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Understanding United Nations targeted sanctions: an empirical analysis

FRANCESCO GIUMELLI*

United Nations sanctions have undergone profound transformations in the past two decades. In 1990, the Security Council (UNSC) imposed a general, comprehensive embargo on trade with Iraq after its invasion of Kuwait. In 2015 the UN has 16 sanctions committees, managing regimes that have little in common with the one imposed against Iraq a quarter of a century ago. The sanctions imposed on Iraq in 1990 covered all goods entering or leaving the entire country, whereas those imposed today are most often directed against individuals or non-state entities, and are more limited in scope. According to a newly available dataset on UN targeted sanctions,¹ the Security Council used this instrument on 23 occasions between 1991 and 2013. Most of the well-known crises that have affected the stability of the international system, from the conflict in Angola to the more recent troubles in Yemen and the Central African Republic, have prompted the UNSC to resort to this 'newer' kind of sanctions. The novelties of targeted sanctions have been appreciated in theoretical terms, but comparative and systematic analyses that provide the empirical evidence to identify their innovative characteristics are still lacking.

This article aims to provide such evidence, establishing systematically some of the distinctive qualities of UN targeted sanctions. The objective is to show how targeted sanctions have been used and the main challenges that have been posed by their adoption. The evidence base is the dataset produced by the Targeted Sanctions Consortium (TSC), which collected data on all 23 cases of targeted sanctions imposed by the UN between 1991 and 2013.² The analysis identifies three distinctive characteristics of targeted sanctions. First, the targets of sanctions are substantially different from those of comprehensive sanctions. Second, targeting individuals and non-state actors has permitted sanctions to be used in a wider range of crisis types.

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¹ Thomas J. Biersteker, Sue E. Eckert and Marcos Tourinho, eds, *Targeted sanctions: the impacts and effectiveness of UN action* (Cambridge: Cambridge University Press, forthcoming, 2016).

² Biersteker et al., *Targeted sanctions*. Each case is subdivided into 'episodes', defined with reference to a new or different characteristic of the regime that differentiates it from other episodes, yielding a total of 63 episodes. Each case is examined against a list of 296 variables that identify the most important aspects of the sanctions.

Third, the form taken by sanctions is also substantially different today from the trade embargoes imposed in the past. The article goes on to highlight the particular features of targeted sanctions that create opportunities for evasion unique to sanctions of this type, concluding that with these in mind, the Security Council should devote special attention to the design and implementation phases of sanctions.

The analysis is divided into four parts. The first section traces the evolution of sanctions from the comprehensive to the targeted form. The second presents the empirical evidence from the TSC dataset with reference to the three distinctive characteristics of targeted sanctions as described above. The third section illustrates the policy implications of the UN practice of employing targeted sanctions. Finally, the conclusions summarize the argument and indicate ways to enhance our understanding of how UN targeted sanctions function.

The evolution of sanctions

Until the mid-1990s, most UN sanctions were comprehensive. This was the case for Iraq, for Haiti and for most of the former Yugoslavia. The underlying logic was to weaken the economy of a state in order to force the government of the day to change its policies. Today, most sanctions are targeted, and their logic is to maximize the impact on the responsible individuals (in other words, the elite) in the country concerned, while minimizing humanitarian consequences for the innocent population. The evolution from one form to the other has occurred over a period of some two decades, changing the UNSC's sanctioning practice and altering the prevalent view of the purpose served by sanctions in international relations.

Three major factors prompted the shift towards targeted sanctions. First, sanctions had gained a negative reputation internationally. Saddam Hussein did not leave power as a consequence of UN sanctions;³ and the case of Rwanda epitomized not only the failure of the UNSC to act effectively, but also the impotence of sanctions when it came to dealing with the instabilities typical of the post-Cold War world.⁴ Second, sanctions against states seemed not only to be ineffective in changing regimes, but even to entrench in power the groups they were intended to undermine. Saddam Hussein's position was made not less but more secure by sanctions, while in Haiti the military junta managed to increase its power by running the illegal market for sanctioned goods.⁵ Finally, sanctions were hurting innocent civilians more than the elites whose behaviour the measures sought to alter. The widespread view, subsequently reinforced by reputable reports, that 500,000 Iraqi children died as a result of UN comprehensive sanctions itself rang the death knell for the perceived utility of comprehensive measures.⁶

³ Andrew K. Fishman, 'Between Iraq and a hard place: the use of economic sanctions and threats to international peace and security', *Emory International Law Review* 13, 1999, pp. 687–728.

⁴ David Cortright and George Lopez, *The sanctions decade: assessing UN strategies in the 1990s* (Boulder, CO: Lynne Rienner, 2000).

⁵ Elisabeth D. Gibbons, *Sanctions in Haiti: human rights and democracy under assault* (Westport, CT: Praeger, 1999).

⁶ Mohamed M. Ali and Shah H. Iqbal, 'Sanctions and childhood mortality in Iraq', *The Lancet* 355: 9218, 2000, pp. 1851–7. The number was hotly disputed, see Independent Inquiry Commission, 'The impact of the Oil-for-Food Programme on the Iraqi people', 7 Sept. 2005; John Blacker, Mohamed M. Ali and Gareth Jones, 'A response

The evolution towards targeted sanctions was facilitated by the emerging principle of individual international responsibility. In essence, individuals were increasingly held accountable for their actions; and so, while Saddam Hussein himself was not specifically targeted with sanctions in 1990, he was in 2003. Likewise, Muammar Gaddafi was not sanctioned in the 1990s, but was in 2011. Sanctioning heads of state represented a radical change in UN practice. The ground was prepared by the creation in the 1990s of Special UN Criminal Tribunals (for example, to deal with the cases of Sierra Leone, Somalia, Rwanda and the former Yugoslavia) and in 2002 of the International Criminal Court. By the 2000s, holding individuals responsible before the international community had become a norm, rather than the exception. The stage was set for sanctions to change.

