Deterrence and the use of Sanctions

Ian Kenneth Bolton

c/o King's College London
Centre for Science and Security Studies,
War Studies Department, Strand, London, WC2R 2LS
UNITED KINGDOM

Ian.bolton@kcl.ac.uk   ikbolton16@gmail.com

ABSTRACT

Over the last three decades the use of sanctions as a means of responding to various international challenges has increased significantly, from humanitarian abuses, such as in Venezuela, to countering the proliferation of weapons of mass destruction, such as in North Korea. This increasing use of sanctions has been both at the multilateral and unilateral levels; and has been driven by many of the NATO members. Sanctions are most commonly used to coerce, constrain, and signal to those who are placed under sanctions. A diplomatic option of last resort before potential armed intervention. In the academic arena at least, the effectiveness of sanctions has been questioned. Yet sanctions undeniably have effects, and there is evidence to suggest that sanctions have played a key role in deterring the occurrence or continuance of armed conflict in certain contexts. The halting of direct Russian military support for Ukrainian separatists in eastern Ukraine offers an interesting example in this regard.

This paper will therefore explore the use of sanctions as a method of deterring armed conflict and examine the relevance of this to NATO. In particular, the paper will consider whether sanctions represent a tool that the NATO alliance could use, and whether there is more NATO could be doing to support the enforcement of sanctions, especially at a time of significant change to the rules based international system.

1.0   DETERRENCE AND THE USE OF SANCTIONS

Sanctions are increasingly being used; 2018 saw more global sanctions measures in force than at any previous time in history and this trend is likely to continue. Sanctions are used to coerce, constrain and signal that some aspect of a country's behaviour is unacceptable according to global norms. Through coercing behaviour, those countries operating sanctions regimes hope to achieve a behavioural change, some examples of this are: prevent continued armed conflict between countries; curtail civil war; prevent further human rights abuses; and constrain the development and use of weapons of mass destruction (WMD). Sanctions are an important and, when used effectively, powerful foreign policy tool, which are often regarded as the last measure before armed intervention.

The 1990's is often referred to as the 'Sanctions Decade' by policy makers and academics. Whilst the use of sanctions can be traced back to the Ancient Greeks, these looked very different to today's sanctions. Over the centuries, sanctions have been continuously used and developed but during the 20th Century, they really came into their own. Sanctions were deployed in the 1920's and 1930's by the League of Nations, to varying degrees of success.

Under the United Nations (UN), sanctions were first used against Rhodesia and eventually South Africa's Apartheid regime. However, it was the post-Cold War era that really saw sanctions evolve into the foreign policy tool recognisable today. Sanctions in the 1990's were applied to Iraq following their invasion of Kuwait; Yugoslavia as it broke up; Rwanda in response to genocide; Haiti in response to an armed coup; and both Sierra Leone and Angola in response to civil war. Since the 1990's, sanctions have continued to be used

extensively, from Iran and North Korea in response to the development of WMDs, to Eritrea and Ethiopia to constrain their conflict.

Whilst sanctions are most effective when deployed at the UN, they may also be deployed unilaterally, by countries or groups of countries looking to achieve the same aims. A large number of countries including Canada, the EU and the US, applied sanctions on Russia in response to the annexation of Crimea from Ukraine. However, unilateral sanctions cannot have the same effect as those adopted more widely and so coalitions coordinating measures are vital to the success of any sanctions regime.

At a time when the rules-based international system is increasingly under pressure and losing influence, the risks to peace and security and democracy are dramatically increasing. In this environment of greater nationalism, conflict, posturing, and disunity in international bodies such as the UN, NATO's ability to present a steadfast bulwark is more important than ever. With the UN increasingly at odds and unable to agree how to respond to situations, from the use of chemical weapons by the Assad regime, to the human rights abuses in Venezuela, sanctions deployed by like-minded countries become increasingly important. Often the European Union (EU), USA, Canada, Australia and other like-minded countries take similar action in the absence of UN leadership. However, outside the Group of 7 leading industrial countries, the G7, there is no body that provides coordination of sanctions measures, and even the G7 only coordinates responses to issues and sometimes proposes that members adopt sanctions, rather than provide concrete guidance or coordination. Amongst the countries that most commonly use sanctions in response to world events, many are NATO members.

Given this, this paper will look at whether NATO should play a role in the adoption of sanctions, in particular as a deterrent from potential armed conflict, and to what degree NATO should be involved in their implementation. The paper will first explore the ongoing turbulence in the rules-based international system and the potential implications. It will then provide background on what sanctions are, and why and how they are used. It will explore how sanctions are given effect and explore the differences between unilateral and multilateral sanctions, including EU sanctions. The paper will examine how sanctions can be used as a deterrent, examining specific measures and some illustrative case studies. It will then look at the effectiveness of sanctions from a perspective of implementation and enforcement, and what role NATO could play. The paper will conclude by examining what role NATO could play in devising and coordinating sanctions amongst its Member States, and what elements of NATO's founding Treaty and purpose could be implemented through sanctions.

1.1   The Changing Rules-Based International System

Before exploring what sanctions are, how they can be used as a deterrent, and what role NATO could play, it is important to understand the changing global context. Since the late 2000's a changing dynamic can be charted that has led to this point where never before has the world faced so many different and varied challenges. From the rise of nationalism, increasing global conflict, growing extreme weather conditions, to the collapse of the financial markets in 2009 and the ongoing attempts to escape recession, the world has become an increasingly less stable environment. Accepted global norms in behaviour have been discarded by many countries and groups, such as the use of chemical weapons by the Assad regime in Syria on their own people, and others struggle to react to this defiance. Countries are increasingly withdrawing from international agreements, or threatening to, such as UN Climate Change agreements, and historic allies are increasingly less likely to co-operate or work together with a unified vision, such as the Gulf Co-operation Council (GCC). It is in this environment that many countries look to try and prevent an escalation into outright conflict, both armed and commercial, and as such, sanctions are increasingly being turned to.

1.1.1   General decline in influence of the rules-based system

Whilst the decline in the rules-based system has been visible for many years, including the development of WMD by Iraq in the 1990's and use of chemical weapons and the terrorist activity of Al-Qaeda, an argument could be made that since the Russian engagement in Georgia in 2008 this decline has accelerated. The Arab Spring and resulting interventions in Libya, Bahrain and the civil war in Syria led to further decline. The use of chemical weapons by both the Assad regime and Islamist forces has seen a decrease in global norms surrounding the use of chemical weapons. This decline has been further emphasised by recent Russian activity in 2018 in Salisbury and The Hague with the chemical attack on the former Russian spy Sergei Skripal. The annexation of Crimea and the conflict in Eastern Ukraine is further evidence of the failings in the rules-based system.

Further proof of the growing failures can be seen in recent election campaigns which have seen attempts by foreign countries to interfere with results, specifically trying to influence the electorate to vote a certain way. This includes the alleged Russian attempts to influence the 2016 USA Presidential Election, and the UK referendum on leaving the EU. Further allegations have since emerged about not just disinformation campaigns, but also potential direct election interference by both Iran and North Korea in foreign elections.

