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Consequences of Coercion: Impacts and Limitations of Targeted Sanctions Regimes

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With the increasingly globalized framework of governance, compliance mechanisms have evolved through intergovernmental organizations (IGOs) such as the United Nations (UN) in order to better pressure states to comply with international customary norms. An integral element of the collective security provisions outlined in the UN Charter offers the United Nations Security Council (UNSC) “an important instrument to enforce its decisions, situated on a continuum between mere verbal condemnation and recourse to armed force” (Annan 2000: 49). Given the historic transition away from traditional declarations of war and the ineffectiveness of verbal denouncement, the sanction authority of the UNSC has developed into a powerful tool utilized by the body as a mechanism for deterring rogue state behavior. While such actions carry significance and respect in the international community, “sanctions have had an uneven track record in inducing compliance with Security Council resolutions” and “little if any effort has gone into monitoring and enforcing them” (Annan 2000: 49). Apparent inefficiencies make it evident that while sanctions are a significant compliance mechanism of the UNSC, reforms are needed in order to mitigate negative socio-economic and political impacts on vulnerable populations in targeted countries, while ensuring that enacted sanctions are effective in coercing a state to change its behavior (Cortright *et al.* 2010: 4). Through analysis of research conducted on UNSC sanctions, this paper will attempt to examine the extent to which targeted sanctions regimes are effective in pressuring state adherence to the customary norms of international law and establish recommendations for potential reforms.

The understanding of the customary norms comprising the tenets of international law is central to understanding the development and intent of sanctions regimes. Given that debates on enacting sanctions are commonly entangled with political attempts to refute norms, it is evident that “the affirmation of an international norm is embedded in the signaling aspect of every episode” and that “sanctions function as a central mechanism for the strengthening and/or negotiation of international norms” (Biersteker *et al.* 2013: 15). While cooperation and compliance are commonly practiced in the interconnected modern era of global governance, state refusal to adhere to customary tenets of international law presents a clear challenge for the international community. Sanctions are therefore seen as the best mechanism for pressuring disobedient states to adhere to international agreements, since such methods are more effective than simple condemnation and less costly than military intervention. The ultimate intent when bodies such as the UNSC enact sanctions is “to coerce a change in [the] target’s behavior; to constrain a target from engaging in a proscribed activity; or to signal and/or stigmatize a target or others about the violation of an international norm” (Biersteker *et al.* 2013: 12). It is apparent in historic examples of sanctions regimes that such actions carry the potential to transform the behavior of a rogue state, but can also consequently create constraints that impact the human rights of the civilian population of targeted nations and can be ineffective if not properly regulated in its enforcement (Eriksson 2011: 1).

When focusing on targeted sanctions regimes, it is argued that the narrow scope of such mechanisms “can eliminate civilian suffering and focus the pressure on the government, thereby [reducing] human rights violations” (Hotton 2014: 102). However, such a claim ignores the lack of enforcement mechanisms present and the consequential impact of additional economic sanctions enforced in tandem by another state to further isolate a rogue nation. Criticisms highlight that “the laws surrounding targeted sanctions lack formal regulation that is governed by a legitimate international body”, thereby limiting “the capacity of the UN system to respond efficiently to the

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humanitarian consequences of sanctions regimes" (Bruderlein 1998). The regulation of sanctions should therefore mimic the enforcement of international law, in that oversight is conducted to ensure that sanctions mechanisms are entirely effective and minimally impactful on the population (Craven 2002: 52). Data from the Targeted Sanctions Consortium (TSC) on all 22 UN targeted sanctions regimes revealed that such sanctions are "effective in achieving at least one of the three purposes of sanctions 22% of the time" (Biersteker *et al.* 2013: 7). The study also concluded that sanctions were found to be "more effective in signaling or constraining a target than they are in coercing a change of behavior", in which case coercion was effective "only about 10% of the time" (Biersteker *et al.* 2013: 7). The low success rates of sanctions regimes signal the dire need for reforming the methodology of sanctions enforcement, given that failure for such mechanisms to achieve their intended purpose leaves them as solely a barrier for economic prosperity in the working populations of sanctioned nations.