The UNSC legitimized and institutionalized the practice of holding non-state actors accountable before the international community with sanctions increasingly aimed at non-state entities, including individuals, which became known as targeted sanctions. The novelty of this type of sanctions lies in their intended impact on the individuals responsible for certain policy actions, even though the target itself may be an economic sector or part of the territory of a state.⁷ That is, even when sanctions are targeted on an economic sector (for example, diamond production), the intention is to target individuals who are responsible for, and/or benefit from, policy and practice in this sector. The logic is that the policy of a state (or a political group) will change as a consequence of the pressure imposed on key individuals and non-state entities in the decision-making process.

There are theoretical instruments that are applicable to both the comprehensive and the targeted versions of sanctions. For instance, the debate on the objectives of sanctions exists for both forms. Nearly 30 years ago, James Lindsay suggested a typology with five objectives that is applicable to any sanction.⁸ The more recent typology of how sanctions work—namely, whether sanctions coerce, constrain and/or signal—is also applicable to both comprehensive and targeted sanctions.⁹ Whether targeted or not, sanctions can be punitive measures,¹⁰ and may be considered the best policy option at a particular time.¹¹ Both comprehensive and targeted sanctions can provoke the ‘rally-round-the-flag’ effect in the target state, and both forms can have humanitarian consequences.¹² The impact of sanctions, if measured at a macro level (e.g. GDP growth, inflation, etc.), is another useful variable in comparing comprehensive sanctions on the one hand and targeted sanctions on the other.¹³

to criticism of our estimates of under-5 mortality in Iraq, 1980–1998’, *Population Studies* 61: 1, 2007, pp. 7–13.

⁷ David Cortright and George Lopez, *Smart sanctions: targeting economic statecraft* (Lanham, MD: Rowman & Littlefield, 2002).

⁸ James Lindsay, ‘Trade sanctions as policy instruments: a re-examination’, *International Studies Quarterly* 30: 2, 1986, pp. 153–73.

⁹ Francesco Giumelli, *Coercing, constraining and signalling: explaining and understanding UN and EU sanctions after the Cold War* (Colchester: ECPR Press, 2011).

¹⁰ Kim Richard Nossal, ‘International sanctions as international punishment’, *International Organization* 43: 2, 1989, pp. 301–22.

¹¹ David A. Baldwin, ‘The sanctions debate and the logic of choice’, *International Security* 24: 3, 1999–2000, pp. 80–107.

¹² John Mueller and Karl Mueller, ‘Sanctions of mass destruction’, *Foreign Affairs* 78: 3, 1999, pp. 43–53.

¹³ For instance, an extensive dataset created by the Peterson Institute does not make this distinction: see Gary C. Hufbauer, Jeffrey J. Schott, Kimberly A. Elliott and Barbara Oegg, *Economic sanctions reconsidered* (Washington

Targeted sanctions are certainly not problem-free. For instance, there is a lively debate in the literature on the legal challenges to which they give rise. Targeting individuals and non-state entities creates tensions with other principles established in international treaties, such as those of due process and effective remedy.¹⁴ The use of targeted sanctions to counter international terrorism raised particular concerns about human rights violations in view of the way in which individuals were added to the lists of those to be sanctioned.¹⁵ The national implementation of UN sanctions has also been discussed, as has the unevenness of state capacities to ensure that targeted sanctions are given effect.¹⁶ Finally, whereas the issue of effectiveness is of course a central topic for sanctions in general, there has been a discussion on whether targeted sanctions are more or less effective than comprehensive sanctions, marking the difference between the two when the dominant narrative had failed to acknowledge it.¹⁷

While theoretical considerations of this kind have given rise to a substantial number of academic studies, they have to date not prompted any systematic empirical analysis of the UN experience; as a consequence, knowledge of how targeted sanctions operate in practice is limited, confined mainly to case-studies of single countries, such as Iran or Libya,¹⁸ or of sanctions imposed by regional organizations, such as the EU and the African Union.¹⁹ Studies on UN sanctions have tended to ignore or overlook issues crucial to the understanding of targeted sanctions.²⁰ Targeted sanctions are designed to maximize the impact on responsible individuals and minimize consequences for innocent civilians, but what does that mean in practice? Who are the targets? When should the UNSC use sanctions? How innovative has the UNSC been in designing and implementing new sanctions? The TSC's empirical analysis of UN sanctions offers the opportunity to identify and examine the distinctive elements of targeted sanctions, as the next section will demonstrate.

DC: Peterson Institute for International Economics, 2007).

¹⁴ Larissa van den Herik, 'The Security Council's targeted sanctions regimes: in need of better protection of the individual', *Leiden Journal of International Law* 20: 4, 2007, pp. 797–807.

¹⁵ William Viece, 'Hitting the right target: EU and Security Council pursuit of terrorist financing', *Critical Studies on Terrorism* 2: 2, 2009, pp. 275–91; Ali Z. Marossi and Marisa R. Bassett, *Economic sanctions under international law* (The Hague: Asser, 2015).

¹⁶ Arne Tostensen and Beate Bull, 'Are smart sanctions feasible?', *World Politics* 54: 3, 2002, pp. 373–403.

¹⁷ Daniel W. Drezner, 'Sanctions sometimes smart: targeted sanctions in theory and practice', *International Studies Review* 13: 96, 2011, pp. 96–108.

¹⁸ Suzanne Maloney, 'Obama's counterproductive new Iran sanctions', Snapshot Article, *Foreign Affairs.com*, 5 Jan. 2012; Riccardo Alcaro, 'Europe and Iran's nuclear issue: the labours and sorrows of a supporting actor', *International Spectator* 49: 3, 2014, pp. 14–20; Ian Hurd, 'The strategic use of liberal internationalism: Libya and the UN sanctions, 1992–2003', *International Organization* 59: 3, 2005, pp. 495–526.

