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SHOOTING IN THE DARK? EU SANCTIONS POLICIES

Konstanty Gebert

SUMMARY

Over the last two decades, the EU has engaged in a surprisingly active policy of use of sanctions. In particular, it sanctions countries in response to particularly egregious human rights violations or democratic backsliding or to deter countries from actions that have negative security consequences for the EU. However, although such sanctions seem to be applied with increasing frequency, it is extremely hard to tell how effective they are. Inadequate monitoring means we do not know how far member states implement EU sanctions. Nor do we know whether sanctions contribute to reaching the desired objectives. In short, it is like shooting in the dark.

Above all, there is an urgent need for better monitoring of the implementation and impact of EU sanctions. However, short of war, sanctions are the only coercive foreign-policy instrument the EU has at its disposal. This means they will continue being used, regardless of criticism of their implementation and questions about their effectiveness. The EU should therefore apply sanctions as smartly as possible. In particular, it should set limited, achievable goals when imposing sanctions; be realistic about its own capacity to impose sanctions and about what they can achieve; loosen or suspend sanctions as a reward for compliance; and communicate effectively with the public and, in particular, the opposition in the target country.

Sanctions are becoming one of the European Union's favourite foreign-policy tools. For a political entity that (with a few exceptions) lacks the capacity to project military power, is devoid of a consistent and binding foreign policy, and is generally considered a "soft power", the EU has, over the last two decades, engaged in a surprisingly active policy of use of sanctions. As of June 2012, it had in force sanctions directed at 26 states including North Korea and the United States, one no longer existing country (Yugoslavia), and a host of different terrorist organisations, from al-Qaeda to the relatively lesser known Movement for Islamic Reform in Arabia, as well as some 20 other entities and dozens of individuals such as Milica Gajić-Milošević, the daughter-in-law of the deceased former Serbian president Slobodan Milošević.¹

The use of sanctions by the EU has increased sharply in the last few years from 22 decisions in 2010 to 69 one year later.² Though most focused on a small group of outlaw countries such as Iran, Syria and, until recently, Libya and Burma, they target an increasing number of countries, from 16 in 2002 to 28 nine years on. Stefan Lehne is of the reasonable opinion that this increase is due to a growing self-perception by the EU as an active agent on the international scene, and to its tendency to add new sanctions if old ones seem not to work.

¹ European Union, *Restrictive measures (sanctions) in force*, updated on 4 December 2012, available at http://eas.europa.eu/cfsp/sanctions/docs/measures_en.pdf.

² Stefan Lehne, "The role of sanctions in EU foreign policy", Carnegie Endowment for International Peace, December 14, 2012, available at www.carnegieeurope.eu/publications/?fa=50378.

But other factors, such as disillusionment with problem countries' capacity to mend their ways through internal reform probably also play a role.

This sharp increase in the use of sanctions decisions is rather remarkable, for sanctions are not a "soft" policy act. Rather, they are coercive measures, designed to cause damage to the targeted party, in order to force it to undertake, or prevent it from undertaking, certain behaviour.³ In particular, the EU sanctions countries for directly violating political values the EU considers central to its identity or to deter them from acts it considers a security threat. However, although such sanctions seem to be applied with increasing frequency, it is extremely hard to tell how effective they are.⁴ The term "sanctions" refers to a range of different policy instruments, which makes their systematic study extremely difficult. While effectiveness studies have become quite common in academia (as a sub-section of peace studies), little research has been done within the EU institutions.

The Stockholm Process of 2001, which focused on the effectiveness of targeted sanctions, led to the publication in 2003 of a report that recommended "measures to enhance the planning, monitoring, reporting and coordination among sanctions committees and monitoring bodies" and "establishing a sanctions coordinator, or a special adviser, to further improve and support the coordination among sanctions committees, expert panels and monitoring mechanisms". However, the EU essentially ignored these recommendations.⁵ Monitoring of sanctions is usually left to the general law-enforcement agencies of the member states. Thus we do not really know to what degree they are implemented, or whether they in fact contribute to reaching the desired objectives. In short, it is like shooting in the dark: we know the target is out there somewhere, and with enough firepower we may be relatively sure we have inflicted some damage, but it would help a great deal if we knew whether our bullets were flying in the right direction – or, indeed, whether we were firing live ammunition, or just blanks.

