



## Coercive Measures: The Future Role of Sanctions In International Diplomacy

*ODU United Nations Society*

### Introduction: The sanction dilemma

Sanctions are one of the most common tools of international diplomacy and one of the most controversial. To their advocates, sanctions are way of raising pressure on governments violating international normative principles without resort to outright warfare. To their critics they are ineffectual, little more than political theater, more likely to harm the innocent than their intended targets.

But sanctions are extremely controversial. The basic problem is the ‘sanctions dilemma’. This comes from the appeal of sanctions, the ease of using them, and the controversy over their impact. The sanctions that punish a country most also are most severe on the innocent. The sanctions that harm the innocent least also seem to be least effective.<sup>1</sup>

Sanctions are a special concern to Fourth Committee, because they have been used by the UN for decades in support of national self-determination of oppressed people. But a growing consensus of UN Member States, including countries most affected by UN sanctions and their allies in the Non-Aligned Movement (NAM), is increasingly skeptical of sanctions, though. Most UN Member States see sanctions as economic warfare by Western Governments—many of them their formal colonial and imperial rulers—to assert control

over their domestic affairs and political choice. Other UN Member States support sanctions when they support national self-determination against colonialism and imperialism.

Even for the country that uses sanctions most of all—the United States—they are highly controversial. In the words of a prominent American foreign policy analyst:

‘Sanctions don't work’ is an often-heard refrain... What cannot be disputed, though, is that economic sanctions are fast becoming the policy tool of choice for the United States in the post-Cold War world. Indeed, economic sanctions are increasingly at the center of American foreign policy as a policy tool to resolve several issues: to stem the proliferation of weapons of mass destruction, promote human rights, discourage aggression, protect the environment, or thwart drug trafficking.<sup>2</sup>

Those words, written twenty years ago, are just as true today. With sanctions targeting an every growing list of states, debates in the UN over their appropriateness, fairness and even their legitimacy.

The future of sanctions seems bright—several government insists on using them ever more freely. But their acceptance and effectiveness has never been more in doubt. The question for

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<sup>1</sup> ‘EU needs greater focus on human rights impact of sanctions – UN expert’, *UN High Commissioner for Human Rights*, 23 June 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21795&LangID=E>

<sup>2</sup> Richard N. Haass, *Economic Sanctions and American Diplomacy* (New York: Council on Foreign Relations, June 1998), <https://www.cfr.org/book/economic-sanctions-and-american-diplomacy>



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the UN General Assembly is how best to guide future use of this most controversial tool.



Source: Annan, Kofi, 'The UN has more sanctions in place than ever – but are they working?' *World Economic Forum*, 12 January 2016.

### Different sanctions, different effects

Bring international trade and diplomacy to a crashing halt is nothing new. But historically such actions were part of a declaration of war. Sanctions not only used to war by other means, they were part of war itself. For sanctions to become diplomatic tools, they had to be separated from warfare. This began to happen in the early Twentieth Century. But target countries don't see much of a practical difference. And sanctions often remain a prelude to war. Thus they are handled with great care, even when used routinely as they are today.

Sanctions are routine responses to an ever-growing list of actions or which governments are

unwilling to go to war, but demand the target state reverse their policies, including:

- Terrorism and support for terrorism
- nuclear proliferation activities
- crimes against humanity
- human rights violations
- illegal annexation of foreign territory
- deliberate destabilization of a sovereign country

There are four basic types of sanctions, all with their own advantages and disadvantages:



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diplomatic sanctions, targeted sanctions, arms embargoes and economic sanctions.<sup>3</sup>

### Diplomatic sanctions

The oldest kind of sanctions, dating to 1917, are diplomatic sanctions. These include actions such as the interruption of diplomatic relations with the targeted country, or recalling diplomatic representatives. In 1917 many countries responded to Russia's Bolshevik (communist) Revolution by withdrawing their diplomatic recognition and pulling their diplomats out of the country. The United States had no diplomatic officials in Russia (the Soviet Union) for over twenty years as part of its policy of non-recognition.