¹⁹ On the EU, see Francesco Giumelli, *The success of sanctions: lessons learned from the EU experience* (Farnham: Ashgate, 2013); Clara Portela, *European Union sanctions and foreign policy: when and why do they work?* (Abingdon: Routledge, 2010). On the African Union, see the article by Clara Portela and Andrea Charron in this special issue, 'The UN, regional sanctions and Africa', *International Affairs* 91: 6, Nov. 2015, pp. 1369–85; Mikael Eriksson, *Supporting democracy in Africa: the African Union's use of targeted sanctions to deal with unconstitutional changes of government* (Stockholm: Swedish Defence Research Agency, 2010); Elin Hellquist, 'Regional organizations and sanctions against members: explaining the different trajectories of the African Union, the League of Arab States, and the Association of Southeast Asian Nations', Kolleg-Forschergruppe (KFG) working paper no. 59, *Freie Universität Berlin*, Jan. 2014.

²⁰ Cortright and Lopez, *The sanctions decade*; Andrea Charron, *UN sanctions and conflict: responding to peace and security threats* (Abingdon: Routledge, 2011).

Targeted sanctions in practice: evidence from the empirical research of the TSC

Targeting non-state actors is not the same thing as sanctioning states. This is the driving logic behind the formation of the TSC and the decision to create a comparative and comprehensive database of all UN targeted sanctions for a total of 23 cases and 63 episodes, as summarized chronologically in table 1.

Table 1: Cases and episodes from the TSC dataset

<i>Case</i>	<i>No. of episodes</i>
Former Republic of Yugoslavia 1	1
Libya 1	3
Somalia	5
Haiti	3
Liberia	5
Angola	4
Rwanda	2
Sudan 1	2
Sierra Leone	5
Former Republic of Yugoslavia 2	1
Al-Qaeda and Taliban	4
Ethiopia–Eritrea	1
Democratic Republic of Congo	4
Iraq	2
Sudan 2	2
Côte d’Ivoire	5
Lebanon	1
Iran	4
Democratic People’s Republic of Korea	3
Taliban	1
Libya 2	3
Guinea-Bissau	1
Central African Republic	1
<i>Total cases: 23</i>	<i>Total episodes: 63</i>

The expectation of those setting up the TSC database was to collect evidence and identify patterns or features from cases of targeted sanctions that differ from those apparent in cases of comprehensive sanctions. The TSC database uses 296

variables grouped into 15 categories.²¹ Whereas some of these categories—such as general background, political will, signalling norms and other variables—can be used to describe both comprehensive and targeted sanctions, others are unique to targeted sanctions. Three categories are particularly relevant for the purposes of this article: the objectives, the targets and the type of measures applied.

Objectives

The first category concerns the objectives of sanctions. Although this category can be used to study comprehensive sanctions as well, the adoption of targeted sanctions facilitated the expansion of the range of circumstances in which sanctions could be applied, and the range of objectives that could be pursued. Comprehensive measures targeted states, and were originally intended as an instrument of collective security to be employed as an alternative to war. By contrast, targeted sanctions operate at the intrastate level, and we may therefore expect to see such sanctions being used to cope with a variety of different types of crises. Targeted sanctions regimes can be altered quite easily—for instance, by adding names to lists or removing them, adding exceptions, widening or narrowing targeted trade sectors—and this flexibility facilitates their expansion into areas not previously subject to sanctioning, at least not by the UN. Empirical analysis of the UN experience sheds light on when and how targeted sanctions are used and creates opportunities for new areas of sanctioning activity in the future.

The UNSC has interpreted Chapter VII of the Charter in different ways in the past two decades, enabling a more frequent use of targeted sanctions.²² The TSC identifies nine types of situation in which UN targeted sanctions have been used. Those that appear most frequently are efforts to end hostilities and to enforce peace in the context of armed conflict, each of which applies to about 49 per cent of the sample (see table 2).²³

Somalia is a typical case of an intrastate conflict where the UN intervened using sanctions in order to bring hostilities to an end. In 1991, Siad Barre was overthrown from power and a conflict began out of the struggle for his replacement; sanctions were imposed to facilitate a peaceful handover of power. Other instances in which sanctions have been imposed in response to an outbreak of violence are the cases of Liberia, Angola and the Democratic Republic of Congo (DRC). In Liberia,

²¹ The 15 categories are: general background, objectives, sanctions regime details, political will, purpose and target, norm signalling, type of sanctions, other actors involved, other sanctions, other policy instruments, implementation and enforcement, impact assessment, evasion/coping strategies, unintended consequences and effectiveness.

²² Michael W. Doyle and Nicholas Sambanis, *Making war and building peace* (Princeton: Princeton University Press, 2006); Vaughan A. Lowe, Adam Roberts, Jennifer Welsh and Dominik Zaum, eds, *The United Nations Security Council and war: the evolution of thought and practice since 1945* (Oxford: Oxford University Press, 2010); Michael Brzoska, 'International sanctions before and beyond UN sanctions', *International Affairs* 91: 6, Nov. 2015, pp. 1339–49.

²³ One episode can fall into more than one category; consequently the sum of the percentage values can exceed 100. Percentage always refers to the total of episodes. See Mikael Eriksson and Peter Wallensteen, 'Targeting sanctions and ending armed conflicts: first steps towards a new research agenda', *International Affairs* 91: 6, Nov. 2015, pp. 1387–98.