This brief looks in more detail at two kinds of EU sanctions: those connected with political demands and those connected with security threats.⁶ First, the EU sanctions countries in response to particularly egregious human rights violations (for example, the sanctions following the Andijan massacre in Uzbekistan) or to punish democratic backsliding

and encourage a movement towards more democratic governance – what might be called "democracy sanctions". Second, the EU imposes sanctions in order to deter countries from actions that have, or may have, seriously negative security consequences for the EU and/or the international community – what might be called "security sanctions". In particular, this brief will focus on democracy sanctions against Burma and Belarus and security sanctions against Libya. On the basis of these three cases, the brief draws conclusions about how the EU can apply sanctions smartly.

Belarus: from bad to worse

The EU first imposed sanctions on Belarus in 1996 – two years after President Alyaksandr Lukashenka took power and started transforming the country into "Europe's last dictatorship". Sanctions were suspended in 1999, after a confrontation over diplomatic residences was seemingly solved, but then re-imposed after Minsk refused to grant visas to EU monitors. New sanctions in the form of a visa blacklist and asset freezes followed the intensification of political repression in subsequent years. Yet in 2008 most targeted sanctions were temporarily suspended again, following the Russo-Georgian war and signals from Minsk that it willing to start cooperating with the West. Expectations were dashed, however, when the regime brutally cracked down on marchers protesting electoral fraud in 2010. Since then, sanctions have gradually been expanded. Belarus is exceptional in being the only Eastern Partnership (EaP) country subject to EU sanctions.⁷ In fact, Belarus was invited to join the EaP while being under sanctions.⁸

The sanctions on Belarus are specific and targeted, with 243 individuals from the innermost circles of the regime barred from entering the EU and having their assets frozen, while the 32 companies linked to three tycoons closely connected with the president are under trade sanctions. Furthermore, sanctions were temporarily suspended in 1998 and again in 2008 as a positive reaction to real or anticipated political changes inside Belarus – and re-imposed as hopes turned to disappointment. These are, therefore, very fine-tuned policy instruments – and yet, on the face of it, they have failed to bring about the intended political results – that is, a liberalisation of the regime and an end to repression.

However, the impact of sanctions against Belarus is difficult to assess. The relative political thaw of 2008–2010, exemplified by the release of political prisoners, has been quoted as proof of the effectiveness of sanctions. Yet one can plausibly argue that sanctions were, at best, only one among many factors influencing Belarus at that time.⁹ Bad

³ In extreme cases, sanctions can create widespread economic havoc and even mass deaths (e.g. as many as 5 million in Iraq during the 1990s, according to UNICEF). At the same time, sanctions affect not only the target party, but also those who impose them (e.g. Latvia assesses that EU sanctions on Belarus cost it €500m a year, or 2–3 percent of GNP). Even if the assessments quoted might have been inflated for political reasons, there is no doubt that sanctions are a very powerful policy instrument. Their critics routinely call them "war by other means" or the "nuclear option", to underscore their impact.

⁴ In the classical Peterson Institute study of 115 sanctions imposed between 1914 and 2006, the rate of even partial success was 34 percent. See the Peterson Institute for International Economics, *Summary of economic sanctions episodes, 1914–2006*, available at <http://www.iie.com/research/topics/sanctions/sanctions-timeline.cfm>.

⁵ Statement by Hans Dahlgren, State Secretary for Foreign Affairs of Sweden, at 4713th meeting of the United Nations Security Council, available at <http://www.un.org/News/Press/docs/2003/sc7672.doc.htm>.

⁶ For a systematic overview of EU sanctions policy, see Clara Portela, *European Union Sanctions and Foreign Policy: When and Why do they Work?* (London: Routledge, 2010).

⁷ Transnistria, a separatist territory of Moldova, is under EU sanctions for its separatism, and Armenia and Azerbaijan are under an EU-respected OSCE arms embargo due to the Karabakh conflict of 1988–94.

⁸ Polish Ministry of Foreign Affairs, "Eastern Partnership", available at http://www.ms.gov.pl/en/foreign_policy/europe/eastern_partnership/partnership.

⁹ See Jana Kobzova, "Much Ado about Minsk, Too Little about Baku", *New Eastern Europe*, 7 May 2012, available at <http://www.neweasterneurope.eu/node/308>.

relations with Moscow, due to issues unrelated to sanctions, made the regime more vulnerable, while the deteriorating economic situation forced it to apply for an IMF loan – which it would not have obtained had political prisoners remained in jail. This illustrates the difficulty of establishing a causal relationship between sanctions and policy change, or the lack of it, in the target country.