Numerous factors have contributed to limiting the success rate of targeted sanctions regimes, including the failure for imposed sanctions to impair the capacity of the government, the negative socio-economic and political harm such sanctions can place on vulnerable populations, and the ultimate violation of state sovereignty that can occur through isolating targeted nations from the globalized economy. While targeted sanctions are intended to be narrow in scope for maximum effectiveness, unintended consequences, "including increases in corruption and criminality, [the] strengthening of authoritarian rule, burdens on neighboring states, [the] strengthening of political factions, resource diversion, and humanitarian impacts", all represent significant failures which calls into question the ultimate validity of such mechanisms for deterrence (Biersteker *et al.* 2013: 8). By further exacerbating conflict and chaos, targeted sanctions regimes can negatively impact the credibility of the UN and its ability to facilitate a cooperative global realm of governance.

The inability for sanctions to impair the capacity of targeted governments is the result of actions taken by regimes to divert the impact of economic restrictions away from the elite. Targeted government officials might respond to foreign pressure by "changing their public spending priorities by shifting public resources to military equipment and personnel to enhance their coercive capacity", while simultaneously "redirecting the scarce resources and services to its supporters such as those in police, military, and civil services to maintain their support and loyalty" (Peksen 2017: 2). By strengthening military capacity while simultaneously appealing for institutional support, the targeted country is able to strengthen domestic nationalism for its cause, thereby further politically isolating them from the international realm. Such behavior reduces the likelihood of coercion occurring, as it signals the stubborn disinterest of the country to concede to international pressure. The diversion of resources and defensive reaction of many impacted nations provides more evidence "to the inefficacy of comprehensive economic sanctions as a coercive tool", since the majority of regimes in which sanctions are enacted are not democratic, leading to there being "no pathway through which civilian pressure can bring about change in the government" (Bossuyt 2000). Such inability to avoid the impact of sanctions renders the civilian population helpless, revealing that "it is usually the people who suffer, not the political elites whose behavior triggered the sanctions in the first place" (Annan 2000: 50). Through increased transnational hostilities with the targeted regime, civilians remain to be the only group significantly impacted by the burden of economic isolation. Additionally, "targets of sanctions commonly devise means of evading the measures, from employing black market contractors to using safe havens, disguises of identity, or front companies" (Biersteker *et al.* 2013: 18). The use of "illegal smuggling and other underground transnational economic channels" signals the apparent gaps in the ability for sanctions to fully impair the capacity of targeted governments (Peksen 2017: 2). While the diversion of funds reduces the impact of sanctions on the elite of targeted nations, the burden is left to fall primarily on vulnerable populations, further exacerbating present social, economic, and political inequality presently occurring in targeted regimes.

Based on the severity of the coercion intended through enacted mechanisms, sanctions "might cause significant civilian pain by worsening public health conditions, economic well-being, and physical security of the populous in target countries" (Peksen 2017: 2). This is primarily the result of economic restrictions potentially hindering the trade of commodities vital to public health, including medical supplies and food sources, as well as travel sanctions that could limit the ability for individuals to seek medical care in other nations. The physical security of the population is also impacted due to "growing frustration and injustice", which act as "important motivations for the emergence of violent acts at the societal as well as individual levels" (Peksen 2017: 3). As government officials and the wealthy populace are able to evade the burden of sanctions, authoritarianism in targeted regimes is further exacerbated

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through increased corruption and misappropriation of funds. This potential consequence directly contradicts the intended goal of sanctions, and should present a cause for concern when addressing revisions to be made to enforcement mechanisms. Sanctions regimes in the Middle East and North Africa region are noted as being contributing factors towards enabling the outbreak of the Arab Spring, as such revolutions “were triggered by growing and broadly shared dissatisfaction with the quality of life” and “deteriorating standards of living” (Ianchovichina *et al.* 2015). While targeted nations are commonly authoritarian in governance, the exacerbation of present societal concerns as a result of enforced sanctions, in addition to supporting statistics revealing the inadequate success rate of such mechanisms, emphasizes the need for reforms to more accurately target individuals responsible for violating international customary norms. Research by the TSC further exposed the unintended consequences of targeted sanctions regimes, highlighting increases in corruption and criminality being observed at a 69% increase since sanctions enforcement, as well as a 54% strengthening of authoritarian rule and the diversion of resources at a 44% increase (Biersteker *et al.* 2013: 17). Additionally, “the negative humanitarian consequences of sanctions, a frequent subject of debate, were observed in 39% of the episodes studied”, and “the legitimacy and authority of the Security Council was harmed in more than one third of the cases” (Biersteker *et al.* 2013: 17). Increased civil unrest as a result of strained resource quantities solely impacts the working populations of targeted states, and should be a cause for concern as the international community looks to find ways to reform present coercion mechanisms (Tajdin 2018). The strengthening of authoritarian rule in targeted countries is detrimental to the intended goal of sanctions in encouraging state adherence to international law, in that such regimes will show a further unwillingness to engage in diplomatic negotiations. Additionally, rises in authoritarian rule and the diversion of resources will consequently contribute to exacerbated societal problems, ultimately threatening the legitimacy of the UNSC, and signaling a dire need for the body to reassess enforcement mechanisms for sanctions.

