Special Conference 2

The question of sanctions



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Forum	Special Conference 2
Issue:	The question of sanctions
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Introduction

The employment of international sanctions is a prime non-belligerent instrument of statecraft, serving as a tool of coercion before the commencement of formal hostilities. They are put into practice by individual states, supranational politics such as that of the European Union, and multilateral organizations such as the United Nations. The means of such sanctions include many, including broad economic proscriptions intended to induce the economic isolation of a target regime, as well as targeted measures, or 'smart,' sanctions that impose pecuniary and logistical costs upon named individuals, corporate actors, or governmental institutions. Sanctions are, in some sense, instruments of statecraft, applied to exert pressure and influence the conduct of sovereign states as well as non-state actors by non-military means.

The teleological rationale for such actions is threefold: to compel policy modifications, to deter proscribed activity, and to penalize breaches of established international normative systems and legal norms, including among them, inter alia, violations of human rights, proliferation of armaments, and aggression by the military. Notwithstanding their ubiquity for these purposes, international sanctions' utility as tools and validity as matters of law remain the subject of significant scholarly and policy-focused controversy. One especially salient criticism is that of humanitarian effects, wherein sanctions are claimed to be able to spur pathological consequences for civilian populations. Furthermore, the legitimacy and equitable imposition of sanctions, especially the unilaterally applied ones, are continuously argued, hence instilling apprehensions regarding their utilization as instruments of the asymmetrical exercise of hegemonic power by hegemonic powers. The combined efficiency of sanctions in attaining their declared policy objectives is also an area of

fierce contest, which renders their use a complicated and intensely disputed facet of contemporary international relations.

Definition of Key Terms

Sanctions

Coercive measures, primarily non-military, imposed by a state or organization to alter the political or military behavior of a target state or entity.

Tariffs

Taxes imposed on imported goods, primarily used as an economic policy tool to protect domestic industries or address trade imbalances.

Smart Sanctions (or Targeted Sanctions)

Sanctions that are precisely aimed at specific individuals, entities, or sectors within a country, designed to maximize pressure on decision-makers while minimizing humanitarian harm to the general population.

Comprehensive Sanctions

Broad-based sanctions that target the entire economy of a country, often including trade embargoes and financial restrictions.

Unilateral Sanctions

Sanctions imposed by a single country without a broad international consensus or the formal approval of a multilateral body like the United Nations.

Multilateral Sanctions

Sanctions imposed by a group of countries or an international organization, which carry greater legitimacy and economic weight.

Secondary Sanctions

Measures that extend a country's jurisdiction to third parties, penalizing foreign individuals or entities for engaging in transactions with a sanctioned country. E.G. when the USA sanctions companies importing goods from Russia and selling them in the EU.

Embargo

A comprehensive official ban on trade or other commercial activity with a particular country.

Asset Freeze

A financial sanction that prohibits the transfer, alteration, or movement of funds or other assets belonging to a targeted individual or entity.

SWIFT (Society for Worldwide Interbank Financial Telecommunication)

A global messaging network used by banks and financial institutions for secure international payments. Being cut off from SWIFT is a severe financial sanction.

Due Process

The legal requirement that a state must respect all legal rights that are owed to a person. In the context of sanctions, it refers to the rights of individuals and entities to be fairly listed and to have a mechanism for appeal. eg. UN Ombudsperson mechanism for individuals to contest sanctions listings

General Overview

To better grasp the complexities in the application of international sanctions, one needs to delve deeper into their components. The following breakdown summarizes the issue by first describing the crucial distinctions between tariffs and sanctions, then the strategic intent and vast variety of forms sanctions come in, and finally defining their application in history through examples of historical success and failure. This structured analysis permits a deeper-grained view of sanctions as an instrument of foreign policy.

The Distinction Between Sanctions and Tariffs

The system of international sanctions is a principal non-war mode of statecraft and is a tool of coercion. While sometimes conflated with tariffs, there is a fundamental difference of purpose and object. Tariffs are in effect economic policy instruments, manifesting in the shape of taxes on imported goods to protect domestic industries or balance trade; their impact, while potentially enormous, tends to be confined to the economic relationship between the two trading parties. Sanctions are foreign policy instruments employed to prompt a change in the political or military behavior of a target state or organization. Their application is neither economic but punitive and coercive, intended to respond to violations of global norms. While tariffs are limited to commerce, the scope of sanctions is much broader, and they can in principle extend into diplomatic, military, and fiscal realms beyond restrictions on bartering, affecting the target's broader standing in international society.

