

DESIGNING UNITED NATIONS TARGETED SANCTIONS

INITIAL FINDINGS OF THE TARGETED SANCTIONS CONSORTIUM (TSC)
EVALUATING IMPACTS AND EFFECTIVENESS OF UN TARGETED SANCTIONS

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TARGETED
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This guide was prepared for discussion at a meeting at the Canadian Mission to the United Nations in New York on 27 April 2012. The results are necessarily preliminary, as analysis of the database upon which it is based has only begun. The objective of the TSC has been to develop a sound empirical basis for evaluating the impacts and effectiveness of UN targeted sanctions, and from which practical tools for sanctions policymakers may be derived. For more information on TSC, please visit the website:

http://graduateinstitute.ch/internationalgovernance/UN_Targeted_Sanctions.html

The commentary and analysis presented in this guide represent the views of the authors, and are not endorsed by any government. While it is based upon the research of a group of more than forty scholars and practitioners (listed in Appendix A), the conclusions are our own, and any errors or omissions remain our responsibility.

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Executive Summary

Targeted sanctions are increasingly utilized by the United Nations to address the range of threats to international peace and security, yet in twenty years of experience, there has been no comprehensive study of their impacts and effectiveness. The Targeted Sanction Consortium (TSC) was formed to analyze systematically UN targeted sanctions and to develop a sound empirical basis upon which practical tools useful to sanctions policymakers may be derived. Comprised of more than forty scholars and policy practitioners from around the world, the TSC is organized into sixteen research teams studying major UN sanctions regimes.

TSC conceptual innovations include evaluating sanctions by: (1) episodes within broader country cases which allows detailed analysis of changes in types and purposes of targeted sanctions over time (resulting in a TSC quantitative database of 56 case episodes for comparative analysis, with more than 280 variables for each, as well as qualitative summaries of each case); (2) multiple and differing purposes of targeted sanctions - to coerce (change behavior), constrain (access to critical goods/funds, raising costs and forcing changes in strategy), and signal/stigmatize targets (in support of international norms).

Based on a preliminary analysis of the TSC database, initial findings include that UN targeted sanctions are:

- are effective, in the aggregate, about one-third (or 31%) of the time.
- multi-purposed (to coerce or change a target's behavior; to constrain a target from engaging in a proscribed activity; or to signal and stigmatize a target about the violation of an international norm) with each sanctions episode signaling one or more international norms.
- more effective in signaling or constraining a target than they are in coercing a change of behavior (effective in coercing only 13% of the time; in constraining activities more than three times as frequently, or 42%; signaling targets, 43%). It is important to differentiate between the different purposes of sanctions to assess effectiveness.
- unique and complex, with each regime reflecting differing contexts; previous experiences are not necessarily predictive of future events.
- always combined with other measures and never applied in isolation. They must be evaluated and integrated within an overall approach to international peace and security challenges.
- enhanced by regional groups, with regional sanctions typically preceding effective UN measures and complemented by UN action.

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In addition,

- UN sanctions consist of a variety of types; arms embargos, while most frequently imposed, are among the least effective sanctions when not complemented with individual or commodity sanctions. Commodity sanctions (diamond trade sanctions in particular) appear to be highly effective.
- Targeting is important, and the list of targets should reflect the purposes of the sanctions. Too many, too few, or the wrong targets undermine the credibility of the measures.
- Sequencing and timing matters.
- Important institutional learning within the UN has occurred over time.
- Coordination within the UN system remains a problem and undermines sanctions' effectiveness.
- Secondary sanctions, although applied relatively infrequently, appear to be highly effective.
- UN sanctions remain largely targeted (with the exception of sanctions on Libya since 2011) but broader unilateral and regional sanctions – while often complementary with UN measures – can be confusing, complicated to implement, and potentially weaken UN sanctions.
- Evasion, even of relatively effective measures, still takes place through commonly employed methods including the diversion of trade through third countries and front companies, use of black market contractors, safe havens, and alternative value sources, re-flagging or disguising of vessels, and stockpiling of supplies, diversification of funds and investment, and reliance on family members.
- Unintended consequences result even from targeted sanctions, including increases in corruption and criminality, strengthening of authoritarian rule, burdens on neighboring states, strengthening of political factions, resource diversion, and humanitarian impacts. An unintended consequence of ineffective efforts to constrain is the impact they can have on the credibility of the UN itself (which appears to some to be over-use of sanctions for ineffective purposes).
- Enhanced enforcement and implementation of UN sanctions through new inspection and seizure measures have had an important impact in constraining targets' access to prohibited items.

Introduction

UN Security Council sanctions are political tools employed to address intractable challenges to international peace and security. By the time the Security Council acts, the situation is frequently dire and deteriorating, with violence having occurred or security threats imminent. The international community has a range of options, from diplomatic pressure to referral to legal tribunals to variations of the use of force. UN sanctions, however, are frequently *the* tool of choice because military intervention is not feasible and diplomatic efforts may be insufficient.

Targeted sanctions have been increasingly utilized by the United Nations (UN) to address the range of threats to international peace and security – to counter terrorism, prevent conflict, consolidate peace agreements, protect human rights and civilians, promote democracy and resource governance, and limit the proliferation of weapons of mass destruction. They are designed deliberately to be different from comprehensive sanctions by focusing measures on leaders, decision-makers, and their principal supporters, rather than on the general population or by targeting a single sector, rather than an entire economy. In this way, targeted sanctions can lessen the negative humanitarian impacts on innocent civilians. They are more adaptable than comprehensive sanctions and can be calibrated to influence targets with a logic that differs from comprehensive sanctions. All UN sanctions imposed since 1994 have been targeted (see *UN Targeted Sanctions Cases* at the end of this document).

Despite these changes, much of the scholarly and public debate continues to consider targeted and comprehensive sanctions as if they were the same. Although the UN has twenty years of experience with targeted sanctions, to date there has been no major comprehensive study of their impacts and effectiveness. For this reason, the *Targeted Sanctions Consortium (TSC)* was formed to conduct a systematic, comprehensive, multi-year, multi-national study of the impacts and effectiveness of UN targeted sanctions.

Following consultations with relevant stakeholders and drawing on the expertise of a growing number of scholars and practitioners worldwide, the TSC project began in 2009 with a Swiss-sponsored international workshop to review the state of knowledge about targeted sanctions and to develop a common framework for analysis.¹ The inclusion of policymakers in the design of the research from the outset ensured a concerted focus on understanding how targeted sanctions have operated in practice and could be made more effective.

During the research phase, sixteen different research teams located in Africa, Asia, Europe, and North America, comprised of both scholars and former practitioners engaged in original research, utilizing a common research framework for analyses of major UN targeted sanctions regimes: Al Qaeda/Taliban, Angola, Côte d'Ivoire, Democratic People's Republic of Korea (DPRK), Democratic Republic of the Congo

¹ A list of scholars and policymakers participating in the TSC is included in the appendix.

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(DRC), Former Republic of Yugoslavia (FRY), Haiti, Iran, Liberia, Libya I (1992-2003), Libya II (since 2011), Sierra Leone, Somalia, Sudan I (1996-2001), and Sudan II (since 2004).² Support for the TSC research was provided by the Governments of Canada, Switzerland, and the United Kingdom.

The complex and rich case study material received from the TSC research teams has been consolidated and harmonized into qualitative executive summaries of each sanctions regime, and systematized in a quantitative database. Initial coding for all sixteen UN sanctions regimes has been completed and finalization of the database is in process. Based on a preliminary assessment of the impacts and effectiveness of UN targeted sanctions, this document constitutes an early and first stage of the comparative analysis of the data as of April 2012. Further refinement and analysis of the TSC dataset will be available in mid-2012.

Distinctive Aspects

Previous scholarly efforts to construct databases to evaluate the effectiveness of sanctions have analyzed targeted sanctions in the aggregate, together with comprehensive sanctions and unilateral measures. Similarly, there has been no systematic analysis of UN sanctions, as distinct from national and regional sanctions. Building on these unique aspects, the TSC research includes two additional distinctive conceptual innovations.

The unit of analysis is a case episode (defined by the combination of targeted sanctions in place and/or the principal purpose of the sanctions), rather than by country sanctions regime, some of which has been in existence for twenty years. This allows a more detailed assessment of changes in types and purposes of targeted sanctions over time. As a result, the TSC quantitative database includes a total of 56 case episodes for comparative analysis, with more than 280 variables for each.

Assessment of sanctions effectiveness is evaluated in terms of the multiple and differing purposes of targeted sanctions, to:

- **coerce** or change behavior,
- **constrain** proscribed activities (or access to essential resources such as funds, arms, sensitive goods, thereby raising costs and forcing changes in strategy), and
- **signal/stigmatize** targets (about international norms).

The inclusion of practitioners in TSC from the outset also represents a novel approach to ensure a policy-relevant focus of the project.