Increased levels of authoritarianism in targeted regimes also calls into question the potential violation of state sovereignty that may lead to furthered hostilities between the sanctioned nation and the international community. Given that sanctions imposed by the UNSC are typically followed by individual state imposed sanctions, the targeted state is ultimately entirely isolated from its ability to participate in the global economy, even if only a certain portion of the international community agrees with the imposition of sanctions. State enacted sanctions are argued to allow nations “to reach within another state’s national orders and thus [the] objectives of sanctions regimes are antithetical to concepts of sovereignty in international law” (Hotton 2014: 100). Such a claim is rooted in the notion that a state has the vested right to sovereignty in their actions, and calls into question the causation for enacted strict sanctions against a regime. When an external actor, such as the UNSC, demands political reforms from another regime, “the targeted leadership usually perceives the foreign pressure as a threat to sovereignty and particularly to regime survival” (Peksen 2017: 2). The resulting behavior is counterintuitive to the original intent of sanctions coercing, constraining, or signaling to the receiving regime to change its behavior. The impacted nation “has an incentive to put greater pressure on opposition groups to show its determination against any external pressure for reform and policy change”, therefore further deteriorating the original conflict (Peksen 2017: 2). While it is in the best interest for states to adhere to international customary norms given the present era of global governance, authoritarian regimes will be apprehensive to concede to the will of opposing nations, furthering deepening existing tensions and ultimately damaging the reputation sanctions regimes have in mitigating transnational conflict.

A primary case study to analyze in terms of sanctions effectiveness is the enforcement of sanctions against Iran since the hostage crisis in 1979. Prior to the historic Joint Comprehensive Plan of Action (JCPOA) in 2015, the UNSC had consistently placed sanctions against the Iranian government and its entities in order to address proliferation risks and enrichment activities. UNSC sanctions against Iran are important to highlight because they “constitute about 10% of the instances in which the UN has imposed targeted sanctions” against a regime, and “have been used as a basis for more extensive coordinated multilateral and unilateral sanctions, which have created controversy within the Council and some confusion in terms of implementation” (Biersteker *et al.* 2013: 14-19). In alignment with UNSC actions against Iran, the United States imposed asset freezes and trade embargos, which further isolated the nation from the international economy. Confusion over the enforcement of sanctions regimes imposed by both the UN and individual states consequently exacerbates internal conflict and societal inequality in targeted nations such as Iran, in that the result of inadequate regulation of sanctions entirely restrains the receiving country from any ability to engage in the international community and economy. The JCPOA, an agreement reached by Iran and the P5+1 (China, France, Russia, the United Kingdom, the United States, and Germany), was a nuclear

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deal endorsed by UNSC Resolution 2231 adopted on July 20, 2015 which negotiated the termination of Iran's stockpile of medium-enriched uranium in exchange for relief from US, European Union, and UNSC nuclear-related economic sanctions (Arms Control 2018). The historic agreement concluded decades of economically detrimental sanctions against Iran, and demonstrated the utilization of the sanctions mechanism as a means for negotiation. A contributing factor for bringing Iran to the negotiating table and ultimately striking a deal was "that it combined the offer of extensive diplomacy with the threat of force, sanctions, and other forms of coercion over a multi-year period" (Lorber and Feaver 2015). However, it is important to note that while coercion through sanctions enforcement did ultimately lead Iran to enter nuclear non-proliferation negotiations, decades of consequential sanctions ramifications, as previously noted, are still plaguing the Iranian economy, and the JCPOA has been criticized for failing to combat Iran's development of intercontinental ballistic missiles and state-sponsorship of terrorism (Hannah 2018).

