and the committee applied a "modified categorical approach" when deciding upon exemption requests (Conlon 2000: 65).

Since powerful members were skeptical of regulation, rules evolved solely from precedent and practice due to the continuing divergence of interests between the US and UK's preferences for strict implementation, and the non-aligned members favoring a flexible approach. The committee delimited the purview of products that did not require authorization. Whereas medical supplies did not fall under the embargo, the member states often submitted such requests to obtain clearance documents for customs processing. The committee treated larger medical devices, such as x-ray machines and hospital beds not as medical supplies, but processed them under the no-objection procedure, although the committee mostly authorized these larger medical supplies. The committee fully respected the foodstuffs notification procedure envisaged by Council resolution 687 (1991), and even the sanctions enforcers never challenged foodstuffs notifications (Conlon 2000: 141). However, opinions diverged on the precise limits of these categories. As a result, 'luxury' products, such as whisky and yeast for beer production, were not treated as foodstuffs and subsequently not approved (e.g. SR.79; Conlon 2000: 61).

Precedent-based practice also prevailed concerning decisions on whether an application to export a certain shipment of a product was authorized according to the no-objection procedure because it fell under the "civilian and humanitarian imports" category. While the committee had to process a stream of extremely different requests, case-specific decisions created precedents that guided subsequent decisions. Evolving practice helped guide and direct applicants. Hence, non-committee members requested information on which items would be acceptable (Japan, SR.55), and even skeptical states were concerned that some

requests were overly vague (Yemen, SR.48). Over time, the committee gradually produced a fairly consistent and fine-grained decision-making practice through precedent (S/1996/700, pp. 6). The New Zealand Ministry of Foreign Affairs and Trade (New Zealand Ministry of Foreign Affairs and Trade 1995: 36) observed that within the no-objection items, the committee decided about materials and supplies for essential civilian needs purely by decision practice and precedent depending on item type, end-use, and quantity. In addition, the committee directly dismissed Iraqi requests (e.g. SR.42, 43, 47, 48, 57, 61, 62, 64), and it always accepted UN humanitarian agencies' requests and diplomatic goods even if these included usually rejected items (Scharf/Dorosin 1993: 789).

In essence, the growing decision practice allowed predicting the outcome of a request by assessing the good and end-use (interoffice memorandum, 7 Sept 1993, on file with author), while neither economic or material power, nor the privileged access of Council member states to the decision-making procedure played a major role. The pressure for decisional conformity forced incoming elected members to accept existing committee practice, even when they favored different outcomes (Conlon 1996: 257). However, in the absence of a positive or negative items list, committee members enjoyed remaining discretion.
Acceptability control rested with committee member's ability to challenge inconsistent decision practice and transferred the burden of proof to the requesting state to document the items, quantities, and end-use (Conlon 2000: 77). Even permanent members, including the P3, had to accept previously agreed upon rules and did not call into question rule-based rejections of their own requests (SR.101-2, 110-3, 116-7, 120-1).

Despite the fairly consistent practice, the powerful Western sanctions enforcers resisted attempts to formalize evolving rules. The Council had requested the committee to determine items to be transferred to a notification procedure, partly because it could not agree on lifting the embargo on particular categories of goods (S/23305). Accordingly, non-aligned countries favored to transfer items to the notification procedure (SR.61/66) "in accordance with previous decisions to clear items" (India, SR.61). In contrast, the US and the UK demanded to keep the committee "as flexible as possible" (US, SR.66; Conlon 1996: 260) although they admitted that they had not objected authorization of certain items (UK, SR.66). Eventually, the committee agreed on a tacit formalization. In the so called "gentlemen's agreement", it recognized that the "members did seem to agree to look favorably upon requests" for 10 item groups that had emerged from previous decision practice, including clothing, soaps and detergent, and infant supplies, among others (Conlon 2000: 61–62).

3.2. The Yugoslavia Sanctions Regime: Precedent Based Decision-making to Solve Diverging Interests of Committee Members[3]

The Yugoslavia sanctions regime demonstrates that precedent-based rules evolve also in other comprehensive sanctions regimes. To address the ongoing Balkan civil war, the UNSC imposed an arms embargo against Yugoslavia (resolution 713 (1991)) and established a sanctions committee to adopt follow-up implementation decisions (resolution 724 (1991)). Later, the UNSC imposed a comprehensive trade embargo on Serbia and Montenegro (resolution 757 (1992)). Until the embargo was lifted in 1996, the committee decided primarily about humanitarian exemptions from the trade embargo.

3 Research on the Yugoslavia sanctions regime was supported by Dennis Kleinert.

Even though “on neither occasion was the action seriously contested” (Bosco 2009: 177–180; Hannay 2008: 92), preferences of Council members diverged. One group consisting of the three permanent Western member states, other Western members, and members with predominant Muslim populations (Morocco, later Pakistan, Djibouti and Indonesia) favored comprehensive sanctions and strict implementation (S/PV.3082; Conlon 1996: 272–273, 2000: 163). A second group (Zimbabwe, India, Russia and China) was skeptical of economic sanctions and advocated for a more flexible interpretation of UNSC resolutions to lessen the intensity of sanctions (Zimbabwe, India, China, S/PV.3082; Conlon 1996: 273). While Russia tended to support Serbia and the Serbian minority in Bosnia (Hannay 2008: 92), China was critical of any outside intervention and abstained from almost all sanctions resolutions in 1992 (Agence France Presse 1992; Hannay 2008: 92). A third group was less interested in this sanctions regime (Ecuador, Cape Verde and Japan).

3.2.1. Precedents on the Exemption of Exports from Yugoslavia

A particular controversy emerged over the questions under which conditions goods, remaining in Yugoslavia but owned by third countries, could be legitimately “repatriated” (Scharf/Dorosin 1993: 796–798).

A first case reflected the divergent interests of member states on the acceptability of exemptions. The committee haggled over the issue of repatriation over several meetings when Mongolia requested to export “a quantity of hotel furniture” because the contract “had been concluded and the money transferred (…) prior to the adoption of resolution 757 (1992)” (Chair, SR.12 also SR.16, 18, 21, 27, 28). One group of committee members including China and India was generally in favor, arguing that the sanctions should not harm third parties, and that Yugoslavia would not additionally benefit. Conversely, the US objected with reference to resolution 757 (1992) which prohibited all exports after 30 May 1992 because an exemption would “(…) undermine the efforts to isolate” Yugoslavia (USA, SR.27). The US argued that a positive decision “would be setting a precedent that might result in the submission of many similar requests that might or might not be verifiable” (US, SR.27). As a result, the committee rejected the request (SR.74).

The first case immediately provided a precedent for subsequent cases. In line with the Mongolian precedent, the committee rejected a Norwegian request to export a ship produced at a Yugoslavian shipyard, because it did not constitute repatriation (US, SR.27). The US, explicitly citing the Mongolian precedent, rejected a French request for the export of fruits in return for having provided Serbia with fruit production merchandise without monetary transactions (SR.30). Conversely, the committee granted a Turkish request to repatriate a Turkish aircraft previously serviced in Yugoslavia prior to resolution 757 (1992), “since it would be a simple case of repatriating an asset belonging to that country” (UK, SR.21). In another case, Uruguay requested to return raw fabric arguing that “[t]he fabric had been manufactured in Uruguay for a United States company and had not been used or altered in Yugoslavia”, which the committee approved (Chair, US, SR.33). Finally, the US acceded to a French request to approve the return of an electric motor, which was originally purchased from Yugoslavia, but had returned to Yugoslavia before the sanctions under an after-sales maintenance agreement, because “the issue was solely one of the repatriation of French property, (…) provided that the Committee was not acting in a manner inconsistent with any precedent it might have set in the Mongolian case” (US, SR.74).

Hence, a consistent practice evolved from precedent. While the committee did not accept shipments of goods of Yugoslavian origin, it approved repatriation of goods which belonged to other states and had been, for whatever reason, sent to Yugoslavia.

3.2.2. The Binding Nature of Explicit Non-precedents

The Yugoslavia sanctions regime shows that previous decisions bind committee members even when powerful actors explicitly expressed resistance against establishing precedents. Cargo vessel transport on the Danube river fell under the embargo (resolution 757 (1992) and 787 (1992)), but the practical matters of cargo shipments frequently prompted emergency situations that required exemptions.

First, an emergency exception was approved with the explicit intention not to create a precedent. In November 1992, in accordance with the sanctions regime, the Dutch authorities detained a Yugoslavian cargo vessel loaded with coal, and requested the committee to authorize the unloading of the cargo because "the coal was at risk of spontaneous combustion" (Chair, SR.44; 92/COMM.1596). The Chair acknowledged that the "basic rule governing the matter was that any ship regarded as originating from the Federal Republic of Yugoslavia should be prohibited from loading or unloading cargo, regardless of the origin of that cargo. Very exceptionally, however, and *without thereby creating a precedent*, requests to unload cargo might be accepted on a case-by-case basis, where a security risk was involved", while the cargo should not reach its destination (SR.44, emphasis added).

Once again, the US struggled to avoid emergence of a precedent when Romania requested shortly thereafter to release "empty FRY vessels from the port area of Galatzi on the Danube, where they were creating a dangerous situation due to the freezing of the river" (Scharf/Dorosin 1993: 805; 1992/COMM.1926; SR.47). The request sparked a heated debate about the applicability of sanctions in this case, where the non-aligned countries and Russia favored to release the vessels, while the US objected "since the empty barges (…) constituted an economic resource that, under the provisions of the relevant resolutions, could not be returned" (SR.47). Ultimately, the US accepted the request in line with earlier committee approval in emergency situations provided that the "present exception *does not set a precedent for any future course of action in similar circumstances*" (1992/OC.2106 as cited in Scharf/Dorosin 1993: 806, emphasis added).

However, in effect the committee set a precedent constituting a "safety exception" to the sanctions regime (Scharf/Dorosin 1993: 806). Accordingly, Romania instantly requested to ship "fuel to ensure the functioning of FRY ice-breaking vessels on the Danube River", which the committee accepted based on the previous safety exemptions made (Scharf/Dorosin 1993: 806). Romania further requested to ship "fuel to the Federal Republic of Yugoslavia in order to ensure unimpeded operation of the Iron Gates hydroelectric and navigation systems during the coming winter" (1993/COMM.12587). While the US was skeptical, the Chair, citing two previous similar requests, noted that such requests had been granted "on an interim basis" (SR.89). The US finally agreed to the shipment of fuel provided that it was only for one month (SR.90). Yet, in the next winter, Romania again requested to ship "fuel for the Yugoslav side of the Iron Gates hydroelectric and navigation system in order to ensure its functioning throughout the winter. The fuel was for heating, ice-breaking and preventing the freezing of mechanical components. The Committee had authorized such requests in the past" (Chair, SR.113; 1994/COMM.48436). When the US objected, Russia insisted "that the Committee had released fuel for Iron Gates the previous two winters and should do so again" (US, Russia, SR.113), which the committee finally did.