Table 2: Distinctive features of targeted sanctions: objectives and targets

<i>When applied: objectives</i>	<i>No. of episodes</i>	<i>To whom/what applied: targets</i>	<i>Primary target (%)</i>	<i>Targets (%)^a</i>
Cease hostilities	49	Entire government	19	59
Peace enforcement	49	Government leadership	25	53
Human rights	35	Rebel faction	25	43
Democracy support	27	All parties	16	29
Counterterrorism	24	Terrorist group	1	10
Peacebuilding	16	Leadership family members	0	22
Good governance	13	Facilitators	2	31
Support negotiated peace agreement	13	Individual targets	1	45
Support judicial process	10	Key regime supporters	0	14
Support humanitarian effort	6	Domestic constituencies	1	7
Responsibility to Protect	3	Regional constituencies	6	25
		Global constituencies	4	16

^a Average of coercing, constraining and signalling.

sanctions were imposed in 1992 in order to manage the conflict started two years earlier by the National Patriotic Front led by Charles Taylor. An arms embargo was imposed on the state (with exceptions that allowed forces of the Economic Community of West African States Monitoring Group, ECOMOG, to continue receiving arms), with a view to limiting the military capacities of the warring parties.²⁴

The UNSC also engages in peace enforcement activities, which are commonly, though not exclusively, conducted in defence of the terms of a peace agreement. The case of Sierra Leone is illustrative once again: here the UNSC deemed it necessary to intervene to support the implementation of the Abidjan peace accord of November 1996 and the Lomé agreement of July 1999.²⁵ Côte d'Ivoire provides another representative case, in which sanctions were imposed to support the implementation

²⁴ Cortright and Lopez, *The sanctions decade*; Jeremy M. Farrall, 'Recurring dilemmas in a recurring conflict: evaluating the UN mission in Liberia (2003–2006)', *Journal of International Peacekeeping* 16: 3–4, 2012, pp. 306–42.

²⁵ Adebajo Adekeye, *Building peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau* (Boulder, CO: Lynne Rienner, 2002).

of the power-sharing agreement of November 2001 and the Linas Marcoussis Agreement of January 2003. Sanctions have a specific objective when imposed to enforce peace: they attempt to coerce some into acting towards the implementation of an agreement, while disabling attempts by others to destabilize the process.²⁶

The second most frequently pursued objective, which is present in 35 per cent of the cases, is human rights promotion. This is an ever-growing concern for the UNSC, as seen in the context of the former Yugoslavia (especially Kosovo) at the end of the 1990s, and also in respect of Rwanda, Libya, the Central African Republic and the Taliban. Democracy support and counterterrorism are the next most frequent, applying to, respectively, 27 per cent of cases (including Liberia, Angola and Sierra Leone, among others) and 24 per cent of cases (Al-Qaeda/Taliban, Lebanon, Libya 1 and Sudan 1). Other objectives less widely present are peacebuilding initiatives, good governance, support for judicial processes, support for humanitarian efforts, and protection of populations under the Responsibility to Protect (R2P).

Sanctions have been used in two ways to support judicial processes. On the one hand, they have been imposed against governments whose cooperation is sought to capture suspected individuals to bring them to trial. This was the case in Libya 1, when the UNSC asked Gaddafi to hand over two men suspected of the Lockerbie bombing. It was also the case in Sudan 1, which was sparked off by the failed attempt by certain individuals, with Sudanese backing, to assassinate the Egyptian President Hosni Mubarak in June 1995 at the Organization of African Unity summit in Addis Ababa. Sudan refused to hand over the two suspects for trial, and the UNSC imposed travel and diplomatic sanctions to put pressure on the government to do so.²⁷ Sanctions have also been imposed on individuals indicted of crimes in order to facilitate the activity of tribunals. An example is the imposition of sanctions on individuals accused of the murder of Rafiq Hariri, the former prime minister of Lebanon.²⁸ The UN established the Special Tribunal for Lebanon (also referred to as the Hariri Tribunal), tasked with investigating and prosecuting the individuals responsible, and imposed a travel ban and asset freeze on the individuals indicted by the tribunal. The Security Council has also justified the imposition of sanctions to promote good governance practices: this typically occurs in post-conflict conditions, with the aim of supporting state-building efforts and ensuring successful democratic transitions. Examples are the cases of Liberia, Iraq (1 and 2) and the fifth episode for Somalia.

Targeted sanctions, then, have been used not only in wars between states but also in intrastate situations, such as post-conflict management and judicial processes deemed to require support. This is a significant change in practice for the Security Council, representing an extension of interest from interstate relations into matters internal to states. The range of crises in which sanctions have been applied reflect the different objectives that targeted sanctions are intended to achieve.

²⁶ Matthew Hoddie and Caroline A. Hartzell, eds, *Strengthening peace in post civil war states: transforming spoilers into stake-holders* (Chicago: University of Chicago Press, 2010); Oliver Richmond and Edward Newman, 'Peace building and spoilers', *Conflict, Security and Development* 6: 1, 2006, pp. 101–10.

²⁷ Tim Niblock, *'Pariah states' and sanctions in the Middle East: Iraq, Libya, Sudan* (Boulder, CO: Lynne Rienner, 2001).

²⁸ No name had been listed by the time of writing (September 2015).

Targets

The second category of variables of interest to targeted sanctions concerns the types of target at which sanctions are directed. As the great majority of targets of sanctions are now individuals and non-state entities, the understanding of how sanctions work needs to be adjusted to this new reality. While it is known that UN targeted sanctions are applied to non-state actors, the accounts are linked to specific cases and there is in the literature no comprehensive overview covering all instances. We would expect to see a range of different types of target, which implies that a corresponding range of considerations should be taken into account when the Security Council decides to target non-state actors. This in turn has implications for the demands the UN can set out and reasonably expect to achieve, and the overall strategy that can be adopted to address the crisis at hand in each instance.

Sanctions are often, but not always—or even most frequently—directed at the government and its members. The TSC distinguishes ten target categories that do not include the national government, such as rebels and family members of targeted individuals. The dataset also distinguishes between primary and secondary targets—primary targets are the ones that concern the most senders, while secondary targets suffer sanctions because of their connection with primary targets—a distinction that gives rise to some of the most interesting conclusions.

The main finding is that the entire government is the primary target of sanctions in 19 per cent of cases—for instance, those of Liberia and Côte d'Ivoire—and just some of its members (such as senior military leadership) in 25 per cent of cases. This means that the government as a whole or its members are targeted in under half of all cases. Cases of non-proliferation, such as those involving Iran and the Democratic People's Republic of Korea (DPRK), are also included in this group since it is the policy of the government or of its members that is deemed undesirable. The proportion of cases involving governments goes up to 55 per cent if secondary targets are included: this, for example, brings in the cases of Kosovo, Rwanda (in the early phase) and the Central African Republic.

