Sanctions, Targeted Killings, and the Erosion of Collective Security: Europe's Dilemmas and Options

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Abstract

The post-1945 security order—built on sovereign equality, the prohibition of aggressive war, and collective enforcement—shows growing strain. This article argues that the normalisation of unilateral coercive measures (notably U.S. unilateral and extraterritorial sanctions), cross-border strikes, and targeted killings has widened the gap between the *law on the books* and the *law in practice*, undermining the credibility of international humanitarian law (IHL) and the UN Charter system (Byers, 2005; Crawford, 2019; Lubell, 2010). Using Gaza and recent targeted killings as focal stress tests, it examines how expansive self-defence claims, "everywhere-war" logics, and sanctions architectures produce legal grey zones, humanitarian harm, and legitimacy crises (Milanovic, 2011; Saul & Akande, 2020). The article concludes with policy options—centred on European actors—to re-centre legality and restraint: narrowing self-defence doctrines, humanising sanctions in line with UNSC Resolution 2664, reinvigorating accountability through fact-finding and universal jurisdiction, and investing in diplomacy to de-escalate conflict (Council of the European Union, 2024; United Nations Security Council [UNSC], 2022).

Keywords

UN Charter, collective security, sanctions, targeted killings, self-defence, IHL, legitimacy, Europe, Middle East

1. Introduction

The UN Charter couples a near-absolute prohibition on the use of force (Article 2(4)) with two narrow gateways: Security Council authorisation and individual or collective self-defence in response to an "armed attack" under Article 51 (Crawford, 2019). For much of the post-1945 period, even amid Cold War and post-Cold War crises, this architecture provided a shared legal grammar: force was presumptively unlawful, exceptions were construed restrictively, and departures from the rules were framed as exceptions requiring justification (Byers, 2005; Saul & Akande, 2020). In the last two decades, however, state practice has stretched these confines. Targeted killings outside active battlefields, anticipatory and pre-emptive self-defence claims against non-state actors on the territory of third states, cross-border hot pursuit, and expansive sanctions regimes with extraterritorial reach have collectively shifted the centre of gravity away from collective security toward unilateral coercion (Lubell, 2010; Milanovic, 2011).

Three interacting dynamics drive this drift. First, doctrinal elasticity: governments advance broader readings of "armed attack," relax the "unable or unwilling" standard for operations on another state's territory, and frame persisting threats as continuous imminence—moves that, if normalised, convert a narrow exception into a default (Bethlehem, 2012; Lubell, 2010). Second, procedural erosion: the Charter contemplates prompt, public notification to the Security Council when force is used in self-defence, yet reporting is often delayed, scant, or absent, undermining transparency and collective oversight (Green, 2015). Third, sanctions inflation: unilateral and secondary sanctions—especially when channelled

through dominant financial infrastructures—produce over-compliance and humanitarian chilling effects, even where formal exemptions exist, blurring the line between targeted coercion and collective punishment (Douhan, 2020). The international community has begun to recognise these harms, notably via UN Security Council Resolution 2664 mandating humanitarian carve-outs and the European Union's steps to implement them, but practice still lags design (Council of the European Union, 2024; United Nations Security Council, 2022).

The operational consequences are most visible in urban theatres, where civilians and military objectives are densely intermingled and where looser thresholds make restraint costlier and escalation easier. Gaza is emblematic: large-scale bombardments, siege conditions, and impediments to aid have produced cascading humanitarian effects, prompting International Court of Justice provisional measures in *South Africa v. Israel* and sustained UN reporting on IHL risks (International Court of Justice, 2024a, 2024b; United Nations Office for the Coordination of Humanitarian Affairs, 2024–2025). Meanwhile, the targeted-killing paradigm—ranging from the Soleimani strike to a pattern of assassinations of Iranian scientists—has further blurred the law-enforcement and armed-conflict boundary and normalised lethal force in legally ambiguous spaces (Callamard, 2020a, 2020b; International Committee of the Red Cross Casebook, 2020; Melzer, 2008).