3.2.3. Across-regime Precedents as an External Source of Focal Points

At numerous occasions, members of the Yugoslavia sanctions committee tried to support their position by referring to decisions taken within other sanctions regimes, in particular the Iraq sanctions regime established under resolution 661 (1990). An example constitutes the evolution of precedent-based rules on the treatment of diplomatic missions and diplomatic goods, and the creeping expansion of the precedent-based rule.

A first issue related to the operation of diplomatic missions of third countries. Almost immediately after the imposition of sanctions, Greece requested clarification "as to whether the embargo applied to imports and exports for the sole need of embassies, diplomatic and consular missions" (Chair, S/AC.27/SR.10). While committee members accepted the need for diplomatic interaction, Belgium also pointed to the problem that such exemptions might provide avenues to circumvent the embargo (Belgium, S/AC.27/SR.10). However, the Chair explicitly pointed at "the practice followed by the Security Council Committee established by resolution 661 (1990) with regard to diplomatic missions in Iraq [which] *constituted a useful precedent in that regard*" (S/AC.27/SR.10, emphasis added). This had created an informal rule to approve requests for diplomatic missions regardless of the shipped items. As a consequence, the committee exempted diplomatic goods.

Subsequently, the committee was faced with a number of Yugoslavian requests that expanded the original precedent. Instantly, Yugoslavia requested to exempt shipments "of diplomatic and consular personnel and their associated personal effects". The Chair regarded this action as in conformity with the established rule not to impede the work of consular missions so that the committee took a "similar decision in the present instance" (Chair, SR.13). In two further Yugoslav requests, the committee considered the precedent established by the Greek request also applicable to Yugoslavian requests for the shipment of "personal belongings of Yugoslav diplomats departing from Washington, D.C." (Chair, SR.14). The rule also applied to funds used for upholding the operation of Yugoslavian diplomatic missions (1992/COMM.83, SR.16). In a further request, the committee even expanded the range of legitimate transactions of personal equipment from diplomats to "ordinary people" explicitly expanding the diplomatic exception (1992/COMM.82/84, Chair, Belgium, US, SR.14). When Yugoslavia requested to repatriate "paintings and sculptures that had been on exhibit at the Yugoslav Press and Cultural Centre in New York" (1992/COMM.395), Austria requested the Chair to inquire "whether the Yugoslav Press and Cultural Centre was an official government entity" (Austria, SR.28). The Chair acknowledged that "if the Yugoslav Press and Cultural Centre was a diplomatic office (…), the case would involve diplomatic privileges and there would be no difficulty in granting authorization" (Chair, SR.28). When the Chair reported that the institution was indeed an "official agency", which fell under the diplomatic exemption, the request was granted (SR.31). However, the lenient decision practice led to a further Yugoslavian request to "repatriate art works which had been on display at Yugoslavia's Cultural and Press Centre in Paris" (1992/COMM.1276). While Croatia protested that the art works had illegally fallen into Yugoslavian hands, France objected to the request. India insisted that on "a previous occasion, the Committee had authorized the return of certain cultural property to Yugoslavia" (India, SR.41). The Chair solved the dispute by referring to a decisive difference between the two cases, namely that "in that case the ownership of the property had not been contested", so the request was rejected (Chair, SR.41).

Eventually, the precedent-based informal rule was formalized. The committee consistently applied the rule for exemptions of diplomatic goods based upon the precedent from the Iraq sanctions regime committee, and expanded its scope based on its own additional precedents. As a last step, diplomatic exemptions were transferred to a notification

procedure and later regarded as completely outside the scope of the sanctions regime “as long as cargo was clearly marked as diplomatic (…) because the normal functioning of diplomatic missions was exempted from sanctions” (Committee Secretary, UK, SR.118).

4. Incentives for Rule-based Decisions and their Limits in Smart Sanctions Regimes Targeting at Individuals and Private Entities

4.1. The Al-Qaida/Taliban Sanctions Regime: From Laissez-faire to Rule-based Decisions and Institutionalized Oversight in Light of Due Process Discourse

The Al-Qaida/Taliban (AQT) sanctions regime demonstrates that the absence of diverging preferences among committee members may create problems for the operation of rule-based executive committee governance because the incentives for internal checks among committee member states diminish. However, this deficit can be overcome by explicit regulation and institutional oversight (Gehring/Dörfler 2013). The Council has created the AQT sanctions regime to pressure the Afghan Taliban government to surrender Usama bin Laden, and to cease providing a terrorist safe haven (resolution 1267 (1999)). It imposed an assets freeze, travel ban, and an arms embargo against Usama bin Laden and Al-Qaida associates (resolution 1333 (2000)). Identification and listing of targeted individuals and entities have been delegated to the sanctions committee. After the attacks of 9/11, the Council transformed the sanctions regime into a long-term global counter-terrorism regime (resolution 1390 (2002)) and recently extended its scope to the Islamic State (resolution 2253 (2015). In 2011, Taliban listings were transferred to a separate Taliban sanctions regime to better address the Taliban threat (resolution 1988 (2011)).

The sanctions regime and the operation of the AQT sanctions committee have attracted considerable public and scientific attention for several reasons. First, decisions to list and sanction individuals and private entities affect the fundamental rights of listed individuals and raise issues of due process (Biersteker/Eckert 2006: 24–25; Fassbender 2006; Genser/Barth 2014). Second, the regime comprises of the largest list of sanctioned individuals and private entities (258 individuals and 75 entities as of June 2016). Third, in contrast to smart sanctions regimes with a regional focus, several of the listed individuals and entities live in Western countries with elaborated human rights protection systems. As a consequence, human rights organizations have pointed at legal deficits, supported court proceedings in Western countries, and thus pressured the Council to gradually improve its procedures (Goede 2011; Heupel 2013).

Committee activities proceed in light of a broadly non-antagonistic preference constellation, with both Council members and non-members generally supporting counter-terrorism activities (Comras 2010: 57–58; Romaniuk 2010: 64–72). State preferences diverge partially if some governments seek to employ the regime for their national interests, such as outlawing opposition movements or pursuing other geopolitical objectives (Rosand 2004: 752).

4.1.1. First Phase: Laissez-faire Decision-making Causes Functional Deficits and a Lack of Legitimacy

The first phase shows that, in the absence of major conflicts of interests, the members of a weakly regulated sanctions committee may resort to laissez-faire decision-making to overcome possible blockade. It also demonstrates that this approach creates functional deficiencies and legitimacy gaps that undermine the regime's effectiveness.

In its early stage, the committee lacked substantive and procedural rules. Resolution 1267 (1999) envisaged to freeze assets "owned or controlled directly or indirectly by the Taliban" (para. 4b), later changed to "Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them" (resolution 1390 (2002), para. 2). In the absence of a clearer definition, any individual or entity somehow related to Usama bin Laden, Al-Qaida and/or the Taliban could be designated, providing a high degree of discretion to the committee (Heupel 2009: 310–311; Hoffmann 2008: 547). Likewise, procedural rules regarding the minimum requirements of eligibility for listing were lacking. A delisting procedure did not exist.

The institutional setup created strong incentives for committee members not to object, even to those listing proposals that were not supported by reliable information (Gutherie 2005: 511; Rosand 2004). In the absence of clear decision criteria, members could not base their objections on established standards. Accordingly, objecting a listing proposal was immediately politicized and states that challenged a listing inevitably risked creating bilateral issues with the proposing state (Biersteker/Eckert 2006: 29). While tacit acceptance was politically and administratively cheap, under the written 'no-objection' procedure, a veto required activity and might ultimately create the need to provide reasons. Consequently, committee members adopted listing decisions largely in a laissez-faire mode (Comras 2010: 95), even if requests were accompanied by little evidence (Heupel 2009: 310; Rosand 2004: 748–749). Notably, most of the listings right after 9/11 mirror US domestic designations, which the committee adopted assuming that the US "must have good reasons" for its action (Biersteker 2010: 88; Comras 2010: 94; Rosand 2004: 749).

The system of laissez-faire decision-making had significant functional consequences. First, an increasing number of states voiced reservations against pursuing new designations. The Council had not developed basic due process prerequisites (S/2005/761, para. 37; Kanetake 2008: 135) and decisions of domestic and regional courts precluded implementation in several countries, including Canada and the European Union. Second, it eroded the effectiveness of sanctions, because UN member states lacked "established guidelines or evidentiary criteria for determining which names should be added to the list", as the Panel of Experts (Monitoring Team) noted (MT, S/2002/1050, para. 26). Third, UN member states had difficulty in identifying assets and preventing travel of listed individuals, if designating states provided only poor quality identifying information (MT, S/2002/541, paras 8, 10-17).

4.1.2. Second Phase: New Substantive and Procedural Criteria Prompt Rule-based Decision-making

The second phase demonstrates that a denser set of decision criteria may transfer decision-making from a power-based to a rule-based mode even in the absence of an antagonistic constellation of interests. This is because it enables committee members to better evaluate decision requests and reduces their discretion. Even the world's most powerful states could not ignore rules that provided commonly accepted standards for the evaluation of the merits of single cases.

Pressed by increasing dysfunctions of the laissez-faire system and external critique of a lack of due process guarantees, the Council raised the requirements for successful listings and elaborated a more precise set of listing criteria (Prost 2012: 417). Designating states had to attach a detailed *statement of case* for each listing request (resolution 1617 (2005), paras 4, 6) and the committee was requested to publicly issue *narrative summaries* of listing reasons (resolution 1822 (2008), para. 13). The Council also more clearly defined

the meaning of “associated with” al-Qaida and the Taliban, tightened the requirement on identifiers (resolution 1526 (2004), para. 17) and made these decision criteria binding on the committee (resolution 1617 (2005), paras 2-3; guidelines Nov. 2006, para. 6c). In addition, it adopted a delisting procedure. The absence of such a procedure had created governance problems, when Sweden sought to delist three Swedish citizens (Cramer 3003). Henceforth, a listed individual could petition the government of nationality or residence to forward the request to the committee which would decide by consensus (SC/7487). Since these states might remain inactive (S/2005/83, para. 56), the Council later authorized petitioners to directly initiate delisting through the newly created Focal Point for Delisting, a small office within the UN Secretariat without decision-making powers (Kanetake 2008: 162–163).

The new decision criteria prompted rule-based decision-making. The threshold for a successful listing was significantly raised, as the committee could now evaluate decision proposals against the “associated with” standard (Mimler 2013: 124). The panel of experts observed that the committee handled listing proposals regardless of committee membership (S/2007/132, paras 42, 46) and that the duration prior to the decision was dependent on the “amount and quality of information provided” (para. 44). Designating states uncertain about the procedures had the risk that the committee would reject their proposals (S/2006/154, para. 25, 27). The panel of experts observed for this phase that “(…) a successful listing is most often linked to a complete and thorough account of the basis for listing, including the nature of the subject’s association with Al-Qaida or the Taliban” (S/2006/154, para. 27). As a result, observers acknowledged that tightened decision requirements actually prevented further unwarranted listings (Biersteker/Eckert 2006: 7). Diplomatic cables reconfirm this assessment (US Permanent Mission to the UN 2006a, 2006b). Likewise, the Council requested the committee to conduct a comprehensive review of all listings (resolution 1822 (2010), para. 25). Until 2008, the list has been stripped of 38 entries (Cortright 2009: 8). During the comprehensive review, the committee deleted another 45 listings (S/2010/497, para. 43, S/2012/729, para. 38).

