

Hitting the Target?

Effectiveness of UN Sanctions

INTERVIEW WITH THOMAS BIERSTEKER BY AUREL NIEDERBERGER

International sanctions have become the instrument of choice for policy-makers dealing with a variety of different challenges to international peace and security. In this interview, Thomas Biersteker talks about the political and economic impact of these measures and their unintended consequences.

IWMpost: The sanctions imposed against Iraq by the UN Security Council in 1990 were responsible for massive human suffering and the rise of ISIS. Today, the UN is again imposing sanctions. Have any lessons been learned?

Thomas Biersteker: The most dramatic difference is that today all sanctions are targeted in some form. This is the result of the unacceptably high humanitarian consequences of the comprehensive sanctions against Iraq in the 1990s, which blocked all trade. They were relatively easy to implement, but punished the entire Iraqi population for the behavior of its leadership. The sanctions also actually strengthened Saddam Hussein. It is important to keep this in mind when beginning to impose new sanctions on roughly the same scale. Comprehensive sanctions impose a set of economic constraints and cause scarcity; authoritarian leaders will decide how the costs are borne domestically. Saddam Hussein strengthened his core supporters in the Sunni heartlands, while the burden of sanctions disproportionately affected the Shia population in Basra. So, the comprehensive sanctions against Iraq had unacceptably high humanitarian consequences and benefitted the regime in a perverse sense. And then there is the normative critique: why should a population pay for the policies of a leadership that they probably cannot influence? To cut a long story short: after Iraq, the UN started applying targeted sanctions only.

IWMpost: How are sanctions targeted today?

Biersteker: They can be targeted at individuals or at corporate entities like firms, political parties, or factions in control of government. They can also be targeted against activities like arms imports or diplomacy. Or they can be targeted at particular sectors of the economy: for example, one that is contributing disproportionately to the resources that fuel the conflict, such as diamonds in Angola or charcoal in Somalia. While sanctions on these sectors still have negative consequences for people working in them and sometimes on a region, they do not affect the entire economy. There are also territorial sanctions, for instance on areas under ISIS control, or on the eastern provinces of the Democratic Republic of the Congo. Most targeted sanctions regimes involve a combination of arms restrictions

and financial sanctions against individuals or corporate entities, including the freezing bank accounts and an interdiction on funds being submitted to the targeted entities. The third common ingredient are travel bans on targeted individuals, meaning that states have to make sure that those persons do not leave their current country of

residence. It is not just UN sanctions that are targeted, but all EU and US sanctions imposed since 2000. The African Union (AU), another important source of sanctions, also imposes targeted measures.

IWMpost: There are many conflicts and security threats in the world. Which become subject to UN sanctions and who pushes for that?

Biersteker: Most UN sanctions are focused on armed conflict. But the UN also imposes sanctions on states that support terrorism and, more recently, on non-state armed groups engaged in acts of terrorism. In 2006, the UN began to impose sanctions in support of the Treaty on the Non-Proliferation of Nuclear Weapons. About 60% of UN sanctions concern armed conflict, 10% terrorism, 10% nuclear proliferation, and 10% support for transitional governments or for opposition to non-constitutional change of government. The rest is R2P (Responsibility to Protect) and other purposes.

Typically, the UN only imposes sanctions after a regional organization requests its intervention. The Organization of American States

(OAS) preceded the UN in Haiti, the Arab League in Libya in 2011, and the AU and African regional organizations in many of the African conflicts. Once it gets to the UN, there is another ques-

tion: to the conflict have different stakes. Targeted measures are therefore the product of political negotiations and calculations by member states, particularly the permanent members of the UN Security Council.

IWMpost: Are sanctions effective? North Korea continues with its nuclear program and conflicts persist in numerous

sending a strong signal about the annexation of the territory of another sovereign state.

Second, we need to bear in mind that sanctions are applied to the most intractable conflicts in the world. We shouldn't expect that sanctions are suddenly going to be effective, because we're dealing with cases where everything else has failed. Our research on the efficacy of UN Sanctions shows that when it comes to changing behavior, they are only successful about 10% of the time. But when it comes to constraining actors, sending an effective signal or stigmatizing an actor in a community, the success rate is up to 28%.

IWMpost: If I end up on a sanctions list of the UN Security Council, how do I learn of it and what can I do?

Biersteker: It depends on what list you're on. If you're "lucky" enough to be on the counter-terrorism list, then you can go directly to an ombudsperson and request that your case be investigated and discussed. You may present evidence, and even if the evidence doesn't prove your innocence before you were listed, it can be taken into consideration if it proves that you have changed your behavior since. The Ombudsperson then can take up your case. Up to now, the Security Council has accepted every single one of the Ombudspersons' recommendations for delisting. For all other sanctions regimes, you have no direct channels of communication through which to appeal your case. Since you cannot go to the Security Council, you would send your protest to a so-called 'focal point' in the secretariat. The focal point will send your dossier on to the Sanctions Committee, which will then decide whether or not it wishes to take up your case. <



African countries, despite their being subject to sanctions for more than a decade.

tion: who is taking the lead in writing the resolution? In African conflicts, it will be the former colonial power, typically the British or French. But overall, about 56% of the resolutions are drafted by the US. The French are the second most frequent author, and the British the third.

IWMpost: Can a single tool really be applied to such different situations?

Biersteker: In theory, sanctions are used because you can tailor them to the particular conflict and your goals with regard to it. In theory, the UN analyzes the situation on the ground and designs a set of targeted measures. There is a large menu: in our *SanctionsApp* (see below), we have identified 76 different types of sanctions applied by the UN over the past 26 years. But in practice, decision-making involves a number of different states that often have very different interests. Different parties

multiple purposes that we need to separate out before we ask whether they work. Most of the discourse is focused on whether sanctions force a change of behavior in the target. Will North Korea give up its nuclear program? Will Muammar Qaddafi stop attacking his own population? However, goals like this are not the only purpose. Many sanctions simultaneously attempt to do two other things: first, to constrain an actor from engaging in some proscribed activity by raising the costs of that activity; second—and this is under-appreciated—to send signals. Historically, sanctions have tended to be dismissed as merely symbolic gestures of concern. But sending normative signals is more than just a gesture, since when you apply sanctions you're not only affecting the target but also your own commercial interests. This is most apparent with the EU sanctions on Russia after its annexation of Crimea. These are very costly measures that, I would argue, are largely understood to be

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