

ON THE EFFECTIVENESS OF CONTEMPORARY INTERNATIONAL SANCTIONS

The practise of applying punitive measures against an other state(s), has had a long history. The growing global interdependence and intensity of interstate relations and since the XIXth century the growth of international organizations have greatly increased the diversity of punitive measures. In last decades they have included various economic, administrative, communication, diplomatic, sports, cultural, and other kinds of sanctions including the use of force . These measures have been unilateral or reciprocal, imposed by individual states, by groups of states or by international organizations. The sanctions have been officially declared or undeclared, mandatory or voluntary in accordance with international law and rules of international organizations or in their violation.

Since the Second World War the Organization of United Nations (UN) and the European Union (EU) have been among international organizations most active in exercising collective sanctions. As the imposition of UN sanctions require the consent or, at least, non-opposition by the five permanent members of the UN Security Council this requirement has excluded these powers and their close allies or clients from the list of UN targets. Most UN sanctions in the form of embargoes have been applied against African and Asian states. They included arms embargoes, travel bans, asset freezes, commodity bans, transportation and diplomatic restrictions, bans on proliferation of sensitive goods and financial restrictions. There have been several combinations of these measures. In two thirds of the instances four measures have been imposed (arms embargo, travel ban, asset freeze and commodity bans). Among 26 regimes of sanctions imposed by UN since 1966, 13 are still operative. Most UN sanctions are punitive, but some are claimed to have been designed to promote democracy, help governments and regimes working toward peaceful resolution of conflicts or to support nuclear non-proliferation and counter-terrorism.

The European Union has imposed sanctions against 34, mostly African, Asian and Latin American states and against four organizations. With its trade, financial and administrative sanctions EU targeted also several European states and entities - Belarus, Bosnia & Herzegovina, Moldova, Serbia, Montenegro, Ukraine and since 2014 also the Russian Federation, Crimea and the two self-proclaimed Donetsk and Lugansk republics in South-Eastern Ukraine.

The declared justifications for imposing sanctions usually asserted or pretended to be in response to alleged violations of international law by targeted state(s), which endangered peace and security by developing weapons of mass destruction, using prohibited chemical weapons, committing gross violations of human rights against its own population, supporting terrorism, allowing or sponsoring illegal trade in narcotics etc. The international community's responsibility to protect victims has been also stated in several cases.

The most pertinent questions related to international sanctions are centered on their intended and unintended political, economic, social and other consequences in targeted states and in states executors. The declared as well as undeclared objectives of trade, financial, transportation and other related sanctions have been always political. These measures were based on the assumption that their destabilizing economic, social and psychological impact will force the leaders of a targeted state to change their policies in a desired direction or to lose power. The true effectiveness of international sanctions could be thus determined exclusively on the basis of the objectively assessed political impact on policies of a target state or entity in correlation with their declared or suspected undeclared objectives.

Since the Second World War, USA has been the state, which most often imposed unilaterally and/or initiated wider international sanctions against other states. This paper reviews the results of some notable examples of these sanctions in the last six decades.

The validity of the above-stated assumption will be tested on the basis of this review and a conclusion applied to assess the effectiveness of the on-going US unilateral and US – initiated sanctions against the Russian Federation.

US unilateral and US - initiated sanctions against some Latin American, Asian, African and European states

During the last seven-plus decades USA have unilaterally applied punitive measures against 25 African, Asian, Latin American as well as three European states or entities. In addition USA and other Western states have initiated and implemented various sanctions imposed by UN and by several other international organizations against some additional Asian, African and European states.

Northern Korea's experience with US sanctions has been one of the longest. They were introduced already in the early 1950s and later supplemented by UN restrictive trade, financial, travel and other measures. Since 2003 they have included the bans on key Northern Korean exports and imports (including oil and arms), on Northern Koreans' working abroad, travel, financial transactions etc. In 2017 USA expanded their list of sanctions with punitive measures against legal persons or individuals from third countries doing business with Northern Korea. The European Union, Japan and many other countries joined in various degrees the sanctions imposed by the UN Security Council. The US, UN, EU and other sanctions have very seriously harmed Northern Korea's economy and the wellbeing of most of its population. The sanctions' related difficulties did not stop however Northern Korea's impressive advances in developing and testing its nuclear explosives and middle and long-range missiles. Neither the threat of annihilation uttered by US President Donald Trump at the UN General Assembly nor the direct talks between the two leaders have produced the desired outcomes- Northern

Korea's closing its nuclear and missile programs, let alone the downfall of its communist regime.