² UN targeted sanctions against Eritrea/Ethiopia, Iraq, Lebanon, and Rwanda were excluded from the study for a variety of reasons, including in some instances, their limited scope, in others, the difficulty of conducting fieldwork, and more generally because of the limited funds available for research. Targeted sanctions on Guinea-Bissau were imposed after the end of this phase of the project. They could be added in the future.

Objectives and limitations

From the outset, one objective of the TSC has been to develop a sound empirical basis upon which practical tools useful to sanctions policymakers may be derived. In this regard, this guide is the first in an anticipated series of policy-oriented products based on TSC research.³

This original iteration, *Designing UN Targeted Sanctions*, is necessarily preliminary, as analysis of the database has just begun and continues, but it is important to acknowledge from the outset the inherent limitations of the TSC database and approach.

In simplest terms, each UN sanctions case is unique with incomparably complex dynamics. No two sanctions regimes are the same, and by definition, each episode is inimitable. The distinctive complexity of each, combined with the relatively small sample size for some categories, makes generalizations difficult. Thus, there are risks in over-generalizing from such distinctive and unique cases. Moreover, UN sanctions are always combined with other measures and never applied in isolation (in all 56 TSC episodes). Isolating the contribution of UN sanctions to the policy outcome is the most difficult analytical aspect of the exercise. While we have attempted to be methodologically consistent in our approach, ultimately databases represent thousands of semi-subjective judgments made by researchers.

Likewise, it is important to state what this document and related findings are not. It is not a “how to guarantee effective UN sanctions.” There is no magic formula by which just the right mix of instruments under certain conditions produces the desired policy outcome. There is no silver bullet for the design and implementation of targeted sanctions.

The preliminary findings contained in this discussion paper, while by no means definitive, hopefully will be useful in better understanding when UN targeted sanctions have been effectual, and how to design such measures to maximize effectiveness. Comments and feedback are welcomed.

³Additional potential initiatives include developing and keeping current a practitioner-accessible database, new tools to assist policymakers to more effectively design, implement, and enforce UN sanctions (including development of a sanctions design instrument -iPhone and/or iPad application- with links to relevant operative paragraphs of UNSCRs), detailed “lessons learned” analysis, and outreach to inform public debate, engage relevant policy communities, and establish a dialogue on UN sanctions around TSC research.

SECTION ONE: Thinking about UN Targeted Sanctions

The dominant public discourse concerning sanctions – typically around the question, “do sanctions work?” – ensues each time the Security Council considers responding to an international crisis by imposing sanctions. Irrespective of the particular case debated, most often, this question entails important assumptions about what sanctions are, and what they are intended to achieve.

To evaluate the impacts and effectiveness of UN targeted sanctions, the TSC project developed an analytical framework that considers the complexities of designing and implementing sanctions.

Sanctions Episodes

Sanctions regimes transform over time. For example, UN sanctions on Somalia have been in place for over 20 years, but their intent was very different when first imposed in January 1992 from what they seek to achieve today. During this period, the fundamental purpose of the regime has changed, the context is significantly different, and even the initial targets are no longer relevant. If one thinks about sanctions country-cases as a single unit, it is impossible to grasp analytically all of the nuances and variations in any regime over time.

For this reason, this analysis breaks down the broader sanctions country-cases into different *episodes* – periods in which the sanctions regime remains stable in terms of purposes, targets, and context.⁴ This way, it is possible to evaluate more accurately the measures taken by the Security Council in order to achieve its different purposes over time.

Purposes

In broad terms, sanctions can have three principally and fundamentally different purposes: to *coerce* or change a target’s behavior; to *constrain* a target from engaging in a proscribed activity; or to *signal* and stigmatize a target or others about the violation of an international norm.⁵ Although these purposes most often coexist within a sanctions regime and its different episodes, awareness of their distinct aspects is important in the design and evaluation of targeted sanctions.

Sanctions that attempt *coercion* seek to make targets fulfill (in part or completely) the specific demands made in a UN Security Council Resolution. *Constraining* sanctions attempt to deny access to essential resources needed to engage in a proscribed activity (e.g. financing, technical knowledge, material), delaying or

⁴ Eriksson, Mikael. (2011). *Targeting Peace: Understanding UN and EU Sanctions*, Farnham, UK: Ashgate.

⁵ Building upon, but adapting the typology proposed by Francesco Giumelli, (2011) *Coercing, Constraining and Signalling: Explaining and Understanding International Sanctions after the End of the Cold War*. Colchester, UK: ECPR Press.

raising its costs. *Signaling* and stigmatizing occurs when the deviation from an international norm is clearly articulated and acknowledged by the Security Council and the broader international community. These purposes may be directed simultaneously to more than one target, aiming for example at a rebel faction, as well as its key supporters and domestic constituencies in sanctions sending states.

This multidimensional approach challenges the traditional conception of sanctions, which emphasizes coercion as the *primary* and often sole purpose of the measures. Specifically, it counters what is known as the “naïve theory of sanctions,”⁶ the idea that increased economic pressure imposed on a country by sanctions will result in sufficient pressure on political leaders to change policy (the greater the economic pain, the more likely the political gain).

Objectives

Targeted sanctions are used to resolve a wide variety of problems facing the international community. From demanding the extradition of criminal suspects to the support of regional peace-making efforts, to countering WMD proliferation or terrorism, sanctions are frequently *the* tool of choice. For this reason, it is useful to categorize and group sanctions regimes based on the general objective they primarily seek to achieve.

To date, slightly more than half (55%) of the UN targeted sanction regimes have sought to address problems of armed conflict. Demanding that parties to a conflict cease hostilities, engage in the negotiation of a settlement, enforce a peace agreement, or respect human rights are frequent elements of sanctions cases. Countering terrorism has also been a common objective of UN targeted sanctions, at least since 1992 – accounting for 18% of the analyzed cases. Supporting democracy through the restoration of an elected government similarly represents a goal in about 12% of our cases, through the entire regime in Haiti in the early 1990s, as well as in specific episodes in Sierra Leone and Côte d’Ivoire.

More recently, since 2006, UN sanctions have been used to halt nuclear proliferation activities. These sanctions, targeted at Iran and the Democratic People’s Republic of Korea (DPRK), constitute about 11% of the entire set. Finally, in 2011 a sanctions regime was created to protect civilians from abuses from their own government, in Libya (justified in terms of the responsibility to protect). To date, this was the only regime to be imposed on these grounds, accounting for less than 4% of our sample.

Other objectives have also been included as part of the rationale for the imposition of UN targeted sanctions. Specifically, human rights concerns are routinely invoked, and occasionally, the provision of humanitarian relief, and the establishment of resource management have also been included in resolutions as a rationale for sanctions regimes.

⁶ Johan Galtung (1967), “On the Effects of International Economic Sanctions: With Examples from the Case of Rhodesia” *World Politics* 19(3): 378-416,

International Norms

Norms are central to the understanding of sanctions regimes. Because the affirmation of an international norm is embedded in the *signaling* aspect of every episode, sanctions function as a central mechanism for the strengthening and/or negotiation of international norms. This means that debates on the establishment of sanctions regimes are often entangled with political attempts to establish and/or refute norm-precedents in different domains.

This has had, in the past, substantial political consequences. Inside the Security Council, negotiation over the normative aspects of the objective of sanctions has at times damaged the optimal design of sanctions regimes. Elsewhere, because the legitimacy of sanctions as a tool is often associated with the legitimacy of the norm it seeks to enforce, the appetite for implementation has been affected by the conflation of these two distinct elements.

Of the 56 sanctions episodes in the TSC database, all of them signal specific international norms. While the primary norms signaled tend to be directly associated with the respective objective of each sanction regime (e.g. prohibition of armed conflict, nuclear non-proliferation, responsibility to protect), other norms such as the prohibition of the use of child soldiers, sexual and gender based violence and even the established authority of regional organizations are also often signaled. As discussed, the establishment of these norms has important consequences not only to the specific case in question but as well to the establishment of political and legal precedents in international society.

Types of Targeted Sanctions

In broad terms targeted sanctions can be categorized in six different types. *Individual/Entity Sanctions* (most often asset freezes and travel bans) are applied to individuals and corporate entities (companies or political parties). *Diplomatic Sanctions* are restrictions on the diplomatic activity of a government, and refer to measures like the limitation of accredited personnel, travel, and general suspensions from inter-governmental organizations. *Arms Embargoes*, the most commonly applied UN sanction, include the general or limited suspension of international arms or proliferation-related dual-use goods to a specific country or region. *Commodity Sanctions* limit trade in specific products coming from the targeted country or region, most often applied to valuable natural resources such as diamonds or timber. Sanctions to the *Transportation* sector refer to the prohibition of international transit of carriers (naval, aerial) coming from the targeted state. Targeted sanctions may also be applied to *Core Economic Sectors*, which have a broader impact on the economy. These include financial sanctions (e.g. investment ban, limitations of banking services) and oil embargoes.