In order to understand the terms that led Iran to enter negotiations, it is important to understand the impact enacted sanctions had on the country and its people. Hassan Hakimian, director of the London Middle East Institute, analyzed the realistic state of the Iranian economy, noting that sanctions created pressure on Iran, with the main internal challenges being "unemployment, especially amongst the youth, and inflation, which is likely to get worse partially because of the depreciation of Iranian currency and partly because of the abolition of the subsidies scheme" (Hakimian 2012). While data on the realistic impact of sanctions on Iran is limited due to state-controlled media and an altered narrative by the government, internal studies have further supported claims revealing the harsh consequences of sanctions primarily impacting the working class. Analysis conducted by BBC Persian of figures from the Central Bank of Iran revealed Iran's middle class as being hit the hardest by sanctions, as "the average household budget has fallen 15%, [while] the figure is 20% for middle-class families" (Tajdin 2018). Such economic downturn since 2009 is primarily the result of sanctions targeting Iran's crude oil exports, and the unwillingness for corporations to engage financially with Iran in order to avoid condemnation from the international community and steer clear of obstacles created by enforced sanctions regimes (Salehi-Isfahani 2009). And while sanctions have now been lifted through the JCPOA, "their impact is still being felt – as evidenced by the widespread street protests" that occurred earlier this year from frustrations with the government's financial allocations (Tajdin 2018). Further exacerbated societal inequalities and civil unrest demonstrates the wedge between what working class populations and the elite experience under sanctions. Sanctions enforcement against Iran exemplify the aforementioned consequences, as rhetoric from the Iranian government of the limited impact sanctions have had on the country is the result of the regime devising ways in which to evade the measures, through black market contractors and front companies (Peksen 2017: 2). It is evident that the restraints placed by enforced sanctions solely impact the working class and severely exacerbate present societal concerns in authoritarian regimes. The international community and the UN should seek to reform its sanctions mechanisms in order to ensure that the consequences of enforced measures does not fall solely on the civilian populous, and accomplishes its intended goal of coercing nations to abide by international customary norms.

As identified in presented research, there is significant room for improvement in enforcing targeted sanctions regimes, so as to mitigate consequential impacts on the working class of affected nations. The TSC's research indicating that "sanctions are effective in coercing, constraining or signaling a target on average about 22% of the time" highlights that while sanctions carry the potential to be an effective mechanism for enabling change from a hostile regime, its average rate of success makes apparent the significant room for improvement (Biersteker *et al.* 2013: 21.) One such possibility for reforming targeted sanctions is the narrowing of the mechanism's scope, in order to ensure that enacted restrictions do not financially constrain the working populous and solely aim to pressure the state. Reform declaring a narrow definition for targeted sanctions would allow "the enforcement to be carried out against a particular individual while at the same time [making] it difficult for that punishment to be passed on to civilians" (Hotton 2014: 104). Given that targeted governments and elites have the capacity to evade trade and financial restrictions and the burden of sanctions is seen to fall primarily on the civilian population, it should be the priority of intergovernmental sanctioning authorities such as the UNSC and respective nations to ensure that the scope of their mechanisms narrowly restrains the actions of the targeted entity or individual. "Sanctioning countries should seek ways to put the pressure directly on the political elites who are in charge of the wrongdoings" in order to "cause less damage to civilians, lessening the negative impact on the regular functioning of domestic economies" (Peksen 2017: 3). While sanctions are intended to restrain to a certain degree the financial engagements of a government or individual, their hindrance of the general state's economic functioning violates international law in that

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civilians are held accountable for their state's misbehavior. The overlapping that occurs in cases where the UNSC and states both enact sanctions against a government also contribute to further exacerbating socio-economic inequalities in a state. The "broad unilateral and regional sanctions – while intended to complement UN measures – can be confusing, complicated to implement, conflict with, and potentially weaken UN sanctions" (Biersteker *et al.* 2013: 8). While states have the right to utilize sanctions in their own capacity as an international relations mechanism, a lack of specification in its scope could hinder the success of UNSC sanctions and thereby further reduce the degree of authority UNSC sanctions bare. The increase in the use of targeted sanctions regimes, rather than general sanctions, is significant and carries the potential to be a beneficial mechanism in coercing state compliance to international customary norms. It is important to emphasize, however, that "the list of targets should reflect the purposes of the sanctions", and that "too many, too few, or the wrong targets undermine the credibility of the measures" (Biersteker *et al.* 2013: 8). Targeted sanctions regimes should be well defined, developed, and directed to restrain only those responsible for violations of international law.