Additional pressure on the rules-based international system has come in the form of increasing domestic strains, specifically financial pressures as countries look to drag themselves out of recessions and so increasingly look inward for economic strength. This has been seen in the recent trade disputes between the USA and long-time allies such as Canada and the EU as well as with countries like China. Finally, a return to nationalism across many countries and the rise of populist parties and governments, such as in Brazil, Mexico, Hungary and Italy, has seen countries under the sway of these movements drift away from the rules-based international system.

1.1.2   Withdrawals from international agreements

As well as these challenges there has been an increase in withdrawals from internationally-negotiated and agreed treaties. Prime examples of this include the USA pulling out of a key arms control treaty with Russia, the Intermediate-Nuclear Forces Treaty, and rumours that the Trump Administration intends on pulling out of the nuclear control treaty New Start. Other examples include the US pulling out of the Joint Comprehensive Plan of Action (JCPoA) between the P5+1 (the permanent 5 members of the UN Security Council and Germany) and Iran, with regards to Iran's nuclear programme. This has seen division between the EU and US on the approach of holding Iran to account for its activities and has led to the US re-imposing wide-ranging sanctions on Iran. Further internationally negotiated agreements at risk include the 2016 Paris Agreement on climate change, and the 2018 Global Compact for Safe, Orderly and Regular Migration. Additional causes for concern include Chinese activity in the South China Seas, where accepted international law is being continuously challenged by the Chinese Government and the activities of its military. Finally, there is growing disrespect for negotiated trade agreements and the rules set out by the World Trade Organisation. All of this is creating significant concern about the future of international agreements and the extent to which they can be relied on.

1.1.3   Growing Disunity

Even where significant disunity was once thought impossible, such as in NATO, countries are pulling away from each other. Typically close alliances around the globe are fracturing as countries increasingly look inwards at their own needs. In recent years Russia and China, whilst maintaining a general alliance, have begun pulling further apart as they look to serve their own interests. In the Middle East the other countries of the GCC turned on Qatar applying sanctions, due to continuing allegations of its support of Islamist terrorist activity. In NATO, the US is increasingly posturing over a potential withdrawal, or at least taking more of a back seat due to the lack of defence spending by other NATO members. The discussions of a potential EU

army have also come in for criticism as part of this. NATO allies the US, UK and Turkey have ended up on opposite sides of the conflict in Syria, given UK and US cooperation with Kurdish forces in the region. Within the EU there is growing disharmony, as whilst the UK vote to leave did not spark a wave of further exits, a number of EU countries, such as Poland and Hungary, remain disillusioned.

1.1.4   Brexit

In 2016, the UK vote to leave the EU (Brexit) posed another challenge and can be seen in many ways as a perfect illustration of the current crisis in the rules-based international system. Much of the decision by the British electorate was dictated by a desire to look inward, to protect itself, and recognise the growing failure of international systems. The referendum campaign was marred by disinformation from both sides, and subsequently there have been allegations that foreign governments may have been behind some of this.

1.1.5   Increasing use of Sanctions

In this increasingly uncertain world there has been a significant rise in the number of new sanctions regimes, both enacted through the UN, and in particular unilaterally. Countries are turning to sanctions to, reinforce the rules-based international system, and serve their own domestic needs. The hope for many sanctioning countries is that, by doing so, costly conflicts, such as those seen in Iraq from 2003 and Afghanistan from 2001, can be avoided. Sanctions are increasingly being used to try and re-establish global norms, such as those around the prohibitions on the use of chemical weapons, as evidenced by the October 2018 Chemical Weapons Sanction Regime agreed at the EU. Sanctions are also being used in more circumstances, such as to combat human rights abuses as seen in Venezuela.

As has been seen in this section, the rules-based international system is under the most intense pressure since the end of the Cold War, and in many areas new challenges and conflicts, both political and physical, are emerging. In response to this and the further degradation of accepted global norms, such as the prohibition on the use of chemical weapons, countries are increasingly turning to sanctions as a tool to minimise impact and try to reverse course.

1.2   Sanctions

Given the growing use of sanctions as a foreign policy tool in response to these increasing threats it is important to have a greater understanding of sanctions. Sanctions are a foreign policy tool, designed to stop short of armed intervention but that should be able to coerce and constrain a country to change a certain behaviour and to signal both to the country under sanctions and others what the accepted norms are.

The 1990's saw significant use of sanctions, which were deployed for a number of reasons, however, they were often comprehensive in nature and had significant unintended consequences, commonly on the wider population rather than those targeted by the sanctions. Sanctions regimes set up in this fashion are often referred to as comprehensive sanctions regimes, and given the unintended consequences are widely accepted as undesirable. In the comprehensive sanctions regime model the aim is to apply the most pressure, or 'pain', as Richard Nephew[1] describes it, to bring about a swift change in behaviour. However, there are significant risks in this approach, as seen most explicitly in the case of Iraq in the 1990's. Iraq was under comprehensive and crippling sanctions, and yet the Saddam regime was able to prevent the worst effects from hitting Ba'athist party members. The result was that ordinary Iraqi people ended up in extreme poverty, facing famine and a lack of medicine. Many around the world decried the use of sanctions as images circulated of starving Iraqi children. In response, the concept of targeted sanctions, or 'smart' sanctions evolved during the 2000's. 'Smart' sanctions include targeted measures that focus more narrowly on those responsible for the behaviour the sanctions are designed to affect. They include travel bans and asset freezes on those being targeted/designated, as well as measures specific to the aims of the sanctions regime. 'Smarter' sanctions are

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[1] Richard Nephew, *The Art of Sanctions*, p.3

the policy of choice for most countries, even Russia uses 'smart' sanctions such as those it placed on Turkey following the shooting down of one of its air force planes by Turkish forces in 2016.

This section will explore in more detail why and when sanctions are used, focussing on the concepts of coercion, constraining and signalling. It will explore what sanctions measures commonly look like and what the impact can be. It is crucial to understand this before examining the extent to which sanctions can be used as a deterrent.

1.2.1 What, Why, and When are Sanctions used?

Sanctions are restrictive measures that, are used to coerce a change in behaviour, constrain particular behaviours and activities, and signal a clear message to other countries and persons that a particular activity or behaviour is unacceptable. Sanctions are typically designed to alter the cost-benefit calculation of those designated; this has also been described as the resolve:pain ratio, a concept which will be explored further later. Sanctions are not meant to be a punitive measure, but rather a tool that can be deployed flexibly to bring about a desired change. As such, measures should be underpinned by clear policy objectives and be able to be both lifted or increased dependent on need. It is imperative that those under sanctions understand why, and therefore what change will allow for their lifting. For example, EU sanction regimes are typically accompanied by significant comms that make clear what must be achieved for sanctions to be lifted.

Sanctions can be used to *coerce* a change in behaviour by increasing the cost of continuing the undesirable behaviour to such a point as to make this choice unacceptable. This change in behaviour could be because the impact of sanctions on the local population increases the likelihood of them overthrowing the sitting government. It could be because the impact on the economy will leave the country struggling to service international debts, pay government workers, and/or potentially leave leaders facing a style of living they are not used to or find unacceptable. It could also be because to continue the behaviour may eventually leave the country in a weakened state, unable to protect its borders and provide security. Ultimately, coercion in sanctions is about altering the cost-benefit ratio to a point where the offending behaviour becomes unsustainable. Many, for example, point to Iranian sanctions prior to the signing of the JCPoA as a prime example of this type of sanctions regime. The impact of the extensive sanctions on Iran was in part to cripple the country's economy, bringing it nearly to a standstill and therefore applying enough pressure to bring the country to the negotiating table.