It is useful to think about these types of sanctions in terms of a continuum, with one side being the most “targeted” sanctions and on the other the most “comprehensive” ones. The variation from one side to the other of the continuum is based on how discriminating the measure is. For instance, although both are sectoral sanctions, an oil embargo affects the entire population of a country

considerably more than, for example, an arms embargo or diplomatic sanctions. This makes oil embargos more “comprehensive” in the continuum.⁷

Types of Targeted Sanctions: Degrees of Discrimination (or “comprehensiveness”)

Individual/Entity Targeted sanctions (e.g. travel ban, assets freeze; most discriminating)

Diplomatic sanctions (only one sector of government directly affected)

Arms embargoes or proliferation-related goods (largely limited impact on fighting forces)

Commodity sanctions other than oil (e.g. diamonds, timber, cocoa) tend to affect some regions disproportionately

Transportation sanctions (e.g. aviation or shipping ban; can affect much of a population)

Core economic sector sanctions (e.g. Oil and Financial Sector sanctions; affect the broader population and therefore are the least discriminating of targeted sanctions)

Comprehensive sanctions (non-discriminating)

Unintended Consequences

Unintended consequences are a critical aspect to consider when thinking about targeted sanctions. Although targeted sanctions do not have the same degree of unintended impact as comprehensive sanctions, it would be mistaken to assume that they do not bring about important unintended consequences, both negative, and sometimes positive.

Among the many possible unintended consequences considered in this study, the increase in corruption and criminality was the one most frequently observed (62%). The strengthening of authoritarian rule in the target (53%) and the diversion of resources (41%) were also frequently highlighted. Negative humanitarian consequences of sanctions, a frequent subject of debate, were observed in 39% of the episodes studied. Also importantly, the legitimacy and authority of the Security Council was harmed in almost one third of the cases (31%).

It is important to note that while many unintended consequences are avoidable, some are not and should be considered in the “costs” of the tool. Of course, as will

⁷ It should be noted that many of these targeted measures have collateral or unintended consequences on other sectors. Diplomatic sanctions may embarrass elites, arms embargoes may weaken police and security services more generally, while commodity sanctions may cast a shadow over entire industries.

be further discussed, awareness of the potential unintended consequences during the design of sanctions may help in the selection of the most appropriate measures, as well as in the development of strategies to mitigate their broader side-effects.

Relationship to Other Policy Instruments

Sanctions do not exist in isolation. No UN targeted measures were ever put in place without the presence of other policy instruments seeking to achieve similar or related objectives. Concomitant diplomatic negotiations occurred more than 90% of the time, and peacekeeping forces, many authorized by the UN, are on the ground in 59% of the episodes. Some military force (i.e. limited strikes and operations, robust military force, no-fly zones or naval blockades) was used 55% of the time and legal tribunals were present in 46% of the cases.

In 82% of the cases, UN sanctions were preceded or supplemented by other sanctions, most often in the form of regional (AU, ECOWAS, EU) or unilateral measures. Often resulting from a request of a regional body that has already imposed individual sanctions (travel or assets freeze) on targets, UN measures complement preexisting sanctions. More recently, however, UN sanctions resolutions have provided a basis for more extensive coordinated multilateral and unilateral sanctions (against Iran and DPRK) which have created controversy within the Council and some confusion in terms of implementation.

Thus, UN sanctions are better understood if seen in the context of these other contemporaneous policy instruments. Because these efforts are inherently interconnected, the planning, implementation and evaluation of targeted sanctions should be considered in terms of what they provide to, and benefit from, other initiatives taking place in the region. Specifically, while targeted sanctions may be a particularly useful tool for the UNSC to resolve difficult issues, they are also important if used to support and reinforce other (often regional) initiatives.

Every Sanctions Regime is Unique

Although comparing sanctions regimes and their episodes is a very useful way to understand their workings systematically, it is important to remember that every sanctions regime is unique. Each of them is inserted in a very specific historical, geographical and political context, with their own complexities and objectives. Previous experiences should not be seen as inherently predictive or precise roadmaps for future efforts.

SECTION TWO: Evaluating the Effectiveness of UN Targeted Sanctions

Most large scale comparative studies of the effectiveness of sanctions (which lump targeted sanctions together with comprehensive sanctions and unilateral measures) conclude that sanctions are effective or “work” about one-third of the time⁸ Our analysis of 56 episodes of UN targeted sanctions over the past 20 years indicates that sanctions are effective in coercing, constraining or signaling a target about 31% of the time.⁹ We gauge effectiveness in terms of the 5-point scale described in Appendix B and only consider UN measures effective when the policy outcome is evaluated as a 4 or 5 on a scale of 1 to 5 and the UN sanctions contribution is at least a 3, reinforcing other measures, on a scale of 0-5.

The pattern is more interesting and informative, however, when the analysis is broken down into the different purposes of sanctions (i.e. to *coerce* a change in behavior, *constrain* the activities of a target, or send a powerful *signal*). Here we find that targeted sanctions are much more effective in signaling or constraining a target than they are in coercing a change in target behavior. They are effective in coercing a change in behavior only 13% of the time. By contrast, they are effective in constraining target behavior (increasing costs and inducing changes in strategy) more than three times as frequently, or 42% of the time. They are even more effective in sending signals to target audiences, which they do 43% of the time. Table 2.1 displays the frequency distribution and associated percentages of each category of purpose of targeted sanctions.

Table 2.1 Effectiveness distribution

	Effective	Mixed	Not Effective
Coerce	13%	26%	62%
Constrain	42%	15%	43%
Signal	43%	32%	25%

To illustrate this point more graphically and link it specifically to the 56 cases in the study, Table 2.2 on the following page displays those cases identified as effective and as ineffective for each of the three purposes. Those characterized as having mixed results were omitted from the analysis for the time being, but future analyses will likely lead to further insights.

⁸ Gary Hufbauer, Jeffrey Schott, Kimberly Elliott and Barbara Oegg, (2007) *Economic Sanctions Reconsidered*, 3rd Edition, Washington, DC: Peterson Institute for International Economics. See also, Clifton Morgan, Navin Bapat, and Valentina Krustev (2008) “The Threat and Imposition of Economic Sanctions, 1971-2000” *Conflict Management and Peace Science* 28(1): 92-110.

⁹ This is calculated on the following basis: a total of 52 case episodes have been evaluated as effective (6 in coercing, 22 in constraining, and 24 in signalling) out of a total of 168 possible (56 case episodes times 3 purposes = 168). $52/168 = 30.952\%$.

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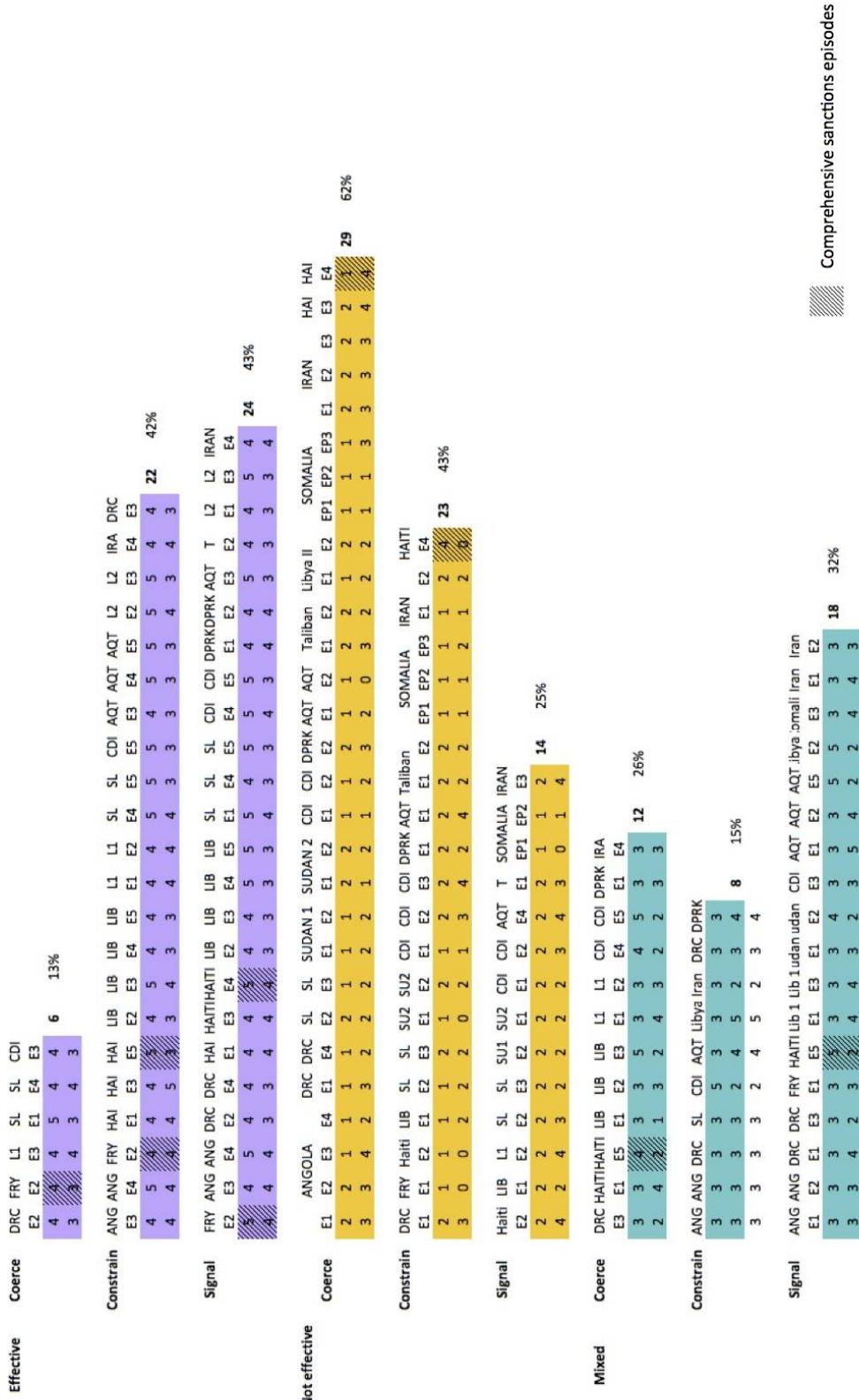
Table 2.2 identifies in abbreviated form each of the episodes characterized as effective or ineffective and illustrates the striking variation among the different purposes. Out of a sample of 56 cases, the lowest number (only 6) of those evaluated as effective and the highest number (29) of those considered ineffective were attempting to coerce a change in behavior. A similar inverse pattern is observed in the other categories.