4.1.3. Third Phase: Ombudsperson Provides Institutionalized Safeguards for Rule-based Decision-making

In a third phase, the Council introduced the Office of the Ombudsperson, which provided further incentives for rule-based decision-making without fundamentally altering the committee decision situation.

To remedy the growing threat of court decisions suspending the implementation of sanctions (S/2009/502, para. 42) and the flaws of the Focal Point arrangement (Security Council Report 2013: 21), the Council introduced the Office of the Ombudsperson as an independent entity to review delisting petitions (resolution 1904 (2009)). Hence, the committee decided upon a delisting request based upon a *comprehensive report* by the Ombudsperson. By resolution 1989 (2011), the Council empowered the Ombudsperson to make formal delisting recommendations, which were automatically adopted unless the committee overturned them by consensus (Prost/Wilmshurst 2013: 7).

The Ombudsperson process further strengthened rule-based decision-making and transferred the burden of proof to the states objecting a delisting petition. As of January 2014, thirty-four individuals and twenty-seven entities were successfully delisted at the Ombudsperson’s request (S/2014/553, paras 3-7), which received a steady flow of further petitions (S/2012/729, para. 30). Nonetheless, the Ombudsperson recommended continued listing in six cases (S/2013/467, para. 34). In a number of cases delisting occurred

although permanent members objected (S/2012/968, para. 12). For instance, in the contentious *Kadi* case, the committee delisted the Saudi businessman upon an Ombudsperson recommendation despite the fact that the US claimed to possess confidential evidence of his association with Al-Qaida (S/2012/968, para. 7), which, however, they were not willing to share with the Ombudsperson (Charbonneau 2012). The fact that the committee did not overturn Ombudsperson recommendations and that objecting members did not employ the option of referring the matter to the Council underscores consolidation of the procedure (Eckert/Biersteker 2012: 15).

4.2. The Democratic Republic of the Congo (DRC) Sanctions Regime: Rule-based Decisions without Due Process Discourse and Temporary Limits to Committee Decision-making

The DRC sanctions regime highlights that rule-based committee decision-making on sanctions targeting individuals may occur even in the absence of a powerful human rights discourse, but also that committee decision-making is vulnerable even to small member states that prefer blockade over agreement. Since it largely operated beyond the focus of human rights groups, the sanctions regime allows controlling for the attention on the due process critique that primarily confronted the Al-Qaida/Taliban sanctions regime. The results show that the effects of committee governance also occur in the absence of a vocal due process discourse and court decisions, if member states care about the substance of committee decisions (section 4.2.1), while Rwanda's blockade elucidates the limits of committee action (section 4.4.2).

In 2003, the Council imposed an arms embargo to address the civil war in the Eastern part of the DRC, and later established a sanctions committee to monitor this arms embargo (resolutions 1493 (2003), 1533 (2004)). Because these efforts remained ineffective, the Council imposed targeted sanctions and requested the committee to designate individuals and entities that violated the arms embargo (resolution 1596 (2005)).

On DRC sanctions, interests of Council members diverged. The Western permanent members were in favor of sanctions, whereas China and Russia had no specific interests. However, among the former group, France tended to support the DRC government because of its commitment to francophone states, while the UK was more closely aligned with Rwanda and its former colony Uganda. The US adopted an intermediate position (Doyle 2004: 89; Gegout 2009: 235–236).

4.2.1. Listing Criteria Provide Focal Points to Overcome Differences among Western Permanent Members

Listing criteria and evidentiary requirements provided focal points that helped moderate between different interests within the group of proactive permanent members. In 2005, the committee listed fifteen individuals found in violation of the arms embargo either through direct weapons transfers, by being in direct command of rebel groups violating the arms embargo, or by providing assistance to those violating the arms embargo (SC/8548). Proposals were immediately related to decision criteria and a US cable gives reason to believe that the list was carefully scrutinized. For example, the US expressed concern to list an individual "unless there is viable evidence (…) demonstrating his involvement with illegal arms trafficking", because adding "a government official on the list based on nothing

more than rumors would risk undermining the credibility of the sanctions program" (US Embassy Kinshasa 2005a).

Comprehensive lists of possible listing candidates were examined among the three permanent Western members based upon listing criteria and informational requirements prior to their formal submission. After the Council had widened the scope of the sanctions regime to "political and military leaders of foreign armed groups" (resolution 1649 (2005), para. 2ab) and to those "using children in armed conflict" (resolution 1698 (2006), para. 13) and had asked the committee to list individuals and entities that conformed to these listing criteria, France and the UK pursued listing requests, but diverged on the particular targets (Bolton 2006a). The UK suggested adding 35 individuals of five different rebel groups to the sanctions list, but the request did not outline the reasons for listing and did not contain sufficient identifying information (Bolton 2006a). The Western permanent members deliberated about the merits of each listing in light of the listing criteria in order to avoid objections within the committee (Bolton 2006a, 2006b). They dropped inadequately supported or dated requests, and further pursued those requests that conformed to the decision criteria and were convincingly documented (SCR Forecast December 2006; US Permanent Mission to the UN 2007b). Earlier Group of Experts' reports mentioned almost all of the listed individuals and entities for violations (S/2005/30; S/2006/53).

Conversely, Belgium, France, the UK, and the US rejected a Rwandan request to add 19 individuals (S/2010/93, p.2), because it did not meet the committee listing requirements and did not establish how "each individual meets the listing criteria" (SCR Forecast May 2010; US State Department 2008a, 2008c). The Western permanent members were determined to pursue only listings that sufficed the evidentiary standards and informational requirements, to increase the chances of success (US State Department 2008a, 2008c). To prevent "public disagreements in the sanctions committees", the US explicitly suggested to continue deliberations among the "like-minded Council members" (US State Department 2008c). They examined the merits of each submission, and ultimately turned only proposals with a sufficient evidentiary basis into formal listing requests equipped with "evidentiary packages". In addition, these requests explicitly referred to a specific listing criterion and were bolstered with additional evidence from Group of Experts' reports (Secretary of State 2009; US Embassy London 2009). Eventually, the committee accepted the requests (SC/9608).

A Ugandan listing request shows that even weak states could succeed in convincing the committee to list individuals if their requests met the necessary standards (SCR Forecast February 2011; What's in Blue 2011). After Western permanent members had collected additional evidence from "multiple sources", the committee accepted the Ugandan listing request based on the individual's position as "the military leader of the Allied Democratic Forces (ADF), a foreign armed group operating in the DRC that impedes the disarmament, (…) repatriation or resettlement (…), as described in paragraph 4 (b) of resolution 1857 (2008)" (SC/10410, SCR Forecast November 2011).

4.2.2. Rwanda Blocks Committee Work during its UNSC Membership

Rwanda's behavior during its UNSC membership in 2013-2014 demonstrates that even a small member state can use its de facto right of veto under the no objection procedure, if it prefers blockade over agreement and points at the limits of successful executive committee governance. Rwanda was elected as a non-permanent Council member according to the African system of rotating seats and replaced South Africa (Security Council Report 2012a: 6–7). At the same time, violence in Eastern Congo escalated during the M23

rebellion, which Rwanda supported (Carayannis 2013: 196–197). Hence, the committee was temporarily complemented by a member with strong parochial interests in the conflict.

When Rwanda joined the Council and the DRC sanctions committee, it immediately began to obstruct the work of both bodies (What's in Blue 2013a). During Rwanda's tenure, the committee was entirely blocked from adding individuals and entities to its sanctions list, even if permanent members pursued listing requests. In August 2013, Rwanda objected to a US-French listing proposal, even though it was supported by several evidentiary sources (Charbonneau 2013), including Group of Experts reports (S/2013/433, para. 44). At the Council level, Rwanda blocked or significantly delayed consensus-based decisions, including presidential press statements and presidential statements (SCR Forecast July 2013; SCR Forecast October 2013; What's in Blue 2013b). Even in the case of an M23 attack on UN peacekeepers, Rwanda blocked several draft statements, until it achieved to introduce more 'balanced' language directed at all belligerents (SC/11108).

Other Council members had anticipated the blockade and struggled to preempt its detrimental consequences. Fearing that Rwanda would use its committee membership to derail committee activities (Manrique Gil 2012: 5; SCR Forecast November 2012; Security Council Report 2012b; Smith 2012; What's in Blue 2012), the proactive members acted both in the Council and the committee. At the initiative of Western permanent members, the Council adopted consensus-based press statements (SC/10819, SC/10736, SC/10709), a presidential statement (S/PRST/2012/22) and a Council resolution (2076 (2012)) on the M23 insurgency, requesting the committee to designate M23 individuals "as a matter of urgency". In response, the committee added seven individuals and two entities associated with the M23 rebellion, heavily relying on evidence assembled by the Group of Experts (SC/10842, SC/10876). Moreover, proactive members sought to change the rules concerning the processing of reports submitted by the Group of Experts. The committee regularly forwarded these reports to the Council by consensus; thus, this process entailed the danger of blockade. Accordingly, the Council decided that these reports would be directly submitted to the Council president upon which they would be automatically published (resolution 2078 (2012), para. 5, emphasis added). In addition, the committee members quickly transferred the most recent Group of Experts report to the Council for publication and immediately re-appointed the Group members before Rwanda joined the committee (SCR Forecast February 2013, S/2012/967, S/2013/1).

After Rwanda had left the Council in 2015, the committee was able to regain its operability (Security Council Report 2015). For instance, the committee completely updated the sanctions list (SC/11772), and regularly extended the sanctions regime as well as the Group of Experts (resolutions 2198 (2015), 2293 (2016).

4.3. The Sudan Sanctions Regime: Limits to Successful Committee Governance and a Different Rationale for Council Action

The Sudan sanctions regime elucidates the limits of the theoretical mechanism and shows that permanent committee blockade is in fact a possible outcome, if at least one committee member prefers blockade over cooperation, while the Council, as the superior body, tends to follow a different rationale. Accordingly, the mechanism only gains leverage in situations where rule-based solutions to the cooperation problem are within the win-set of all committee members. In contrast, the Council operates based upon package deals and broader political considerations instead of rules.

To address the Darfur conflict, the Council initially imposed an arms embargo on the Darfur region (resolutions 1556 (2004)). Later, it added a targeted sanctions regime and transferred the authority to designate sanctions targets and to monitor the implementation of sanctions measures to a new sanctions committee (resolution 1591 (2005)). The preferences of permanent members on Sudan were entirely opposed. While France, the UK, and the US strongly favored sanctions, partly due to heavy domestic pressure (Cockett 2010: 223–224), China consistently opposed sanctions for economic and geopolitical reasons (Holslag 2008: 79; Taylor 2010: 184). Russia was reluctant on sanctions to protect its arms and oil deals, as well as to uphold its principled position on outside intervention (Cockett 2010: 199; Wuthnow 2013: 104–105).