The official position in Minsk is that sanctions have no impact on Belarusian policy and should be dropped. Lukashenka has called them a “road to nowhere”.¹⁰ Some civil-society activists support the sanctions. For example, in March the families of political prisoners published an appeal for sanctions in order to “bankrupt” the regime.¹¹ However, others suspect that sanctions may have made the situation worse, because Lukashenka sees them as a challenge and needs to show that he has not caved in.¹² In particular, they see the execution of the two alleged perpetrators of the metro bombing in Minsk in 2010 as a consequence of the new sanctions. Lukashenka has confirmed that he might increase repression in response to sanctions.¹³ He also threatened to retaliate against the West as well and, in particular, to ease controls on people leaving Belarus and thus facilitating an influx to the West of illegal immigrants.¹⁴ The case of Belarus illustrates the importance of a clear and unanimous opposition constituency inside the country that supports sanctions policy and actively contributes to it.

There must also be an acceptable political perspective for forces supporting the regime if it complies with demands. This means not only that sanctions need to be calibrated, rather than being of the all-or-nothing variety, but also their goal, stated or implied, cannot just be regime change. Some opposition activists argue that sanctions should be intensified in order to “break” the regime. But not only would it be very difficult to “break” a regime that has commercial alternatives to trading with the EU, but also the cost to the population would necessarily have to be huge – Saddam Hussein succeeded in clinging to power even under such a sanctions regime. The formulation of a sanctions goal policy that would not be unacceptable to the regime or alienate the opposition is clearly the most important – and the most tricky – aspect of this method of bringing about political change. This would necessarily imply trade-offs: lifting a predetermined number of restrictions (e.g. on the visa

blacklist) in return for the regime meeting a precise target (e.g. the release of all political prisoners, with the proviso that the restrictions will be automatically reinstated in case of backsliding).

The case of Belarus also shows that sanctions can be undermined if the regime has a viable alternative to the ways and means that sanctions are supposed to deny it. Russia and Ukraine, which have repeatedly condemned the EU sanctions, give the regime in Minsk substantial economic breathing space. In particular, a trade embargo would not work, as Belarus has access to alternative trade routes via Russia – and Russia has a political interest in bringing Belarus closer. But this also means that the sanctions themselves should not contain loopholes that defeat their purpose. If implementation is discretionary, effectiveness will be limited. For example, Slovenia tried to block the new round of EU sanctions against Belarus in the spring of 2012, as Slovenian company Riko Group was heavily involved in a €100 million hotel venture with Belarus tycoon Yuri Chizh, one of the three businessmen close to Lukashenka who were to be blacklisted.¹⁵

While Slovenian resistance was finally overcome, Latvia made no secret of its opposition. “The effectiveness of these proposed sanctions is what worries Latvia the most. We have on many occasions asked our EU partners what they believe these sanctions will lead to and what we will achieve,” said economy minister Daniels Pavluts. “It would be very sad if these sanctions harm the people of Belarus, businessmen not associated with the ruling regime, as well as EU members themselves, including Latvia,” he added.¹⁶ Latvia does not have a system for monitoring compliance with EU sanctions, nor does it have the money to set one up; it does, however, as noted, expect to incur heavy losses because of them. It seems reasonable to predict that its compliance might therefore be less than complete.

Other member states have also played fast and loose with other aspects of sanctions policy. In January 2012, the Belarusian interior minister, Anatoly Kulyashou, was allowed to travel to France for a conference at Interpol in Lyon, even though he is on an EU visa ban list because of his role in the crushing of the Minsk demonstrations in late 2011. EU law does allow member states to grant visas for the goal of “participating in meetings of international organizations”, but this does not mean that such exemptions should be automatic. Neither France nor Interpol, however, have seen fit to explain why it was in the interest of the common good to have the Belarusian interior minister hone his professional skills.

¹⁰ “Lukashenko believes EU understands that sanctions have no prospects”, *Kyiv Post*, 26 April 2012, available at <http://www.kyivpost.com/content/russia-and-former-soviet-union/lukashenko-believes-eu-understands-that-sanctions--126670.html>.

¹¹ The petition was published on the “Belaruski partisan” website. It stated: “We call ... for the support of all sanctions which will lead to the rapid bankruptcy of this system”.