The conscientious development of clearly defined sanctions through a declaration on enforcement procedures is an additional reform that could further increase the efficiency and effectiveness of sanctions regimes. Details that should be consolidated when enacting sanctions include what "would be most effective in achieving the desired result, the infrastructure that is in place in the targeted nation, potential human rights violations that could result, the length of time that the sanctions should remain in place, and the third party nations that will be affected by the sanctions" (Biersteker *et al.* 2013: 33-39). Careful consideration for the potential negative ramifications of sanctions enforcement will ensure preemptive action in mitigating a severe impact on the populous (ICRC 1995). Such details should be specified in a declaration on behavior, which could act as a multilateral agreement on how sanctions should be enforced and what terms are appropriate. Idriss Jazairy, a Special Rapporteur on the Human Rights Council, highlighted the stalemate that occurs "with most countries agreeing that sanctions [have] to be adopted by the UN Security Council in order to be compatible with international law, while states that frequently use sanctions believe there are exceptions to this principle" (OHCHR 2017). He recommended that "a declaration on the minimum standards of behavior" would ensure that sanctions "only address direct security threats or internationally recognized human rights violations", and would establish an oversight in determining the effectiveness of the enforced sanctions (OHCHR 2017). In order for there to be significant improvement in the success rate of such mechanisms, enforcing entities should seek to clearly define preemptive and reactionary terms for assessing the impact of sanctions.

Given the current dominance of global governance and the involvement of non-governmental organizations (NGOs) in international relations, sanctions reform cannot take place without improvements in public debate. "Policymakers should be advised to avoid falling into the rhetorical trap of calling for 'crippling' sanctions", and a shift in public debate must move away from "a nearly exclusive preoccupation with their ability to coerce a change in behavior toward their ability to constrain actors or to send a powerful signal about prevailing norms" (Biersteker *et al.* 2013: 22). Essentially, harsh rhetoric emphasizing the use of force against a nation with detrimental consequences will not only harm the populous of the receiving regime, but will lead to the ineffectiveness of the sanctions. Reforms must aim to reinstate respect for UNSC targeted sanctions, thereby ensuring that violating actors are aware of the damage such restrictions will have on their actions. By enhancing the quality of public debate through civil society involvement, sanctions reform will have a better stage to ensure accountability and action by enabling parties.

As evident in the aforementioned data, targeted sanctions regimes have acted as an important instrument for the UNSC in enforcing its decisions through a mechanism more forceful than verbal condemnation and less severe than military action. However, "the disconnect between sanctions policy implementation and other UN mandates" has led to a current approach which "fails to integrate sanctions within an overall strategy for a country or region, thereby undermining the contribution sanctions can make to overall UN peace and security objectives" (Carisch *et al.* 2015). The failure for current sanctions regimes to effectively impair the capacity of the targeted entity, the consequential harm impacting vulnerable populations, and the apparent lack of oversight signals the need for substantive reform to ensure that unjust sanctions do not violate the norms of international law. Given that there is presently no institutional mechanism to integrate and coordinate sanctions policies with other UN mandates, the initial specification and authority of sanctions is diluted and no longer appropriately impactful (Cortright *et al.* 2010: 5). The high percentage of failure in targeted sanctions regimes is primarily due to a loss of political will resulting from widespread misunderstanding and a lack of clarity and oversight within enacted sanctions. By approaching sanctions "as a

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punitive measure rather than a preventive tool to be used in conjunction with diplomacy”, such mechanisms risk continued depletion in international respect and effectiveness (Carisch *et al.* 2015). With current practices of global governance, civil societies can enable energized debate geared towards improving the accountability and defined scope of targeted sanctions regimes, thereby establishing them as a legitimate mechanism for coercing states to comply with international customary norms.

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