4.3.1. Sustained Blockade in the Sanctions Committee

The antagonistic constellation of interests among the permanent members immediately caused a decision blockade in the sanctions committee. While Western states strongly pushed for imposing sanctions on individuals and entities in Sudan, China and Russia opposed any effort to pressure Sudan. To avoid committee decisions, the sanctions skeptics initially engaged in efforts to derail or at least delay committee decisions by blocking the adoption of procedural guidelines and the appointment of Panel of Experts members (SCR Forecast March 2006; Prendergast/Sullivan 2008; Traub 2010).

Proposals that designated a limited number of individuals as sanctions targets failed completely. Despite Chinese and Russian opposition (US Embassy Moscow 2006), the sanctions proponents proposed listing a package of targets (Penketh 2006). When a first decision package was rejected, they reduced the number of individuals to make the package more balanced and acceptable to opposing members (Lederer 2006). The final package included two rebel militia members, one government militia member, and one major general of the Sudanese Armed Forces. Although “none of the four had significant assets in foreign banks or indulged in foreign travel, so the impact of these sanctions was more symbolic than real” (Prendergast/Sullivan 2008: 7), China and Russia blocked the listing proposal in the committee (Hoge 2006). Attempts to overcome blockade by rule-making also failed. This includes the proposed transformation of the consensus requirement into a majoritarian voting system within the committee (US Embassy Paris 2006), and a directive to the committee for new listings as part of a Council resolution (Holslag 2008: 81–82; US Permanent Mission to the UN 2006c).

4.3.2. Council Adopts a Decision Package Previously Rejected within the Committee

The Council allowed the adoption of measures that had been rejected at committee level, because Council resolutions took the form of more comprehensive negotiation packages and followed broader political considerations. As listing had failed on the committee level due to Chinese and Russian objections (Aita 2006), the proactive members referred their listing package of four individuals to the Council “to circumvent the opposition from Russia and China with the hope that the two countries would not veto the text” (Aziakou 2006a). To get the necessary majority, the package proposal was coupled with a presidential statement in support of the widely welcomed Abuja peace process on Southern Sudan (SCR Forecast May 2006). Accordingly, the Council decided with abstentions from China, Russia, and Qatar to list the same four individuals whose designation had been previously rejected (resolution 1672 (2006)). The fact that China, Russia, and Qatar did not reject the Council decision, even though they had blocked the same proposal within the committee, suggests that the costs of a public Council veto are considerably higher than a committee

blockade and have outweighed the marginal costs of the four designations (US Embassy Khartoum 2006).

After this decision, the committee remained continuously blocked. China and Russia vocally opposed new sanctions measures or any other measures to tighten the sanctions regime (Happaerts 2009: 108–110; Wuthnow 2013: 99–101). The US, UK and France proposed additional designations in several instances. Initially, they proposed listings within the committee, with the aim of submitting them to the Council in face of Chinese and Russian opposition (Khalizad 2007; Lynch 2007; US State Department 2008b). However, China and Russia rejected all of these initiatives. When China indicated that it would veto further Council resolutions (US Embassy Beijing 2008; US Permanent Mission to the UN 2007a), the Western permanent members were no longer willing to risk failure in the Council, and did not formally submit a draft resolution. Hence, since 2006 neither the committee nor the Council added any further sanctions targets to the list.

5. Two Special Cases

5.1 The Iran Sanctions Regime: Package Deals within the Council, but Rule-based Decision-making on Committee Listings and Commodity Sanctions

The Iran sanctions regime demonstrates that the Council may always choose *not* to delegate implementation decisions to a sanctions committee, but then subjects these decisions to a rationale of political bargaining in the Council, instead of rule-based decision-making within the committee. The regime allows comparing three different approaches to adopt implementation decisions within a single sanctions regime that follow different logics, namely decision-making within the Council, decision-making within a sanctions committee, and externalizing substantive decision-making to external expert forums.

After the International Atomic Energy Agency (IAEA) had repeatedly found Iran in non-compliance with its safeguards agreement, the IAEA Board of Governors referred the Iran nuclear file to the Security Council. After a first resolution had demanded the suspension of Iran's nuclear program and full cooperation with the IAEA (resolution 1696 (2006)), the Council successively adopted remarkably biting sanctions in four resolutions (resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010)). Enforcement measures included, besides targeted sanctions against individuals and entities (travel restrictions and an assets freeze), restrictions on the export of dual-use goods to Iran, an arms embargo, cargo inspections, restrictions of trade (e.g. related to the oil industry), and restrictions of Iranian access to the international financial market. The UNSC transferred the task of listing and delisting individuals and entities as well as of adding and removing embargoed nuclear- and ballistic missile-related items to a newly established sanctions committee (resolution 1737 (2006), para. 18ef). More recently, the Council partly lifted the sanctions regime in accordance with the 2015 Iran nuclear deal (resolution 2231 (2015)).

While the permanent members had a shard interest in non-proliferation (S/PV.5500, S/PV.5612), their preferences on sanctions diverged considerably. The Western members considered nuclear proliferation as a direct security threat. The US strongly favored sanctions and EU members, despite their economic interests, advocated sanctions after negotiations had failed (Bolton 2007). In contrast, China was (cautiously) struggling to avoid economic sanctions to uphold its business interests (Kleine-Ahlbrandt/Small 2008: 41; van Kemenade 2010; Wuthnow 2013: 75). Russia traded nuclear technologies with Iran and also preferred an incremental approach (Anthony et al. 2007: 60–63).

5.1.1. Council Designates Sanctioned Individuals and Entities as Parts of Larger Package Deals

Until 2010, designations of individuals and entities as sanctions targets occurred exclusively through Council resolutions, even though a sanctions committee was empowered under resolution 1737 (2006) to add additional entries to the list. Whereas Russia preferred a committee-centered approach, the proactive Western permanent members favored the Council-centered approach to avoid stalemate in the committee (SCR Update Report No.4 2006), as had occurred in the Sudan case (see section 4.3). By four successive resolutions, the Council subjected 41 individuals to travel bans and financial restrictions, as well as 74 private and public entities to financial restrictions (sanctions list, as of August 2010, on file with author). Resolution 1737 (2006) envisaged an assets freeze on individuals and entities, and simultaneously listed 12 individuals and 10 entities by an annex to the resolu-

tion. Resolution 1747 (2007) imposed an arms embargo on exports by Iran and further listed 15 individuals and 13 entities subject to assets freeze. Resolution 1803 (2008) extended targeted sanctions to a travel ban, and further designated 13 individuals and 12 entities. Resolution 1929 (2010) added an arms procurement embargo for seven types of major conventional weapons on Iran, and listed one individual and 40 entities.

Hence, designations of individuals and entities, as well as the sanctions imposed upon them were parts of larger packages that could be traded off against other parts of the same package. The sanctions resolutions constituted the outcome of long, protracted and highly political give-and-take bargaining among the great powers and followed the rationale of package deals (Bolton 2007; Wuthnow 2013: 77–82). Negotiations on what became resolution 1737 (2006) may serve as an example. The four Western initiators, US, UK, France, and Germany, submitted a draft resolution which comprised a comprehensive list of sanctions, including a comprehensive embargo on trade in goods and services related to Iran's nuclear and ballistic missiles programs. It also envisaged targeted sanctions on individuals and entities related to these programs comprising of a travel ban and assets freeze combined with a resolution annex containing a comprehensive list of designations, exemptions from targeted sanctions, as well as the creation of a sanctions committee for follow up decisions (Japan Economic Newswire 2006). Russia and China rejected this approach as far too broad, and insisted that "measures, such as a travel ban and assets freeze, go beyond what was agreed by the Foreign Ministers" (Bolton 2006c). Next, the EU proponents accepted an exemption for Iranian light water reactors, dropped the ban on dual-use goods, and exempted short-range Unmanned Arial Vehicles, but retained travel bans and an assets freeze on altogether 12 individuals and 11 entities (Agence France Presse 2006; SCR Update Report No.4 2006). To gain Russian and Chinese support, the drafters further dropped the travel ban, thus limiting the implications of listing to an assets freeze (Aziakou 2006b). Finally, they scrapped one entity (Aerospace Industries International) originally proposed for listing to placate Russia (Lee 2006). Eventually, the Council adopted this package as resolution 1737 (2006).

As a consequence, listing of designated individuals and entities was not based upon accepted criteria, and ran into functional difficulties. Since listings were negotiated as parts of more comprehensive packages, the single proposals were not scrutinized according to criteria. Thus, decisions followed a political rather than a criteria-related rationale (two separate interviews with UN Member State officials, December 2013). The large majority of listings were not accompanied by specific reasons related to the listing criteria. Accordingly, there was a risk that sanctioned individuals and entities might challenge targeted sanctions before the European Court of Justice, as they had successfully done in other cases, thus precluding implementation within the European Union (S/2013/331, para. 151, Eckert/Biersteker 2012: 30–33). Moreover, designations were often difficult to implement, because they lacked properly administrable identifiers. Hence, a US cable admitted that "of the 40 designated individuals (…) the United States Government has identifiers for 17", while it "has only been able to designate 16 individuals thus far because we do not want to designate the wrong person" (Secretary of State 2008). Furthermore, the US embassy in Berlin (2007) reported that German authorities complained that "UNSC 1737 Annex would be more helpful if it provided more information about the entities and persons".

5.1.2. Committee Designates Sanctions Violators in a Rule-based Way

With adoption of resolution 1929 (2010), Council members agreed to activate the committee to designate, and accordingly impose sanctions upon, sanctions violators. Proactive states had changed their general strategy regarding committee action after the Council had

imposed tough sanctions on Iran, and sanctions violation became a major matter of concern. In contrast, Russia and China remained skeptical of further sanctions, and of increasing pressure on Iran (see statements by Russia and China in Council debates, S/PV.6563 of 23 June 2011, S/PV.6888 of 13 December 2012).

The Council and the committee employed rules to direct committee decision-making. Following pressure by the proactive members (interview with UN member state official, December 2013), the Council directed the committee "to respond effectively to violations of [sanctions] measures (…), and recalls that the Committee may designate individuals and entities who have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, these resolutions" (resolution 1929 (2010), para. 26). In addition, the proactive members succeeded in creating a Panel of Experts that would provide independent information on sanctions violations and suggest individuals and entities for listing (resolution 1929 (2010), para. 29). The committee amended its guidelines and acknowledged that it "will decide on the designation of individuals and entities" using the no-objection procedure (Guidelines April 2011, para 20-21). The committee also established a comparatively high informational threshold for listing proposals laying out detailed requirements on identifiers (para. 22) and determining that a proposal should be accompanied by a "narrative description" on "how the individuals or entities are engaged in, directly associated with, or providing support for Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems (…), or how they have assisted designated persons or entities in evading sanctions or in violating (…) Security Council resolutions", as well as a publicly releasable "statement of case" (Guidelines April 2011, paras 22).