Thus, when thinking and talking about the utility of targeted sanctions, it is important to differentiate between the different purposes of sanctions. They are clearly more effective in accomplishing some policy goals (signaling and constraining) than others (coercing a change in behavior), and routinely should be evaluated as such.

Accordingly, it is important to change the narrative on sanctions away from a nearly exclusive preoccupation with their ability to coerce a change in behavior, toward their ability to constrain actors (i.e. reduce their capacity to engage in proscribed activity) or to send a powerful signal about prevailing norms. It is important that policymakers be realistic about what sanctions can achieve. There should be reasonable expectations about what targeted sanctions can and cannot be expected to accomplish.

Based on our analysis of the relative effectiveness of targeted sanctions (that they are far more effective in constraining and signaling than in coercing a change in behavior) policymakers should be advised to avoid falling into the rhetorical trap of calling for “crippling” sanctions. While the phrase may be useful for some constituencies, it signals the degree to which they are mimicking the discourse about comprehensive sanctions regimes and reproducing what scholars termed the “naïve” theory of economic sanctions more than forty years ago.

UN Targeted Sanctions: Effectiveness



SECTION THREE: Analytical Results¹⁰

Building on the distinction between the different purposes of sanctions (to coerce, constrain, and/or signal) it is possible to sketch out elements of context, political will, design, relationship with other policy instruments, implementation, evasion, and unintended consequences that are correlated with effective and ineffective outcomes (and, since none are invoked in isolation, where UN targeted sanctions at least reinforce other measures). It is important to emphasize that these are only correlations, they are not causal inferences about which combinations of factors will produce particular outcomes. Some of them may be necessary, but they are not necessarily sufficient for effective (or ineffective) outcomes.

Coercion

The relatively small number of instances when sanctions have been effective in coercing a change in target behavior share some characteristics that distinguish them from the average pattern observed in the entire set of cases. For example, while they do not have to be based on a unanimous UN Security Council resolution or devoid of any reservations from the permanent members (P-5), they are more likely to be effective if the goals are rather narrowly defined (convene elections, turn over suspects), targets are identified immediately, and targets include key regime supporters. It also helps if sanctions by regional bodies precede the introduction of UN sanctions and if strong pressure is mobilized from domestic NGO constituencies for concerted international action. In terms of design, they tend to be more effective if there is no delay in imposition of individual sanctions and if commodity sanctions (particularly diamonds) are part of the mix. The vast majority of sanctions include an arms embargo, and a growing number include individual sanctions (travel bans and asset freezes).

The presence of peacekeeping operations is strongly correlated with effective sanctions intended to coerce, as are referrals to legal tribunals. ECOWAS plays a disproportionately positive role in complementing effective UN sanctions episodes in the West African region. UN targeted sanctions tend to be effective in coercing when there are sanctions guidelines articulated, enforcement authority is specified, there is good evidence of enforcement, and UN peacekeeping operations are given a sanctions enforcement role. Evasion usually takes the form of reliance on family members, the use of safe havens, putting funds into alternative value sources (e.g. diamonds), use of black market contractors, and diversification of funds and investment. Among the unintended consequences of effective efforts at coercion are increases in authoritarian rule, burdens on neighboring states, resource diversion, and a decrease in the perceived legitimacy of the UN.

¹⁰ These findings are based on an initial analysis of the database, and are subject to further review.

Effective Coercion: Libya I, Episode 3

Sanctions were suspended once the two suspects of the Pan Am 103 bombing were handed over to the special Scottish Court in the Netherlands (as specified in UNSCR 1192) on 5 April 1999 and terminated with UNSCR 1506 (once compensation was provided and Libya renounced terrorism).

Dates and Duration (in months): 5 April 1999 – 12 September 2003 (53 months)

Purposes: Coerce the Government of Libya to turn over suspects, provide compensation and renounce terrorism, and signal Libya and international community about norm against state-sponsored terrorism.

Sanction Type: Sanctions (arms, aviation, diplomatic, assets freeze, oil services equipment) suspended in April 1999, seven months after the passage UNSCR 1192, but not terminated until UNSCR 1506 in September 2003.

Effectiveness

Coerce: 4, Suspects are turned over, trials conducted, compensation provided, and terrorism renounced, but not on the precise terms of the original UNSCRs.

The instances in which attempts to coerce a change in behavior are notably ineffective are far more numerous (29 cases as opposed to 6). They also share characteristics that distinguish them from the average pattern observed in the entire set of cases, and often in the exact opposite direction as those just described. They tend not to be preceded by regional sanctions, are less likely to have expert panels, and slightly less likely to have a sanctions committee. Targets are less likely to be immediately designated, as are key regime supporters. Attempts to coerce a change in behavior are likely to be more ineffective when targeted at rebel factions or terrorist groups, than when aimed at government leadership. Delays in implementation tend to be associated with ineffective attempts to coerce, as are sanctions which are limited in scope to particular regions of a country. Ineffective episodes tend not to be associated with commodity sanctions, again opposite to the pattern observed in relatively effective episodes. Arms embargoes imposed without other complementary measures (individual sanctions or commodity bans) and after protracted delays, tend to be particularly ineffective, as demonstrated in the case of Somalia, as are sanctions that are authorized but never imposed, such as the aviation ban in the Sudan or the sanctions authorized in Lebanon.

The relative absence of regional sanctions regimes and a lower frequency of regional peacekeeping operations are also associated with ineffective attempts to coerce. Ineffective episodes are associated with lower than average frequencies of expert panels, reporting requirements, committee guidelines, clearly articulated designation criteria, specified enforcement authority, and a role for peacekeeping operations in sanctions enforcement. Ineffective efforts to coerce tend to be associated with a variety of different means of evasion, including a greater propensity to use disguise of identity, informal value transfer systems, reflagging

or disguising of vessels, and stockpiling of supplies. Perhaps because they are less effective, they are less likely to result in some unintended consequences, such as an increase in authoritarianism, negative impact on neighboring states, resource diversion, or humanitarian consequences, again reversing some of the patterns observed in more effective episodes.

Constraint

Effective UN efforts to constrain target behavior tend to be preceded by other sanctions regimes (usually regional measures). All effective episodes have sanctions committees, and are more likely to have expert panels, targets designated, and member state reporting than the average found in the sample of cases. Effective constraint tends to be associated with a specific focus on a government leadership, a particular rebel faction, a group engaged in the commitment of acts of terrorism, or key supporters of any of the above, rather than on all parties to a conflict. Although effective efforts to constrain routinely involve arms embargoes, they are more strongly associated with other sectoral measures, from aviation bans and financial sector restrictions to commodity bans on oil, diamonds, and timber. Like efforts to coerce, efforts to constrain appear effective when applied to an entire country, not when restricted to a particular region. Greater UN attention to the sanctions regime – whether in the form of SRSGs, functionally specific representatives, and/or routine interaction between committees, panels, and other UN agencies – tend to be associated with effective constraint.