Sanctions can be used to *constrain* a country or person's activity, looking to deny them access to important technologies, weapons, and other resources. By using constraint methods, there is an acceptance that the behaviour the target is pursuing is unlikely to be changed simply by coercion, but that denying access to critical means to enact the policy may result in the desired behavioural change. Constraining sanctions may include amongst other measures: arms embargoes; denying access to the knowledge of critical technologies, and the materials needed including dual-use goods to develop these technologies; surveillance equipment; and ultimately sectoral measures designed to constrain economies. Examples of constraining sanctions include the UN measures against the Democratic People's Republic of Korea (DPRK) to prevent its development of nuclear weapons and ballistic missiles, and the EU regime on Venezuela, which seeks to deny the Maduro regime the equipment needed to abuse human rights.

Finally, sanctions may be used to *signal* disapproval of a country or person's behaviour as a way to isolate them, stigmatise the activity, reinforce globally-accepted norms, and send clear political messages both domestically and internationally about accepted behaviour. Often, sanctions used in this way focus on establishing the threat of further, more serious, measures if corrective behaviour is not undertaken, whilst still delivering some restrictive measures to alter the cost-benefit analysis of the target. The EU's sanctions regime on the Maldives fits this model, providing a clear signal that anti-democratic behaviour is

unacceptable and making it clear there will be ramifications if democracy and the rule of law are not respected.

Sanctions can be seen as a pathway of escalation. A country may start by using sanctions to signal disapproval. If no corrective action is undertaken, they may look to use more robust measures to coerce a change in behaviour. Finally, a country may look to build on these sanctions yet further by deploying measures, where appropriate, that constrain the target's ability to support the undesirable behaviour. This is by no means applicable in every case, indeed sanctions may be deployed in any manner, but it is useful to see it this way in order to allow for escalation. Ultimately, sanctions may be used however the designating state or organisation sees fit, but at a certain point where no more sanctions 'pain' can be delivered then armed intervention may be the only option left open. However, sanctions themselves should be seen as a tool of last resort, often before armed conflict, as the effects of sanctions can be significant and lead to dire situations seen in Iraq.

1.2.2   Purpose of Sanctions Regimes

Sanctions can be used for several purposes, from enforcing globally accepted norms in behaviour, such as preventing the use of WMDs, for example in Syria, to human rights abuses, such as Burmese persecution of the Rohingya. Every organisation and country that uses sanctions often defines to what purpose it may use them. In the UN Security Council, this is commonly to promote peace and security; in the EU, sanctions are used to further the EU's Common and Foreign Security Policy. Amongst the most recent examples is the UK legislation for enacting sanctions post-EU exit. These purposes are set out in the UK's Sanctions and Anti-Money Laundering Act (2018) and are listed as:

- For the purposes of compliance with a UN obligation,
- For the purposes of compliance with any other international obligation, or
- For a purpose within subsection (2)

The purposes set out within subsection (2) are:

- further the prevention of terrorism, in the United Kingdom or elsewhere;
- be in the interests of national security;
- be in the interests of international peace and security;
- further a foreign policy objective of the Government of the United Kingdom;
- promote the resolution of armed conflicts or the protection of civilians in conflict zones;
- provide accountability for, or be a deterrent to, gross violations of human rights (Magnitsky provision), or otherwise promote compliance with international human rights law, or respect for human rights;
- promote compliance with international humanitarian law;
- contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction;
- promote respect for democracy, the rule of law and good governance.[2]

These purposes are varied and, in some cases, such as "to further a foreign policy objective", deliberately vague to allow the UK to respond to global changes and challenges.

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[2] United Kingdom Sanctions and Anti-Money Laundering Act (2018), p.

1.2.3   What do Sanctions look like?

It is important when considering how sanctions can be used as a deterrent, to first understand what measures can be used and their intended impact. Sanctions can consist of any number of restrictive measures, for example the UN regime on the DPRK has a significant number of measures ranging from simple asset freezes to complex sectoral measures. Others, such as the EU's sanctions regime on the Maldives, contain just asset freezes and travel bans aimed at targets designated under the regime for their parts in anti-democratic activity. There is no set path for how a sanctions regime develops or what measures might be included, instead the determining factor is what measures will bring enough pressure to bear to effect a positive behavioural change. The types of measures available are continuously evolving and adapting for a variety of reasons, including the development of new technologies and sanctions evasion activity. To that end, the restrictive measures explored in further detail here are not an exhaustive list but rather meant to illustrate some of those most commonly used.

At the simplest end of restrictive measures fall travel bans and asset freezes on people and entities designated under the sanctions regime. Typically, a sanctions regime is underpinned by a listing of people and entities that are designated for one or more of the activities set out in the regime. With asset freezes the assets of a designated person or entity within the jurisdiction of the sanctioning country are frozen until this measure is lifted. Asset freezes can be powerful tools, cutting off people's/entities' access to significant assets if they are held within the sanctioning jurisdiction, for example the Qadhafi family have significant assets frozen in the UK. By freezing assets, the aim is both to coerce a change of behaviour, and also to constrain the target's ability to continue the undesirable behaviour. Travel bans are measures placed on specifically targeted people and aim to coerce a behavioural change by making it difficult for the designated party to travel freely through or to the sanctioning state.

Culturally based measures are another more simple measure, though they are much less common. Here, restrictive measures target the sharing of cultural exhibits, sporting events, the hosting of music/cinematic/theatre events, even potentially restricting animal loans by zoos. Cultural measures are designed to coerce a change in behaviour as populations in states under such measures apply pressure on their Governments given a desire to support/attend the prohibited activity. Although never formalised under a sanctions regime, the cultural boycott of Apartheid South Africa is a good example of such measures in action, proud sporting South Africans were denied the opportunities to see their cricket and rugby teams, amongst others, play opponents from around the world.

A more common measure is an arms embargo, which many sanctions regimes contain. Arms embargoes might include measures that ban the sale/purchase of all weapons and military-related goods to a sanctioned country, or might include more nuance such as allowing under licence the purchase of goods considered to be defensive, for example body armour. Arms embargoes are used to constrain a regime's or group's ability to undertake undesirable activity, for example if a regime can no longer buy ammunition or weapons then armed crackdowns of democratic opposition may become more difficult. A good example is the EU regime on Venezuela, which bans the sale of arms that can be used to carry out human rights abuses and the sale of surveillance equipment that might be used to further the decline of democracy in the country.

Trade embargoes or measures take the concept of an arms embargo further and look to cut off wider materials and assets from the sanctioned country. These measures may be specific to the type of activity that is seen to be undesirable, such as banning goods on the Nuclear Suppliers Group list including dual-use goods which would prevent nuclear development, or the purchase of specific goods from the sanctioned country and therefore denying them access to funds, such as the sale of pistachios by Iran.