Designation decisions of the sanctions committee followed these rules. The committee relied upon two reports of the Panel of Experts that provided detailed investigation reports of violation incidents and recommended that the committee "should designate" two individuals and five entities (Panel of Experts Iran 2011; S/2012/395). The sanctions proponents turned those five designation recommendations with the strongest evidence into formal proposals. They related to three incidents of sanctions violations and were accepted under the no-objection procedure despite Russian and Chinese reluctance. The other cases, for which the panel of experts had gathered only ambiguous evidence, were not further pursued (SC/10615; Agence France Presse 2012; SC/10871; Associated Press 2012). A Russian statement in a later Council debate suggests that decisions were indeed based upon criteria and evidence that provided the focal point which proponents and sceptics of international pressure on Iran could accept. Russia observed that the committee "has acted in a balanced and objective manner" which should continue in the future and insisted that the panel of experts "must work impartially and independently and be guided (…) only by reliable and objective information" (S/PV.6888 of 13 December 2012: 4).

5.1.3. Rule-based Decisions through the Use of existing Export Trigger Lists on Proliferation-related Commodities

To determine proliferation-sensitive commodities that would fall under the trade embargo, member states referred to existing lists elaborated by two transgovernmental networks. The Nuclear Suppliers Group (NSG) was established in 1974, and forms a network of national regulators of currently 48 like-minded states, including all five permanent Council member states (Nuclear Suppliers Group 2015). The NSG elaborates two regularly updated lists annexed to its guidelines, which comprise "items that are especially designed or prepared for nuclear use" (Nuclear Suppliers Group 2015, Guidelines Part 1) and "nuclear related dual-use items and technologies" (ibid., Guidelines Part 2). The Missile Technology

Control Regime (MTCR) was founded in 1987 at the initiative of the G7 Summit as a similar intergovernmental network of like-minded countries interested in preventing proliferation of suitable delivery systems. It currently comprises 34 member states, including four of the permanent members, while China has applied for membership and has pledged to adhere to MCTR guidelines (Eilstrup-Sangiovanni 2009: 220–221). The MCTR elaborates and regularly updates the Equipment, Software, and Technology Annex, which enumerates a broad range of military and dual-use technologies, which are relevant to missile development, production, and operation. Both networks issue export trigger lists in their field of competence that member states should implement to prevent the undesirable proliferation of weapons of mass destruction capabilities to non-nuclear weapons states (Lipson 2006).

Accordingly, the Council merely decided which parts of the items listed by the NSG and the MCRT should fall under the trade ban. By resolution 1737 (2006, paras 3-4), it applied the trade ban to items of NSG Part 1 list, except for complete light-water reactors and components including low-enriched nuclear fuel. Likewise, it imposed an embargo on items listed in the MCTR export trigger list (S/2006/815), with the exception of complete unmanned aerial vehicle systems with more than 300 km range (MCTR subcategory II, 19.A.3). By resolution 1803 (2008, para. 8a), it extended the embargo to dual-use items of NSG Part 2 list (S/2006/815) and removed the exemption on missile technology. By resolution 1929 (2010, para 13) and subsequent committee decision (SC/10928), it replaced the lists with new versions accommodating technological progress.

Under this approach, the Council employed the comprehensive lists elaborated by NSG and MCTR, as external focal points and thus implicitly accepted that the items to which the embargo was to apply were determined in a rule-based fashion. The trigger lists were suitable as external focal points precisely because they had existed long before the Iran nuclear conflict began, and were thus independent from the contentious Iran sanctions situation (interview with sanctions expert, December 2013). Due to their highly technical nature and their general focus on non-proliferation at large, the transgovernmental networks operate, moreover, at considerable distance from case-specific political interference (Eilstrup-Sangiovanni 2009: 218–222). Agreement on adopting the trigger lists was facilitated by the highly technical nature of the task, which was far beyond the capacity of the diplomatic staff of member states' UN missions.

5.2 United Nations Compensation Commission as a Deliberate Credible Commitment to Rule-based Compensation Decisions

The Compensation Commission exemplifies that actors can intentionally and credibly commit themselves to rule-based decision-making without delegating decisions to an independent agent (see Becker forthcoming). Within the Iraq sanctions regime, the Council established the Commission to process claims for compensation of losses originating from the unlawful occupation of Kuwait by Iraq (resolution 687 (1991), paras 16-19). The Commission decided whether claims by individuals, corporations, governments, and international organizations were eligible for compensation. Payments to claimants were made from a Compensation Fund established by the UN Security Council, in which Iraq had to pay a certain share of their oil export revenues (resolution 692 (1991), paras 3-6). Since the damage caused by the Iraqi invasion by far surpassed the financial resources of Iraq even at stable oil export rates (Caron 1991: 27), claimants were competing over a limited (although not exactly defined) fund (Fox 2002: 217). The Commission processed almost

2.7 million claims that sought compensation in the total amount of about 352 billion US dollars.[4]

Following recommendations by the UN Secretary-General (S/22559), the Council envisaged a complex decision-making system (resolution 692 (1991), para. 3). A Governing Council composed of the fifteen Council member states both oversaw and guided the claims processing activities, and adopted the final decisions on compensation claims, deciding by nine affirmative votes without specific rights for any particular member. The Governing Council adopted claims decisions upon proposals of panels of experts in such fields as finance, accountancy, law, insurance, and environmental damage, acting in their personal capacity (S/22559, Section I: Institutional Framework).

The institutional design reflected the twofold intention of the Council member states. On the one hand, they did not want not to lose political control over the decision process (Alzamora 1995: 3). On the other hand, they sought to ensure fair decisions of thousands of compensation claims (Caron 1991: 28). The Compensation Commission acted as a political organ, rather than an arbitral tribunal, and decisions should remain under full political control (S/22559, paras. 4 and 20). However, the member states also sought to avoid power-based arm-twisting over single compensation claims (Bettauer 1995: 37–38), as the legitimacy and effectiveness of the process strongly depended on whether the Commission was capable of producing decisions that were largely perceived as fair and fulfilled minimum requirements of due diligence to protect claimants (S/22559, para. 20).

To realize these two diverging intentions, the institutional design, endorsed by the Council, envisaged a two-fold separation of functions. First, it explicitly distinguished between the tasks of rule-making and of deciding on compensation claims in light of these rules (S/22559, para. 4). The Governing Council should exercise its responsibility for determining the overall policy by establishing appropriate procedures and substantive guidelines (S/22559, para. 10). Subsequently, the eligibility of single claims, regardless of the claimed amount, would be determined according to established procedures and guidelines. Second, claims were processed in a two-staged procedure separating the tasks of fact-finding, and of adopting the final decision (Leurent 2000: 134–135). Because Council members believed that too much governmental influence within the verification process would have a disruptive effect, panels of three experts appraised the claims in light of the overall policy, and determined whether there was a direct causal link between the Iraqi occupation of Kuwait and the suffered loss (Raboin 1995: 150). Upon their recommendations, the Governing Council made the final decision (McGovern 2009: 183; Wühler 1999: 252). While claims had to be submitted by governments, there was a right to appeal decisions in case of alleged errors, to be decided by the Governing Council (S/22559, para. 27).

The institutional design of the Compensation Commission and the claims procedure created powerful institutional incentives for rule-based decision-making, even though the Council member states retained full control of all final decisions. At the level of rule-making, it deprived them of their ability to pursue opportunistically case-specific preferences, and forced them to develop rules that were applicable to a larger number of cases. In the Governing Council, they adopted several decisions specifying the eligibility for compensation (Crook 1993; Di Frigressi Rattalma/Treves 1999), including compensation for ‘business losses’ (Decision 9) and ceilings of compensation for ‘mental pain and anguish’ (Decision 8). At the level of case-specific decision-making, they faced decision proposals elaborated by the responsible panel of experts. Panel proposals provided strong focal points, because

4 See <http://www.uncc.ch/summary-awards-and-current-status-payments>.

they set the agenda for the subsequent decision process (see also Tsebelis 2000: 454–462). Instead of struggling over the choice among a number of equally possible solutions, the Governing Council members were faced with the choice between following the proposal or agreeing on something else. Hence, well-reasoned panel proposals in conformity with existing rules were difficult to sidestep.

Decisions about the eligibility of claims were based upon rules and not driven by the constellation of power among the actors involved. First, the panels carefully examined the merits of claims and provided extensive reasons for their recommendations. For example, when the panel recommended to reject the claim of the US-based company *Aquasep, Inc*. for compensation of about 3.2 million US dollars for losses stemming from a contract with an Iraqi state-owned company to supply and install a desalination plant for the production of drinking water, it supplied no less than 45 paragraphs of detailed reasoning (Report E3 (25): 817-861). Second, the Governing Council approved all panel recommendations separately or in packages without any amendment or renegotiation. It adopted all compensation decisions by consensus (Di Frigressi Rattalma/Treves 1999: 4; Payne 2011: 21). Hence, Council member states, in particular the five permanent members, did not make use of their privileged access to the decision process within the Governing Council. Former US ambassador to the UN James Cunningham emphasized that any attempt based on power and narrow majorities to overrule a well-documented panel recommendation would inevitably "open up the process to a spirit of contention" (Crossette 2000). Thus, this behavior would automatically threaten to derail the rule-based decision process. Third, a quantitative analysis of decisions on more than 5,000 separate claims of non-Kuwaiti corporations (category E2) revealed that neither institutional power, i.e. the status of a permanent or non-permanent Council member at the time of decision, nor material (economic) power of applicant states explained compensation success. Hence, states did not, or could not, use their power resources to influence panel recommendations (Becker forthcoming; Becker et al. forthcoming).

6. General Insights and Policy Recommendations

Delegating specified sets of decisions to sanctions committees may commit even the most powerful member states to rule-based sanctions governance. By assigning case-specific decisions to its committees, the Council automatically retreats from these tasks and restrains its activity to providing general rules for committee action. The committee, in turn, operates under a specific set of institutional incentives when processing a stream of implementation decisions, because these decisions of comparatively limited scope provide little room for bargaining. To avoid blockade of the decision process, committee members tend to resort to rules that limit opportunities for power-based bargaining. The Iran sanctions regime illustrates the substantial difference between molding comprehensive packages at the Council level and rule-based decisions at the committee level.

The comparative analysis of several sanctions regimes demonstrates that these effects of executive committee governance within the Council are stable across sanctions regimes of starkly differing nature and institutional setting. They occur for decisions concerning the listing of individuals and private entities, which raise issues of due process and individual human rights, but also for decisions about exemptions from comprehensive trade embargos as well as decisions on the compensation of damage. Hence, they are not immediately related to the protection of individual human rights or to activities of certain external actors, such as human rights organizations of domestic courts. Also, they are not the result of specific institutional arrangements, such as the strong role of the Office of the Ombudsperson in the Al-Qaida/Taliban regime. They are not a result of recent developments or collective learning, as they occur both in the most recent sanctions regimes (Iran) as well as in the very first post-Cold War regimes (Iraq and Yugoslavia). The tendency toward rule-based decision-making is also not the consequence of immediate action capability of the powerful Western permanent members within the committee. While these states were in a position to veto exemption decisions in some cases (Iraq, Yugoslavia), they depended on the agreement of other committee members to adopt listing proposals in other sanctions regimes (AQT, DRC, Iran). As the tendency toward rule-based decision-making occurs in strikingly different settings, we conclude that the identified effects originate from the more general causal mechanism and can be expected for other sanctions regimes as well.