Reducing diplomatic ties, such as demanding the recall of some or all diplomats, or even closing embassies, is a way of expressing extreme condemnation of the recipient country's policies. Diplomatic sanctions are political measures taken to express disapproval or displeasure at a certain action through diplomatic and political means, rather than affecting economic or military relations. Measures include limitations or cancellations of high-level government visits or expelling or withdrawing diplomatic missions or staff.

The 'severance of diplomatic relations' is a possible measure specifically mentioned in

Article 41 of the UN Charter. Historically diplomatic sanctions have been one of the more frequently used forms of sanctions, and have been previously applied by the entire international community against countries like Iraq, Libya, Southern Rhodesia, Libya, Sudan, Yugoslavia, Angola, and Afghanistan under the rule of the Taliban in 1994-2001.

Diplomatic sanctions are most effective when done under the authority of a UN Security Council resolution. Otherwise they are unilateral or autonomous policy of specific countries, which makes them less universal and less effective.<sup>4</sup>

### Targeted sanctions on specific individuals and firms

For many years the most common form of international sanctions targeted all trade with an entire country. More recently a preference has grown for targeted sanctions, which target specific individuals or firms. These individuals or companies may be banned from entering the country imposing the sanctions. "Targeted sanctions" or "smart sanctions", like "smart bombs", are meant to focus their impact on leaders, political elites and segments of society believed responsible for objectionable behavior, while reducing collateral damage to the general population and third countries.<sup>5</sup>

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<sup>3</sup> 'Different kinds of sanctions', European Council/Council of the European Union, 12 July 2017, <http://www.consilium.europa.eu/en/policies/sanctions/different-types/>

<sup>4</sup> Shellie Karabell, 'Why Russian sanctions (and expelling diplomats) won't work', *USA Today*, 29 March 2018,

<https://www.usatoday.com/story/opinion/2018/03/29/why-russian-sanctions-and-expelling-diplomats-wont-work/470058002/>

<sup>5</sup> Gary Clyde Hufbauer and Barbara Oegg, 'Targeted Sanctions: A Policy Alternative?' *Peterson Institute for International Economics*, 23 February 2000, <https://piie.com/commentary/speeches-papers/targeted-sanctions-policy-alternative>. Also see Uri Friedman, 'Smart Sanctions: A Short History. How a blunt diplomatic tool morphed into the



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For example, American sanctions against Venezuela target the nation's president and high officials, prohibiting them from entering the United States. They also forbid American firms from doing business with Venezuela. Firms are allowed to continue servicing preexisting contracts, but cannot sign new contracts. This means that US firms are essentially prevented from new business with Venezuela's oil business. These US sanctions are *unilateral* or *autonomous*. They have no consequences for firms of other countries. Chinese oil companies, for example, are free to do business with Venezuela, whose market has effectively been abandoned by the United States.

The United Nations Security Council can implement sanctions on political leaders or economic individuals. restriction foreign travel of listed persons (travel ban), freeze assets belonging to listed persons or entities, and block new contracts. These persons and businesses may find ways of evading sanctions, but still suffer lost prestige and complication in their affairs.

Targeted sanctions are popular with the Member States of the UN because their costs are low. They are easy and tempting to use. But there is little evidence they have much effect on major goals like stopping terrorism, ending nuclear proliferation, or ending human rights abuses. They minimize disruption to everyone's economy and minimize financial costs. The country imposing sanctions suffers only in worsening the breakdown of communications. The targeted country suffers in prestige, but not to the welfare of its people generally. For the same reason, targeted sanctions are believed to be relatively ineffective.