This article proceeds from a simple claim: the gap between the *law on the books* and the *law in practice* is widening in three mutually reinforcing arenas—self-defence, targeted killings, and sanctions—and this gap corrodes both the credibility of international humanitarian law and the authority of multilateral institutions. The pages that follow map the mechanisms of

drift, assess their humanitarian and institutional externalities, and outline Europe's options to re-centre legality and restraint: narrowing self-defence doctrines to Charter-consistent thresholds, humanising sanctions in line with UNSC 2664, reinvigorating accountability through fact-finding and universal jurisdiction, and investing in de-escalatory diplomacy that links regional security arrangements to universal norms (Council of the European Union, 2024; Saul & Akande, 2020; United Nations Security Council, 2022).

2. From collective security to unilateral coercion

States increasingly invoke self-defence against non-state actors operating from third states, often without prior Security Council authorisation. This trend rests on two elastic moves: widening what qualifies as an "armed attack" and relaxing the "unable or unwilling" test for using force on another state's territory (Bethlehem, 2012; Lubell, 2010). As these rationales normalise, a narrow exception risks becoming a default, enabling routinised cross-border strikes, tit-for-tat cycles, and protracted low-intensity hostilities that keep civilian populations exposed to harm (Byers, 2005). Compounding the drift, many states provide sparse or delayed Article 51 notifications, eroding transparency and the Council's oversight role that the Charter presupposes (Green, 2015).

Targeted killings—frequently via drones or precision munitions—are defended as discriminating and proportionate. Their diffusion across legally ambiguous spaces, however, blurs the boundary between law-enforcement paradigms (governed by international human rights law) and hostilities (governed by international humanitarian law), undermining due process and accountability (Milanovic, 2011; Melzer, 2008). The 3 January 2020 strike that

killed General Qassem Soleimani on Iraqi soil—carried out without Iraqi consent and absent a demonstrated imminent armed attack—was assessed by the UN Special Rapporteur as an unlawful use of force breaching Iraqi sovereignty, emblematic of how exceptional measures have migrated into a semi-permanent operating model (Callamard, 2020a, 2020b; International Committee of the Red Cross Casebook, 2020).

Sanctions are presented as a peaceful alternative to force, yet their real-world design and implementation often generate severe humanitarian externalities, impede reconstruction, distort finance and trade, and entrench rent-seeking (Douhan, 2020). Particularly problematic are unilateral U.S. sanctions with secondary or extraterritorial reach that leverage control over dollar-clearing and compliance risk. These measures coerce third-country actors to comply under threat of penalties, producing widespread over-compliance and chilling effects that throttle legitimate humanitarian transactions even where exemptions exist (Douhan, 2020). From a Charter perspective, sanctions are most defensible when multilateral, targeted, necessary and proportionate, and when they embed meaningful humanitarian safeguards. Broad, open-ended, and extraterritorial regimes instead resemble unilateral coercive measures that weaken the UN system and risk collective punishment (Douhan, 2020).

Recent institutional reforms recognise these harms. UN Security Council Resolution 2664 mandates cross-regime humanitarian carve-outs to asset-freeze measures, while the European Union has introduced implementing exceptions intended to operationalise safe humanitarian channels (Council of the European Union, 2024; United Nations Security Council, 2022). For Europe, a Charter-consistent, humane sanctions policy requires

automatic humanitarian exemptions by design, agile licensing and protected payment corridors, due-process safeguards and periodic necessity/proportionality review, and discipline on extraterritorial assertions—otherwise sanctions drift into instruments of collective pressure detached from legal constraint (Council of the European Union, 2024; United Nations Security Council, 2022; Saul & Akande, 2020).