The Rationale and Typologies of Sanctions

The rationale for imposing sanctions is generally tripartite: to compel a target to alter its conduct, to curtail its capacity to carry out actions prohibited to it, and to convey international disapproval of its activities. Coercion relies on the premise that sufficient economic pain will push the regime's leadership to re-evaluate its interests and yield to global pressure. Constraint is a more direct objective, trying to prevent a state from acting physically, for instance, when an arms embargo weakens its military or economic sanctions withholding funding for a nuclear project. Signaling, if less material, is also a crucial function imposing international norms and diplomatically shunning a transgressor. The typologies of such action are various.

Most common are economic sanctions, varying from wholesale trade embargoes excluding nearly all trade, or more selective restrictions on strategic exports (e.g., oil) and imports (e.g., high-technology products). Financial sanctions, now increasingly a form of sanction, involve freezing the assets of states or individuals and, in a highly effective application, denying access to international banking systems like SWIFT. Apart from economic context, diplomatic sanctions have been imposed, such as recalling diplomatic missions or restricting travel of officials.

Military sanctions typically come in the form of arms embargoes, whereas cultural sanctions can even go to the extent of excluding a nation from international sporting competitions. These sanctions may be blanket, directed at an entire economy, or—in a modern spin designed to minimize collateral damage—'targeted' or 'smart,' having precision as their goal and directing themselves at discrete individuals, companies, or sectors proven to be guilty of the offending policy.

A Mixed and Inconclusive Record

History's record is muddled and contentious regarding the effectiveness of sanctions. The multilateral sanctions regime applied to apartheid South Africa is frequently held up as a model case, where consistent economic and cultural isolation, combined with a robust domestic resistance movement, is credited with contributing to the ultimate demise of the apartheid regime. Similarly, sanctions applied to Libya, paired with diplomatic isolation, are seen as a contributing factor in its 2003 decision to abandon its weapons of mass destruction program.

However, there are also significant instances of failure or mixed results. The United States's decades-long embargo against Cuba, for example, has failed to achieve its stated goal of regime change and has arguably provided the ruling government with a nationalist rallying cry against

foreign intervention. The comprehensive UN sanctions levied against Iraq in the 1990s created a devastating humanitarian emergency, visiting indiscriminate suffering on civilian populations without overthrowing the ruling regime and paving the way for a strategic shift to 'smart' sanctions. Most recently, the case against Russia highlights the limits of economic pressure. Following the 2022 full-scale invasion of Ukraine, an unprecedented wave of sanctions froze Russia's central bank assets, ejected key banks from the SWIFT system, and targeted the energy sector. While these actions have inflicted severe economic punishment, Russia has adapted by redirecting trade and has not been compelled to change its strategic course, testifying to the formidable difficulties of sanctioning large, resilient economies.

Major Parties Involved

The United States

The United States is the most active practitioner of international sanctions, regularly including them as a prime component of its foreign policy to pursue strategic aims. Leveraging the worldwide dominance of the U.S. dollar and the American financial system, Washington can impose strong unilateral actions with profound international ramifications, frequently pressuring the use of its jurisdiction over third parties via secondary sanctions.

The European Union

The European Union, conceived of as greatly an economic and political union, relies to a large degree on sanctions as its primary mechanism for exerting influence on the international scene. Lacking a unified military force akin to that of a nation-state, the EU's foreign policy bargaining leverage resides in its collective economic muscle, and therefore sanctions are a measure of preference, and in fact often unavoidable, for responding to international crises and spreading its values.

The Russian Federation

The worldview of the Russian Federation is well characterized by the fact that it is a typical target of Western sanctions. For this reason, Moscow has a tendency to present such measures as illegitimate uses of economic pressure and infringement on state sovereignty, regarding them as a tool employed by America and its allies to project their geopolitical will and inflict injury upon rival powers.

The People's Republic of China

The People's Republic of China follows a policy of strategically ambivalent positioning. Beijing formally adopts a policy of non-interference and is generally loath to impose sanctions itself, preferring the continuance of vigorous global trade relations. China often receives indirect strategic and economic gain when other nations are under sanction, as the targeted governments may deepen their economic reliance on Chinese markets, investment, and technology.

India

India's sanctions experience has historically been confined and largely in its near neighborhood. Its most significant exercise of this type has been vis-a-vis Pakistan. Theoretically, India's foreign policy prioritizes diplomatic ties and regional stability at any cost, and comprehends sanctions as a tool to be reserved and typically only to be used where non-alignment in broader global conflicts through sanctions is desirable.

Iran

Having been the subject of one of the most extensive and longest-running sanctions regimes of recent times, initiated in large part by the United States, Iran views measures such as these as economic warfare. The Islamic Republic government universally characterizes sanctions as illegal, coercive, unilateral actions that contravene international law and the UN Charter, arguing they unfairly strike at the civilian population and impede the economic development of the nation.