Sectoral measures take the concept of trade embargoes one step further and place restrictive measures on entire sectors within the sanctioned country. Sectoral measures may focus on sectors where the sanctioned country may make considerable money as a way to coerce or constrain, such as the US sanctions on the

Venezuelan oil sector. They may also focus on preventing certain sectors engaging with countries under sanctions such as UN measures on the DPRK preventing the insurance sector dealing with the DPRK Government and entities. Generally, sectoral measures are more complex in nature and can be seen as a blunter tool.

Financial measures mirror sectoral measures in many respects, but are directly aimed at denying a target country/group's access to the financial markets and banking sector. In this way the sanctioning country looks to apply the maximum amount of pressure to the sanctioned country. In particular, measures to deny local banks and entities access to the wider international banking sector can have particularly debilitating effects. Without access to the international banking systems, local banks are unlikely to be able to facilitate trade or transfer financial assets.

In this section, when and why sanctions are used has been explored, along with the purposes to which they might be deployed and the likely measures that a sanctions regime may contain. From this overview, it should be possible to see how sanctions can achieve a change of behaviour.

1.3 How do Sanctions come into effect?

It is important to understand how sanctions are given legal effect and come into force. There are two options for sanctions regimes to come into being, through a multilateral route, such as the UN, EU and OSCE, or unilaterally by individual countries applying sanctions. Before one can examine what role there might be for NATO in the design, implementation and enforcement of sanctions, it is important to understand the implications of both models.

1.3.1 Multilateral

Multilateral sanctions are agreed through multilateral organisations such as the UN and OSCE, as well as through multinational regional organisations such as the EU or African Union (AU). For the most part, sanctions agreed at a multilateral level are normally legally binding on Member States, and require them to both implement and enforce these sanctions. Typically, multilateral sanctions are the preferred option for countries seeking sanctions on another country or group; there are several reasons for this. Principally, sanctions agreed at a multilateral level bind the greatest number of countries into a sanctions regime, and thus significantly increase the potential effectiveness of the sanctions. Sanctions agreed at a multilateral level create a degree of continuity and uniformity both in the sanctions measures that apply, and often how these are implemented. This in theory serves to make it easier for implementing partners to abide by sanctions, such as the private sector. Sanctions agreed at a multilateral level often allow for burden sharing in proposing designations and providing the underlying evidence, and can also provide built-in assistance in implementation, for example the UN's Sanctions Committees and Panels of Experts. Multilateral sanctions may also provide collective protection when fighting legal challenges brought by those sanctioned.

Despite the clear benefits of the multilateral route, there are significant potential challenges as well. Firstly, it is not always possible at a multilateral level to get broad agreement to create a sanctions regime or what this should look like. The most obvious examples of this are UN sanctions, where the members of the Security Council often fail to agree sanctions, and in particular it is not uncommon for Permanent Five (P5) members to veto some proposals. A useful example is the proposal for sanctions in response to the Assad regime's use of chemical weapons in Syria, which Russia has repeatedly vetoed. Even within multilateral organisations where one might expect unity to be easy to reach, such as in the EU, this doesn't always prove to be true. Much has been made of the differing approaches by EU Member States to Russia sanctions, and the degree to which EU Russia sanctions are supported by some Member States. Even where sanctions are agreed, the negotiations can take significant time to agree the exact format of the sanctions and measures to be included, which often leads to significant time lapses from the when the undesirable behaviour took place to when sanctions are applied. Indeed, this is such a live issue that the EU Commission has suggested EU Member

States discuss how a speedier response can be achieved, including moving from the current practice of requiring unanimous support for sanctions from Member States to Qualified Majority Voting (a two-thirds majority). The Commission has pointed specifically at the length of time taken to agree both the Venezuela and Burma sanctions regimes.

1.3.2   Unilateral

Unilateral sanctions are placed by one country on another country or group, without the broader backing of international organisations such as the UN, EU or AU. However, just because these sanctions may be called unilateral does not mean that action is not being taken as part of a coalition of like-minded countries, but rather that the sanctions are given legal effect unilaterally rather than through an international treaty. The key benefit of unilateral sanctions is the ability to apply a regime where a decision through an international organisation cannot be achieved due to the differing views of its Member States. Unilateral sanctions can be swifter to devise and implement, as there is no need to negotiate with partners, and can often be deployed in a more agile way. However, the benefit of agility is at the potential expense of overall effectiveness, as without a broad range of countries acting in unison, sanctions have the potential to be relatively toothless. The one exception to this is US sanctions, where the use of the US Dollar as the main international trade currency has allowed the US to wield unilateral sanctions with more consequence than other countries. It is also worth noting that some multilateral organisations, because they have no legal mandate in their Member States, may agree whom to sanction, to what end, and what the restrictive measures may look like, but it is the Member States that would have to give effect to these unilaterally. A good example of this is the role the G7 has sometimes played in promoting the use of sanctions in certain circumstances on a country or regime without determining how these sanctions should be given effect by individual G7 countries, nor setting out in detail what these sanctions should look like.

Whilst sanctions are increasingly being used as a unilateral foreign policy tool, it is an undeniable fact that sanctions are best applied when given effect through a multilateral effort. By enacting sanctions at the UN level, 193 countries are bound by these measures. The pressure that this can bring cannot be matched by any one country on their own, except potentially for the US. After the UN, other international organisations are seen as the next most desirable route for sanctions. This is due in part to the potential binding of multiple countries to give effect to such measures, for example the OSCE's arms embargoes on Armenia and Azerbaijan. Unilateral sanctions are in many respects the option of last resort as the impact of one country having sanctions on another can at times, depending on the circumstances, be negligible. Despite this, the growth in the use of unilateral sanctions has worried some countries sufficiently to question in the UN and WTO the legality of unilateral sanctions.

1.4   Can Sanctions be used as a deterrent?

As has been seen sanctions are used extensively to try to constrain undesirable activity, and to this extent sanctions can very much be seen as a deterrent. An examination of the EU's sanctions regime on Venezuela shows clearly how this regime is designed to deter further human rights abuses by the Maduro regime, and constrain this activity. This is achieved both by the arms embargo on military-related goods and surveillance equipment and by trying to coerce individuals close to Maduro and/or connected directly to human rights abuses by applying asset freezes and travel bans. Further, more detailed, case studies will be explored in the next section, looking at a range of situations including those involving armed conflict. If we therefore accept the clear link between sanctions as a tool to constrain, coerce and signal, and sanctions as a deterrent, the real questions are what specific measures can be used to deter both undesirable behaviour and potentially conflict. This section will explore the measures that align most closely to their aims, and the way in which they act as a deterrent.

1.4.1   Arms Embargoes/Trade Measures

Arms embargoes, in many wars are the most obvious restrictive measures when considering deterrence. Arms embargoes can be as detailed and wide-ranging as the sanctioning country desires, e.g. a ban on all weapons, and military-rated goods, including offensive and/or defensive equipment. They can range from specific weapons and ammunition to all types, and can include armoured vehicles, planes and helicopters that could be converted into military vehicles. They can also include equipment such as radios and body armour. In this way, where a comprehensive arms embargo is applied, for example on two warring states, it has the potential to greatly decrease their ability to continue fighting.