In terms of relationship with other policy instruments, effective constraint is associated with the use of military force, active DDR programs, and referrals to legal tribunals. Having sanctions guidelines and enforcement authorities specified, and clear evidence of enforcement are also correlated with effective constraint. Among the common forms of evasion associated with effective constraint are the disguise of identity, use of informal value transfer systems, use of safe havens, diversion of trade through third countries, and diversification of funds and investment. Unintended consequences include increases in corruption and criminality, strengthening of authoritarian rule, negative impacts on neighboring states, strengthening of political factions, and general humanitarian consequences. Thus, targeted sanctions (whether in coercing or constraining) often have side effects that routinely should be considered as part of the costs entailed in the use of the instrument.

Effective Constraint: Liberia Episode 4

With an improvement of the situation in the Sierra Leone, the focus of the UNSC shifted back toward the continuing conflict in Liberia. The Taylor regime was weakened over time, and rebel forces backed by Guinea advanced to within 10 km of Monrovia in March 2003. UNSCR 1478 (6 May 2003) focused primarily on the conflict within Liberia and the Government of Liberia's support for rebel armed groups throughout the region (Sierra Leone and Cote d'Ivoire), added timber sanctions to the existing measures, and expanded the travel ban list.

Charles Taylor attended peace talks in Ghana between Liberia and rebel forces in June 2003 and while in Accra, was indicted for war crimes by the Special Court in Sierra Leone. The 17 June Accra agreement established a cease fire and secured Taylor's commitment to leave power. Taylor left Monrovia for exile in Nigeria in August. ECOWAS peacekeepers (ECOMIL) arrived to prevent the rebels from over-running the capital and a transitional government was established on 14 October 2003.

Dates and Duration: 6 May 2003 – 22 December 2003 (6 months)

Purposes: Coerce Liberia and the LURD to enter bilateral cease fire negotiations and coerce the Government to participate actively in regional peace initiatives, constrain government of Liberia from being able to support armed groups in neighbouring countries, and signal (and stigmatize) government of Liberia about its destabilizing role in the region.

Sanction Type: Arms embargo, ban on exports of rough diamonds, travel ban on senior members of the Liberian government and military (including spouses); ban on export of all round logs and timber from Liberia.

Effectiveness

Constrain: 5, Taylor acknowledged that he was constrained by the timber sanctions in particular: "Taylor [also] said the international community, led by Washington and London, had denied Liberians the right to defend themselves by imposing an arms embargo and that timber sanctions had starved Liberia of revenue. 'Something as simple as a toothpick cannot be exported from Liberia,' said Taylor."

Sanctions contribution: 4, acknowledgement by the target; but changes on the ground, diplomatic pressure (Nigeria), and imminent use of limited force (ECOWAS, LT 100 US Marines) also played a role in constraining (and eventually toppling) the regime.

When it comes to ineffective efforts to constrain a target, the comparative analysis of case episodes suggests that targets should be designated and member state reporting be required. Ineffective cases tend to designate all parties to a conflict and impose regional scope limitations. They are less likely to make use of targeted commodity sanctions on oil, diamonds, or timber. Ineffective efforts to constrain have lower frequencies of combining sanctions with legal referrals, and with regard to implementation, they tend to have a lower likelihood of having an expert panel, sanctions guidelines, designation criteria, enforcement authorities specified, clear instances of enforcement, and an enforcement role for UN peacekeeping forces.

While indicators of national enforcement are comparable to average levels for all cases, ineffective efforts to constrain tend to have lower levels of enforcement of travel bans, freezing of assets, denials of servicing, detention of vessels, and

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cancellation of credit. Evidence of evasion generally tends to be lower for ineffective episodes, though there are a few exceptions (re-flag, re-number, or re-paint vessels). The same is true for unintended consequences, with the exception of enhancing the status of some targeted individuals or growth of the role of the state in the economy. The differences tend to be slight, however. One unintended consequence of ineffective efforts to constrain is the impact they can have on the credibility of the UN itself (which appears to some to be over-using the measures for ineffective purposes).

Signal

Effective signaling tends to be associated with unanimous UN Security Council votes, few P5 reservations expressed, and the simultaneous creation of a sanctions committee, an expert panel, Member State reporting, and no delay in the designation of targets. It is highly correlated with the specific identification of individual targets, family members, facilitators, regime supporters, and not with general proscriptions on all parties to a conflict or organizations engaged in the commitment of acts of terrorism. Effective signaling is also associated with sanctions that take immediate effect (with no delays in implementation) and when applied to an entire country, not limited to a particular region. Sanctions on oil, diamonds, timber, or shipping are more common in effective signaling, as is the presence of an SRSG, functionally specific special representatives, and strong evidence of expert panel interaction with other UN agencies. It is interesting to note that there is very little difference from the average when it comes to the presence of other sanctions regimes (unilateral or regional) or of most other policy instruments when it comes to effective signaling (with the exception of referrals to legal tribunals).

With regard to implementation, effective signaling is strongly associated with the presence of expert panels, reporting requirements, committee guidelines, designation criteria, the specification of enforcement authority, evidence of enforcement, and an enforcement role given to UN peacekeeping operations. There are higher frequencies of evasion through family members, informal value transfer schemes, safe havens, stockpiling, diversion, import substitution, diversification, and denials of inspection. Effective signaling is also associated with efforts on the part of targets to try to change the terms of the debate. Higher than average frequencies of the following unintended consequences are also observed: increases in corruption and criminality, increases in authoritarian rule, negative impacts on neighboring states, increases in the strength of political factions, and negative humanitarian consequences. At the same time, they are also associated with increased enforcement capacity.

Effective Signaling: Angola, Episode 4

The return to full scale war and the downing of UN aircraft over UNITA controlled territory prompts a strong Council reaction (UNSCR 1221). Canadian Ambassador Robert Fowler assumes chair of Angola Sanctions Committee in 1999 and establishes expert panels on arms and financing which results in strengthening of the sanctions regime. The PoE "names and shames" neighboring heads of state for undermining UN sanctions, sending a strong signal that stigmatizes UNITA and their supporters. UNSC sets up a mechanism for monitoring sanctions violations (threat of secondary sanctions) in April 2000, but no secondary measures imposed. Following evidence that sanctions monitoring has disrupted UNITA's supply lines, December 2001 offensive against UNITA ends with Savimbi (and his Vice President's) death in February 2002.

Phase out: A truce quickly follows in March, negotiations in April, and UNITA dismantles its armed wing in August. UN lifts sanctions in December 2002.

Dates and Duration (in months): 12 January 1999 - 9 December 2002 (47 months)

Purposes: Coerce UNITA to cease hostilities and implement the peace agreement; constrain UNITA from being able to act autonomously; stigmatize UNITA and its supporters in other African countries (including heads of state).

Sanction Type: Continuation of existing sanctions (asset freeze on UNITA, embargo on diamonds, and supply of mining services equipment and transportation into UNITA-controlled areas) but significant increase in enforcement mechanisms at the UN level, including enhanced monitoring (PoE), public naming and shaming of heads of state in the Fowler Report, and a monitoring mechanism to increase enforcement and explore secondary sanctions.

Effectiveness

Signal: 5, Savimbi becomes the principal target and is thoroughly isolated by UNSCR 1221. Enhanced monitoring and enforcement, as well naming and shaming stigmatizes targets and reinforces norms against armed conflict, as well as supports the authority of UNSC.

Sanctions Contribution: 4, diplomatic pressure also significant.

By contrast, ineffective signaling is more common when the UN is the first actor to apply sanctions, if rebel factions or sender country domestic constituencies are the major target, if sanctions are delayed in implementation, and/or if they do not employ commodity measures.

With regard to implementation, ineffective signaling is associated with lower frequencies of sanctions committees, expert panels, Member State reporting, committee guidelines, designation criteria, specified enforcement authority, and no role for UN peacekeeping forces in enforcement. Probably because they are ineffective, there are lower levels of evasion in all categories examined and lower levels of unintended consequences reported overall. There are slightly lower percentages of most categories of unintended consequences, with the exception of increases in regulatory capacity, in enforcement capacity, resource diversion, in the state's role in the economy, and a higher burden on sending states.