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precision-guided measures we know today', *Foreign Policy*, 23 April 2012,

### Arms embargoes

Prohibiting arms transfers is a powerful tool available to the international community. It usually is used against countries using their armed forces in violation of international law by attacking neighboring countries, or violating international normative principles by attacking their own people, violating their human rights. They are widely accepted because they do not harm the economic welfare of innocent people, and may help them by preventing diversion of national wealth or military equipment.

Currently arms embargoes are in place against South Sudan and Central African Republic. There are other situations where arms embargoes might be justified, such as Israel-Palestine, Myanmar, Sudan, Russia or Syria. But the veto power of the five permanent members of the UN Security Council prevents such action.

Arms embargoes are not uncriticized. To their critics, they violate the UN Charter. Article 51 gives all countries a right to self-defense, which international arms embargoes might seem to undermine. Once again, sanctions tend to pit principles against each other in a fundamental rivalry.

### Economic sanctions

Economic sanctions or restrictions are often seen as especially powerful tools. They can ban entire sectors of economic activity, including import or export bans on certain goods, investment bans, prohibitions on supplying services, etc. Narrowly they may target business associated with a specific worry, like nuclear proliferation. The most serve are 'comprehensive sanctions',

<https://foreignpolicy.com/2012/04/23/smart-sanctions-a-short-history/>



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which prohibit virtually all contact and trade, isolating the target country as completely as possible.

The most famous of sanctions targeted the economies of whole countries. Major examples include:

- [United Nations sanctions against South Africa](#) (1986-91)
- [United Nations sanctions against Rhodesia](#) (1964-1980)
- [United Nations sanctions against Iraq](#) (1990–2003)
- [United States embargo against Cuba](#) (1961-present)

Getting a majority of UN member states to agree on economic sanctions is not easy. Even the fifteen Member State Security council tends to be sharply divided. The permanent members of the Security council routinely use their vetoes to protect their client and allies.

Since 1993, for example, many countries have imposed unilateral trade sanctions on Myanmar (Burma), originally to penalize its military government, but more recently to protest its treatment of the Rohingya people. But China, and to a lesser extent Russia, use their Security council vetoes to protect Myanmar, ostensibly because they regard the county's domestic affairs as its own sovereign affair, and fear a precedent for international action that could be sued against them.

### Autonomous sanctions

Finally, there also are unilateral or autonomous sanctions, done completely outside the UN. Member States may decide to impose sanctions on its own initiative. One of the most famous examples is the US embargo on trade and diplomacy with Cuba since the revolution there in 1959. That unilateral embargo has severely weakened the Cuban economy, harming the Cuban people for three generations, and prevented much diplomacy. But most other countries continue to have normal relations with Cuba, greatly reducing the impact.

The long duration and lack of success of the United States' embargo on Cuban has convinced many governments that unilateral sanctions are a poor idea. Almost sixty years later, the Cuban embargo testified to America's uniquely stubborn policy-making and difficulty compromise, even after a policy has failed for generations. The European Union also uses sanctions, especially to deal with human rights violations by governments.

To their advocates, autonomous sanctions are a way of overcoming the hesitation and slow pace of UN action, especially for influencing governments violating international normative principles. To their critics, autonomous sanctions, imposed by one government acting independently of the international community, without a mandate from the United Nations, are a violation of international law.



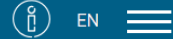


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### EU Sanctions Map

Last update 06.09.2018



THEMATIC RESTRICTIONS ▾



Source: Ministry of Foreign Affairs of the Republic of Lithuania, <http://www.urm.lt/en/sanctions>

### The UN debates sanctions

In the United Nations, sanctions are imposed by the Security Council, the only UN body which can demand action and create binding international law. General Assembly resolutions like these reveal the tension between the 15 member Security Council and the 193 member General Assembly. From the perspective of most UN Member States, the Security Council is dominated by its five permanent members (the P5), and abuses the sovereignty and legitimacy of the majority of Member States. While the P5 and their allies are sensitive to such charges, they also tend to ignore the General Assembly when it is not serving their purposes.