The tendency toward rule-based committee occurs in two different forms. First, the Council can establish institutional incentives *in order* to realize rule-based, instead of power-based implementation decisions. It can do so by creating clear procedural and substantive rules for committee decision-making, as it did in the cases of the Iran and AQT sanctions regimes, or by directing the committee to develop such rules, as in the cases of the UN Compensation Commission and the AQT regime. The employment of additional institutionalized bodies with important competencies, such as strong panels of experts in the Compensation Commission and the even stronger Office of the Ombudsperson in the AQT regime, help strengthen incentives for rules based-decision-making, but they are not indispensable. These cases emphasize that Council members may credibly commit themselves to previously elaborated rules even without retreating from the decision process, if they have, for whatever reason, a collective interest in rule-based committee decisions. Second, the tendency toward rule-based committee decision-making also occurs in cases in which powerful member states expressly intend *not* to be bound by rules, but to retain discretion. This is best illustrated by the Iraq and Yugoslavia sanctions regimes, in which powerful member states were well aware of the risk that a decision in an exceptional case may provide a precedent for subsequent cases and eventually lead to gradually evolving rules. While the powerful Western sanctions proponents refused to consider cases as precedents

and to formalize gradually evolving precedent-based rules, they could not avoid rule-based decision-making, because committees need rules to settle a stream of contentious cases.

Rule-based committee decision-making does not imply, nor require, that conflict is absent. To the contrary, a moderate level of conflict is necessary for mutual scrutiny of decision proposals among Council members and the internal enforcement of rules. In many cases, rule-based committee decision-making has evolved in the shadow of looming conflict among member states. In the Iraq sanctions regime, the Western sanctions proponents advocated a restrictive approval of exemptions to the trade embargo, while a group of non-aligned countries favored a flexible approach. The Yugoslavia sanctions committee faced the cleavage between the Western and Arabic members on one side, Russia and China and some non-aligned countries on the other. The Congo committee operated in light of distinct interests of France and the UK. Such cleavages are conducive to rule-based decision-making, because they force the committee members collectively to identify a mutually acceptable focal point, i.e. existing rules and decision criteria. The absence of a relevant cleavage creates the risk that neither of the members cares about the outcome of any one of the many small-scale decisions. The laissez-faire system in the first stage of the AQT regime illustrates this risk and points at resulting deficits in terms of functionality and legitimacy.

While rule-based committee governance results from dividing decision-making functions between the Council and a sanctions committee, it does not undermine the prerogatives of member states. In contrast to other forms of delegation, such as entrusting the UN Secretariat with selected decision tasks, member states retain full control of all final decisions adopted. They merely accept their commitment to rules that they have elaborated themselves, and they can adapt these rules to new circumstances at any time.

The occurrence of rule-based governance in sanctions committees is subject to two important scope conditions. First, it presupposes support of the respective sanctions regimes by all pivotal committee members that can block decisions. Otherwise, certain committee members get an interest in blocking the committee decision process, rather than accepting rule-based decisions. China consistently rejected sanctions in the Sudan sanctions regime, and accordingly, completely blocked committee decision-making. Rwanda's membership in the DRC sanctions committee led to a two-year standstill of the decision process. Second, incentives to accept a single rule-based decision, even if undesired, depend on the separate processing of a stream of similar cases of limited scope. Isolated cases or comprehensive sets of cases treated as larger packages do not trigger the mechanism, because stakes are high and there is no necessity for reciprocal compromising. This explains why the Council operates according to a different (political or bargaining) rationale, as best illustrated by the Iran sanctions regime.

These conclusions give rise to four policy recommendations.

(1) Within its long-term sanctions regimes, the Council should make more systematic use of the inherent effects of delegating streams of implementation decisions to sanctions committees, not only to facilitate the effectiveness of decision-making, but also to increase the legitimacy of its sanctions regimes. While delegation of implementation decisions to sanctions committees has been mainly motivated in the past by the intention to relieve the Council from having to process numerous small-scale decisions, it promises to foster rule-based decision-making and enhances the predictability of these decisions. Thus, it almost automatically increases the legitimacy of sanctions regimes vis-á-vis non-member states that are not directly involved in the decision-making process and vis-á-vis the broader

public. As a former participant in sanctions committee activities emphasized: “If Council and subsidiary organ practice were more clearly distinguished from each other, the political discretion of the Council, with its often questionable sanctions decisions, might appear more legitimate. Member states would have to accept politically driven sanctions decisions of the Council, but once those decisions were adopted, member states would have a more predictable system of norms and practices to fall back upon within the sanctions committees” (Conlon 2000: 9).

(2) For this purpose, the Council should as strictly as possible separate the function of rule-making from the function of applying these rules to specific cases. While adopting general rules will always be the prerogative of the Council as a political body, it can also be delegated, implicitly or explicitly, to the sanctions committee without violating the division of rule-making and rule-application. In several sanctions regimes, the respective committees were heavily involved in rule-making. Member states may make use of the interplay between the two bodies involved. Despite identical composition, the Iraq sanctions committee, apparently considered itself as an administrative body and requested the Council, which it apparently considered as the political (and thus superior) body, to provide guidance on a conflict that it could not solve itself. In the Al-Qaida/Taliban case, the Council repeatedly advised the committee to redefine and elaborate its rules to establish clearer criteria for its listing decisions. Hence, decision criteria do not have to be fully elaborated prior to adopting implementation decisions and they need not necessarily be stable over time. On the contrary, rules can, and should, be adjusted or elaborated over time as new problems emerge or circumstances change. Moreover, they can also gradually evolve from previous cases that are employed as precedents.

(3) Once a set of rules has been established, implementation decisions should follow them as strictly as possible. All investigated sanctions regimes demonstrate that committee members tend to follow established rules in any case to overcome stalemate or other difficulties in the decision process. Thus, the specific decisions of committee governance inevitably create some form of implicit credible commitment of Council members, even of the permanent members, to previously established rules. Open commitment to rule-based decision-making promises to increase the predictability of implementation decisions and thus contributes to increasing the legitimacy of the decisions adopted.

(4) Decision rules should be made accessible to other states and, if possible, to the broader public. Several sanctions committees demonstrate that the decision process may be burdened with requests from non-member states that are not aware of decision criteria and informational requirements for successful requests. While the Iraq sanctions committee revealed its – largely tacitly evolving – decision criteria only selectively to applying countries, more recent sanctions regimes, including the Al-Qaida/Taliban and the Iran regimes, operate based upon increasingly elaborate sets of decision criteria that are publicly available from Council resolutions and committee guidelines. If states know the rules well, they will be better equipped to submit requests that have a chance of succeeding, which will accordingly reduce the workload of committees to deal with unsubstantiated requests. In effect, publicly disseminated decision rules also promise to contribute to increasing the legitimacy of Council action.

Bibliography

Abbott, Kenneth W./Snidal, Duncan 1998: Why States Act through Formal International Organizations, in: Journal of Conflict Resolution 42: 1, 3–32.

Agence France Presse 1992: U.N. imposes sanctions as Serbs press attacks, United Nations, 31.05.1992.

Agence France Presse 2006: List of Iranian Entities or Individuals That Could Face UN Sanctions, United Nations, 11.12.2006.

Agence France Presse 2012: UN sanctions against Iranian in arms smuggling, United Nations, 20.04.2012.

Aita, Judy 2006: United States Seeks Sanctions on Sudan Officials. Draft resolution names four linked to Darfur violence, U.S. envoy Bolton says, Washington, DC, 19.04.2006.

Alzamora, Carlos 1995: The UN Compensation Commission. An Overview, in: Lillich, Richard B. (ed.): The United Nations Compensation Commission, Irvington, NJ, 3–14.

Anthony, Ian/Ahlström, Christer/Fedchenko, Vitaly 2007: Reforming nuclear export controls. The future of the Nuclear Suppliers Group, Oxford.

Associated Press 2012: UN imposes sanctions on 2 Iranian companies, United Nations, 21.12.2012.

Aziakou, Gerard 2006a: US proposes sanctions against Sudan officials, United Nations, 19.04.2006.

Aziakou, Gerard 2006b: Security Council set to vote Friday on Iran sanctions, United Nations, 21.12.2006.

Baylis, Thomas A. 1989: Governing by Committee. Collegial Leadership in Advanced Societies, Albany, NY.

Becker, Manuel forthcoming: Sachgerechte Reparationszahlungen im UN Sicherheitsrat. Wie sich die Mitgliedstaaten durch Verfahrensregeln glaubwürdig an das Ziel eines sachgerechten Kompensationszahlungssystems binden, in: Zeitschrift für Internationale Beziehungen.

Becker, Manuel/Dörfler, Thomas/Gehring, Thomas forthcoming: Credible Commitment without Independent Regulatory Agent. Evidence from the Security Council's United Nations Compensation Commission.

Bettauer, Ronald J. 1995: Establishment of the UN Compensations Commission. The U.S. Government Perspective, in: Lillich, Richard B. (ed.): The United Nations Compensation Commission, Irvington, NJ, 29–44.

Biersteker, Thomas J. 2010: Targeted Sanctions and Individual Human Rights, in: International Journal 65: 1, 85–103.

Biersteker, Thomas J./Eckert, Sue E. 2006: Strengthening Targeted Sanctions Through Fair and Clear Procedures, Providence, RI.

Bolton, John R. 2006a: DRC Sanctions: UK Proposes Revised List of Names: 06USUNNEWYORK1041_a, 23.05.2006.

Bolton, John R. 2006b: DRC Sanctions: Committee Chair Calls for More Names: 06USUNNEWYORK1228_a, 16.06.2006.

Bolton, John R. 2006c: UNSC/Iran: November 3rd Meeting P5 Plus One: 06USUNNEWYORK2123_a, 06.11.2006.

Bolton, John R. 2007: Surrender is not an option. Defending America at the United Nations and abroad, New York, NY.

Bosco, David L. 2009: Five to rule them all. The UN Security Council and the making of the modern world, Oxford.

Bradley, Curtis A./Kelley, Judith G. 2008: The Concept of International Delegation, in: Law and Contemporary Problems 71: 1, 1–36.

Brennan, Geoffrey/Buchanan, James M. 1985: The Reason of Rules. Constitutional Political Economy, Cambridge.

Brzoska, Michael 2003: From Dumb to Smart? Recent Reforms of UN Sanctions, in: Global Governance 9, 519–535.

Carayannis, Tatiana 2013: The Democratic Republic of the Congo, 1996-2012, in: Boulden, Jane (ed.): Responding to conflict in Africa. The United Nations and regional organizations, New York, NY, 177–202.

Caron, David D. 1991: The Gulf War, the United Nations Compensation Commission and the Search for Practical Justice, in: Boalt Hall Transcript 24, 26–30.

Charbonneau, Louis 2012: Saudi man dropped from U.N. al Qaeda sanctions list, United Nations, 05.10.2012.