The application of trade measures can prevent a sanctioned country from being able to gain critical components and materials which, dependent on the 'pain' these measures create for the sanctioned country may be enough to bring about a change in behaviour. For example, if a large oil-producing state cannot procure the necessary drills and equipment to keep oil platforms functioning, the denial of access to these goods may be sufficient to make the country change its behaviour. The application of trade measures may also harm the economy of a sanctioned state, denying them income. In turn this potentially both escalates the 'pain to resolve' dynamic, and/or may prevent the country having the financial ability to buy equipment/materials necessary to continue the undesirable activity.

1.4.2   Sectoral Measures

Sectoral measures can in many respects be seen as the next escalation in trade measures. Sectoral measures are very much connected to a more comprehensive style of sanctions as they focus on restricting entire sectors of an economy to coerce a change in behaviour by constraining a country's ability to develop/sustain itself/trade. Recent examples of sectoral measures include restrictions on the oil sector in Iran, where the wholesale ban on this sector prevented Iran selling its most valuable resource. Another example is the current UN sanctions on the DPRK, which place sectoral measures on several sectors, including the mining industry, banking industry, shipping industry, and even the farming industry. By applying such comprehensive restrictions, the sanctioning country is attempting to maximise the 'pain' placed on a country in order to force them to take corrective action. The comprehensive nature of sectoral measures can also act as a deterrent to other countries under less severe sanctions, that if they don't look to address undesirable behaviours, they too may end up facing similar measures.

1.4.3   Asset Freezes/Financial Constraints

The final examples of deterrent measures are asset freezes and financial constraint on a sanctioned country. At a basic level, asset freezes apply direct financial pressure to those designated persons or entities listed in a regime. By denying these individuals/entities access to funds, it hampers their ability to do business, undertake leisure activities, and generally use their assets to improve their positions. In this way there is a clear deterrent factor for those under sanctions to change behaviour to avoid such measures. Wider financial constraints play an even more significant role, as countries facing such wide-ranging measures may be unable to access the financial markets. This effectively cuts the sanctioned country off from international trade and investment. In some examples, such as Iran and the banking sector, the risk factor for the banking sector is such that almost all international banks have failed to re-engage with Iran post-JCPoA. Indeed, not only has Iran faced difficulties because of the lack of re-engagement by the banking sector, the exclusion from international bank clearing mechanisms, such as SWIFT significantly hampers any and all ability to have a flowing and growing economy.

In order to better understand how sanctions, and the measures contained within, can be seen through a lens of deterrence, the next section will explore some specific case studies.

1.5 Case Studies

This section will look at a number of specific case studies, seeking to explore why the sanctions regimes were set up, what the desired impact was and how it would be achieved. It will explore the extent to which the measures deployed in these cases can be seen as a deterrent and the impact. The case studies will focus in the main on conflict-driven sanctions

1.5.1 Iraq

On 2 August 1990, Saddam Hussein's Iraq invaded its neighbour Kuwait, in a dispute over money owed to Kuwait following their support during the Iraq-Iran. In response to this invasion, the UN applied sanctions to Iraq in order to coerce them to leave Kuwait, and constrain their ability to continue to occupy Kuwait, by radically altering the cost-benefit ratio through extensive trade and economic sanctions. Following the defeat of Iraqi forces in Kuwait, these sanctions were adapted and expanded to focus on the WMD concerns about the Hussein regime. The sanctions enforced against Iraq during the 1990's have largely been discredited due to their comprehensive nature and impact on the civilian population, with a number of civilian deaths blamed on sanctions. Despite this, from a deterrence perspective the Iraq case study is an important one. There are very clear links to the degradation of Iraq's military forces because of the sanctions, which in turn helped to deter Iraq from further aggressive regional activity.

1.5.2 Sierra Leone and Angola

During the 1990's, UN sanctions regimes were placed on both Sierra Leone and Angola in response to civil wars. In both circumstances the objective of these regimes was to restore democratically elected Governments, coerce a cessation in hostilities and deter further fighting. A more detailed look at both cases provides insight into how sanctions were used.

1.5.2.1 Sierra Leone

Following years of civil war in Sierra Leone during the 1990's, the democratically elected President, Kabbah, was overthrown by a military coup in May 1997, which brought a return to previous hostilities. In October 1997 the UN passed UNSCR 1132, which imposed sanctions on Sierra Leone. These sanctions were designed to coerce those fighting to restore the democratically elected government, and constrain acts of violence and conflict by rebel groups. Initially, the sanctions measures included travel bans on leaders of the rebel groups and military junta, petroleum import bans and an arms embargo on all parties to the conflict. Over the next few years, the measures would expand to include a ban on the international trade of diamonds. By adding measures such as these, the sanctions aimed to deter future fighting by cutting off the supply of cash to re-arm.

1.5.2.2 Angola

Following independence from Portugal in 1975, Angola faced internal armed conflict for nearly two decades as three rival factions fought for control. Two of these factions were supported by opposite sides of the Cold War, with the Soviet Union backing the People's Movement for the Liberation of Angola – Labour Party (MPLA), whilst the US, Apartheid South Africa, and China backed the National Front for the Liberation of Angola (FNLA). The Bicesse Accords, signed on 31 May 1991, provided for a political settlement, including elections under UN supervision. Election results in late September 1992 were disputed and the war resumed, continuing until March 2002. Over this decade, the UN passed a number of UNSCRs creating a significant sanctions regime within Angola, aimed at ending hostilities and supporting the democratic process. These sanctions contained individual asset freezes, sectoral measures – including arms embargoes, aviation bans, restrictions on the mining industry – and commodity bans focussed on petroleum and diamonds. These measures were designed to coerce a change in behaviour and constrain/deter further fighting. At various stages, both the use of the restrictive measures and the threat of further measures deterred fighting and put

pressure on the rebels. The arms embargo prevented many weapons and munitions getting into the country, which directly affected the fighting ability of the rebels. In particular the adoption of restrictive measures on diamonds cut off a main source of funding for rebel forces, which in turn led to splits developing within the group. The deterrent from continued fighting in this example is clear, and sanctions very clearly had an impact on the civil war. Ultimately, sanctions were a critical component in ending the civil war, cutting off sources of both funding and weapons for the rebels. Despite the crucial role of sanctions, there were a number of other factors like the death of the rebel leader, and the military successes of the Angolan Government, that helped end the conflict.

In these examples, sanctions were used to bring an end to civil war and domestic conflict. By employing both arms embargoes and sectoral measures, such as bans on diamonds, the sanctions in place both deterred further conflict through limiting the access to weapons, munitions and funds, and deterred a continuation of violence by altering the 'cost-benefit' analysis.

1.5.3   Azerbaijan/Armenia and Ethiopia/Eritrea

The 1990's saw significant armed conflict in many areas of the world, where sanctions were applied to deter further fighting and encourage all sides to the negotiating table. Sanctions were used in Iraq, as has already been seen, and in Yugoslavia as it broke up. Sanctions were also applied to the conflicts between Azerbaijan and Armenia, and Eritrea and Ethiopia.

