



Sanctions: moving targets and goalposts

by Francesco Giumelli

As the cases of Iran and Russia show, ‘sanctions targets are less like static archery butts than live game, ducking and weaving to avoid projectiles’ (EUISS Brief 13). Yet it is not only the targets of sanctions – governments, individuals or organisations – which are moving; the archers themselves change positions. States imposing sanctions can change their minds about the reasons which initially led to the decision to adopt sanctions. And not only can targets alter their tactics: they can also unexpectedly become allies of the archers.

When the EU enacts what it calls ‘restrictive measures’, it does so because – at a given moment in time – certain actors are deemed responsible for certain actions it considers unacceptable in light of international norms. EU sanctions involve a wide range of diplomatic instruments, such as freezing assets and imposing travel bans on individuals, large-scale economic embargoes against countries and other measures such as restrictions on investments and financial transfers.

Evolving rationales

Sanctions regimes are, however, not static. The relative importance of crises for a foreign policy actor can evolve over time, as domestic, regional or global politics – or local circumstances in target countries – change. The initial reasons given for imposing restrictive measures may disappear, or the sender may change its views on the importance of compliance.

One such example is the EU’s sanctions regime against Uzbekistan, set up in 2005 after the massacre of civilians at Andijan. At first, the EU issued specific demands as a condition for the sanctions to be lifted. Yet, in 2009, these sanctions were repealed without the EU’s demands being fully met.

Uzbekistan allowed the EU to participate in a fact-finding mission in Andijan and facilitated the creation of an inter-parliamentary dialogue with the European Parliament on human rights, as requested. But the EU’s call to allow an independent investigation was never answered. Factors explaining the softening of its position include Uzbekistan’s support for NATO’s activities in Afghanistan, and that the sanctions were deemed ineffective.

In Syria, initially, the EU imposed sanctions on individuals in or close to the government, with the exception of President Assad. The intention was to simultaneously signal to the regime that the Union would not tolerate the repression of civilians, but was, however, still open to dialogue with the president. Later on, Assad himself was sanctioned because the new political objective became regime change. The lifting of the arms embargo against Syria in the summer of 2013 was driven by the need to support the country’s opposition in order to speed up the fall of the regime. However, when the US declared its intention to launch a military operation in Syria, many EU member states were opposed because of concerns

about the presence of radical Islamist forces in the anti-Assad coalition. In other words, the decision to impose sanctions on Assad in 2012 indicated that the EU favoured regime change in Damascus, but the 2013 discussion on military action showed that this outcome was no longer its main priority.

UN measures targeting the terrorist network al-Qaeda are another example of shifting goals and priorities. In 2001, the UN put together a list of terrorists and terrorist organisations deemed responsible for the 9/11 attacks in New York. Because of the links between al-Qaeda and the Taliban in Afghanistan, both groups were included on the same blacklist, known as the *1267 Regime*.

Over time, however, the main aim became stabilising Afghanistan. Subsequently, UN Resolution 1988 created a new sanctions regime which recognised that some of the Taliban had rejected the terrorist ideology of al-Qaeda and decided to join the reconciliation process.

Realigning interests

Imposing sanctions is a bit like shooting arrows at other archers in that targets can both shoot back and dodge projectiles. But as the relative salience of crises evolves for both senders and targets, they can also decide to switch sides. This can happen because the regional context undergoes a specific transformation or because domestic political dynamics change.

Transnistria is a case in which a targeted individual later became a political actor the EU considered legitimate. The Union originally enacted sanctions in 2003 in order to put pressure on Transnistria to be more cooperative in talks with Moldova. A list was subsequently produced of 19 individuals to be targeted, which included a number of officials ranging from political figures to members of the judicial system. In 2008, the list was redrawn: six people were delisted but little reason was given for the decision at the time.

It then turned out that the group of delisted individuals was forming an internal opposition group to the government in Tiraspol under the leadership of Igor Smirnov. It can therefore be argued that the EU had identified certain targets as potential ‘allies’ in its bid to undermine the Transnistrian leadership. Eventually, one of the individuals taken off the list, Yevgeny Shevchuk, was elected president after campaigning against the Russian-backed incumbent. Tellingly, after taking office, Shevchuk was not placed on the EU sanctions list – unlike former President Smirnov.

The case of Myanmar, subject to sanctions since the late 1980s, is also noteworthy. The ongoing political process in the country has justified the lifting of EU and US sanctions. This has happened despite the fact that the human rights track record of the regime remains shaky, especially with regard to its treatment of the country’s Muslim minority. Nevertheless, the ruling elite has changed course and is now recognised by the West as a (reasonably) reliable partner.

The approach adopted by the West in Myanmar is comparable to those seen in many post-conflict situations. The UN, for instance, has followed a similar logic in Liberia. The last round of sanctions against individuals and organisations in the country – torn apart by civil war throughout the 1990s – was imposed in 2003 with UNSC Resolution 1521.

The Security Council imposed an asset freeze and a travel ban on individuals and entities deemed potentially able to destabilise the ongoing reconciliation process in both the country and the surrounding region after the departure of warlord Charles Taylor (now on trial in The Hague). However, certain individuals – such as businessman Benoni Urey in 2013 – were delisted because it was considered that they could help achieve the objectives of the sanctions regime.

Shifting aims

It is commonly believed that sanctions are successful when they achieve their original objectives. However, the assessment of sanctions’ effectiveness also depends on what senders intended to achieve with sanctions at the moment they were lifted. Whether sanctions are to be imposed, suspended or lifted depends on the current broader foreign policy agenda of the sender and is not solely linked to the behaviour of the targeted states or actors.

Policymakers designing sanctions could also consider the possibility that targets can eventually align their interests with the EU’s (or the UN’s). The best way to be prepared for change is to enhance the strategic planning capacities of EU institutions by developing scenario-building skills to help clarify who the targets are (or should be).

Proficient archers are able to hit moving targets; good sanctioners should be able to do so, too.

Francesco Giumelli is Assistant Professor at the University of Groningen.