Characteristics Associated with Effective UN Targeted Sanctions

Effective Coercion

- goals are narrowly defined (e.g. convene elections, turn over suspects)
- preceded by, and reinforcing of, regional sanctions (e.g. ECOWAS)
- imposed without delay
- involve commodity sanctions
- include legal tribunals
- robust Security Council infrastructure is in place to support implementation (sanctions guidelines, enforcement authority specified, and UN peacekeeping operations are given a sanctions enforcement role)

Effective Constraint

- targets are identified immediately and are specifically focused (e.g. on government leadership, particular rebel faction, groups engaged in prohibited activities, or key supporters of any of the above) rather than on all parties to a conflict
- applied to an entire country, not restricted to a particular region
- involve sectoral sanctions: aviation bans, financial sector restrictions or commodity sanctions (bans on oil, diamonds, and timber)
- clearly articulated designation criteria, basis for lifting sanctions, and enforcement authorities
- robust Security Council infrastructure is in place to support implementation (sanctions committee and guidelines, panels of experts, Member State reporting required, good coordination with relevant UN agencies, and in conflict sanctions, UN peacekeeping operations provided sanctions enforcement authority)
- combined with other policy instruments such as legal tribunals, the use of military force, and active DDR programs

Effective Signaling

- unanimous UN Security Council votes, few P5 reservations
- specific identification of individual targets, family members, facilitators, regime supporters
- sanctions that take immediate effect and applied to an entire country
- sectoral sanctions: shipping and commodity sanctions (oil, diamonds, timber)
- strong UN role (e.g. SRSG, functionally specific special representatives, and strong evidence of expert panel interaction with other UN agencies)

SECTION FOUR: Designing UN Targeted Sanctions

Sanctions imposed by the UN Security Council are fundamentally political tools employed to address intractable challenges to international peace and security. By time the Security Council considers sanctions, the situation is frequently dire and deteriorating, with violence or a crisis imminent or having already occurred. As a result, sanctions are designed under less than optimal conditions, without much time for thoughtful deliberation. Agreed text from previous resolutions becomes the default, but may not be appropriate to the specific circumstances at hand.¹¹ While every effort should be made to conduct pre-assessments (e.g. identification of targets, likely impacts, unintended consequences, and evasion strategies), such planning is often not possible.

To maximize effectiveness, a range of factors can and should be addressed in the course of designing UN targeted sanctions. Based on the TSC framework and findings, the following checklist of questions and issues to be considered in the design of UN targeted sanctions has been developed as a structured framework for contemplating the imposition of sanctions.

SANCTIONS DESIGN CHECKLIST

1. Purposes

What purposes are the sanctions intended to achieve?

- to *coerce* or change the behavior of targets
- to *constrain* access to essential resources (e.g. finance, arms, goods/technology, expertise)
- to *signal* consequences for violations of international norms and/or *stigmatize or isolate* targets and activities violating international norms

Which is the primary purpose?

2. Objectives and Norms

What threat to international peace and security are the sanctions intended to address?
(include in Security Council resolution)

- WMD Proliferation
- Terrorism
- Armed conflict
- Human rights violations
- Humanitarian crisis

¹¹ The 2011 Libyan sanctions (UNSCR 1970/1973) illustrate how preexisting language on exemptions complicated the implementation of sanctions due to the scope of transactions affected under sweeping financial sector sanctions.

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- Protection of civilians
- Other

Which specific international norms do the sanctions support?

- Nonproliferation
- Counterterrorism
- Peaceful settlement of conflict
- Protection of Human Rights (e.g. preventing gross violations of human rights, genocide, sexual, gender/child-based violence, protection of civilians)
- Other (e.g. authority of UNSC, support for regional arrangements, peace facilitation and enforcement, acceptance of election results, resource management)

3. Targets

Who are the intended targets?

- government and/or leadership
- regime supporters
- rebel faction
- parties to the conflict
- terrorist groups
- facilitators of proscribed activities
- individuals responsible for objectionable policies (e.g. inciting violence, human rights violations),
- family members of targets
- supporters (financial, material, etc.)
- violators of UN sanctions

How are the targets related to the threat, and how will their designation promote the purposes of the sanctions?

What is the basis or justification for listing targets that can be shared publicly? What are the listing criteria?

What information is obtainable regarding the targets (to gauge vulnerabilities and pressure points), and what detailed information is available (e.g. nationality, birth date, place of birth, passport or travel identification number, etc.) in order for sanctions to be implemented effectively?

What specific actions do targets need to take for sanctions to be lifted?

How will the list of targets remain current?

What provisions for exemptions of basic and extraordinary expenses are necessary?

What procedures will be available for targets to appeal their designations?

4. Sanction types

What specific resources (e.g. arms, specific dual-use goods or technology related to proliferation or other proscribed activities, financial) are necessary for the target to carry out the sanctionable activities?

Do specific natural resources provide essential support for sanctionable activities (e.g. diamonds, timber, oil, gold, etc)?

What are the unique economic features of the targets (e.g. dependence on specific commodities, degree of economic integration, reliance on credits, loans, insurance or other services)? What other financial sanctions are available?

What means of transportation/delivery are used to access resources, and are such restrictions feasible?

Does a ban on aviation (commercial airlines or servicing of aircraft) promote the objectives?

What are the implications for air safety or access to essential medical service? Are travel exemptions for humanitarian or religious purposes necessary?

Are diplomatic sanctions (e.g. limiting travel, closing embassies or reducing diplomatic personnel, visa restrictions) desirable?

For individual targets, are assets available in financial institutions, or do targets routinely travel internationally?

5. Regional organizations and sanctions

Which, if any, regional organizations are involved?

Are there existing unilateral or regional sanctions in place? If so, what are they, and how will UN sanctions interact with them?

6. Other Policy Instruments – Coordination/Alternatives

What other policy instruments are currently being employed (diplomatic negotiations, UN peacekeeping operations or SRSG, international legal tribunals, the use of force, etc.) and what alternatives are available to the imposition of sanctions?

How do sanctions relate to ongoing diplomatic initiatives?

How do sanctions relate to other initiatives? Do they complement or potentially conflict?

What other organizations could play a role relative to the purposes of sanctions (e.g., FATF, Interpol, etc.)?

7. Implementation

What infrastructure exists, or needs to be put into place at the UN level to implement sanctions, and should these measures be included in the Security Council resolution?

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- Sanctions Committee (including guidelines, reporting requirements, implementation assistance)
- Panel of Experts to monitor implementation
- Designations (by committee or in UNSCR)
- Enforcement authorities (for inspection, interdiction, seizure, etc.)
- Consideration of violations or non-compliance
- Resources, including outreach initiatives and visits by the Committee/Chair
- Other

What do Member States require to implement sanctions? Are such capabilities existent or does technical assistance and training need to be provided to assist implementation?

What enforcement challenges are associated with implementing the sanctions?

Which private sector actors (e.g. financial institutions, commodity importers, etc.) are involved and how can their input and participation be ensured?

8. Impacts and responses

What are the likely impacts of the sanctions (economic, political, and psychological), and possible responses by the targets to the imposition of sanctions?

What retaliatory measures targets are likely to take, or how can the impact of sanctions be deflected or reduced?

9. Unintended Consequences

What are potential unintended consequences – both negative and positive?

- strengthening authoritarian rule or specific political factions
- rally around the flag effect
- increased corruption and criminality,
- resource diversion
- burdens on neighboring states
- humanitarian impacts
- human rights violations
- increased regulatory and enforcement capacity,
- harm credibility of UN
- other

How can potential consequences or side-effects be minimized?

10. Evasion

How can the sanctions be evaded?

- diversion of trade through third countries
- disguise of identities
- front companies
- private (black market) contractors
- safe havens
- alternative values sources (e.g. diamonds)
- family members
- re-flagging, renumbering or disguising vessels
- stockpiling of supplies

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How can evasion attempts be managed or minimized?

11. Termination of Sanctions

What are the specific criteria for termination or suspension of sanctions?

How might modification, including suspension, of sanctions provide incentives?

12. Ensuring Sanctions Remain Current

How will sanctions be reviewed and updated? (e.g. periodic assessments of changes over time to reaffirm purposes, review targets, respond to evasion or noncompliance)

13. Alternatives to renewals

Consider whether there might be occasions when it might be desirable to re-start a sanctions regime, rather than carry on with the accumulated baggage of previous regimes (purposes, commitments, concerns)

SECTION FIVE: General Findings and Recommendations

Findings

UN targeted sanctions are much more effective in signaling or constraining a target than they are in coercing a change in target behavior. They are effective in coercing a change in behavior only 13% of the time. By contrast, they are effective in constraining target behavior (increasing costs and inducing changes in strategy) more than three times as frequently, or 42% of the time. They are even more effective in sending signals to target audiences, which they do 43% of the time.

Every sanctions regime is unique. While comparing sanctions regimes by episodes is useful to understand systematically their workings, each case reflects a specific context with inimitable complexities; previous experiences are not necessarily predictive of future events.

All UN targeted sanctions have multiple purposes (to *coerce* or change a target's behavior; to *constrain* a target from engaging in a proscribed activity; or to *signal* and stigmatize a target about the violation of an international norm) with each signaling an international norm.

UN sanctions are always combined with other measures and never applied in isolation. They must be evaluated and integrated within an overall approach to international peace and security challenges.

Types of sanctions: Arms embargos, while most frequently imposed, are among the least effective sanctions when not complemented with individual or commodity sanctions. Commodity sanctions (diamond sanctions in particular) appear most effective.

Regional groups play an important role in enhancing the effectiveness of sanctions, with regional sanctions typically preceding effective UN measures and being complemented by UN action.