¹² During a GMF seminar in Warsaw, two opposition voices argued that the strength of the sanctions is in their threat, not their implementation. Aleh Hulak (Belarusian Helsinki Committee) and Aleh Bahucki (Belarus Social-Democratic Community) both stated that sanctions may [make the regime] refrain from repression if they were used as a threat, and not as reality. If sanctions were to become a reality, the Belarusian authorities may increase repressions regarding “Europe’s agents” inside the country (i.e. against civil society).

¹³ “Lukashenko threatens West ‘with taking hostages’”, *Unian*, 23 April 2012, available at <http://www.unian.info/news/499437-lukashenko-threatens-west-with-taking-hostages.html>.

¹⁴ Denis Lavnikevich, “Belarus weakens border control with EU, Lukashenko shows his ‘adequate response’ to sanctions”, *Gazeta.Ru*, 20 April 2012, available at http://en.gazeta.ru/news/2012/04/20/a_4557593.shtml.

¹⁵ Kamil Kłysiński and Rafał Sadowski, “Belarus’s diplomatic war with the European Union”, *Eastweek*, Center for Eastern Studies, 9 February 2012, available at <http://www.osw.waw.pl/en/publikacje/eastweek/2012-02-29/belarus-diplomatic-war-european-union>.

¹⁶ Nina Kolyako, “Daniels Pavluts doubts whether sanctions against Belarus will achieve their purpose”, *Baltic Course*, 3 March 2012, available at http://www.baltic-course.com/eng/analytics/?doc=54005&ins_print.

In short, while sanctions imposed on Belarus clearly are hurting some elements of the regime, give comfort to some of its opponents, and are proof that the EU is “doing something” in reaction to the egregious human-rights violations of the Lukashenka regime, there is little evidence that they produce the desired effects – that is, a revision of the regime’s policies, ultimately leading to regime change. One can be more optimistic about their usefulness in obtaining limited policy goals such as the release of political prisoners, assuming other circumstances are favourable. However, given the heavy political investment the EU has made in its sanctions policy, any major lifting of sanctions without the desired goals being achieved would be seen as a major defeat.

Burma: success after all?

While sanctions imposed on Belarus for more than 15 years have to date failed to bring about the desired political outcome, a breakthrough was finally achieved in the case of Burma (Myanmar): the regime, long a target of extensive sanctions, has initiated a liberalisation process which, although not yet irreversible, has led to sweeping changes. In view of the spectacular changes on the Burmese political scene, the EU decided in April 2012 to lift its sanctions for one year; only an arms embargo, imposed in 1990, still remains in place. The lifting of the sanctions was reviewed and confirmed in October 2012; the release of all political prisoners (some 500 remain in Burmese jails) is one of the preconditions for a definitive removal of the sanctions.

Sanctions were initially imposed in 1996 in reaction to government repression and were later extended to include a ban on trade with more than 800 companies connected with the military regime, and a visa ban and asset freeze of 491 regime personalities. However, the sanctions did not stop all business dealings with the EU. In fact, foreign and direct investment actually increased from a pre-sanction level of \$180 million in 1996 to a peak of \$490 million three years later; they then dropped to and below pre-sanction levels. Exports to the EU also rose, from a pre-sanction level of about \$100 million in 1996 to over four times as much in 2001; here too, however, a decline eventually followed.¹⁷ French energy giant Total remained heavily invested in the exploitation of gas fields and Lloyd’s continued to provide reinsurance to a local insurer.

While there was much self-congratulation in Europe when the sanctions were lifted – the British Minister for Europe, David Lidington, said they were “part of the mix of international pressure” – most observers do not think the sanctions had much of an impact.¹⁸ Aung San Suu Kyi, the leader of the opposition to the Burmese regime, consistently supported sanctions and said they had a subtle,

psychological impact. “The regime started believing their own propaganda, that sanctions are responsible for the ills of the country”, she said.¹⁹ But, in a report published in 2011, Burma Independence Advocates (BIA), a British think-tank that supports the opposition, bluntly stated that “sanctions had not worked”: “One failure of the Western sanctions has been their failure to weaken and isolate the ruling junta. The sanctions could be made successful if they were targeted to cost the regime significantly.”²⁰

This failure was in part because the sanctions against Burma were not imposed multilaterally. The US, Canada, Australia, Norway, and Switzerland all imposed restrictions and bans similar to those imposed by the EU. But, with the brief exception of Japan, which for two years suspended aid to Burma, no Asian country participated in the sanctions.²¹ In particular, China availed itself of the investment opportunities created by the sanctions-imposed withdrawal of Western companies, and hugely extended the scope of its trade with Burma and its direct investment in that country.