1.5.3.1 Azerbaijan/Armenia

The territorial dispute between Azerbaijan and Armenia over Nagorno-Karabakh has existed in some form since the collapse of the Russian Empire in 1917. However, the 1980's saw this dispute escalate into violent conflict and by 1988 into all-out war. This fighting would last for six years, with attempts by various actors, including the Organisation for Security and Cooperation in Europe (OSCE), during this time to bring a resolution and peace agreement. Eventually, in May 1994, a Russian-backed cease-fire was signed by both Azerbaijan and Armenia, and the OSCE was mandated to negotiate a full peace treaty. This peace treaty has remained elusive, and the conflict remains frozen, although it has seen some sporadic fighting. As part of its efforts to coerce both countries to commit to a peace treaty, the OSCE created an arms embargo on both countries in February 1992, which remains active. This arms embargo also plays a role in deterring conflict by preventing both sides re-arming. It is certainly possible to question the effectiveness of this measure, especially as the OSCE arms embargo is not underpinned by either a UN or EU sanctions regime, but rather relies on OSCE participating States adopting domestic legislation.

1.5.3.2 Ethiopia/Eritrea

Eritrea broke away from Ethiopia and became an independent country in 1991, although the exact border between the two has been disputed ever since. A series of border engagements and incidents, including a number of Eritrean deaths near the town of Badme, occurred during the 1990's. This escalated in 1998 as Eritrea invaded the Badme region and several other places along the border with Ethiopia. Fighting between the two sides intensified and cities on both sides of the border were bombed, leading to UN condemnation and intervention to negotiate a peace agreement. Fighting continued throughout the period 1998-2000 as attempts to negotiate a peace plan by the Organisation of African Unity (OAU – the forerunner of the AU), UN and US failed. On May 17 2000, the UN passed UNSCR 1298, which imposed a one-year arms embargo on both Eritrea and Ethiopia. Eight days later, following major successes Ethiopia declared the war over. Both countries accepted an OAU-sponsored peace agreement, the Algiers Agreement, on 18 June 2000. The UN arms embargo on both countries ended on 16 May 2001. Although the impact of this sanctions regime was minimal given the short period of time it was in force before the cessation of hostilities, it is a useful case study to examine the purpose of the regime and what the anticipated effect would have been. The aim of this regime was to deter further conflict between Ethiopia and Eritrea by constraining their ability to escalate

the conflict by resupplying weapons and munitions. The sanctions were also designed to coerce both governments to agree to a ceasefire and resume peace talks, and to signal UN support for the efforts of the OAU in suing for peace.

In both examples whilst the overall effectiveness of the measures may be questioned, what is undeniable is that sanctions had been used to deter further conflict and to some degree, were successful.

1.5.4   Venezuela

Sanctions on Venezuela were agreed by the EU in November 2017 in response to the ongoing human rights abuses, the slide towards autocracy and anti-democratic behaviour. The restrictive measures the EU put in place include travel bans and asset freezes on those closely connected with both undemocratic activities, such as the setting up of a rival constitutional body, and human rights abuses, such as military commanders of units used by Maduro to clamp down on democratic opposition parties and legitimate demonstrations. EU measures also include an arms embargo to prevent the transfer of military-related equipment and materials which could be used in human rights abuses, including surveillance equipment. The EU regime signals the unacceptability of Maduro's activity, to coerce a change in this behaviour and to constrain the Venezuelan Government from being able to undertake undesirable activity. In this way the current EU sanctions regime also acts as a deterrent given the myriad of measures that remain deployable should it not take corrective action. It is also a deterrent to other countries from displaying unacceptable behaviours, which may lead them to being under sanctions themselves.

1.5.6   Russia/Ukraine

In response to the Russian annexation of Crimea in March 2014, and subsequent involvement in the conflict in Eastern Ukraine, the US, EU and Canada placed Russia under sanctions. Initially these focussed on asset freezes and travel bans on individuals directly connected to this activity. As Russia's involvement in the conflict continued, both the US and EU widened out these sanctions to target three strategic sectors: defence, energy, and financial. This is to signal to Russia that its current activity is unacceptable, coerce them to change behaviour and constrain Russian desire to continue to interfere in Ukraine. Whilst sanctions on Russia have not yielded a significant visible change in behaviour with regards to Ukraine, there is evidence to suggest that Russia has scaled back support to some extent as the 'pain to resolve' threshold is put under significant pressure.

From these case studies, it is possible to see how sanctions can be widely used as a deterrent in both internal and international conflict and also in human rights abuses. The different measures that can be used range substantially from simple arms embargoes to the more complex sectoral measures, such as on the diamond trade.

1.6   Implementation and Enforcement of Sanctions

When assessing the value of sanctions as a deterrent, an important issue to examine is how sanctions regimes are both implemented and enforced, as both of these are crucial for the overall effectiveness of any sanctions regime. The successful implementation of sanctions is reliant on domestic legislation being passed by sanctioning countries. Even where the regime is legally binding through the UN, it is incumbent on countries to pass their own legislation to give effect to sanctions. Implementation of sanctions can be made easier by international partners working together and co-operating with, where appropriate, relevant sanctions bodies, such as UN Sanctions Committees and Panels of Experts (PoE). International co-operation is also the cornerstone of sanctions enforcement, as restrictive measures often have international elements to them. Given this, it is vital that law enforcement agencies such as Customs co-operate closely and have the right training, expertise, and equipment to do their jobs. This section will explore these themes further and

examine what role NATO might play in helping with both implementation and enforcement of existing sanctions regimes.

1.6.1   Implementation

Implementation of sanctions regimes is critical if they are to be effective. Often, it is a failure in implementation that can prevent a regime from being effective. When using sanctions unilaterally the chances are greater that implementation will be done effectively, as in this situation countries are both fully bought into the purpose of the sanctions regime and aware that it will only be effective if implemented properly. More often, implementation of sanctions regimes falls down where they are multilateral regimes agreed at organisations such as the UN. This can be for several reasons, such as the country may not agree with the sanctions regime, but has no choice given the legally binding nature of UNSCRs. By co-operating with partners and relevant sanctions bodies, implementation may not be as difficult. Potentially NATO could do more in this field, helping both members and other countries in implementing sanctions.

1.6.1.1 Domestic Legislation

Typically, the crucial element to sanctions implementation is the domestic legislation underpinning internationally-agreed sanctions. Whilst UN sanctions may be legally binding on Member States, the regimes are not prescriptive in how both they and associated restrictive measures should be given legal effect by countries. This is in part because it would be impossible for the UN to set this out as every country has different legislative processes and histories. Therefore, the way in which sanctions should be given legal effect could radically differ from country to country. Furthermore, implementation of sanctions can fail both because the measures being included are complex, and/or domestic Ministries may be too small to effectively design and implement the necessary legislation. Finally, there may be limited legislative time and therefore they may choose or need to prioritise other legislation.

1.6.1.2 Resources

A further hindrance to sanctions implementation is the lack of resources in a sanctioning country, not just to design and implement the domestic legislation but also to fund the departments necessary to give full effect to the legal framework once established. The country may also lack the funds to provide the necessary training and equipment for both the implementation and enforcement of sanctions.