Targeting is important, and the list of targets should reflect the purposes of the sanctions. Too many, too few, or the wrong targets (or not properly identified), undermine the credibility of the measures.¹²

¹² Ironically, UN targeted sanctions appear to be more effective when the UN takes sides in a conflict, rather than tries to remain neutral to all parties to the conflict. There is a general pattern in many of the African conflict cases in which the UN begins with a general arms embargo on all parties to the conflict and gradually becomes more targeted. The sanctions against Angola reflect this general pattern, increasingly becoming more targeted over time, initially on UNITA, but later on the personal role of Jonas Savimbi. The same is true of other cases, including Al Qaeda/Taliban in its early episodes.

UN sanctions remain largely targeted (with the exception of Libya II¹³). On the scale of degrees of discrimination (from individual sanctions at one end of the continuum to oil or financial sector sanctions at the other end), the UN has not implemented an oil embargo since Sierra Leone in 1998.

Sequencing matters. There are instances in which a set of targeted sanctions have been followed by comprehensive measures; in the case of FRY, effectiveness was enhanced, while it had the opposite effect in Haiti, where the regime presumably concluded that there was little left to lose and dramatically increased its repression following the move from targeted to comprehensive measures.

Institutional learning within the UN has occurred over time – sanctions resolutions now routinely require creation of a sanctions committee, guidelines, designations, Member State reporting, panels of experts, and most recently, enforcement authorities.

Coordination within the UN system remains a problem and undermines sanctions' effectiveness. Panels of experts are sometimes perceived as a threat to, or a distraction by UN agencies operating on the ground in some conflict setting; the UN does not always act as a purposive agency (as "one UN").

Secondary sanctions, although applied relatively infrequently, appear to be highly effective. Examples include sanctions against Liberia in support of peace enforcement goals in Sierra Leone, and in the case of Somalia, against Eritrea (though their use was more threatened than applied).¹⁴

Relationship to other sanctions While often complementary with UN measures, sometimes providing the basis for additional preventive measures (Iran/DPRK), the differences between UN and other sanctions regimes can be confusing to implement for states and private sector entities. Regional and unilateral measures not only complicate but can potentially weaken UN sanctions by making them appear less discriminating than they actually are.

Evasion, even of relatively effective measures, still takes place. Common methods include the diversion of trade through third countries and front companies, use of

¹³ Financial sector sanctions against Libya, though understandable given the context (both the urgency of the situation and the degree of the Qaddafi family direct control over and access to central government finances), was relatively indiscriminating and nearly had significant humanitarian consequences.

¹⁴ This implies that there is more than one way to strengthen targeted sanctions. Most of the popular, scholarly, and policy discourse tends to the default position that the only way to strengthen sanctions is to expand their scope. Given the fact that when used, secondary sanctions are relatively effective, they should be considered an alternative to a general broadening (or what some have termed a "comprehensivization") of targeted sanctions. Secondary sanctions can be applied to one of two types of entities, either to states actively involved in the evasion of existing measures or to corporate entities (usually firms) actively engaged in evasion. The latter are typically identified in better panels of experts reports, and there are instances where Sanctions Committees have acted on the recommendations and added evading firms to designation lists.

private (black market) contractors, safe havens, and alternative values sources (e.g. diamonds), re-flagging or disguising vessels, and stockpiling of supplies, diversification of funds and investment, and reliance on family members.

Unintended consequences result even from targeted sanctions, including increases in corruption and criminality, strengthening of authoritarian rule, burdens on neighboring states, strengthening of political factions, resource diversion, and humanitarian impacts. An unintended consequence of ineffective efforts to constrain is the impact they can have on the credibility of the UN itself (which appears to some to be over-use of sanctions for ineffective purposes).

Enhanced enforcement and implementation of UN sanctions through new inspection and seizure measures have had an important impact in constraining targets' access to prohibited items.

Recommendations and Next Steps

While further analysis of the TSC database will continue yielding additional insights, the following general recommendations are provided:

- ***Sanctions should be designed with comparable deliberation and planning of military operations***, with a clear understanding of purposes, objectives, consequences and impact assessments, evasion, contingency planning and exit strategies.
- ***UN targeted sanctions should remain targeted***. Making sanctions more comprehensive does not necessarily make them more effective.
- ***Policymakers need to be realistic about what UN targeted sanctions can reasonably achieve***. Based on analysis of the relative effectiveness of targeted sanctions (they are far more effective in constraining and signaling than in coercing a change in behavior), expectations should be moderated.
- ***Discursive treatment of UN sanctions matters***. Characterizations of sanctions as “crippling” while perhaps useful politically, reinforces misperceptions about the nature of UN *targeted* sanctions.
- ***“Change the narrative” through greater understanding and engagement***. Effective implementation of sanctions is made more difficult by the lack of accurate information and basic misperceptions. It is important to inform the public debate with empirically-based information and engage in a dialogue with relevant policy communities (government and regional organizations, NGOs, academics) internationally.

Designing UN Targeted Sanctions

During the course of the TSC research, numerous issues arose that were not adequately reflected in the database, but nonetheless represent important issues that should be addressed in continuing efforts to make UN sanctions more effective. We flag these general questions as ongoing challenges that would benefit from additional research, analysis, and focus:

- How sanctions should end (e.g. exit strategies, suspending sanctions as an inducement)
- Strategies for effective sequencing of sanctions
- How secondary sanctions could be developed
- How to enhance calibration of sanctions – refinements beyond expanding designations
- Assessing unintended consequences, including the inadvertent broadening of sanctions through private sector implementation
- Exploring new types of sanctions
- Relationship between targeted UN sanctions and more expansive unilateral/regional measures
- Ensuring UN sanctions panel of experts' independence and appropriate preparation
- Implementation – disconnect between the design and implementability and the need for greater clarity, capacity, and engagement with relevant actors such as the private sector
- Significant need for capacity building in Member States to address uneven implementation of sanctions, and within the UN system

APPENDIX A: Targeted Sanctions Consortium Project Description & List of Participants

- The first comprehensive, systematic, and comparative assessment of the impacts and effectiveness of major UN targeted sanctions regimes over the past twenty years: Al Qaeda/Taliban, Angola, Cote d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of Congo, former Republic of Yugoslavia, Haiti, Iran, Liberia, Libya I and II, Sierra Leone, Somalia, Sudan I and II
- Conceptual innovations: (1) episodes within broader country cases allows detailed analysis of changes in types and purposes of targeted sanctions over time; (2) analysis of effectiveness in terms of multiple and differing purposes of targeted sanctions: to coerce (change behavior), constrain (access to critical goods/funds, raising costs and forcing changes in strategy), and signal/stigmatize targets (in support of international norms)

PROJECT TEAM

- Co-directed by Thomas Biersteker (The Graduate Institute, Geneva) and Sue E. Eckert (Watson Institute for International Studies, Brown University), the Targeted Sanctions Consortium consists of more than forty scholars and policy practitioners from around the world, including the principal authors of the Interlaken, Bonn-Berlin, and Stockholm Process manuals
- Policy practitioners working at both the global and national levels engaged from the outset in both the project design and research
- Sixteen different research teams located in Africa, Asia, Europe, and North America composed of both scholars and former practitioners (including UN Secretariat and expert panel members)

CURRENT STATUS

- Research phase, funded by Governments of Canada, Switzerland and the UK, largely complete, with presentations of preliminary findings scheduled for New York and Geneva, spring 2012
- Initial project outputs include a practitioner's guide, qualitative and quantitative database, and scholarly publications
- Next phase focus on developing practical tools and ensuring data/analysis remains current, relevant, and useful to sanctions policymakers, for which support is being sought

Targeted Sanctions Consortium Participants

The project is co-directed by Professor Thomas J. Biersteker, Gasteyer Professor of International Security and Director of the Programme for the Study of International Governance at the Graduate Institute, Geneva (thomas.biersteker@graduateinstitute.ch) and the Honorable Sue E. Eckert, Senior Fellow, Watson Institute of International Studies, Brown University (Sue_Eckert@Brown.edu).

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For more information about TSC, please visit the website at:

http://graduateinstitute.ch/internationalgovernance/UN_Targeted_Sanctions.html

APPENDIX B: Targeted Sanctions Consortium Framework for Analysis & Effectiveness Coding

The Targeted Sanctions Consortium (TSC) has developed both a quantitative dataset and qualitative assessments of sixteen major UN sanctions regimes. Distinct episodes within each country sanctions regime constitute the core unit of analysis, and the database constructed includes a total of 56 case episodes for comparative analysis, with more than 280 variables for each. Qualitative executive summaries of each country case, based on an extensive template of elements to be considered for each episode, have also been prepared. The following factors have been examined and catalogued by each research team in order to assess consistently and comprehensively the effectiveness of UN sanctions.

Context – situating UN sanctions in the history of the specific conflict or threat, including Member States directly affected, regional organizations involved, the inter-relationship with pre-existing unilateral or regional sanctions, whether the threat of sanctions preceded imposition, and the specific sequence of events which led the Security Council to impose targeted sanctions.