The sanctions were also riddled with loopholes. BIA said that the presence of Western energy companies in Burma highlighted the “schizophrenic way the sanctioning states deal with Burma’s crisis” and that investment by sanctioning states have diluted the measures they themselves had put in place. Europe was the largest investor in Burma between 1995 and 2005 with cumulative FDI worth \$1.8 billion; in comparison, the total FDI from ASEAN member countries was about half this. The UK and France were the major investors in Burma for the same ten-year period of 1995–2005, while the US was top investor from North America. In other words, the EU imposed sanctions in a way that would limit the damage they would do to its own economic interests. Needless to say, this also limited the damage they could cause to the economic interests of the regime whose behaviour they were supposed to change.

Ultimately, only the top members of the Burmese junta do know what role, if any, EU and other sanctions played in their decision to initiate the restoration of democracy in their country. After recent talks with both President Thein Sein and Aung Sun Suu Kyi, American journalist Bill Keller wrote that “[a]dvocates of democracy in Myanmar heatedly debate whether the sanctions accomplished much beyond making the sanctioners feel useful. Critics say the sanctions hardened the resolve of the military junta, threw thousands out of work, notably women employed in the garment trade, and allowed China to become the country’s major arms supplier and trade partner.” Thein Sein insists that they

¹⁷ *The European Union and Burma: The Case for Targeted Sanctions*, Burma Campaign UK, March 2004.

¹⁸ David Lidington, “What has been the effect of EU sanctions on Burma?”, Foreign and Commonwealth Office, 25 April 2012, available at <http://blogs.fco.gov.uk/davidlidington/2012/04/25/what-has-been-the-effect-of-eu-sanctions-on-burma/>.

¹⁹ Bill Keller, “The Burmese Odd Couple”, the *New York Times*, 30 September 2012, available at <http://www.nytimes.com/2012/10/01/opinion/keller-the-burmese-odd-couple.html?ref=opinion>.

²⁰ Burma Independence Advocates, “Burma Sanctions Regime: The Half-Full Glass and a Humanitarian Myth. A Preliminary Assessment of Political and Humanitarian Conditions under Sanctions”, 8 August 2011, available at <http://www.burmaadvocates.org/Burma%20Sanctions%20Assessment.pdf>.

²¹ Following the death of a Japanese photographer covering the so-called Saffron Revolution of 2007; aid was resumed after the destruction wreaked by Cyclone Nargis in 2009.

did not help nudge the generals toward reform; rather, the generals had planned for two decades to democratise but thought it prudent to move gradually.

Whether or not, and to what extent, EU sanctions on Burma were effective, it seems sensible to argue that if they were, it was because of three factors that distinguish it from the case of Belarus. First, though the situation created by the sanctions was far from intolerable to the Burmese government, they may have helped one that was: many observers such as the Swedish journalist Bertil Lintner believe that the growing dependence on China, produced by the investment void left by the sanctions, was a factor in the decision to turn towards the West again.²² In other words, political reform was the price to pay for an alternative to China.

Second, the ruling group also had a way out of the quandary. Sanctions were reversible and calibrated: compliance with EU demands did not mean outright capitulation, but rather allowed for the gradual testing of the risks and advantages of the new policy. In particular, those who carried out the political about-turn were not expected to sacrifice themselves, or much of their effective power, on the altar of democratisation.

Third, there was also a credible constituency for sanctions inside the country, including Aung San Suu Kyi, whose support was crucial to maintain their political legitimacy. Her decision to call for a suspension of sanctions not only gave the EU an honourable way out, but also granted the opposition real power in the internal political bargaining. In Belarus, there was no figure comparable to Aung San Suu Kyi and the opposition was divided on sanctions. This creates two separate difficulties: sanctions in Belarus lack internal political legitimacy, and the opposition in that country is deprived of the otherwise potentially powerful instrument of calling for an end to the sanctions in return for genuine regime concessions. There is also a risk that the population will equate the hardships it endures with EU policy – a theme on which the government will be only too happy to develop.