1.6.1.3 Working with Partners

A critical way to improve sanctions implementation is for countries to work closely together, sharing expertise, experiences and assisting to the extent they can and the extent that there is commonality in legislative systems. Traditionally, the UK has sought to provide assistance to countries that have similar legislative models, as have the US and France. Working together to tackle common issues can also decrease the costs involved in passing complex domestic legislation. It also offers the opportunity to learn from each other, taking advantage of best practice. Furthermore, there are a number of organisations that specialise in helping countries write appropriate legislation for a number of different topics, including sanctions legislation, and so options for countries and organisations to provide assistance exist. One such organisation is VERTIC, which has a strong background in helping countries adopt relevant domestic counter-proliferation legislation and controls. Countries and/or international organisations that are in position to work with others could therefore either directly or indirectly assist other countries that have less capability to implement sanctions.

1.6.1.4 Co-operation with UN Sanctions bodies

It must be pointed out that through co-operation with UN sanctions bodies some assistance already exists for

States on sanctions implementation. Most UN sanctions regimes are supported by a Sanctions Committee, which in turn is supported by a PoE or Monitor Group. The UN Sanctions Committees often publish information to assist countries in the implementation of sanctions, and almost all require UN Member States to provide updates on the implementation of new measures. Whilst this is a way to ensure that all Member States implement changes, it is also a helpful tool in identifying those States that may need further assistance. In this way, encouraging greater frankness and co-operation with UN sanctions bodies can only serve to improve the implementation of UN sanctions.

1.6.1.5 Role for NATO in Implementation

Sanctions implementation is an area where NATO could potentially do more to assist global efforts. Most NATO Member States are countries that implement sanctions robustly, both in terms of resourcing and domestic legislation. Therefore, this expertise is something that could be shared relatively easily, both within NATO and more broadly to improve sanctions implementation efforts. Additionally, NATO's Secretariat could run specific training, provide advice or even funding to help countries in NATO, NATO Partnership countries, and potentially more widely, to better implement sanctions.

1.6.2 Enforcement

Alongside implementation, enforcement is also critical to the overall effectiveness of sanctions. In many ways it is through the enforcement of sanctions that the 'pain to 'resolve' ratio, is altered for a country. For example, a country under restrictive measures can't access those items banned and if attempts at circumvention fail, then it increases the 'pain' of sanctions. Whilst the range of sanctions enforcement measures varies between regimes, a number are relatively consistent to all, namely Customs/Border controls enforcement, interdictions, and financial measures enforcement. This section will explore these enforcement methods and conclude by examining what role there could be for NATO in sanctions enforcement.

1.6.1.6 Borders and Customs Controls

Sanctions regimes incorporating trade measures, arms embargoes or sectoral measures, require countries to have effective border and customs controls in order to enforce sanctions fully by preventing restricted items getting to the sanctioned country. Whilst in theory this sounds obvious and relatively basic for modern countries, the reality is that there are a number of reasons why this may not be the case. Some countries may not have the right domestic legislation in place to allow their customs and law enforcement agents to enforce the restrictive measures. They may not have the right equipment to allow for effective and safe enforcement of restrictive measures, such as appropriate x-ray machines or hazardous material warning equipment. Finally, a country may also not be able to provide the right training to its law enforcement agencies. Through greater co-operation with other countries and relevant organisations it should, however, be possible to overcome these issues. Specifically, the World Customs Organisation (WCO) has a number of related programmes in different parts of the world.

1.6.1.7 Interdictions

A particularly important area of enforcement for effective sanctions is interdictions, i.e. preventing goods which are listed under restrictive measures, getting to those countries sanctioned under the regime. This may be as simple as building on customs abilities to intercept a shipment en-route while in a port, airport, rail depot, or land border crossing point. However, it may involve the more complex activity of interdicting goods on the High Seas. Through interdictions, countries play an active role in enforcing sanctions, and consequently building the cost to sanctioned countries. It is therefore vital that countries have the ability, resources and training to undertake such activity. Countries often need to co-operate in order to achieve interdiction successes, whether on intelligence channels, customs, law enforcement or militarily. To this end a number of initiatives and organisations focus on building such co-operation and capacity. Chief amongst

these on counter-proliferation issues is the Proliferation Security Initiative (PSI). Through the PSI, countries can build co-operative networks, carry out training activity based on making interdictions, involving militaries, customs and law enforcement agents, and learn from agreed best practice across the 105 endorsing States. The critical limit to the PSI as a sanctions enforcement tool is its narrow scope, focussing solely on counter-proliferation measures.

1.6.1.8 Financial enforcement

A critical component of sanctions enforcement is that of financial measures, specifically those concerning possible trades in breach of sanctions, and asset freezes. Through robustly enforcing financial sanctions, the effectiveness of sanctions is increased, as is their deterrence value. However, this is not an easy sector to police as financial transactions are vast in quantity and complexity, often involve many parties, circumvention techniques can be applied, and ultimately governments and enforcement agencies are reliant on financial institutions co-operating with them. It is critical that countries have a robust financial enforcement mechanism, regulators and investigators, but also that governments look to work with their national financial sectors. Increasingly, countries are establishing dedicated departments, commonly within the Treasury, to lead on this area, for example, in the UK the Office of Financial Sanctions Implementation (OFSI), and in the US the Office of Foreign Asset Control (OFAC).

1.6.1.9 Role for NATO in Enforcement

There are a number of clear areas where NATO could play either a role, or an increased role, in sanctions enforcement. Interdictions-based activity could be built into appropriate NATO military exercises, such as interdictions on the High Seas. In so doing, NATO Member States and Partnership Countries would be able to share best practice and training. Furthermore, NATO could look to use both the PSI and WCO to improve enforcement abilities and capacities. NATO could even promote and provide a coordination method for members' customs and border officials, recognising that the ability to prevent some goods such as arms can have a direct bearing on the security of NATO Member States and Partnership Countries. Even in the realm of financial sanctions enforcement, NATO could play a role given that amongst the NATO Member States are a number of countries with expertise in this field, and specific sanctions regulators such as OFAC and OFSI, as well as being home to a number of leading banks, such as BNP Paribas, HSBC and JP Morgan Chase.

1.7 NATO as an alternative route for Sanctions

What potential role is there for NATO in sanctions apart from in the implementation and enforcement of existing sanctions? This section will explore why NATO might wish to create its own sanctions regimes, what these regimes may look like and where NATO might seek to use these. It will also examine the important question of how such sanctions would be given effect in NATO Member States.