Despite a spotty record of effectiveness, Western states lead efforts to promote UN sanctions in

cases ranging from North Korea to Iran. But the Security Council is more divided than ever about implementing these coercive measures.<sup>6</sup> In the Security Council, countries protect their clients and allies. The United States routinely uses its veto to protect Israel. Routinely using its veto I the UN Security Council, the United States protects Israel from likely sanctions. Majorities in the UN General Assembly and Security Council would like to see Israel sanctions for its policies against Palestinians, especially permitting Jewish settlements of Palestinian-owned land, its control over all trade to Palestine and Gaza, and its control over Palestinian tax revenues.

Russia uses its veto less often to prevent sanctions on its control over parts of Georgia and eastern Ukraine. China uses its veto power least often of the three, most recently to protect

<sup>6</sup> Robert McMahon, 'UN Sanctions: A Mixed Record', Council on Foreign Relations, 17 November

2006, <https://www.cfr.org/background/under/un-sanctions-mixed-record>



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Myanmar from sanctions in response to its military campaign against the Rohingya. The United States indirectly criticized China for shielding Myanmar from strong U.N. Security Council action over a military crackdown against mainly Rohingya Muslims that the U.S. and other countries have denounced as ethnic cleansing.<sup>7</sup> Despite international condemnation of Myanmar's campaign of violence against the Rohingya people, there have been few calls for a return to the sort of sanctions that were long a part of the country's relationship with the West.<sup>8</sup>

A major debate for the UN focuses on the effectiveness of sanctions and the famous sanctions dilemma. The humanitarian effect of sanctions is hotly debated. Suspicion that economic sanctions against Iraq in the 1990s were killing hundreds of thousands of children was a factor that led to the American-led invasion of 2003. During the rush to wage war in Iraq in the early 2000s, one figure widely cited both to justify and oppose the U.S.-led invasion was that more than 500,000 children had died as a result of UN sanctions in the previous decade. But these fears, since shown to be a huge exaggeration, have been reversed. Research shows that child mortality figures provided to the United Nations were deliberately

doctored by Saddam Hussein's government to discredit the international community, the researchers said in a new report published by the British Medical Journal of Global Health. 'The government of Iraq cleverly manipulated survey data to fool the international community,' the report said, describing the figure of 500,000 deaths as "a massive fraud.... Following its creation and dissemination the deception received considerable attention and was widely believed to be true. Moreover, it continues to be influential," said.<sup>9</sup> One result is support for economic sanctions has grown again.<sup>10</sup>

Criticism of economic sanction has been at the forefront of debates over policy toward North Korea. No country has been sanctioned more in recent years. It seems likely that sanctions have contributed to malnutrition and poverty in North Korea, while that have not had much effect on the country's nuclear weapons and ballistic missiles programs.<sup>11</sup> UN sanctions on North Korea has gradually become stronger over the years, but during the same years North Korea continued to test nuclear weapons and long-range ballistic missiles (Box 1). China and to a lesser extent Russia have become increasingly skeptical of imposing more sanction on North Korea.<sup>12</sup> They have made it impossible for the

<sup>7</sup> Michelle Nichols, 'U.S. criticizes China for shielding Myanmar from U.N. action', *Reuters*, 14 May 2018, <https://www.reuters.com/article/us-myanmar-rohingya-un/u-s-criticizes-china-for-shielding-myanmar-from-u-n-action-idUSKCN11G00E>

<sup>8</sup> Austin Ramzy, 'Myanmar Draws Scorn for Rohingya Crisis, but Few Urge Sanctions', *New York Times*, 18 September 2017, <https://www.nytimes.com/2017/09/18/world/asia/myanmar-rohingya-sanctions.html>

<sup>9</sup> Tim Dyson and Valerie Cetorelli, 'Changing views on child mortality and economic sanctions in Iraq: a history of lies, damned lies and statistics', *BMJ Global Health*, 24 July 2017,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5717930/>

