

Deterrence and the use of Sanctions

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Changing International Rules-Based System

General Decline in influence of rules



based system

- Growing Nationalism
- Election Interference
- Disinformation Campaigns
- Erosion of globally accepted norms, such as failure to address chemical weapons usage.



Withdrawal of countries from international agreements and treaties

- Withdrawal from Arms Controls Treaties: New Start, Intermediate Nuclear Forces Treaty.
- BREXIT
- Global Compact for Migration
- Global Climate Change Agreement
- JCPoA with Iran

The Trump Administration has used sanctions more than any previous Administration in the US.



What are sanctions and what are they used for?

Sanctions are used principally to alter a person, country or group's behaviour by:

- Coercing
- Constraining
- Signaling



- Sanctions may be used multilaterally by organisations, such as the United Nations and European Union. Regimes like this include the North Korean sanctions regime.
- Or Sanctions may be used unilaterally by specific countries on others, such as US sanctions on Cuba.

The Purposes for which sanctions can be used

Sanctions can be used for a variety of purposes. The most recent complete listings of such purposes can be found in the UK legislation for enacting sanctions post-EU exit.



Sanctions and Anti-Money Laundering Act 2018

CHAPTER 13

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

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.

Can and How have sanctions been used as a Deterrent?

Arms Embargoes

- Targeted measures focused on denying military rated equipment from those under the measures
- Can be specific to just offensive weapons or affect all military related goods



Sectoral Measures

- More comprehensive style of sanctions
- Focus on restricting entire sectors, e.g. mining industry or oil industry
- Designed to maximise the pain to resolve dynamic



Financial Constraints

- Asset freezes on entities, people, and groups to deny funds
 - Asset freezes hamper the ability of those under such measures to continue the behaviour that led to sanctions
- Denial of access to the entire financial sector such as banking – this effectively cuts off the sanctioned party from international trade

Example Case Studies

Iraq 1990's

- Extensive sanctions including trade, sectoral, economic and arms embargoes were deployed against Iraq by the UN in response first to the invasion of Kuwait and, subsequently, both the human rights abuses (including the use of chemical weapons on their own citizens) and the failure to cooperate with organisations such as the IAEA to prove they were not developing WMD.

Sierra Leone/Angola

- Sanctions were deployed in response to civil wars and in both cases a range of measures were used, including sectoral, such as Diamonds, and Arms Embargoes.

Azerbaijan/Armenia and Ethiopia/Eritrea

- Sanctions were deployed in response to ongoing conflict between the neighbouring countries and measures focused in these examples on Arms Embargoes.

Venezuela

- Sanctions have been used unilaterally and by the EU in response to the ongoing human rights abuses in Venezuela and anti-democratic behaviour. In this example a range of asset freezes, sectoral measures and an arms embargo have been utilised.

Russia/Ukraine

- In response to the annexation of Crimea, and the subsequent involvement in the conflict in Eastern Ukraine, sanctions have been put on Russia that range from sectoral measures, to asset freezes and measures against Russia's strategic industries.

Enforcement and Implementation

- Critical to the effectiveness of sanctions is both their implementation and subsequent enforcement.
- Implementation focuses on how countries adopt the relevant legislation to allow for enforcement actions to be taken, and to ensure that violating sanctions has a suitable punishment.
- Enforcement of sanctions is focused more on whether countries have the right capabilities and capacities, whether this be in resources, equipment, or personnel.
 - International cooperation is essential in both the implementation, and especially the enforcement, of sanctions.

So what role for NATO?

- NATO could help its Member States ensure they adopt relevant legislation to enforce international sanctions
- NATO Members could share best practice on the implementation of sanctions
- On Enforcement NATO could play a role coordinating interdiction activity by NATO Members.



What role could NATO play in Sanctions?



- Apart from in the implementation and enforcement of sanctions, NATO could look to make use of sanctions measures itself.

Why NATO?

- Many NATO Member States are strong proponents of the use of sanctions already.
- NATO could act as a force multiplier for sanctions that could not be agreed at UN level

What NATO commitments could be met through Sanctions?

- NATO could use sanctions to promote democratic values
- NATO could also use sanctions as a deterrent for conflict and fulfill its commitment to peaceful resolutions of disputes.

What would NATO sanctions look like?

How might NATO use Sanctions?

- NATO could use sanctions like the OSCE does, by outlining what the sanctions would be and seeking a political commitment from members.
- It could involve more specific and binding language on Members. This may involve changing the NATO mandate.
- A complete overhaul of NATO could allow for it to legally require all Members to create and enforce sanctions.



What would be the focus/Purpose of NATO sanctions?

- Sanctions could be used to further the Security of Members
- NATO sanctions could focus on both immediate neighbourhood threats as well as those further afield, where either a threat may originate or where NATO troops may be deployed.
- NATO sanctions should also be used in thematic circumstances, such as in the case of chemical weapons usage.

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