The first unilateral US sanctions against Iran were imposed soon after the Iranian revolution of 1979. They included an asset freeze in US banks and a total trade embargo. Later the sanctions were lifted but in 1987 reimposed and sharpened. Starting in 2006 the UN Security Council, at a US proposal, introduced new sanctions which included the bans on the supply of nuclear - related materials and technology, on arms embargo, etc. In addition the European Union and some other states imposed restrictions on cooperation with Iran in trade, financial services, energy sectors, insurance and reinsurance of Iran-owned companies etc. These measures were designed to force Iran to comply with its nuclear non-proliferation obligations. The primary and closely related objective of USA (and of Israel) has been to topple the Islamist regime. The imposed international sanctions were supplemented by the US support to the armed Khalk opposition to the Iranian regime operating from Iraq, by Israeli diversions against the Iranian nuclear program and by Israeli bombing attacks on Iranian forces in Syria.

The combination of sanctions has significantly reduced the Iranian GNP and the standard of living of a considerable part of its population, increased smuggling and related corruption. Shortages related to the sanctions caused reportedly several tens thousand premature deaths in Iran. The sanctions also allowed the Islamist regime to blame the United States for the hardships of the Iranian people. The sanctions have relatively strengthened the regime, its repressive apparatus and internal legitimacy. After years of their application the US and UN sanctions have contributed to reaching Iran's agreement with the Western powers and the Russian Federation in October 2015. The agreement limited the scope of Iran's nuclear development under the supervision of the International Atomic Energy Agency in exchange for lifting most sanctions. The decision by President Donald Trump in May 2018 to withdraw from this agreement confirmed the failure of Western sanctions to obtain results desired by Washington.

Iraq became the target of UN sanctions in August 1990 which were proposed by USA in response to Iraq's invasion and occupation of Kuwait. However Iraq was not forced to vacate the occupied neighbouring state by the UN sanctions but by military forces of USA and some willing allies. The UN sanctions were later extended and became related to Iraq's allegedly possessing weapons of mass destruction, to developing ballistic missiles and to supporting terrorism. The UN sanctions included limitations on numerous imports and on oil exports, forced allocation of export proceeds and the sanctions' enforcement by US military forces. The regime of UN sanctions lasted for almost 13 years, was largely discontinued in August 2003 and fully stopped in December 2010. The sanctions badly affected Iraq's economy as well as its social and public health systems. Iraq's *per capita* income dropped by almost ninefold which condemned to poverty and hardship a large part of the Iraqi population. Mass malnutrition and the lack of medicaments caused a large number of premature child deaths. The sanctions however did not weaken and even strengthened the regime's grip on the country. The sanctions greatly decreased Iraq's offensive military strength and its technical capability to develop weapons of mass destruction. However, this alleged capability was used by the US government to justify the invasion of Iraq by US and UK forces in March 2003. Subsequently, the US allegations proved to be fabricated and false. The real US objective was in fact to bring down the Baathist regime who threatened the US strategic interests in the oil - rich Near East. What the UN sanctions could not do was achieved by naked force and by eight years of occupation at a cost of well over 150 thousand, mostly Iraqi human deaths and also of a huge economic cost both to Iraq and USA.

From September 1991 rump Yugoslavia, called the Federal Republic of Yugoslavia (FRY) and consisting of Serbia and Montenegro became subjected to the most comprehensive set of over 140 sanctions ever before imposed by the United Nations. The proposal of the first UNSC Resolution 713 was tabled by USA and by several other

members. A general and complete arms embargo was applied in response to Serbia's clear involvement in endangering peace and security in Croatia, Bosnia & Herzegovina and elsewhere in the region. The following sanctions aimed at thoroughly isolating FRY by imposing an almost complete trade embargo, by cutting off air traffic and all kinds of cooperation, including in sports. The bans were subsequently tightened by prohibiting also the transit of all goods, including petroleum, all commercial maritime traffic, by impounding Yugoslav vessels, aircraft and other transportation means beyond its borders, by imposing NATO and WEU controls along the Adriatic coast and the Danube, by excluding FRY representatives from participating in activities of international organizations etc. The UN sanctions had badly damaged the FRY economy and society. Its GDP dropped to about a third of the 1990 level. The imposed isolation and other bans devastated Yugoslav industries, caused massive food shortages, astronomic hyperinflation and poverty among a good part of population, badly affected social services, greatly increased smuggling and corruption, prompted mass emigration etc. The sanctions however did not stop the Bosnian Serbs' conquests, a civil war, ethnic cleansing and atrocities in Bosnia & Herzegovina. The end of armed hostilities was achieved by US bombing, by related Western coercive measures and by NATO's first "out-of-area" mission IFOR. The package of most UN sanctions was stopped temporarily in October 1996 in order to facilitate the Dayton peace agreement on Bosnia & Herzegovina. However in June 1998 financial sanctions were reimposed by USA while other punitive measures continued in order to force the Serbian regime into stopping the prosecution of Kosovar Albanians and restoring Kosovo's autonomy within FRY. The new non-coercive sanctions and negotiations however clearly failed. The declared objective was achieved thorough a bombing campaign by the air forces of USA and of several other NATO members in March – June 1999, in violation of international law. The campaign caused up to two thousands deaths, also among the civilian population, and additional huge economic damage in Serbia and Kosovo. The one-sided