Purpose – recognizing that sanctions have different but concurrent purposes – to *coerce* or change targets behavior; to *constrain* proscribed activities by limiting targets access to essential resources; and to *signal/stigmatize* targets for violations of international norms – a realistic assessment of the distinct policy goals sanctions are intended to advance is necessary.

Objectives/norms – sanctions are used to respond to a variety of threats to international peace and security – armed conflict (cease hostilities, negotiate a settlement, enforce peace agreements, protect human rights), countering terrorism, stemming proliferation of WMD, supporting election results, promoting effective resource management, and protection of civilians. All UN sanctions signal support or reinforce specific international norms.

Targets – for each sanctions purpose, there are usually multiple targets (e.g. government leadership, rebel faction, facilitators of proscribed activities, or key supporters of the above). Determining specific targets to be coerced or constrained is important, as are identifying targets and constituencies (e.g. domestic, regional, or global such as neighbors and NGOs) to be signaled through UN sanctions. Accurate, focused or precise, and up-to-date lists of targets are essential for effective and credible sanctions, and should be directly related to the purposes of the sanctions.

Sanctions type – a wide variety of sanctions are available: individual sanctions (asset freeze and travel ban), diplomatic measures (closing of, or downgrading embassy staff, limiting travel, or visa restrictions), arms embargo (or specific dual-use goods), transportation sanctions (aviation or shipping bans), commodities (such as oil, diamonds, timber, etc.) or financial measures, and should be selected on the basis of unique circumstances related to targets.

Interaction with other policy instruments – sanctions are never employed in isolation, and almost always include diplomatic initiatives, UN peacekeeping operations, referral to international legal tribunals, or the use of force. The calibration and coordination of these tools is important in achieving the appropriate mix of instruments to accomplish policy objectives.

Implementation – at both the UN level (through designation of targets, creation of expert panels to monitor sanctions, and enforcement authorities) and Member State level (freezing of assets, travel restrictions, implementation and enforcement authorities), specific administrative and enforcement actions must be required.

Direct and indirect impacts – economic, political and psychological impacts of sanctions are usually discernible only after implementation of sanctions, but should be considered in the design of the sanctions regime and correlated with the purposes of sanctions.

Unintended consequences – both negative (e.g. strengthening leadership or political factions, increased corruption and criminality, resource diversion, burdens on neighboring states, or humanitarian concern) and positive (e.g. increased regulatory and enforcement capacity, enhanced credibility of UN) consequences of sanctions should be anticipated before imposition, and monitored throughout the duration of UN sanctions.

Evasion – efforts to evade sanctions always will take place, and should be anticipated. Common methods include the diversion of trade through third countries and front companies, use of private (black market) contractors, safe havens, and alternative value sources (e.g. diamonds), re-flagging or disguising vessels, and stockpiling of supplies.

Evaluation of Effectiveness

The elements described above were converted into variables (more than 280) and a binary coding scheme employed to assign a value to each variable.¹⁵ The policy outcomes associated with the targeted sanctions were assessed for each episode, differentiating among the three purposes of coercing, constraining, and signaling/stigmatizing, taking into consideration direct and indirect impacts, unintended consequences, implementation, and evasion.

For each episode, effectiveness is measured along a continuum ranging, for example in the case of coercion, from complete intransigence/no change in behavior by the target, to all principal objectives of sanctions being met. A five point scale is utilized, with 1 representing least effective and 5 constituting most effective. For constraint, 1 equates to no discernible constraints experienced by the

¹⁵ In addition to binary variables, the database also includes Lickert scales and numerical identifiers for pre-coded variables, as well as open fields in which relevant information can be recorded. The latter is particularly important for some variables, since data on implementation, impacts and unintended consequences, and evasion is largely anecdotal.

target, and 5 represents significant costs to the target resulting in a change of strategy or difficulties in engaging in proscribed activities. In the case of signaling/stigmatizing, 1 constitutes failure of international norms to be articulated and/or no stigmatization of the target, with 5 indicating clearly articulated norms and full stigmatization/isolation of the target.

Following scoring of the policy outcome, the contribution of UN targeted sanctions to that outcome is assessed for each episode – often the most difficult analytical aspect of the exercise. Measurement of sanctions contribution considers other instruments utilized by the international community at the time (such as diplomatic pressure, use of force, etc.), indications by the target of the impact and role of UN sanctions, and the nature of sanctions relative to the primary purpose. Again, a five point scale is used in which 1 means no discernible sanctions contribution, and 5 indicates that UN sanctions are the single most important factor to the policy outcome. Scores of 4/5 are considered effective, 1/2 are defined as not effective, with 3 representing mixed results. The following framework of coding rules was used in assessing the effectiveness of each episode.

Coding Effectiveness¹⁶

1. **Coercion** is defined in terms of a change of behavior of the target.

Effectiveness is measured on a continuum ranging from:

- (1) Lack of significant change in behavior, ignoring the UNSCR, or complete intransigence
- (2) Agreeing to a process and/or engaging in negotiations that could result in settling or resolving the dispute or in obfuscation, delaying, or changing terms of debate
- (3) Accommodation or significant concessions to resolve the dispute
- (4) Meeting most of the objectives of the UNSCR and/or approximating the core purposes as originally articulated in the UNSCR (but not necessarily according to the explicit terms spelled out in the original UNSCR)
- (5) Meeting all the principal objectives of the UNSCR

¹⁶ To determine the sanctions contribution to effectiveness, each episode was evaluated by mapping other instruments in play at the time; looking for explicit evidence or reference to targeted sanctions by the target; and analyzing the nature of targeted sanctions relative to the objective or core purpose. In each of the categories or purpose (coerce, constraint, and signal), there is a primary target or audience (parties to the conflict), which varies by episode.

2. UN Sanctions contribution to coercion

Negative = 0 (regime is strengthened and increases its proscribed activity)

None = 1 (no discernible sanctions contribution)

Minor = 2 (other measures taken appear most significant to outcome)

Modest = 3 (sanctions reinforced other measures)

Major = 4 (sanctions appear necessary, but not sufficient; or some acknowledgement by the target)

Significant = 5 (the single most important factor is the presence of UNSC sanctions)

3. **Constraint** includes limiting access to essential resources (finance, goods/technology, arms, expertise, political options), slowing target activities, buying time for negotiations, and raising costs for targets to continue proscribed activities. Effectiveness is measured on a continuum ranging from:

(1) No discernible constraints experienced by the target

(2) Increases in costs can be managed by the target (sanctions are largely a nuisance factor) perhaps due to ease of evasion

(3) Slight increases in costs to target (as evidenced by diversion of trade through third countries, and/or delay in engaging in proscribed activity and/or diminution in the frequency of engagement in proscribed activity)

(4) Increases in costs, minor changes of strategy of the target, statement that target may be experiencing financial/material/logistical difficulties and/or constrained from engaging in proscribed activity

(5) Significant increases in costs, changes of strategy of the target, statement that target is experiencing financial/material/logistical difficulties and/or constrained from engaging in proscribed activity

4. UN Sanctions contribution to constraint

Negative = 0 (regime is strengthened and increases its proscribed activity)

None = 1 (no discernible sanctions contribution)

Minor = 2 (other measures taken appear most significant to outcome)

Modest = 3 (sanctions reinforced other measures)

Major = 4 (sanctions appear necessary but not sufficient; or some acknowledgement by target)

Significant = 5 (the single most important factor is the presence of UNSC sanctions regime)

5. **Signaling/Stigmatizing** includes *signaling* targets, third parties, domestic constituencies, and the international community about the consequences of norm violation and *stigmatizing or isolating* targets and activities for violating international norms.

Designing UN Targeted Sanctions

(1) Norm (or norms) not articulated, no stigmatization and/or clear evidence of legitimation

(2) Norm (or norms) poorly articulated (e.g. too many, diffusely articulated), limited evidence of stigmatization and/or possible legitimation

(3) Norm (or norms) articulated, and some stigmatization of target

(4) Norm (or norms) articulated and targets strongly stigmatized

(5) Norm (or norms) clearly articulated and target fully stigmatized and/or isolated¹⁷

(e.g. effective signaling to the international community and stigmatizing and/or isolation of the target)

6. UN Sanctions contribution to signal/stigmatization

Negative = 0 (regime is strengthened and increases its proscribed activity)

None = 1 (no discernible sanctions contribution)

Minor = 2 (other measures taken appear most significant to outcome)

Modest = 3 (sanctions reinforced other measures)

Major = 4 (sanctions appear necessary, but not sufficient; or some acknowledgement by the target)

Significant = 5 (the single most important factor is the presence of UNSC sanctions)

¹⁷ NB: This is focused on the international community as the principal audience for signaling. The evaluation of effectiveness of signaling would vary for other audiences.

UN Targeted Sanctions Cases