Charbonneau, Louis 2013: Rwanda blocks proposed U.N. sanctions for two Congo rebels, United Nations, 28.08.2013.

Cockett, Richard 2010: Sudan. Darfur and the failure of an African state, New Haven.

Comras, Victor D. 2010: Flawed Diplomacy. The United Nations & the War on Terrorism, Dulles, VA.

Conlon, Paul 1996: The Humanitarian Mitigation of UN Sanctions: German Yearbook of International Law, Berlin, 249–284.

Conlon, Paul 2000: United Nations sanctions management. A case study of the Iraq Sanctions Committee, 1990-1994, Ardsley, N.Y.

Cortright, David 2009: Patterns of Implementation. Do Listing Practices Impede Compliance with UN Sanctions? A Critical Assessment.

Cortright, David/Lopez, George A. (eds.) 2000: The sanctions decade. Assessing UN strategies in the 1990s, Boulder, CO.

Cortright, David/Lopez, George A./Gerber, Linda 2002: Sanctions and the search for security. Challenges to UN action, Boulder, CO.

Crook, John R. 1993: The United Nations Compensation Commission—A New Structure to Enforce State Responsibility, in: The American Journal of International Law 87: 1, 144–157.

Crossette, Barbara 2000: A U.N. Compromise on Iraqi Money Matters, in: The New York Times, 28.09.2000.

Di Frigressi Rattalma, Marco/Treves, Tullio (eds.) 1999: The United Nations Compensation Commission. A Handbook, Dordrecht.

Dörfler, Thomas forthcoming: Security Council Sanctions Committees: From Power-based to Rule-based Decision-making? (Universität Bamberg: Dissertation), Bamberg.

Dörfler, Thomas/Gehring, Thomas forthcoming: Complex Governance Structures and Rule-based Decision-making within the UN Security Council, in: Lopez, George A./Einsiedel, Sebastian v. (eds.): The Sanctions Enterprise. Assessing a Quarter-Century of UN Action for Peace, Security and Human Rights, Cambridge.

Dörfler, Thomas/Gehring, Thomas 2015: Wie internationale Organisationen durch die Strukturierung von Entscheidungsprozessen Autonomie gewinnen. Der Weltsicherheitsrat und seine Sanktionsausschüsse als System funktionaler Differenzierung, in: Conceição-Heldt, Eugénia d./Koch, Martin/Liese, Andrea (eds.): Internationale Organisationen. Autonomie, Politisierung, interorganisationale Beziehungen und Wandel, Baden-Baden, 54–80.

Doyle, John 2004: Irish Diplomacy on the UN Security Council 2001–2: Foreign Policy–making in the Light of Day, in: Irish Studies in International Affairs 15: -1, 73–101.

Doyle, Leonard 1990: Crisis in the Gulf: UN races to avert starvation in Kuwait; Sanctions committee responds to Indian plea to lift embargo on food and medical aid for stranded foreigners, in: The Independent, 12.09.1990, 8.

Eckert, Sue E./Biersteker, Thomas J. 2012: Due Process and Targeted Sanctions. An Update of the “Watson Report”, Providence, RI.

Eilstrup-Sangiovanni, Mette 2009: Varieties of Cooperation. Government Networks in International Security, in: Kahler, Miles (ed.): Networked politics. Agency, power, and governance, Ithaca, NY, 194–227.

Farrall, Jeremy M. 2007: United Nations Sanctions and the Rule of Law, Cambridge, MA, New York, NY, Melbourne, Madrid, Cape Town, Singapore, Sao Paulo, Delhi.

Farrall, Jeremy M. 2009: Sould the United Nations Security Council leave it to the experts? The governance and accountability of UN sanctions monitoring, in: Farrall, Jeremy M./Rubenstein, Kim (eds.): Sanctions, Accountability and Governance in a Globalised World, 191–214.

Fassbender, Bardo 2006: Targeted Sanctions and Due Process. The responsibility of the UN Security Council to ensure that fair and clear procedures are made available to individuals and entities targeted with sanctions under Chapter VII of the UN Charter, Berlin.

Fearon, James D. 1998: Bargaining, Enforcement, and International Cooperation, in: International Organization 52: 02, 269–305.

Foot, Rosemary 2007: The United Nations, Counter Terrorism and Human Rights: Institutional Adaptation and Embedded Ideas, in: Human Rights Quarterly 29: 2, 489–514.

Fox, Merritt B. 2002: Imposing Liability for Losses from Aggressive War: An Economic Analysis of the UN Compensation Commission, in: European Journal of International Law 13: 1, 201–221.

Garrett, Geoffrey/Weingast, Barry R. 1993: Ideas, Interests, and Institutions: Constructing the European Community's Internal Market, in: Goldstein, Judith/Keohane, Robert O. (eds.): Ideas and Foreign Policy. Beliefs, Institutions, and Political Change, Ithaca, NY.

Gegout, Catherine 2009: The West, Realism and Intervention in the Democratic Republic of Congo (1996–2006), in: International Peacekeeping 16: 2, 231–244.

Gehring, Thomas/Dörfler, Thomas 2013: Division of Labor and Rule-based Decisionmaking Within the UN Security Council: The Al-Qaeda/Taliban Sanctions Regime, in: Global Governance 19: 4, 567–587.

Gehring, Thomas/Plocher, Isabel 2009: Making an Administrative Trustee Agent Accountable: Reason-Based Decision Making within the Kyoto Protocol's Clean Development Mechanism, in: International Studies Quarterly 53: 3, 669–693.

Gehring, Thomas/Ruffing, Eva 2008: When Arguments Prevail Over Power: The CITES Procedure for the Listing of Endangered Species, in: Global Environmental Politics 8: 2, 123–148.

Genser, Jared/Barth, Kate 2014: Targeted Sanctions and Due Process of Law, in: Genser, Jared/Stagno Ugarte, Bruno (eds.): The United Nations Security Council in the Age of Human Rights, New York, NY, 195–246.

Goede, Marieke de 2011: Blacklisting and the ban: Contesting targeted sanctions in Europe, in: Security Dialogue 42: 6, 499–515.

Graham-Brown, Sarah 1999: Sanctioning Saddam. The politics of intervention in Iraq, London.

Gutherie, Peter 2005: Security Council Sanctions and the Protection of Individual Rights, in: NYU Annual Survey of American Law 60: 3, 491–542.

Hannay, David Sir 2008: New world disorder. The UN after the Cold War: an insider's view, London.

Happaerts, Sander 2009: Dealing with Darfur: The UN Security Council Enters A Complex Battleground, in: Wouters, Jan/Drieskens, Edith/Biscop, Sven (eds.): Belgium in the UN Security Council. Reflections on the 2007-2008 membership, Antwerpen, 103–113.

Hawkins, Darren G./Lake, David A./Nielson, Daniel L./Tierney, Michael J. 2006: Delegation Under Anarchy: States, International Organizations, and Principal-Agent Theory, in: Hawkins, Darren G./Lake, David A./Nielson, Daniel L./Tierney, Michael J. (eds.): Delegation and Agency in International Organizations, Cambridge, MA, New York, NY, Melbourne, Madrid, Cape Town, Singapore, Sao Paulo, 3–38.

Heupel, Monika 2009: Multilateral Sanctions Against Terror Suspects and the Violation of Due Process Standards, in: International Affairs 85: 2, 307–321.

Heupel, Monika 2013: With Power Comes Responsibility: Human Rights Protection in United Nations Sanctions Policy. Human rights protection in United Nations sanctions policy, in: European Journal of International Relations 19: 4, 1–24.

Hoffmann, Julia 2008: Terrorism Blacklisting: Putting European Human Rights Guarantees to the Test, in: Constellations 15: 4, 543–560.

Hoge, Warren 2006: U.S. Envoy to Expose 4 Sudanese In U.N. Debate About Darfur, in: The New York Times, 18.04.2006, A12.

Holslag, Jonathan 2008: China's Diplomatic Manoeuvring on the Question of Darfur, in: Journal of Contemporary China 17: 54, 71–84.

Huth, Paul K./Croco, Sarah E./Appel, Benjamin J. 2013: Bringing Law to the Table: Legal Claims, Focal Points, and the Settlement of Territorial Disputes Since 1945, in: American Journal of Political Science 57: 1, 90–103.

Japan Economic Newswire 2006: Text of Original Draft Sanctions Resolution on Iran, New York, NY, 26.10.2006.

Kanetake, Machiko 2008: Enhancing Community Accountability of the Security Council through Pluralistic Structure: The Case of the 1267 Committee, in: Bogdandy, Armin von/Wolfrum, Rüdiger/Philipp, Christiane (eds.): Max Planck Yearbook of United Nations Law, Leiden, Biggleswade, 113–175.

Khalizad, Zalmay 2007: UN/Sudan Sanctions: Qatar Calls for Sanctions on Rebels: 07USUNNEWYORK1004_a, 12.11.2007.

Kleine-Ahlbrandt, Stephanie/Small, Andrew 2008: China's New Dictatorship Diplomacy: Is Beijing Parting with Pariahs?, in: Foreign Affairs 87: 1, 38–56.

Koskenniemi, Martti 1991: Le Comité des sanctions créé par la Résolution 661 (1990) du Conseil de Sécurité, in: Annuaire français de droit international 37, 119–137.

Lederer, Edith M. 2006: Blog: Behind the Scenes at the U.N., United Nations, 15.04.2006.

Lee, Matthew R. 2006: At the UN, Mysterious Deletion from Iran Sanctions List of Aerospace Industries Organization Goes Unexplained, United Nations, 23.12.2006.

Leurent, Bruno 2000: Views on the UNCC and its Adjudication of Contractual Claims, in: Journal of International Arbitration 17: 1, 133–138.

Lipson, Michael 2006: Transgovernmental networks and nonproliferation, in: International Journal 61: 1, 179–198.

Lynch, Colum 2007: Sudan Backs Away From U.N. Plan. Bashir Reneging on November Agreement: Sanctions, 'No-Fly' Zone Possible, in: The Washington Post, 14.03.2007, A12.

Malone, David M. 2006: The international struggle over Iraq. Politics in the UN Security Council, 1980–2005, Oxford.

Malone, David M./Chitalkar, Poorvi 2016: Iraq, in: Einsiedel, Sebastian v./Malone, David M./Stagno Ugarte, Bruno (eds.): The UN security council in the twenty-first century, Boulder, Colorado, 551–568.

Manrique Gil, Manuel 2012: The M23 and eastern D.R. Congo: An intractable problem or an opportunity to engage?, Brussels, Strasbourg.

McGovern, Francis E. 2009: Dispute System Design. The United Nations Compensation Commission, in: Harvard Negotiation Law Review 14, 171–193.

Mimler, Manfred 2013: Terrorismusbekämpfung bei den Vereinten Nationen. Der Al-Qaida-Sanktionsausschuss unter deutschem Vorsitz 2011/2012, in: Vereinte Nationen 61: 3, 120–125.

New Zealand Ministry of Foreign Affairs and Trade 1995: New Zealand in the Security Council: 1993-1994, Wellington.