South Africa

The South African experience is especially characterized by its past as the target of broad international sanctions during the apartheid era. While the apartheid government described such actions as aggressive and a violation of sovereignty, the anti-apartheid movement within the country and in diaspora actively encouraged them. Thus, to the majority of South Africans and the post-apartheid government, sanctions are a legitimate and potent non-military tool that served tirelessly in the liberation of the nation and the establishment of democracy.

Canada & Australia

Canada and Australia, being significant middle powers, tend to generally follow their historical Western allies in the imposition of sanctions. Both are participating members of multilateral regimes of sanctions and have a tendency to harmonize their autonomous sanctions with the United States and the European Union. Sanctions play a significant role for these states in upholding a rules-based international order, resist human rights violations, and address threats to international security.

African Union

The AU's perspective is complex. Internally, it uses sanctions, primarily suspension from the Union, to punish member states for unconstitutional changes of government, such as military coups. However, the AU is often critical of unilateral sanctions imposed by non-African nations on its member states, arguing they can hinder development and are a violation of sovereignty. It advocates for the lifting of such measures, as seen in its long-standing support for the removal of sanctions against Zimbabwe. This reflects a dual stance: using sanctions as an internal governance tool while resisting external economic pressure.

Brazil

Brazil's foreign policy traditionally emphasizes multilateralism, non-intervention, and peaceful dispute resolution. Consequently, Brazil is generally opposed to unilateral sanctions and will typically only recognize and enforce sanctions that have been authorized by the UN Security Council. This position underscores its commitment to international law and a multilateral world order, viewing sanctions outside the UN framework as illegitimate coercive measures.

UN Sanctions Committees

These committees do not have a "view" in the political sense but rather a technical and administrative function. Established by the Security Council for each sanctions regime, their role is to oversee the implementation of the specific measures. This includes designating individuals and entities subject to sanctions (like asset freezes or travel bans), considering requests for humanitarian exemptions, and monitoring compliance. Their perspective is operational, focused on ensuring that the sanctions are applied as intended by the Security Council and with increasing attention to minimizing unintended humanitarian consequences and upholding the rights of those targeted.

World Trade Organization (WTO)

The WTO's role is distinct from that of organizations imposing political sanctions. Although the WTO is the world trade rule adjudicator, it does not impose sanctions on political or security conflicts. However, its Dispute Settlement Body is able to require a member country to approve retaliatory trade as tariffs against a member country that has failed to comply with a WTO ruling. These steps, although economically coercive, are legally trade remedies and not foreign policy sanctions aimed at altering a state's political behavior.

Timeline of Key Events

This timeline outlines some of the most significant moments in the history of international sanctions, illustrating their development and application across different eras:

Date	Description of event
November 4, 1977	The UN Security Council imposes a mandatory arms embargo on South Africa in response to the brutality of the apartheid regime. This is later supplemented by extensive economic, cultural, and sporting sanctions by individual nations.
October 2, 1986	The U.S. Congress overrides President Reagan's veto to pass the Comprehensive Anti-Apartheid Act, imposing stringent economic sanctions against South Africa and marking a significant escalation in international pressure.
August 6, 1990	Following Iraq's invasion of Kuwait, the UN imposes a comprehensive sanctions regime. While successful in constraining Iraq's military capabilities, the sanctions are widely criticized for causing a severe humanitarian crisis, prompting a major shift toward more targeted sanctions.
March 31, 1992	The UN Security Council adopts Resolution 748, imposing an arms and air travel embargo on Libya to compel the surrender of two nationals suspected in the 1988 Lockerbie bombing.
October 26, 2001	The USA PATRIOT Act is signed into law, dramatically expanding the powers of the U.S. Treasury Department to target and disrupt terrorist financing and money laundering, fundamentally shaping the modern architecture of global financial sanctions.
October 14, 2006	In response to its first nuclear test, the UN Security Council imposes the first round of sanctions on North Korea, beginning a long-term, multilateral effort to curb its weapons programs.

December 23, 2006	The UN Security Council passes Resolution 1737, imposing the first set of sanctions on Iran over its nuclear program, targeting materials and technology related to uranium enrichment and missile delivery systems.
March 17, 2014	Following the Russian Federation's annexation of Crimea, the United States and European Union imposed the first round of targeted sanctions on Russian officials, entities, and key sectors of the economy.
February 24, 2022	In response to the full-scale invasion of Ukraine, an international coalition led by G7 nations imposes the most extensive and coordinated sanctions regime in history against a major economy. Measures include freezing the assets of Russia's central bank and cutting off major banks from the SWIFT financial messaging system.
February 5, 2023	In an effort to curtail Moscow's war-funding capabilities while maintaining global energy stability, the G7, European Union, and Australia implemented a price cap that prohibits the use of their countries' maritime insurance, financing, and brokering services for Russian seaborne crude oil and petroleum products sold above a set price.