Sanctions are frequently aimed at rebel factions, which were targeted in 25 per cent of episodes from the database, for example in Angola, Sierra Leone, the DRC and the Taliban in Afghanistan after 2001. Such groups are often more difficult to deal with than governments, and are less likely to compromise with the demands of the international community.²⁹ Again, the proportion rises (to 43 per cent) if secondary targets are included, which brings in the latest episode of sanctions against Somalia and the first episode against Rwanda.

According different treatment appropriately to different parties to a conflict is desirable, but often extremely difficult. This is why the Security Council opted for sanctions against all parties in 16 per cent of the episodes from the TSC dataset. This can happen when the Security Council has to react quickly to a situation and may initially impose a general sanction affecting all parties—as, for instance, in

²⁹ Alex S. Wilner, 'Targeted killings in Afghanistan: measuring coercion and deterrence in counterterrorism and counterinsurgency', *Studies in Conflict and Terrorism* 33: 4, 2010, pp. 307–29.

the early phase of the Liberian and Sierra Leonean conflicts. However, all parties were also targeted at later stages of the crises in Côte d'Ivoire and the DRC. Taking both primary and secondary targets into account, all parties in conflicts are targeted 29 per cent of the time.

Accounting for secondary targets becomes central to the analysis when sanctions directed at intermediary actors come into play. These intermediaries, who may have links with peace 'spoilers', for instance people who try to break a peace settlement once achieved, include family members, facilitators and key regime supporters. Such figures are frequently subjected to sanctions, though they are less likely to be the primary targets. Overall, intermediaries feature in a quarter of cases in the dataset, ranging from 10 per cent of terrorist groups to 45 per cent of individual targets (which includes also non-state entities such as firms). Family members were listed in Liberia, Angola, Sierra Leone and Libya, while Iran, Côte d'Ivoire and the DPRK saw facilitators being subjected to sanctions. Key regime supporters were also targeted in Liberia, Angola and Iraq. The lists of targets vary in length in post-conflict scenarios: sanctions on Iraq target 86 individuals and 208 entities, on Côte d'Ivoire 6 individuals, and on the Democratic People's Republic of Korea (DPRK) 12 individuals and 20 entities.³⁰

The wider audiences of sanctions also form a key element of the analysis. The TSC dataset considers three types of audience: domestic, regional and global. Once again, whereas they do not emerge very often in the analysis of primary targets (4 per cent only), the figure goes up to 16 per cent if we consider secondary targets as well. The claim that sanctions have an impact beyond the direct relationship between sender and target is borne out by research findings;³¹ however, since this finding is not specific to targeted sanctions, it will not be treated further here.

Types of measures applied

The third category regards the type of sanctions imposed.³² As targeted sanctions offer opportunities for institutional innovation, the UN provides a good case-study, offering the chance to investigate how sanctions have evolved over time and what types of measures have been used. The TSC dataset provides this information within a conceptual framework that can be used to make comparisons between cases and over time.

The UN has imposed a wide range of individual, sectoral and territorial sanctions. In general terms, the most commonly used type is the sectoral ban,

³⁰ Individuals and entities listed as of 1 October 2015.

³¹ James Fearon, 'Signaling foreign policy interests: tying hands versus sinking costs', *Journal of Conflict Resolution* 41: 1, 1997, pp. 68–90; Valerie L. Schwabach, 'Sanctions as signals: a line in the sand or a lack of resolve?', in Steve Chan and Cooper A. Drury, eds, *Sanctions as economic statecraft: theory and practice* (Basingstoke: Macmillan, 2000); Han Dorussen and Jongryn Mo, 'Ending economic sanctions: audience costs and rent-seeking as commitment strategies', *Journal of Conflict Resolution* 45: 4, 2001, pp. 395–426; Audie Klotz, 'Norms reconstituting interests: global racial equality and US sanctions against South Africa', *International Organization* 49: 3, 1995, pp. 451–78; Nossal, 'International sanctions as international punishment'.

³² The academic literature has provided some comparative perspectives: see e.g. Cortright and Lopez, *Smart sanctions*.

which is imposed in 95 per cent of the cases: most sectoral bans include arms embargoes, which are the most frequently applied sanctions measures especially in cases of armed conflict or human rights violations. The second most frequent type of sanctions comprises measures against individuals, such as travel bans (75 per cent) and asset freezes (63 per cent). The least frequently used category is financial sanctions applied against a government, which are used in only 10 per cent of the episodes.

Some form of sectoral sanction appears in all episodes of sanctions except three: the first episode of the Sudan 1 case, Lebanon and Guinea-Bissau. Restriction of arms imports is the most common measure, imposed in 87 per cent of sanctions episodes. Targets for arms embargoes vary: non-governmental entities are targeted 44 per cent of the time, government forces 16 per cent of the time and all parties in conflict in 40 per cent of cases. Bans on the export of weapons are also used, but much less frequently (17 per cent). Other measures are used less often and linked to specific cases. For instance, a ban on shipping and oil transport was used on three occasions only: namely, in the second episode of the Libya 2 case, and in episodes three and four of the Angola case. A ban on the import of oil services equipment was used only in two episodes of the Libya 1 case, and the ban on proliferation-sensitive material was used in seven episodes, all of which were related to the cases of Iran and North Korea.