The case of Burma illustrates the need for the EU to be realistic in its use of sanctions. In particular, it is important that the regime upon which sanctions are being imposed has no alternative to dealing with the West or would find that alternative unbearable, that it can modify policy without regime change, and that there is a credible internal constituency that can give legitimacy to sanctions. The EU should resist the temptation of using sanctions in order to be seen to “do something” even if the intended result is realistically unachievable. If, on the other hand, it believes it can be achieved, the EU should be prepared to stick with sanctions for the long haul and to close loopholes – even if, as in the case of Burma, the interim assessments are not encouraging.

Libya: on, and off, and on and off again

Libya is a very different case than Belarus and Burma – one of security sanctions rather than democracy sanctions. A country on which security sanctions are imposed might simultaneously be in violation of basic human rights but, in such situations, obtaining security compliance usually takes precedence. Sanctions were repeatedly imposed on Libya to punish it for its support of terrorism, for its involvement in the bombing of Pan Am Flight 103, and for its repression of antigovernment opposition. Each batch of sanctions was then lifted after the conditions imposed were allegedly met. Given the repetitive nature of the sanctions, it is useful to examine how these decisions were reached.

The European Community first imposed sanctions (arms embargo and diplomatic and commercial restrictions) on Libya in 1986, after a series of terrorist acts believed to have been committed or sponsored by Colonel Gaddafi’s regime. After the responsibility of that regime for acts of terror against civilian aircraft in 1988 and 1989 was more unequivocally established, in 1992 the UN joined in the arms embargo, but lifted it in 1999 in reaction to improved relations with Libya. The EU repealed diplomatic and commercial sanctions but continued to implement its earlier arms embargo. This was lifted only in 2004, after a series of behind-the-scene deals with the regime by France, Italy, and the UK.

However, even when the arms embargo was in place, trade between the EU and Libya continued. France, Germany, Italy, and the UK provided 50 percent of its imports and, together with Greece, were the destination for 78 percent of its exports, especially oil and gas.²³ Other economic interests such as fisheries were also at stake. Furthermore, the country was also a key player in migration issues: control of illegal immigration from sub-Saharan Africa across the Mediterranean largely depended on its cooperation. The EU was therefore heavily invested in Libya. After Gaddafi’s regime recognised its responsibility for the aircraft bombings, and gave up its quest for weapons of mass destruction (WMD), relations eased. Reports of egregious human-rights violations were routinely ignored, even though similar or even lesser violations at the same time led to the tightening of sanctions in the cases of Burma and Belarus.

The situation changed dramatically when, in late 2010, the revolutions in neighbouring Tunisia and Egypt led to large-scale anti-regime demonstrations in Libya, which were brutally crushed by government forces, leading to hundreds of deaths. By February 2011, civil war had broken out, and major European corporations announced that they could not continue normal operations in Libya. This was when the EU decided to impose a wide array of general and targeted economic sanctions on the country, as well as to reintroduce

²² Bertil Lintner, “China behind Myanmar’s course shift”, *Asia Times*, 19 October 2011, available at http://www.atimes.com/atimes/Southeast_Asia/MJ19Ae03.html.

²³ EU General Affairs and External Action Council, *The EU’s Relations with Libya*, available at http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fid/dmag2005012509/dmag2005012509en.pdf.

the arms embargo. These sanctions were then expanded and continued to be enforced throughout the civil war, in which French and British forces, with the cooperation of other allies, assisted the rebels. Sanctions were suspended, and then lifted following the victory of the rebels and the transition to a democratic system. Rule of law remains precarious in Libya, however, and human-rights violations, this time by the victorious opponents of the defeated regime, continue to be reported, albeit on a markedly lesser scale.

The effect of the different batches of Libya sanctions is easier to assess than in the two previous cases, even if the ultimate impact is harder to assess. The first series of sanctions was probably imposed on the basis of mistaken assumptions, as responsibility of the regime for the acts for which they were to punish has not conclusively been established. While it did prove that the international community would not remain indifferent to such acts if in fact committed, it might have actually given the Libyan regime an additional justification to commit them in the future, as revenge for restrictions seen as unfairly imposed. The attacks on airliners in the late 1980s could also be seen in this light. It is striking, however, that though these attacks directly targeted European Community states, the reaction was muted: no additional sanctions were imposed.