armed violence was followed by forceful separation of Kosovo from Serbia and two years later by a demise of the Serbian regime under S. Milošević.

The first US and UN sanctions against Libya were applied in 1979. They included trade, financial, travel and other bans and restrictions in response to Libya's program of developing weapons of mass destruction (WMD), supporting terrorism and committing terrorist acts. Accompanied by coercive measures, including bombing attacks, these sanctions contributed to Libya's dismantling its WMD program, stopping terrorist acts and paying compensations for their victims and inflicted damage. In 2003 the UN sanctions were lifted but in February 2011 reintroduced in response to the Libyan regime's violent suppression of political opposition. The new sanctions included a no-fly zone and a naval blockade of the Libyan coast. They did not stop violence by the regime. On March 19, 2011 the US, French and British air forces started a seven-months long bombing campaign using the UN Security Council's authorisation to protect the civilian population in Benghazi. The participating NATO members however exceeded and abused this authorisation by crushing the regime and the fragile Libyan state by October, 2011.

The second longest and continuous unilateral US campaign of sanctions has been waged against Cuba, an island at a short distance from USA and with a US military base Guantanamo on its territory. Since 1958 stringent US embargoes have prohibited all exports to Cuba, except food and medicaments, practically all imports from Cuba and of goods containing Cuban products; doing business in or with Cuba by US citizens and by US-owned companies; all financial transactions in or with Cuba; all maritime shipping and civilian air transportation to Cuba; etc. Violations of these embargos have been punishable by up to 10 years of imprisonment. USA also closed their embassy and consulate in Havana.

The official justification for US embargoes and for other hostile measures cited Cuba's nationalizing US-owned companies without compensation and the allegedly promoting "liberty and democracy" in Cuba. The true objective of US policy has been however a regime change by toppling the Castro communist rule. The US embargoes and numerous other actions have gravely violated international law and the rules of the World Trade Organization. The US embargoes have been many times condemned by the UN General Assembly, criticized and protested against by several other international organizations, including the European Union and the Organization of American States.

The US embargoes and other actions against the Castro regime were combined in April 1961 with the an armed invasion by Cuban exiles which was organized by CIA from the USA territory. During the Cuban missile crisis in October 1962 the island was subjected to a maritime blockade by the US Navy. Moreover, the US authorities have for years tolerated and often supported numerous hostile activities conducted against the Cuban government by Cuban exiles living in USA. These activities included i.a. several terrorist acts and attempts to assassinate Cuba's President Fidel Castro.

During their more than 57 years of application the US embargoes have caused a huge economic damage. Cuba's Institute of Economic Research estimated the damage on Cuba it at over \$28.6 billion while the Cuban government put the figure much higher – at \$753 billion. Cuba's ability to overcome the strong adverse economic effects of US embargoes had been for almost three decades greatly helped by the Soviet Union, to a lesser extent by East European states and later by Venezuela. By 1991 Cuba's total accumulated debt to USSR was estimated at \$35 billion.

The Castro regime proved to be sufficiently resilient to withstand the pressures by the giant neighbour. Moreover the embargo and other hostile US acts evoked anticolonialist ethos, invigorated patriotism among many Cubans and strengthened the legitimacy of the Castro rule. The embargos also allowed the regime to get rid of a good part of

internal political opposition which emigrated to USA and to blame USA for the Cuban population's hardships. In this respect the US embargoes proved to be politically counterproductive.

After half a century of application US President Barack Obama publicly admitted the failure of US sanctions against Cuba to achieve the desired political goals. In 2013 he re-established US diplomatic relations with and personally visited Cuba. Thus the US campaign of anti-Cuban sanctions produced a political fiasco even before its full termination.