Sanctions on individuals encompass a wide range of measures, including (as noted above) travel bans and asset freezes, and, once again, arms embargoes. The rationale behind this set of measures is that individuals are connected to certain policies. This connection may be direct, where a person is shaping the policy that the UNSC has declared to be a threat to international peace and security, or indirect, where a person benefits from and supports the execution of a policy of which the UNSC disapproves. Interestingly, asset freezes on individuals are more frequent (63 per cent) than travel bans (54 per cent). This is an interesting finding because travel bans are thought to be cheap to impose; therefore, we might expect this measure to be applied more often. Asset freezes were imposed to a similar extent against governments (e.g. Somalia, Haiti and Libya, among others: a total of 16 per cent), rebel factions (e.g. Angola and Al-Qaeda/Taliban: a total of 13 per cent) and former regime members (e.g. Iraq, Libya and the Taliban: a total of 8 per cent). That the same form of sanctions is applied in two different countries does not mean that it has the same impact in both. For instance, the number of targets can vary substantially. While in some cases hundreds of individuals are subjected to sanctions—for instance, the Al-Qaeda/Taliban regime had 500 targets and the Iraq case almost 300—others have very few individuals or even none: the third episode of the Côte d'Ivoire case has just three, and the Lebanon case has no one in the list.

Boycotted commodities include petroleum, diamonds, timber, charcoal and luxury goods. The most common boycotts were against diamonds (17 per cent) and petroleum (13 per cent), commodities selected because they were linked to specific groups responsible for certain policies and/or acts. For instance, diamonds were

considered the main source of revenue for some of the African conflicts; therefore Sierra Leone, Liberia, Angola and Côte d'Ivoire were all subject to sanctions on diamonds and other natural resources. Petroleum was also a revenue-generating resource, and was targeted on this basis in Angola and Sierra Leone, while in respect of Haiti petroleum was targeted in order to restrict the operating capabilities of the junta rather than to prevent exports with a view to reducing revenues. As noted above in respect of sectoral bans, the targeting of different commodities varies across individual cases and/or episodes of sanctions. For example, the ban on charcoal was adopted only in the last episode of the Somalia case, timber was targeted in Liberia, and luxury goods were sanctioned in the DPRK only.

Diplomatic sanctions include limitations on travel for diplomatic or government personnel, the reduction of diplomatic representation and the revision of visa policies. The UNSC decided to restrict the travel of diplomatic or government officials on eleven occasions in the dataset, for example in the cases of Libya and Liberia. Visa policies were revised in the Libya 1 and Angola cases, and diplomatic representation was limited in the Angola and Sudan 1 cases, among others.

The UNSC has used financial sanctions in the form of freezes on central bank assets and sovereign wealth funds, bans on investment and financial services, and measures against diaspora taxes. This set of sanctions is the one that many observers would be likely to consider the most persuasive (and effective), so it is interesting to see that of all the types of measures applied it is the one least frequently used. At the same time, it shows signs of institutional creativity on the part of the Security Council. For instance, in the case of Somalia it condemned Eritrea's use of the diaspora tax, that is, a tax imposed on Eritreans living abroad, to fund the activities of groups, including Al-Shabaab in Somalia, accused of destabilizing the region. UNSC Resolution 2023 of 2011 called on other states to counter the questionable way in which Eritrea was thought to collect this tax abroad.³³ National assets were targeted with sanctions on the central bank and sovereign wealth funds in the case of Libya 2, investment into Iran was prohibited, and financial services were targeted in the DPRK. Table 3 lists the types of targeted sanctions imposed by the UN and indicates the frequency with which each has been applied. This offers an extremely interesting perspective, as it shows how much the Security Council's practices have evolved and presents grounds for discussing the unique characteristics of targeted sanctions, which have specific implications, as shown in the next section.

The policy challenges: designing and implementing targeted sanctions

The analysis of the TSC data presented above suggests that there are at least three substantive differences between targeted sanctions and comprehensive sanctions. First, targeting makes sanctions a more flexible tool in the hands of the Security Council. Second, the targets of sanctions are a variety of actors with very different characteristics. Third, sanctions have taken very different forms, to the point

³³ United Nations Security Council Resolution 2023, 5 Dec. 2011.

Table 3: Distinctive features of targeted sanctions: forms of sanction

<i>Form of sanction</i>	<i>%</i>
<i>Individual/group</i>	75
Travel ban	54
Asset freeze: individual/corporate entity	63
Asset freeze: political entity	30
Asset freeze: government	16
Asset freeze: former regime	8
Asset freeze: rebel faction	13
Asset freeze and transfer: individual	5
<i>Diplomatic</i>	21
Limit on travel of diplomatic or government personnel	17
Limit on diplomatic representation	8
Revision of visa policy	10
Limit on number of diplomatic personnel	8
<i>Sectoral</i>	95
Aviation ban	17
Arms import embargo	87
Arms import embargo: non-governmental forces	44
Arms import embargo: government	16
Arms import embargo: all parties	40
Arms export ban	17
Proliferation of sensitive material	11
Oil services	3
Shipping and transportation	5
Commodity sanctions	41
Petroleum	13
Diamonds	17
Timber	5
Charcoal	2
Luxury goods	5
Others	8
<i>Financial</i>	10
Central bank	3
Investment ban	2
Financial services	2
Sovereign wealth funds	3
Diaspora tax	3

where they resemble instruments of governance rather than of foreign policy. The combined effect of these three features creates challenges that are unique to targeted sanctions, as reflected in the evasion techniques identified by the TSC dataset. These evasion strategies are the consequence of the peculiar characteristics of targeted sanctions and, therefore, give rise to specific policy recommendations.

The TSC identifies eight different types of evasion techniques.³⁴ The methods are diverse, but they are all new in the world of sanctions. Comprehensive sanctions were implemented, and evaded, mainly by governments. Targeted sanctions are aimed at individuals and non-state actors, and therefore it is individuals and non-state actors that adjust their behaviour in response. Companies may have an incentive to keep trading with sanctioned parties and, even more interestingly, sanctions themselves may create the opportunity for sanctions-busting activities, because sanctions tend to limit supplies and thereby make trade in banned commodities even more lucrative. The first finding is that evasion attempts are a structural concomitant to the imposition of sanctions: they are present 91 per cent of the time. The most common form is the use of black market contractors to purchase banned products. This drives prices up and, of course, increases the profitability of the business for new economic operators. The second most common technique is the use of safe havens. Targets use safe havens, for instance, to make payments that would be forbidden and carry out trade that would otherwise not be permitted. This can be facilitated by governments, but personal connections are often required and individual agency is central. Individuals also attempt to disguise their identity (31 per cent), rely on family members (12 per cent) and use informal value transfer systems to circumvent financial sanctions (25 per cent). The last of these is also a tactic used by non-individual, non-state entities, along with using front companies (28 per cent) and disguising vessels (26 per cent).