3. Gaza and the regional theatres as stress tests for IHL

Urban conflict magnifies pressure on distinction, proportionality, and precaution: dense populations, subterranean networks, dual-use facilities, and degraded public services heighten civilian vulnerability (Saul & Akande, 2020). In Gaza, large-scale bombardments, siege conditions, and sustained impediments to essentials have produced cascading harm—hospital shutdowns, collapse of water and sanitation, mass displacement, and acute food insecurity (United Nations Office for the Coordination of Humanitarian Affairs [OCHA], 2024–2025). Even with precision munitions, proportionality is fraught when target sets widen to include objects essential to civilian survival or when foreseeable "reverberating effects" (for example, grid or fuel outages that disable hospitals and water plants) are discounted in collateral-damage estimates (Saul & Akande, 2020).

International oversight bodies have repeatedly warned that these patterns contravene international humanitarian law. In provisional-measures orders in *South Africa v. Israel*, the International Court of Justice noted a plausible risk of violations of the Genocide Convention and ordered Israel to prevent genocidal acts and enable basic services and humanitarian assistance (International Court of Justice [ICJ], 2024a, 2024b). UN inquiries have reported

extensive destruction of homes and medical infrastructure, strikes affecting health and humanitarian personnel, and persistent obstructions to aid flows, including restrictions on fuel and access routes that impede life-saving operations—conduct which, if established, would breach prohibitions on starvation of civilians, collective punishment, and indiscriminate or disproportionate attacks (UN Human Rights Council, Independent International Commission of Inquiry on the OPT and Israel, 2025; OCHA, 2024–2025).

Legal assessment. Under IHL and the UN Charter, attacks expected to cause excessive civilian harm relative to the concrete and direct military advantage anticipated are unlawful; so too are starvation as a method of warfare and collective punishment (Crawford, 2019; Saul & Akande, 2020). The documented conduct in Gaza—systematic strikes in dense urban areas with foreseeable civilian reverberating effects, sustained impediments to life-saving assistance, and siege-like measures—violates international law (ICJ, 2024a, 2024b; OCHA, 2024–2025). Arms transfers that proceed despite a clear risk of serious IHL violations raise responsibility concerns under the law of state responsibility and export-control regimes; due diligence requires suspension, rigorous risk assessment, and post-delivery monitoring aligned with precaution and civilian-harm mitigation (Saul & Akande, 2020).

4. The legitimacy crisis of multilateral institutions

The Security Council's recurrent paralysis in major crises has incentivised states to bypass multilateral channels in favour of coalitions of the willing, ad hoc arrangements, or unilateral measures, weakening the perception that the Charter's collective-security machinery can deliver authoritative outcomes (Byers, 2005). Selective engagement with international

courts and human-rights bodies, compliance gaps, and the politicisation of legal processes further erode confidence in adjudicative and monitoring institutions (Milanovic, 2011). Gaza illustrates this dynamic: even after the *International Court of Justice* issued provisional measures in *South Africa v. Israel*, implementation lagged while large-scale force and restrictions on humanitarian access continued to be justified on unilateral grounds, undermining both the Court's authority and the promise of collective oversight (International Court of Justice [ICJ], 2024a, 2024b).

Procedurally, weak transparency compounds the problem. Article 51 practice often features delayed or sparse notifications, frustrating the Council's capacity to scrutinise claimed self-defence and to mediate de-escalation, which is central to the Charter's design (Green, 2015). Substantively, expansive interpretations of self-defence against non-state actors and permissive doctrines on cross-border strikes entrench an exceptions-first mentality that is difficult to reverse once normalised (Bethlehem, 2012; Lubell, 2010).

There are, however, nascent efforts to re-legitimise multilateralism. The adoption of United Nations Security Council Resolution 2664, which creates across-the-board humanitarian carve-outs to asset-freeze measures, acknowledges that sanctions regimes must be disciplined by principled exemptions to avoid unlawful humanitarian effects; the European Union's implementing steps push in the same direction (Council of the European Union, 2024; United Nations Security Council, 2022). Yet rules on paper are insufficient without state practice that invests political capital in compliance and accountability—support for independent fact-finding, meaningful cooperation with adjudicative bodies, and domestic mechanisms (including universal jurisdiction where available) that close impunity gaps

(Byers, 2005; Milanovic, 2011). In short, multilateral institutions cannot regain legitimacy unless states visibly prioritise transparency, proportionality, and remedial obligations over discretionary expediency (Saul & Akande, 2020).