Multilateral Western and unilateral US sanctions against Russia and the Soviet Union

The record of various anti-Russian sanctions by Western powers goes back two and a half centuries. In the XIXth century it notably included two outright military interventions and wars on Russian territory. The invasion by France and its allies in 1812 was officially aimed at coercing the Russian Empire into abiding by the regime of anti-British trade bans. These sanctions called the Continental blockade were decreed by Emperor Napoleon in May 1806 in Berlin. In 1855 the invasion of Crimea by French, British, Ottoman and Italian forces was carried out officially in retaliation to the Russian policies on the territory of today's Romania. In the XXth century the Western hostility to Soviet Russia and to the communist-ruled Soviet Union had been expressed i.a. by military interventions on Russian territory by Great Britain, France, USA and Japan (1918-1921) and by numerous economic and other sanctions in the 1920-1930s. Historically the most frequent initiator and executor of anti-Russian actions and sanctions has been Great Britain. Since the beginning of the "Cold War" the primacy in this and other respects has been taken over by USA, always fervently seconded by Great Britain.

In 1948 USA started a new and this time a more than seven decades-long campaign of anti-Soviet and anti—Russian sanctions. They have been based on several laws passed by the US Congress – notably the “Trading with the Enemy Act” (1917), “Export Control Act” (1949), “Battle Act” (1951) and on several executive orders. USA have also used the Coordinating Committee for Multilateral Export Controls (COCOM) to make other Western states follow the US restrictions and bans, primarily in the field of dual-use technologies.

After the dissolution of the Soviet Union USA have continued to apply these measures against the Russian Federation and added several others, such the “Helms-Burton Act” (1996) and the “Magnitsky Act” (2002). Moreover USA have persistently pressured their Western allies to reduce their economic and other cooperation with Russia and particularly the importation of Russian gas. USA initiated the boycott of the Sochi Winter Olympic games and the campaigns to ban all Russian sportsmen from the following two Olympic Games, to expel massively Russian diplomats etc. From spring 2014 the Ukrainian crisis has been exploited by USA to prop up their anti-Russian propaganda campaign and to bring the European Union, other NATO members and several candidates for membership as well as Japan, Southern Korea, Australia and a number of other countries into a confrontation with the Russian Federation. Sanctions by some of these states have been largely symbolic and with no tangible practical effects.

In August 2017 a new law, overwhelmingly adopted by the US Congress for the first time classified the Russian Federation as an adversary state, together with Iran and North Korea. This act imposed numerous additional, mostly financial sanctions, officially in retribution to numerous Russian policies, including those related to Iran, Syria, Moldova, Georgia, to the alleged meddling into the US Presidential campaign of 2016 etc. The annexation of Crimea and the support to insurgents in South Eastern Ukraine were included into this list of alleged Russian sins as secondary items. In

addition, the US federal authorities seized Russian real estate properties in USA and ordered the closure of the Russian Consulate General in San Francisco.

The US Congress thus expanded the arsenal of anti – Russian measures as part of the US global strategy of weakening their political, economic and military competitors. According to Donald Trump the principal “foes” of the United States are today the European Union, China and Russia. This raises the question of the specific US geostrategic objectives related to the Russia Federation. They are or might be: (1) isolating and disciplining Russia and diminishing its influence and role in the world’s affairs; (2) promoting a “colored revolution” in Russia and a regime change in Moscow; (3) forcing Russia to agree to NATO’s further expansion into the ex-Soviet space, including notably to Ukraine and Georgia; (4) the restitution of Crimea to Ukraine; (5) the termination of Moscow’s support to the Donetsk and Lugansk republics and exerting pressure on them to submit themselves to Kiiiv’s rule.

In 2014-2015 a narrower set of sanctions was declared also by the European Union as a measure against the policy of the Russian Federation towards Ukraine, without mentioning Crimea. EU has conditioned its termination with the full implementation of the Minsk 2 agreement on Donbas. Unlike USA the European Union does not officially consider the Russian Federation as its adversary although some members do. The European Union and most of its members have more complex, more balanced as well as considerably less conflictual bilateral relations with the Russian Federation. These EU-Russian cooperative relations include a far greater share and volume of trade, making on the Russia’s side around 48% of the total. More or less the same is true of direct foreign investments and energy imports from Russia. The war of sanctions has very unevenly impacted on the EU member states. The most negatively affected were the EU members bordering on Russia (Finland, Estonia, Latvia, Lithuania, Poland), plus the Czech Republic and Slovakia with the drops of their total exports between 7.1 and 12.7 %. The

drop of total German exports has been however by far the biggest in value. Due to these facts the war of sanctions with the Russian Federation has affected the European Union and some of its member states more or much more negatively than it affected USA whose trade with Russia in 2015 constituted only 0,63% of the US total.