Most of the evasion techniques recorded by the TSC are related to the specific properties of targeted sanctions. As sanctions are used in a wide range of situations, their effective application requires a more nuanced understanding of the respective role they play in these different contexts. For instance, in post-conflict situations, targeted sanctions complement the role of domestic legal systems: in other words, they function as if they were a component of the state's legal system. Domestic legal systems always face problems of compliance because deviant behaviour is common. Individuals and companies evade, or try to evade, targeted sanctions just as they would evade, or try to evade, domestic legislation. In this evolving context, individuals and entities become the primary actors seeking for opportunities to circumvent sanctions, whether as direct targets attempting to avoid the cost of sanctions or indirectly, as other individuals/entities seeing opportunities in the avoidance of sanctions regimes. The private dimension of the international system is gaining in salience, in part because of the peculiar character of targeted sanctions. Finally, the very form of targeted sanctions creates evasion

³⁴ The categories are: (1) disguise of identity or use of forged documents; (2) use of front companies; (3) reliance on family members; (4) use of informal value transfer systems; (5) use of safe havens; (6) disguising vessels; (7) use of black market contractors; and (8) denial of inspection.

opportunities that are unique and different from the past. The imposition of a total embargo on Iraq offered other governments the opportunity to act as gatekeepers and therefore reserved a special role for them in the process. By contrast, the forms of sanctions more recently used by the Security Council, such as travel bans and commodity boycotts, provide opportunities and incentives mainly to individuals and non-state entities. Thus the characteristics of targeted sanctions require specific consideration in the construction and administration of sanctions.

The Security Council should devote particular attention to two phases of the policy cycle in respect of targeted sanctions: design and implementation. Design is the initial phase of sanctioning. This should pay appropriate attention to the type of target and the type of crisis at hand. For example, when the UNSC deals with terrorist groups, the nature of the request is not as important as the constraining aspect. By contrast, in post-conflict scenarios as many political actors as possible need to be involved; therefore the sanctions regimes need to include flexible demands and the potential for adaptation if the situation changes, for instance by allowing targets to be reincorporated into the political process.

Although targeted sanctions are often used as if they were instruments of global governance aiming at promoting democracy and human rights, they remain political instruments in the hands of the UNSC. Sanctions should be designed as a complement to other foreign policy tools and not in isolation from them. There is a need for more refined strategic thinking when the Security Council decides to resort to Chapter VII measures, paying attention, for example, to how such measures might be integrated with foreign aid in the context of post-conflict reconstruction endeavours and the use of force in the context of peace enforcement activities. There are already unwritten rules that lead to the construction of 'packages' of foreign policy instruments to deal with similar crises; the Security Council should take steps towards institutionalizing memory in this area, because the targeting of individuals creates new problems different from those previously encountered.

Individuals and non-state entities cannot be assumed to be the same kinds of political actors, any more than targeted sanctions can be considered the same kind of instrument as comprehensive sanctions. Non-state entities may be individuals holding positions in governments or companies operating in international markets; individual targets may be members of a political party, their family members and/or individuals associated with them. Or targets may be members of terrorist organizations and entities indirectly linked to them. All of these actors have their own motivations and interests that differentiate them from one another and from state actors. To take just one example, states are expected to last longer than their leaders; therefore the potential time-span of dealings with individuals and non-state entities is inevitably shorter than for state institutions. Also, non-state actors are more likely to be in a situation of existential danger than state institutions. For instance, even destructive wars do not commonly undermine the existence of states (as may be seen from the example of Iraq in 1990), whereas under sanctions individuals can interrupt or cease political activity and companies

can close down. Indeed, for individuals, compliance with sanctions often entails the highest risk to their survival (physical as well as political).

Targeted sanctions require enhanced capacity for implementation compared to comprehensive sanctions. Targeted sanctions approximate to criminal proceedings in a domestic legal system; this means that state authorities have to have extensive knowledge of the countries where targets operate and of the ways they operate internationally in order to evade sanctions. This in turn means that strong institutional capacity is needed upstream, where evidence is collected, and downstream, where attempts at evasion have to be prevented, verified and, possibly, punished. Because UN targeted sanctions operate at the international level, there are structural problems and limits on capacity that question the overall logic of imposing sanctions. Multilateral sanctions require not only cooperation among several actors, but also homogeneous implementation across countries.³⁵ This is often wishful thinking, far removed from reality. Although international capacity-building efforts have led to the creation of some reasonably effective regimes, for example in the areas of money laundering,³⁶ arms control,³⁷ and specific commodities (e.g. the Kimberley Process for diamonds),³⁸ there are still several grey areas that need to be addressed in the field of sanctions. The monitoring reports of the panels of experts that were set up by the UNSC precisely in order to address the implementation challenges of targeted sanctions demonstrate that international markets provide several ways to circumvent sanctions and that the cooperation of the private sector is essential for proper implementation.³⁹ For instance, secondary sanctions—sanctions imposed on targets accused of facilitating the circumvention of sanctions regimes, as occurred in the cases of Eritrea and Liberia—should be taken more seriously by the Security Council and steps should be taken to ensure that private actors, and not only national authorities, are involved in the sanctioning process.

Proper design of targeted sanctions can reduce problems linked to implementation. This can happen in three ways. First, the design of sanctions in the awareness that states have unequal implementing capacities avoids creating parallel systems in which sanctions are implemented in one state and not implemented in others. Second, resolutions could be written more specifically, keeping in mind that the ‘front line’ of implementation is composed of firms and other entities that have neither the intention of becoming security providers without being allowed a role in the decision-making process nor the competence to do so without specific access

³⁵ Drezner, ‘Sanctions sometimes smart’; Daniel W. Drezner, ‘How smart are smart sanctions?’, *International Studies Review* 5: 1, 2003, pp. 107–10.