<sup>10</sup> Liz Sly, 'Saddam Hussein said sanctions killed 500,000 children. That was 'a spectacular lie'', *Washington Post*, 4 August 2017, <https://www.washingtonpost.com/news/worldviews/wp/2017/08/04/saddam-hussein-said-sanctions-killed-500000-children-that-was-a-spectacular-lie/>

<sup>11</sup> 'Q&A: North Korea, Sanctions, and Human Rights', *Human Rights Watch*, 30 May 2018, <https://www.hrw.org/news/2018/05/30/qa-north-korea-sanctions-and-human-rights>

<sup>12</sup> Edith Lederer, 'Russia, China block U.S. rebuke over United Nations North Korea oil sanctions', *Associated Press*, 19 July 2018,



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United States to get sanctions on Iran through the UN.

### Box 1. How the UN Sanctions North Korea

There is nothing about North Korea that's typical. But it is a revealing example of how UN resolutions tend to impose sanctions carefully, only gradually reducing trade,. This reflects the difficulty of getting consensus among UN Member States, widespread skepticism about sanctions, and the widespread international concern with avoiding trauma and suffering among innocent residents.

While sanctions have done nothing to influence North Korean's nuclear or missile programs, they have harmed public welfare by increasing poverty and deprivation. But with strong support from the United States, the international sanctions remain intact.

The UN Security Council has passed the following resolutions since North Korea's first nuclear test in 2006:

- [Security Council resolution 1718](#) in October 2006, passed after North Korea's first nuclear weapons test, demanded that North Korea cease nuclear testing and prohibited the export to North Korea of some military supplies and luxury goods.
- [Security Council resolution 1874](#), passed after the second nuclear test in 2009, broadened the arms embargo. Member states were encouraged to inspect ships and destroy any cargo suspected being related to the nuclear weapons program.
- [Security Council resolution 2087](#), passed in January 2013 after a satellite launch, strengthened previous sanctions by clarifying a state's right to seize and destroy cargo suspected of heading to or from North Korea for purposes of military research and development.
- [Security Council resolution 2094](#) was passed in March 2013 after the third nuclear test. It imposed sanctions on money transfers and aimed to shut North Korea out of the international financial system.
- [Security Council resolution 2270](#), passed in March 2016 after the fourth nuclear test, further strengthened sanctions.<sup>[7]</sup> It banned the export of gold, vanadium, titanium, and rare earth metals. The export of coal and iron were also banned, with an exemption for transactions that were purely for "livelihood purposes".
- [Security Council resolution 2321](#), November 2016, capped North Korea's coal exports and banned exports of copper, nickel, zinc, and silver.

<https://www.apnews.com/55eb5d53c3444ef6b8b4d4a4f2dff0ba/UN-diplomats:-Russia-and-China-block-US-on-North-Korea-oil>





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- Also in February 2017, China announced it would ban all imports of coal for the rest of the year.
- [Security Council resolution 2371](#), August 2017, banned all exports of coal, iron, lead, and seafood. The resolution also imposed new restrictions on North Korea's Foreign Trade Bank and prohibited any increase in the number of North Koreans working in foreign countries.
- [Security Council resolution 2375](#), September 2017, limited North Korean crude oil and refined petroleum product imports, banned joint ventures, textile exports, natural gas condensate and liquid imports, and banned North Korean nationals from working abroad in other countries.
- United Nations agencies are restricted in the aid they can give to North Korea because of the sanctions, but they can help with nutrition, health, water, and sanitation.

Source: 'Sanctions against North Korea', Wikipedia,  
[https://en.wikipedia.org/wiki/Sanctions\\_against\\_North\\_Korea](https://en.wikipedia.org/wiki/Sanctions_against_North_Korea)

### Role of the United Nations

Only the UN Security Council can impose sanctions for the entire international community. But the General Assembly sets the standards or norms regulating when sanctions are permissible.