5. Europe's dilemmas and options

Europe confronts three interlocking pressures: transatlantic alignment that privileges coercive instruments; treaty-based commitments to the UN Charter and international humanitarian law; and high exposure to spillovers—energy, migration, trade, and security—whenever regional conflicts escalate (Byers, 2005; Crawford, 2019). In practice, EU positions have too often tracked Washington and Tel Aviv, amplifying expansive self-defence narratives while under-reacting to established IHL concerns and the implementation duties flowing from the *International Court of Justice*'s provisional measures in *South Africa v. Israel* (International Court of Justice [ICJ], 2024a, 2024b; UN Human Rights Council, Independent International Commission of Inquiry on the OPT and Israel, 2025). This posture erodes the Union's credibility as a normative actor and weakens its leverage with Southern constituencies that perceive double standards (Milanovic, 2011; Saul & Akande, 2020).

A corrective begins with re-anchoring self-defence to Charter-consistent thresholds. Member States should adopt formal interpretive guidance requiring a demonstrable armed attack or truly imminent attack, a stringent necessity test, and rigorous proportionality, while treating the "unable or unwilling" doctrine with caution and evidentiary transparency (Bethlehem, 2012; Lubell, 2010). Procedurally, governments should file prompt, detailed Article 51 notifications to restore the Security Council's oversight role and enable de-

escalatory diplomacy (Green, 2015). These steps would align practice with Europe's professed legalism and signal that exceptions remain exceptional.

On sanctions, the Union should operationalise a humane, Charter-consistent architecture: automatic humanitarian carve-outs, agile licensing and safe-payment channels to reduce over-compliance, due-process safeguards and periodic necessity/proportionality review, and restraint on extra-territorial assertions that replicate the most problematic features of U.S. unilateral regimes (Council of the European Union, 2024; Douhan, 2020; United Nations Security Council, 2022). Where credible risk of serious IHL violations exists, arms-export controls should trigger suspension pending enhanced risk assessment and end-use monitoring, consistent with precaution and civilian-harm mitigation obligations (Saul & Akande, 2020).

Accountability is the third pillar. The EU and its Member States should resource independent fact-finding, cooperate with adjudicative mechanisms, and utilise domestic avenues—where available—for universal-jurisdiction investigations that address grave breaches irrespective of perpetrator affiliation (Byers, 2005; Milanovic, 2011). Coupled with investment in de-confliction channels, ceasefire frameworks that integrate humanitarian access and monitoring, and regional security dialogues, these measures would move Europe from rhetorical concern to legally disciplined statecraft (Saul & Akande, 2020). The strategic dividend is twofold: reduced civilian harm in the near term and a restoration of Europe's standing as a principled broker capable of applying the same rules to friends and rivals alike (Crawford, 2019).

6. Rethinking targeted killings in law and policy

Targeted killings—typically by drones or precision munitions—are often defended as discriminating and proportionate. In practice, their diffusion across legally ambiguous spaces blurs the line between law-enforcement paradigms governed by international human rights law and hostilities governed by international humanitarian law, hollowing out due process and normalising lethal force beyond recognised battlefields (Melzer, 2008; Milanovic, 2011). The 3 January 2020 killing of General Qassem Soleimani by a U.S. drone strike on Iraqi territory—without Iraqi consent and absent public evidence of an imminent armed attack—was assessed by the UN Special Rapporteur as an unlawful use of force that breached both the prohibition in Article 2(4) of the UN Charter and Iraq's sovereignty, illustrating how an exceptional rationale has migrated into a semi-permanent operating model (Callamard, 2020a, 2020b; International Committee of the Red Cross [ICRC] Casebook, 2020). A related practice concerns the assassinations of Iranian nuclear scientists—including Masoud Ali-Mohammadi (2010), Majid Shahriari (2010) and Mostafa Ahmadi-Roshan (2012)—and the 2020 killing of Mohsen Fakhrizadeh, widely reported as a targeted operation attributed to Israeli covert action; conducted outside active hostilities and beyond any credible imminence showing, such acts fit the pattern of extrajudicial executions and unlawful extra-territorial force (BBC, 2020; Reuters, 2012, 2017).