³⁶ Eleni Tsingou, ‘Global financial governance and the developing anti-money laundering regime: what lessons for international political economy?’, *International Politics* 47: 6, 2010, pp. 617–37.

³⁷ Tom Lansford, ‘Towards an international regime on small arms trade: progress and problems’, *International Studies* 49: 3, 2002, pp. 365–85; Richard Burt and Jan Lodol, ‘The next step for arms control: a nuclear control regime’, *Survival: Global Politics and Strategy* 53: 6, 2011, pp. 51–72.

³⁸ Anne Pitsch Santiago, ‘Guaranteeing conflict free diamonds: from compliance to norm expansion under the Kimberley Process Certification Scheme’, *South African Journal of International Affairs* 21: 3, 2014, pp. 413–29.

³⁹ Francesco Giumelli, ‘The effectiveness of EU sanctions: an analysis of Iran, Belarus, Syria and Myanmar (Burma)’, EPC issue paper no. 76, 2013.

to information.⁴⁰ For instance, it is banks which possess information regarding the assets of individuals, and it is national authorities which have more information on individuals to be black-listed, but cooperation between national authorities and financial institutions presents serious problems of coordination. Third, targeted sanctions affect individual rights, and good design of sanctions—for instance, by including exemptions for special cases—can prevent the involvement of courts in such a way as to undermine the sanctions regime. Certainly, targeted sanctions present legal challenges and implementation problems that need to be addressed.⁴¹ The post-9/11 wave of listings at the UNSC has been directly challenged in the courts of several UN member states,⁴² and the Kadi case at the Court of Justice of the European Union, which stated that even Security Council resolutions could not violate rights granted by the EU legal system,⁴³ was an important wake-up call for the UN. Since then, the Security Council has attempted to ensure minimal standards for judicial review, for instance with the creation of the ‘focal point for delisting’ and the Ombudsperson, and for due process, for instance with the provision of reasoning for listing;⁴⁴ even so, the legal framework within which individual rights are limited with the imposition of targeted sanctions by a political body (i.e. the Security Council) still rests on fragile legal foundations.⁴⁵

Conclusions

Sanctions against individuals and non-state actors have changed the UN Security Council’s practice of applying sanctions to deal with threats to international peace and security. Whereas from the first case of Rhodesia in the 1960s to the case of Iraq in 1990, sanctions were imposed only on states, today targets are more often individuals and non-state entities. Although there are elements of continuity between comprehensive and targeted sanctions, the latter have peculiarities that had been acknowledged only in theoretical terms until the Targeted Sanctions Consortium conducted empirical research on the experience of the UN. The TSC research provided evidential confirmation that targeted sanctions are different from comprehensive sanctions in at least three separate ways. First, targeted sanctions can be used in multiple contexts and types of crisis, thus expanding the influence of the Security Council in the post-Cold War world. Second, actual and potential targets encompass a long list of diverse actors that require equally diverse

⁴⁰ Oldrich Bures, ‘Public–private partnership in the fight against terrorism?’, *Crime, Law and Social Change* 60: 4, 2013, pp. 429–50.

⁴¹ Thomas J. Biersteker and Sue E. Eckert, *Addressing challenges to targeted sanctions: an update of the ‘Watson Report’* (Providence, RI: Watson Institute for International Studies, 2009).

⁴² See the reports of the panels of experts set up under UNSC Resolution 1267. The 17th report lists the cases under litigation in the EU, Pakistan and the UK: see ‘Letter dated 27 October 2014 from the chair of the Security Council Committee pursuant to Resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council’ (New York: UN, 2014).

⁴³ Juan Santos Vara, ‘The consequences of Kadi: where the divergence of opinion between EU and international lawyers lies?’, *European Law Journal* 17: 2, 2011, pp. 252–74.

⁴⁴ Monika Heupel, ‘With power comes responsibility: human rights protection in United Nations sanctions policy’, *European Journal of International Relations* 19: 4, 2013, pp. 773–96.

⁴⁵ Daniel H. Joyner, ‘International legal limits on the ability of states to lawfully impose international economic/financial sanctions’, in Marossi and Bassett, eds, *Economic sanctions under international law*.

approaches. Finally, the type of sanctions adopted by the Security Council, from commodity boycotts to financial restrictions, will elicit responses from individuals and entities rather than from states and national authorities.

The analysis of the evasion techniques identified in the TSC data confirms that targeted sanctions demand special attention at both design and implementation stages. On the one hand, targeted sanctions need to be carefully tailored to the type of crisis and the type of target; on the other, they require strong state capacities to be in place *before* sanctions are imposed. Ultimately, the UNSC should decide on sanctions that have a good chance of being implemented to a considerable extent. This is not a new conclusion; nevertheless, the analysis of the TSC data provides a further tool at the disposal of the Security Council in deciding what is the best course of action under the UN Charter in any particular set of circumstances.

Several aspects of the UN's use of targeted sanctions require further investigation. Among these is the role of private actors, not only as targets but also as implementers of UN sanctions. The overview of sanctions and targets presented above offers an important starting-point for studying how the role of non-state actors in sanctions regimes is changing. Another is the impact UN sanctions have on relations between private actors, for instance when sanctions alter the conditions of a private transaction (contract) or when they affect the risk perception of investing in a particular country. Finally, targeted sanctions as described above resemble a public policy rather than a foreign policy instrument. This implies a changing role for the UN, as indicated by Marcos Tourinho's article in this issue,⁴⁶ because sanctions appear to have developed into an instrument of governance in the hands of the Security Council. This expanding and evolving trend seems likely to continue, and further attention should be paid to the activity of the UNSC in shaping the future of targeted sanctions.

⁴⁶ Marcus Tourinho, 'Towards a world police? The implications of individual UN targeted sanctions', *International Affairs* 91: 6, Nov. 2015, pp. 1399–1412.