The General Assembly tends to make a vigorous distinction between sanctions established unilaterally by one country against another, and sanctions approved by the United Nations as a whole. Unilaterally or autonomous sanctions, because they treat countries differently, based purely on national policy, tend to violate international law or international principles. Collective sanctions by the entire international community, on the other hand, are international law, with unquestionable legitimacy. The list of

all countries, individuals and companies with whom trade is forbidden under UN collective sanctions now runs 173 pages.<sup>13</sup>

On the other hand, the Non-Aligned Movement, the largest voting bloc in the General Assembly, has supported a series of resolution aiming to reduce the role of sanctions, especially against economic sanctions, stressing measures to limit them.<sup>14</sup> These include:

- 'Unilateral economic measures as a means of political and economic coercion against developing countries,' A/RES/72/201, passed by a vote of 130 in favor, 2 opposed (Israel and United States) and 48 abstentions.
- 'Human rights and unilateral coercive measures', A/RES/72/168, passed by a

<sup>13</sup> 'Consolidated United Nations Security Council Sanctions List', *UN Security Council*, 9 August 2018, <https://sancs.un.org/fop/fop?xml=htdocs/resources/xml/en/consolidated.xml&xslt=htdocs/resources/xsl/en/consolidated.xsl>

<sup>14</sup> 'Resolutions of the 72nd session', *UN General Assembly*, 2017, <https://www.un.org/en/ga/72/resolutions.shtml>



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vote of 134 in favor to 53 against, with 0 abstentions.

- ‘The right to food’, [A/RES/72/173](#), passed by a vote of 87 in favor to 2 against (Israel and United States), with no abstentions.

The logic of these resolutions leaves the UN unwilling to support more than diplomatic or targeted sanctions, except in response to the most extreme violations of international law.

### Proposals for Action

There is a broad spectrum of proposals to reform UN sanctions. This list is by no means comprehensive. Instead it offers major proposals for consideration only. ODUMUNC delegations are free to develop their own alternatives:

*Do nothing.* This generally is the preferred option of countries that want to emphasize sanction in their foreign policy, or keep the power to impose sanctions, and prevent them, monopolized in the UN Security council, where power is monopolized behind the vetoes of the five Permanent Members (China, France, Russia, the US and UK).

*Prohibit unilateral or autonomous sanctions,* done by one or a group of states acting without a specific UN Security Council mandate. If they cannot get a UN mandate, they should not do it. Unilateral sanctions, following this approach, are less likely to work and more likely to harm the innocent, and should be banned. This proposal will be opposed by Member States that use sanctions most, and their allies.

*Prohibit sanctions that affect whole national economies or populations.* Eliminating the most dangerous sanctions, those most likely to cause human suffering, and permitting only smart sanctions, would be popular with most of the UN’s 193 Member States. Most Member States—especially those of the Non Aligned Movement—would prefer this option. But there also are cases where they agree sanctions are necessary, especially in support of the right of national self-determination, such as Palestinian national independence. So exceptions would have to be permitted.

*Permit sanctions only after the UN Secretary-General determines they will not harm innocent residents* in the targeted country. Eliminating all sanctions except smart sanctions will reduce tension with other foundational UN principles. It also will make sanctions less effective.

*Shift the power to sanction from the Security Council to the General Assembly.* The UN needs greater power and willingness to impose sanctions, not less. Above all, need to overcome the Permanent Five (P5) Security Council member states’ vetoes. If sanctions were authorized by the General Assembly, it would be impossible for P5 sponsors to protect their favored clients. The US could not use its veto to protect Israel, and China could not use its veto to protect Myanmar or Pakistan.

*Request the Security Council to act on specific sanctions cases,* such as recommending ways for the Security Council to overcome the US veto that prevents sanctions on Israel, or the Chinese veto that protects the government of Myanmar. Instead of trying to redesign the entire sanction system, this would mean focusing on a specific problem area.



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