Nuclear Suppliers Group 2015: Nuclear Suppliers Group, in: <http://www.nuclearsuppliersgroup.org/en/>; 17.4.2015.

Panel of Experts Iran 2011: Panel of Experts Established Pursuant to Resolution 1929 (2010). Final Report, Acton, ACT, Australia.

Paulus, Andreas 2012: Article 29, in: Simma, Bruno/Khan, Daniel-Erasmus/ Mosler, Hermann/Nolte, Georg/Paulus, Andreas/Wessendorf, Nikolai (eds.): The Charter of the United Nations: A Commentary, Oxford, 983–1027.

Payne, Cymie R. 2011: Environmental Claims in Context: Overview of the institution, in: Payne, Cymie R./Sand, Peter H. (eds.): Gulf War Reparations and the UN Compensation Commission, Oxford, 1–25.

Penketh, Anne 2006: Britain pushes for travel ban on leaders to curb killing in Darfur, in: The Independent, 01.03.2006, 22.

Prendergast, John/Sullivan, David 2008: Irresolution. The U.N. Security Council on Darfur, Washington, DC.

Prost, Kimberly 2012: Fair Process and the Security Council: A Case for the Office of the Ombudsperson, in: Salinas de Frías, Ana/Samuel, Katja/White, Nigel D. (eds.): Counter-terrorism. International law and practice, Oxford, New York, NY, 409–423.

Prost, Kimberly/Wilmshurst, Elizabeth 2013: UN Sanctions, Human Rights and the Ombudsperson, London.

Raboin, Michael F. 1995: The Provisional Rules for Claims Procedure of the United Nations Compensation Commission. A Practical Approach to Mass Claims Processing, in: Lillich, Richard B. (ed.): The United Nations Compensation Commission, Irvington, NJ, 119–153.

Romaniuk, Peter 2010: Multilateral counter-terrorism. The global politics of cooperation and contestation, Milton Park, Abingdon, Oxon England, New York.

Rosand, Eric 2004: The Security Council's Efforts to Monitor the Implementation of Al Qaeda/Taliban Sanctions, in: The American Journal of International Law 98: 4, 745–763.

Sarooshi, Dan 1999: The United Nations and the development of collective security. The delegation by the UN Security Council of its chapter VII powers, Oxford.

Sartori, Giovanni 1987: The Theory of Democracy Revisited, Chatham, NJ.

Scharf, Michael P./Dorosin, Joshua L. 1993: Interpreting UN Sanctions: The Rulings and Role of the Yugoslavia Sanctions Committee, in: Brooklyn Journal of International Law 19: 1, 771–827.

Schelling, Thomas C. 1960: The Strategy of Conflict, Cambridge, MA.

SCR Forecast December 2006: Democratic Republic of the Congo, New York, NY, 2006.

SCR Forecast February 2011: Democratic Republic of the Congo, New York, NY, 2011.

SCR Forecast February 2013: Democratic Republic of the Congo, New York, NY, 2013.

SCR Forecast July 2013: Democratic Republic of the Congo, New York, NY, 2013.

SCR Forecast May 2010: Democratic Republic of the Congo, New York, NY, 2010.

SCR Forecast November 2011: Democratic Republic of the Congo, New York, NY, 2011.

SCR Forecast November 2012: Democratic Republic of the Congo, New York, NY, 2012.

SCR Forecast October 2013: Democratic Republic of the Congo, New York, NY, 2013.

SCR Update Report No.4 2006: Iran, New York, NY, 2006.

Secretary of State 2008: Response to Taiwan's Request for Identifier Information on Iranian UNSCR Designated Individuals: 08STATE127254_a, 03.12.2008.

Secretary of State 2009: UNSC DRC Sanctions Committee: Object to Focal Point Delisting Request: 09STATE113587_a, 03.11.2009.

Security Council Report 2012a: Security Council Elections 2012, New York, NY.

Security Council Report 2012b: Council Activities on the Democratic Republic of the Congo, New York, NY, 20.11.2012.

Security Council Report 2013: UN Sanctions, New York, NY.

Security Council Report 2015: SCR Forecast January. The Democratic Republic of the Congo, 2015.

Sievers, Loraine/Daws, Sam 2014: The Procedure of the UN Security Council, Oxford.

Smith, David 2012: Rwanda joins UN security council despite damning Congo report, in: The Guardian, 18.10.2012.

Snidal, Duncan 1985: Coordination versus Prisoners' Dilemma: Implications for International Cooperation and Regimes, in: American Political Science Review 79: 4, 923–942.

Sugden, Robert/Zamarrón, Ignacio E. 2006: Finding the key. The riddle of focal points, in: Journal of Economic Psychology 27: 5, 609–621.

Sullivan, Gavin/Goede, Marieke de 2013: Between Law and the Exception. The UN 1267 Ombudsperson as a Hybrid Model of Legal Expertise, in: Leiden Journal of International Law 26: 04, 833–854.

Taylor, Ian 2010: The People's Republic of China, in: Black, David R./Williams, Paul D. (eds.): The international politics of mass atrocities. The case of Darfur, London, New York, NY, 176–194.

Traub, James 2010: Unwilling and Unable: The Failed Response to the Atrocities in Darfur, New York, NY.

Tsebelis, George 2000: Veto Players and Institutional Analysis, in: Governance 13: 4, 441–474.

US Embassy Beijing 2008: China Opposes Four Sudan-Related Designations: 08BEIJING2201_a, 06.06.2008.

US Embassy Berlin 2007: German Government Actions to Implement UNSCR 1737 Sanctions on Iran: 07BERLIN34_a, 05.01.2007.

US Embassy Khartoum 2006: Sudan/China: UNSC vote on Darfur shows Limits of Friendship: 06KHARTOUM996_a, 26.04.2006.

US Embassy London 2009: DRC/Sanctions: UK Prefers Previous Approach and Statements of Case: 09LONDON124_a, 16.01.2009.

US Embassy Moscow 2006: P-5 Hold Consultations March 2 in Moscow: 06MOSCOW3362_a, 31.03.2006.

US Embassy Paris 2006: Sudan Sanctions Demarche elicits MFA remarks on UNSC Procedures: 06PARIS2587_a, 19.04.2006.

US Permanent Mission to the UN 2006a: UNSC/Sanctions: China's ETLO/SHAT Designation Request: 06USUNNEWYORK340_a, 23.02.2006.

US Permanent Mission to the UN 2006b: AFM HE YAFEI Discusses Iran, Nepal, Human Rights, North Koreans in China, 1267 Committee Hold, Solomon Islands: 06BEIJING8027_a, 27.04.2006.

US Permanent Mission to the UN 2006c: Darfur Resolution passes unanimously with some Chinese help: 06USUNNEWYORK1017_a, 18.05.2006.

US Permanent Mission to the UN 2007a: UNSC/Darfur: Members Disappointed with Bashir Response but Little Appetite for Sanctions: 07USUNNEWYORK227_a, 21.03.2007.

US Permanent Mission to the UN 2007b: UN/DRC Sanctions: Unanimous Council Support for Renewed Sanctions in DRC: 07USUNNEWYORK619_a, 27.07.2007.

US State Department 2008a: USUN place Hold on Rwandan FDLR Submission and Request Information: 08STATE60880_a, 05.06.2008.

US State Department 2008b: Sudan/Chad - Urge Support for Designating 4 Individuals under targeted Sanctions: 08STATE61842_a, 09.06.2008.

US State Department 2008c: Information sharing for UN Sanctions in DRC Committee: 08STATE90905_a, 23.08.2008.

van Kemenade, Willem 2010: China vs. the Western Campaign for Iran Sanctions, in: The Washington Quarterly 33: 3, 99–114.

van Walsum, Peter 2004: The Iraq Sanctions Committee, in: Malone, David M. (ed.): The UN Security Council: From the Cold War to the 21st Century, Boulder, CO, 181–193.

What's in Blue 2011: Democratic Republic of the Congo Sanctions Committee, New York, NY, 12.07.2011.

What's in Blue 2012: Democratic Republic of the Congo, New York, NY, 20.11.2012.

What's in Blue 2013a: Democratic Republic of the Congo, New York, NY, 04.02.2013.

What's in Blue 2013b: High-Level Debate on the Democratic Republic of the Congo, New York, NY, 24.07.2013.

Wühler, Norbert 1999: The United Nations Compensation Commission: A new Contribution to the Process of International Claims Resolution, in: Journal of International Economic Law, 249–272.

Wuthnow, Joel 2013: Chinese diplomacy and the UN Security Council. Beyond the veto, New York, NY.

Young, Oran R. 1989: The Politics of International Regime Formation: Managing Natural Resources and the Environment, in: International Organization 43: 3, 349–375.

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Folgende Publikationen (Auswahl) sind über die DSF zu beziehen:

Forschung DSF:

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  Nur online: <http://www.bundesstiftung-friedensforschung.de/images/pdf/forschung/Forschungsbericht-39.pdf>.

- Philipp Stroh: Humanitär-völkerrechtliche Rahmenbedingungen für den Einsatz luftgestützter unbemannter militärischer Kampfsysteme im bewaffneten Konflikt. Osnabrück 2016 (Heft 40).

- Mathias Albert/Kerstin Eppert/Mitja Sienknecht: Der Makro-/Mikro-Link – UN Missionen als Kommunikationsstrukturen internationaler Interventionen. Das Beispiel der UN Assistance Mission for Iraq (UNAMI). Osnabrück 2016 (Heft 41).

- Katharina Holzinger/Florian G. Kern/Daniela Kromrey: Traditional Institutions in sub-Saharan Africa: Endangering or Promoting Stable Domestic Peace? Osnabrück 2017 (Heft 42).

- Thomas Dörfler/Thomas Gehring/Manuel Becker: Durch komplexe Governance-Strukturen zu regelbasiertem Entscheiden im Weltsicherheitsrat? Osnabrück 2017 (Heft 43).

- Melanie Müller/Bettina Engels: Konflikte um den industriellen Bergbau in Subsahara-Afrika. Osnabrück 2017 (Heft 44).

Arbeitspapiere DSF:

- Interventionen zum Schutz der Zivilbevölkerung? Herausforderungen und Dilemmata in Zeiten der Responsibility to Protect (RtoP). Beiträge zum Parlamentarischen Abend der DSF am 20. September 2011 in Berlin. Osnabrück 2012 (Heft 8).

Forum DSF:

- Präsentation und öffentliche Übergabe des Sonderpostwertzeichens „Nie wieder Krieg" 1914 – Ausbruch Erster Weltkrieg am 29. August 2014 im Friedenssaal des historischen Rathauses der Stadt Osnabrück. Osnabrück 2015 (Heft 5).

Jahresberichte DSF:

- Jahresberichte 2001-2016.

Publikationen aus eigenen Tagungen und Kooperationsveranstaltungen:

Tobias Debiel/Thomas Held/Ulrich Schneckener (Eds): Peacebuilding in Crisis. Rethinking paradigms and practices of transnational cooperation. London/New York: Routledge 2016.

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