From a *jus ad bellum* perspective, targeted killings outside armed conflict must satisfy necessity, proportionality, and imminence; they must also respect territorial sovereignty unless the territorial state consents or the Security Council authorises force (Crawford,

2019; Lubell, 2010). From an IHRL/IHL perspective, even in an armed conflict the default is capture where feasible, with force as a last resort, and with feasible precautions to minimise civilian harm; outside armed conflict, the bar for lethal force is higher still, rooted in strict necessity to protect life and robust accountability ex post (Melzer, 2008; Milanovic, 2011). Current practice frequently falls short: thin or secret evidentiary showings of imminence, elastic readings of continuing armed attack, and limited transparency impede independent review and public accountability (Callamard, 2020a; Green, 2015).

European policy should be recalibrated accordingly. First, tighten imminence and necessity tests for partner-enabled strikes, with ex ante independent legal review, inter-agency scrutiny of intelligence predicates, and a published doctrine that privileges capture over kill where feasible (Lubell, 2010; Melzer, 2008). Second, mandate timely and sufficiently detailed Article 51 notifications for any action claimed as self-defence, enabling Security Council oversight and de-escalation (Green, 2015). Third, require civilian-harm mitigation measures, post-strike assessments, and public reporting of aggregate outcomes, including investigations and remedial steps when civilian harm occurs (Saul & Akande, 2020). Fourth, regulate complicity risks in intelligence sharing, basing, overflight, and arms transfers by conditioning cooperation on compliance with international law and suspending support where there is a clear risk of serious violations (Byers, 2005; Saul & Akande, 2020). These steps, coupled with meaningful judicial or quasi-judicial review, would help restore the boundary between law enforcement and armed conflict, re-embed targeted force in the Charter's collective-security framework, and reduce the likelihood that assassination becomes a normalised tool of statecraft (Crawford, 2019; Callamard, 2020a).

7. Making IHL credible in urban warfare

Credibility in urban warfare hinges on turning legal principles into operational routines. In Gaza, documented damage to hospitals and water–energy systems, strikes affecting health and humanitarian personnel, and prolonged interruptions to fuel and electricity illustrate how proportionality assessments can undervalue foreseeable reverberating effects on civilian survival (United Nations Office for the Coordination of Humanitarian Affairs [OCHA], 2024–2025; Saul & Akande, 2020). Urban density, subterranean networks, and dual-use infrastructure increase the likelihood that even "precise" attacks generate cascading harm; when siege-like measures and impediments to aid are added, the result is systematic risk to protected objects and essential services contrary to international humanitarian law (Saul & Akande, 2020; International Court of Justice [ICJ], 2024a, 2024b).

Operationalising the duty to take feasible precautions requires, at a minimum, target-verification standards that account explicitly for reverberating effects; dynamic collateral-damage estimation models that incorporate second- and third-order impacts on hospitals, water and sanitation systems, and power grids; robust no-strike and restricted-strike lists for critical infrastructure; and rehearsed abort criteria when situational awareness deteriorates (Saul & Akande, 2020). Commanders should embed civilian-harm mitigation cells with authority to halt or modify strikes, and publish aggregate civilian-harm data with after-action reviews that identify error pathways and remedial measures. Where feasible, protected humanitarian corridors must be negotiated, time-bound and geofenced, and monitored by

independent observers to reduce friction and arbitrary closures (Byers, 2005; Saul & Akande, 2020). Arms-transfer policy is a key lever: exports should be suspended where there is a clear risk of serious IHL violations, with end-use monitoring and reporting on rules of engagement, precautions, and post-strike assessments as conditions for resumption (Saul & Akande, 2020).