1.7.1 Why NATO?

There are a number of reasons why NATO might want to look at pursuing sanctions. Firstly, most of the NATO Member States support using sanctions in response to emerging crises around the world, for example the EU Member States that belong to NATO, along with Canada and the US already use sanctions. The question then is rather, given that this support of sanctions already exists within the NATO Alliance, why the Alliance would look to pursue sanctions itself. The answer is that NATO could act as a force multiplier for sanctions, bringing in more countries, such as those that do not currently pursue sanctions policies, like Turkey, and perhaps more importantly NATO could play a coordinating role. As has been seen in this paper, it is not always possible to get sanctions approved at a UN level and, in the absence of this global leadership, it is for individual countries to decide whether to pursue sanctions and what these should look like. We have seen that sanctions are most effective when implemented by the greatest number of states, and equally the

measures adopted should bear some similarity in order to be effective. Other international groupings such as the G7, often therefore try to provide a coordinating role, but this is clearly limited given it is only seven countries. Therefore, sanctions adopted/pursued by NATO, with 29 Member States, would provide a significant block of countries acting in unison. Given that many of the NATO Member States are also EU Member States, NATO sanctions may be coordinated with the EU and so may lead to EU sanctions that mirror those being proposed by NATO, and so apply to an additional six countries.

It must be mentioned that the concept of NATO employing sanctions is not entirely without risk. Countries such as China and Russia could potentially be targets of sanctions and such activity would inevitably further degrade the relationships with these countries. However, NATO has already acted with regards to Russia in response to both conflicts in Ukraine and Georgia, and has recently been stepping up activity in Eastern Europe to provide greater security to NATO Member States in this area. Additionally, NATO taking action against China with regards to its abuse of international law in the South China Seas, or failure to enforce UN sanctions on the DPRK, could yield benefits.

1.7.2   What commitments of the North Atlantic Treaty and NATO's statement of purpose could be implemented via Sanctions?

If we accept that there is a logical reason as to why NATO may wish to pursue sanctions, then an important next question would be what NATO commitments could be pursued through them. At the heart of NATO is a political commitment to promote democratic values and enable Member States to consult and cooperate on defence and security issues to, among other things, prevent conflict. As we have seen, sanctions can be used as a deterrent to prevent conflict and promote democratic values. At a military level NATO is committed to the peaceful resolution of disputes, and where this isn't possible has the ability to undertake what it terms crisis-management operations. Again, sanctions can play a role through measures, such as arms embargoes and trade measures, to prevent further conflict and disrupt the flow of arms to a conflict zone. This can benefit both the country in which sanctions are deployed and potentially NATO forces if deployed to such a conflict zone, by decreasing the military power that can be deployed against NATO forces.

1.7.3   How would NATO give effect to Sanctions?

Whilst NATO does not have the ability to legislate for its Member States, and would be unlikely to in the future, NATO could require its Member States to use their own domestic legislation to give effect to NATO sanctions, in the same way as the OSCE arms embargoes on Azerbaijan and Armenia. NATO sanctions given effect in such a way could, at their simplest, be in the form of a political commitment made through NATO headquarters in Brussels. Equally, it could involve more specific and binding language requiring all NATO Member States to create sanctions regimes as set out by NATO. NATO could look to change its mandate to provide a specific reference to the ability for NATO to mandate sanctions regimes in the interest of peace and security for its Member States.

Alternatively, a significant overhaul of the NATO mandate could be pursued which would then allow NATO to create sanctions regimes that would be legally binding on Member States in the way the UN or EU does. This would mark a significant departure in the nature of NATO, given that its voluntary nature is at its heart. There would also be difficult questions that would require examination, such as what would happen to countries bound to legal regimes, such as the EU. For example, if NATO legally required all Member States to created legislation to enforce a sanctions regime then what would the NATO Member States that also belong to the EU do as not all EU Member States belong to NATO and may object to the EU pursuing such sanctions, given that by and large it is through the EU that EU Member States give effect to sanctions regimes. A further interesting question is at what point NATO sanctions would apply to NATO Partnership Countries.

1.7.4 What could NATO Sanctions look like?

Having looked at both why NATO could play a role in sanctions, and how this role could be given effect in NATO Member States, it is important to examine what NATO-led sanctions could look like and for what purpose they would be used. The first question is whether NATO-led sanctions would focus just on direct threats to NATO Member States and Partnership Countries or whether NATO would look further afield. Certainly, NATO should look to use sanctions to reinforce the security of NATO Member States and Partnership countries, and so sanctions being deployed on the likes of Russia would seem logical. A strong argument could be made for the latter here given the international nature of the world in the 21st Century, where something that happens on one side of the world can have a direct impact on NATO Member States. For example, a war breaking out in a part of the world may require a NATO response or NATO may be invited to help with the situation, likewise attacks within a NATO country may originate from a country far afield and yet would require a robust NATO response. A clear example of this are the terror attacks of 9/11 in the US, which were orchestrated from Afghanistan and as a result saw NATO military action there. There is also a role for NATO in more thematic sanction regimes, such as cyber security and chemical weapons, as issues such as these have a direct bearing on NATO Member States and Partnership Countries.

We must also consider to what purpose would NATO deploy sanctions and how would this fit within the NATO mandate? Given NATO's mandate at political level promotes democratic values and co-operation on defence and security, NATO could look to sanctions to underpin this. The example of Venezuelan sanctions being deployed by numerous countries in response to undemocratic activities could be something that NATO could look to. Therefore, NATO could look to use asset freezes and travel bans on individuals and entities, as well as trade and sectoral measures, to apply pressure and coerce a change in this behaviour. Certainly, adopting measures like these across the NATO Alliance would significantly impact the cost-benefit analysis of sanctioned countries. Likewise, given that NATO's military mandate is to provide peaceful resolutions to disputes and conflict, NATO adopting sanctions in response to conflict would seem like a natural fit. Indeed, arms embargoes and trade measures are amongst the most robust peaceful conflict resolution measures that can be adopted. Sanctions in this area could be used to apply pressure to reach peace agreements and deter further fighting. Finally, the importance placed within the NATO mandate on collective security for Member States is directly relevant to the use of sanctions on countries that threaten this, both directly, as with Russia, or indirectly because of factors such as terrorism or the risk of NATO forces having to be deployed to stabilise a country.

1.8 Conclusion

This paper has argued that there is a role for NATO in using sanctions as a of deterrent for armed conflict, and also to promote democracy. It has also argued that there is a clear role for NATO in both the implementation and enforcement of sanctions, even where these are given effect through other organisations or unilaterally.

The paper started by exploring the changing international landscape, including the challenges being faced on the international stage to both accepted international norms and the rules-based international system. It also explored how these challenges are being heightened by the growth of nationalism and the continuing pressures on world economies. In this increasingly challenging environment, it is becoming more difficult for organisations like the UN to react in unity to emerging crises. An important foreign policy response to such crises is the use of sanctions and, given increasing global crisis, sanctions are increasingly being used. Despite this, sanctions are often not achievable at the UN level given the growing global disunity, which is leaving smaller organisations or countries to pursue sanctions.

The paper has explored what sanctions are, both unilaterally and multilaterally, when they are used and how. How sanctions can be used as a foreign policy deterrent, such as through arms embargoes and asset freezes, has been examined. Case studies examining where sanctions have been used and what the impact has been

have given context.

The paper has concluded by examining the specific role that NATO can play in both using sanctions, and the implementation and enforcement of sanctions. Given the NATO Alliance is made up of 29 countries, plus a number of Partnership Countries, NATO has an ability to have significant impact on sanctions, and could deploy them to significant effect. Deployment of sanctions would allow NATO to maximise and increase its impact in both conflict prevention and resolution, thereby reducing the likelihood of NATO military forces having to be deployed.