UN involvement, Relevant Resolutions, Treaties and Events

The UN has passed many resolution of the issue of sanctions before which were primarily targeted at specific countries:

- The Situation in Haiti, June 16, 1993 (Resolution 841)
- The Situation in Angola, September 15, 1993 (Resolution 864)
- The Situation in Liberia, November 19, 1992 (Resolution 788)
- The Situation in Somalia, January 17, 1992 (Resolution 733)
- The Situation in Rwanda, May 17, 1994 (Resolution 918)
- The Situation concerning the Democratic Republic of the Congo, July 28, 2003 (Resolution 1493)

- The Situation in Côte d'Ivoire, November 15, 2004 (Resolution 1572)
- The Situation in the Sudan, March 29, 2005 (Resolution 1591)
- Non-proliferation (Democratic People's Republic of Korea), October 14, 2006 (Resolution 1718)
- Non-proliferation (Iran), December 23, 2006 (Resolution 1737)
- The Situation in Libya, February 26, 2011 (Resolution 1970)
- The Situation in Guinea-Bissau, May 18, 2012 (Resolution 2048)
- The Situation in the Central African Republic, December 5, 2013 (Resolution 2127)
- The Situation in Yemen, February 26, 2014 (Resolution 2140)
- The Situation in South Sudan, March 3, 2015 (Resolution 2206)
- The Situation in Mali, September 5, 2017 (Resolution 2374)

Previous Attempts to solve the Issue

Grasping the failures of sweeping sanctions, especially the humanitarian disaster they created in Iraq during the 1990s, the international community has tried to refine this foreign policy tool. The most significant change was the shift towards "smart" or "targeted" sanctions, designed to pressure a regime's leaders while minimizing harm to innocent civilians. These advances were driven by high-level initiatives like the Interlaken Process, which focused on financial sanctions, and the Bonn-Berlin Process, which improved arms embargoes and travel bans.

Furthermore, to address legal and due process concerns over blacklisting individuals, the UN introduced major reforms. Chief among these was the creation of the Office of the Ombudsperson for the ISIL (Da'esh) and Al-Qaida sanctions regime. This office established a clear, independent appeals mechanism where none existed before. The Ombudsperson impartially reviews delisting petitions, analyzes all information, and gives a recommendation to the Sanctions Committee. This

process is effective: if the Ombudsperson recommends delisting, the person is removed from the list unless the committee unanimously agrees to reject the recommendation, providing a powerful quasi-judicial remedy.

Possible Solutions

Addressing the challenges of international sanctions requires a mix of procedural reforms and strategic adjustments. The goal is to make them a more precise, humane, and effective tool of international statecraft.

Precision in Sanctions Design

A primary focus should be the continued refinement of 'smart' sanctions. These must be meticulously targeted at a regime's decision-making elites and their critical assets. This approach should also include robust, pre-assessed humanitarian 'carve-outs' for essential goods like food and medicine to shield civilian populations from harm.

A Comprehensive Diplomatic Strategy

Sanctions shouldn't be a standalone policy. Instead, they must be part of a broader diplomatic strategy with clear, achievable objectives. This strategy requires a strong commitment to multilateralism, as broad international consensus increases both the legitimacy and the economic pressure of the measures. Crucially, it must also include well-defined 'off-ramps' that specify the conditions under which sanctions will be lifted, offering a clear path out for the targeted state.

Transparency, Monitoring, and Fairness

Strengthening the UN's legal architecture is essential. On due process, a crucial reform would be to expand the mandate of the Office of the Ombudsperson. Currently limited to the ISIL (Da'esh) and Al-Qaida sanctions list, its successful quasi-judicial review process should be applied universally to all UN sanctions regimes, providing a robust, independent appeals mechanism for any listed individual or entity. For transparency and monitoring, the authority of the UN Panels of Experts,

which are attached to each sanctions regime, should be reinforced. These panels must be mandated to continuously monitor not only the implementation of sanctions but also their humanitarian impact, with their findings submitted in regular, public reports to the Security Council to allow for timely, evidence-based adjustments.

Graduated Action for Compliance

Finally, adopting a graduated sanctions approach can better incentivize compliance. Instead of a rigid, all-or-nothing framework, this model allows for the phased suspension or lifting of specific sanctions in direct response to verified, incremental steps taken by the targeted state. This flexible approach provides tangible rewards for cooperation and makes sanctions a more responsive diplomatic tool.

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