Sanctions design must also be aligned with civilian-protection goals. Humanitarian exemptions are only meaningful if they are automatic, cross-regime, and paired with safe payment channels that reduce banks' over-compliance and permit rapid licensing for medical, water, energy and demining activities (United Nations Security Council, 2022; Council of the European Union, 2024). Absent such architectures, unilateral and secondary measures create chilling effects that throttle life-saving operations and risk collective-punishment outcomes (Douhan, 2020). For Europe specifically, a credible, law-centred posture entails coupling diplomatic pressure for ceasefire arrangements and de-confliction mechanisms with material support to accountability: independent fact-finding, cooperation with adjudicative bodies, and domestic avenues—including universal jurisdiction where available—to address grave breaches (Byers, 2005; Milanovic, 2011). Taken together, these steps move civilian protection from rhetoric to practice and narrow the gap between the law on the books and the law in the battlespace (Saul & Akande, 2020).

8. Conclusion

The widening gap between the law on the books and the law in practice—across self-defence, targeted killings, and sanctions—has eroded both the credibility of international

humanitarian law and the authority of the UN Charter system (Byers, 2005; Crawford, 2019; Lubell, 2010; Milanovic, 2011; Saul & Akande, 2020). In Gaza, large-scale operations conducted amid siege conditions and impediments to aid have drawn sustained UN reporting and prompted provisional measures by the International Court of Justice in *South Africa v. Israel*—a signal that the baseline of legality is under acute strain (International Court of Justice [ICJ], 2024a, 2024b; United Nations Office for the Coordination of Humanitarian Affairs, 2024–2025). In parallel, the transnationalisation of lethal force—from the 3 January 2020 strike on Qassem Soleimani to a pattern of assassinations of Iranian scientists—illustrates how elastic doctrines of imminence and sovereignty, combined with thin transparency, normalise practices incompatible with the Charter and human rights law (BBC, 2020; Callamard, 2020a, 2020b; International Committee of the Red Cross Casebook, 2020; Reuters, 2012, 2017). Sanctions design has likewise drifted: broad, open-ended, and extraterritorial regimes generate over-compliance and humanitarian chilling effects, blurring the line between targeted coercion and collective punishment, even as reforms such as UN Security Council Resolution 2664 and EU implementation begin to acknowledge the problem (Council of the European Union, 2024; United Nations Security Council, 2022).

A credible path forward requires narrowing self-defence to Charter-consistent thresholds, restoring the discipline of Article 51 reporting, and rejecting targeted killings that fail necessity, proportionality, and imminence while breaching territorial sovereignty (Bethlehem, 2012; Green, 2015; Lubell, 2010; Melzer, 2008). Sanctions policy must be humanised through automatic humanitarian carve-outs, safe payment channels, agile licensing, due-process safeguards, and periodic necessity/proportionality review to curb

systemic civilian harm (Council of the European Union, 2024; United Nations Security Council, 2022; Douhan, 2020). For Europe, moving beyond automatic alignment with Washington and Tel Aviv means conditioning arms exports where there is a clear risk of serious IHL violations, investing in independent fact-finding and accountability—including universal jurisdiction where available—and leading de-escalatory diplomacy that links regional security arrangements to universal norms (Byers, 2005; ICJ, 2024a, 2024b; Saul & Akande, 2020).

The strategic dividend of such a course is twofold: immediate reductions in civilian harm and a restoration of multilateral legitimacy grounded in even-handed application of the law. Re-centring legality is not an abstract exercise; it is the practical precondition for a stable rules-based order in which exceptions remain exceptional, sanctions do not starve civilians, and force is constrained by transparent, reviewable standards rather than discretionary expediency (Crawford, 2019; Saul & Akande, 2020).

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