The Western sanctions have negatively affected also the Russian economy. In 2013-2017 they contributed in value to a 32,7% drop of exports and a 27,9% drop of imports as well as to a notable decrease of the ruble exchange rates. However the application of unilateral US and wider Western economic and financial sanctions has since 2014 largely coincided with a drop of world oil and gas prices. For this reason it is very difficult to disengage analytically the negative impact of these two parallel developments on the Russian economy. One approximate calculation attributed to the Western sanctions a 0,5% decrease of the Russian GNP growth rate.

On the other hand, the combination of Western sanctions with Russian countermeasures has produced on the Russian side some consequences inconsistent with the US objectives. Russia has diversified its trade in the direction of Asian, Latin American and also some European (also EU) markets and considerably increased its self-sufficiency and exports of agricultural and also some other products. By 2018 Russia became the world's biggest exporter of grains and has also retained its position as the world's biggest exporter of energy. In spite of US pressures it not only preserved its position as the single biggest supplier of gas to EU members but since 2014 considerably increased the volume of its deliveries. After the critical year 2016 the negative economic impact of Western sanctions has notably slackened while the reorientation of Russian economic policies and adjustments in Russia's economy have produced some positive economic effects. These developments reduced or removed altogether conceivable incentives to possibly making any political concessions to the West in exchange for lifting the sanctions.

Conclusion

The presented above review of some notable US unilateral and of US - initiated economic and other non-coercive sanctions against small and middle-size states has shown their very low effectiveness in bringing desired political results. These sanctions caused a very considerable to huge economic, social and humanitarian damage on the targeted countries, in some cases in violation of the Universal Declaration of Human Rights and of the UN Charter for Economic, Social and Cultural Rights. However the non-coercive sanctions largely or fully failed to achieve their political objectives in Northern Korea, Cuba, Iran, Iraq and Federal republic of Yugoslavia. In four cases the sanctions were accompanied or followed by US unilateral or by collective Western interventions which militarily succeeded thrice (in Iraq, FR of Yugoslavia and Libya) and failed once (Cuba). To the list of politically failed sanctions one could add Syria and, so far, also Venezuela.

A similar conclusion was drawn from a study on the effectiveness of the UN sanctions against 65 African and Asian states. It showed that in order to achieve their declared political objectives, at least, three kinds of instruments should be used simultaneously, including notably threats or the use of force. With this provision only eight out of 65 regimes of UN sanctions were assessed as politically effective. They were applied exclusively against weak and mostly small states, which were highly dependent on importation of food and/or fuel, did not enjoy outside support and were transportation-wise isolated.

It is more than obvious that Russia today is a radically different target of sanctions from the other targeted states mentioned above. Unlike on Crimea in 1855 raising the level of punitive Western measures to the use of military force against a nuclear superpower would be a sheer madness. This theoretical possibility could be thus excluded on rational grounds although some US strategic plans very probably contain also this option. A threat of using military force against Russia would be also utterly senseless. The

application of US and wider Western sanctions will have thus to remain limited to non-coercive measures which have much less negatively affected Russia than the other targeted countries mentioned earlier.

It is highly improbable that the US unilateral sanctions will ever achieve any of their political objectives stated above. It is also clear that no kind and no intensity of any Western sanctions will ever return Crimea to Ukraine. Moreover, Ukraine's territory still remaining under the Kiiv government's control includes parts of former territories of Poland, Czechoslovakia, Romania and Moldova illegitimately annexed in 1940-1947, unlike Crimea in 2014. The continued application of anti-Russian economic sanctions by the European Union (unlike by USA) has been irrational. The sanctions not only do not contribute to achieving the political objective declared by the European Union – the implementation of the Minsk 2 agreement on Donbas. They make less achievable a peaceful resolution of the internal Ukrainian conflict by encouraging the Kiiv authorities under P. Poroshenko to sabotage the Minsk 2. The continuation of the internal Ukrainian and of the Ukrainian -Russian conflicts is in the rational geopolitical interest of the United States but certainly is not in the interest of the European Union. In combination with the Russian counter-measures the EU sanctions have caused a notable damage to the economies of a dozen EU members without bringing any political gains. In addition they produced some side effects in Russia, in Ukraine and elsewhere contrary to those intended or desired by the West.

So it is safe to expect that the US unilateral and US – initiated campaigns of anti-Russian sanctions will prove to be politically ineffective.

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