

# The Role of Sanctions

**INTERNATIONAL SANCTIONS ARE AMONG THE VITAL AND INDISPENSABLE** tools available to the United Nations Security Council in addressing threats to international peace and security. From human rights violations in Darfur, to Iranian and North Korean efforts to acquire nuclear capabilities, to the protection of civilians in Libya, the Security Council imposes targeted sanctions with growing frequency and for an increasing range of purposes. The reluctance of many countries to support the use of military force accentuates the essential space that sanctions occupy—a middle ground between “war and words.”<sup>1</sup> Indeed, sanctions have become *the* instrument of choice in responding to contemporary international security challenges.

The past quarter century has witnessed a significant transformation in the use of UN targeted sanctions. Instead of comprehensive economic embargoes such as the one employed against Iraq in the early 1990s, with resulting injurious humanitarian consequences, the Security Council deliberately shifted to “targeted” or “smart” sanctions as a means of focusing measures on the decisionmakers and their principal supporters responsible for violations of international norms. All UN sanctions since 1994 have been targeted in some manner.

As global threats have evolved, innovation in the design and application of UN sanctions has ensued. From the original focus on cross-border attacks, civil wars, and terrorism, the rationale for sanctions has expanded to encompass preventing new forms of human rights violations such as sexual and gender-based violence and recruitment of child soldiers, thwarting the development of unconventional arms and their delivery systems, coun-

tering financing of conflict through exploitation of natural resources or criminal activities, and forcing the restoration of democratically elected governments.

At the same time, the range of international organizations, instruments, and initiatives dealing with many of these threats has multiplied. The growing frequency with which other crisis management tools are employed alongside UN sanctions—mediation, peacekeeping, referrals to international judicial processes, as well as the imposition of sanctions by entities other than the UN, including regional groups as well as individual countries—raises issues of coordination and complementarity.

With UN sanctions targeting specific goods or services, individuals and entities, new issues have arisen over time—the need to ensure that UN sanctions are reconciled with the rule of law, particularly respect for due process and human rights; the focus on nonstate actors; new expert mechanisms to monitor implementation; and greater reliance on the private sector to implement sanctions, requiring new partnerships and strategies to ensure effectiveness. These institutional dynamics reflect the need for the Security Council, the Secretariat and UN agencies, member states, and related international actors to adapt continually to the intricacies of new threats to international peace and security.

### **Objectives and Types of UN Sanctions**

Sanctions provide the international community a potentially potent instrument to address threats to international peace and security.<sup>2</sup> Under Chapter VII of the UN Charter, Article 41 authorizes the Security Council to adopt coercive nonmilitary measures, short of the use of force, to deal with “any threat to the peace, breach of the peace, or act of aggression.”<sup>3</sup> Every member state is obliged to implement such measures at the national level. Although some countries willingly enact sanctions on a unilateral basis, for many other countries Chapter VII mandates provide the only legal basis upon which to impose sanctions.

The specific goals of UN sanctions have expanded over time as the Security Council has encountered a broader array of threats to international peace and security. Originally crafted to confront cross-border aggression and civil wars, sanctions now address security threats of terrorism and the proliferation of weapons of mass destruction (WMD), as well as promote

human rights and protect civilians by aiming to neutralize spoilers in conflict and peacekeeping contexts. The Security Council has also employed targeted sanctions in nontraditional ways, for instance against perpetrators of sexual and gender-based violence against civilians in conflict zones, and has signaled its intention to sanction recruiters of child soldiers, suspected pirates, and groups using natural resources, including wildlife products, to finance conflict.<sup>4</sup> Today the UN utilizes sanctions to address six general categories of threats to international peace and security: armed conflict (including support for peace negotiations and peace enforcement), terrorism, WMD proliferation, illegal change of government, governance of resources, and protection of civilians.<sup>5</sup>

To address these challenges, the international community generally employs sanctions to achieve three strategic purposes: to *coerce targets* into changing policies or behavior (the most widely perceived goal of sanctions); to *constrain targets* in their ability to conduct proscribed activities; and to *signal support* for an international norm or *stigmatize targets*.<sup>6</sup> Such purposes are not mutually exclusive, and most sanctions have multiple objectives. For example, nonproliferation sanctions against Iran and North Korea attempt to change regimes' behavior and to stigmatize their violations of nonproliferation norms, but primarily focus on constraining access to goods, technology, and finance that could assist WMD programs. All UN sanctions address threats to international peace and security and involve signaling or stigmatizing in some manner. Notwithstanding the multiple purposes of sanctions, however, much of the popular discourse surrounding sanctions remains fixated on the coercive aspect, often to the exclusion of the other purposes. Public discourse commonly focuses on whether sanctions "work" in forcing a change of behavior, failing to understand and appreciate the important constraining and signaling functions of UN sanctions.