On the other hand, the EU continued imposing an arms embargo until Libya accepted demands regarding the punishment of those responsible for the attacks. In this one case, the effectiveness of sanctions is clearly established. It has to be noted, however, that it was an atypical case: the regime was not asked to democratise, let alone undergo regime change, but rather to concede on a specific issue. Importantly, while giving up on WMD by Libya was part of the deal, it was never put forward as a specific sanctions policy demand. While the WMD issue might be perceived as a “bonus” obtained by the international community, the Libyan regime also seems to have obtained a bonus: though human-rights violations abounded after 2004, they were not reacted to, as noted above, with the severity seen in some other cases.

It took a dramatic policy shift by the regime – from routine and largely concealed acts of repression to all-out civil war – to elicit a new round of sanctions from the EU. This, however, took place within a broader policy shift, from supporting Arab dictators in the name of stability to endorsing democracy in the Middle East and North Africa. Thanks to this policy shift, the objective of the sanctions became regime change – but that objective could certainly not be achieved by the sanctions alone. It took direct Western military intervention to produce the desired result. The eventual lifting of sanctions was a logical step once the technical conditions for this were met with the downfall of Gaddafi’s regime and the resumption of normal relations with its successors. It remains to be seen, however, (as in the case of Burma) if sanctions will be used again in the case of possible backsliding.

Sanctions on Libya, therefore, were successful when limited to narrowly defined demands: desisting from acts of terror

EU sanctions against Iran

The sanctions that Europeans imposed in 2012 on Iran, in reaction to that country’s violations of the nuclear non-proliferation treaty, are the most comprehensive and ambitious they have ever introduced. Because of their sheer scale they defy comparison with any other cases such as Belarus, Burma, or Libya. However, a few preliminary conclusions can be drawn. First, contrary to some accepted opinion, the Iranian regime could comply with the EU sanctions. It could give up on its nuclear arms programme, since it has always denied it has one. Therefore, the sanctions meet the criterion of political feasibility.

Second, proper attention has been paid to adapting the sanctions to the individual conditions of member states (for example, Greece, which was particularly dependent on Iranian oil, was given extra time to find alternative sources), which lessens the temptation to condone sanctions-breaking. At the same time, given the political importance of the goal of the sanctions, both to the EU and to its allies, and the extremely negative consequences of their possible failure, implementation monitoring is much stricter than, for example, in the case of Belarus. Thus the criterion of consistency is also met.

However, the EU has so far made little effort to communicate the goals of the sanctions to the Iranian public, which is already experiencing serious economic pain due to their implementation. While it can be hoped that this pain will translate into pressure on the regime to comply with EU and US demands, it is also conceivable that it might lead to anger against outside interference and therefore serve the regime’s needs; the authorities in Tehran are certainly doing all they can to produce that effect. Well-designed counteraction – and pro-action – is therefore needed.

Finally, the impact of these sanctions is truly global in nature (as opposed to the local or, at most, regional impact of the three cases analysed here). This time, EU sanctions also affect the global flow of oil, the economic development of the BRICs, and the exchange rates of major currencies including the euro. Sanctions against Iran could be a major foreign-policy success for the EU. However, coming as they do at a time of economic crisis, they could also have a very destructive impact, including for the EU – if, for example, others benefit with impunity from the Europeans’ withdrawal from economic involvement with the world’s fourth-largest oil producer. Even if this happens, however, the sheer scale of sanctions against Iran will make it difficult to draw more than limited conclusions about sanctions policy in general.

and handing over those held responsible for some of these acts. This seemed to function on the basis of an unspoken quid pro quo: compliance with limited sanctions prevents the introduction of broader ones. This served the political interests of the EU (it could point to a limited success) and its economic interests (there was no need to give up on lucrative trade). Furthermore, the broad sanctions introduced later did not bring the desired results; only subsequent war did. The Libya case, though arguably different from those of Belarus and Burma because of different effects desired by the sanctioning party, suggests that limited sanctions have better chances of being effective.

The need for monitoring

Given the disparate character of the different sanctions regimes, and the paucity of data both on implementation (we do not exactly know what has been effectively put into action) and impact (we do not exactly know what the consequences of these actions were), general conclusions about EU sanctions are difficult to formulate based on the cases of Belarus, Burma, and Libya. Above all, therefore, there is an urgent need for better monitoring of the implementation and impact of EU sanctions.

Part of the problem is the loopholes that existed in each of the three cases. On Belarus, there was insufficient investigation of the loopholes, such as those regarding the visa ban. On Burma, the ban on EU investment never extended to the oil sector, where British and French companies struck lucrative deals, which also benefited the regime and its otherwise targeted strongmen. On Libya, the exemption of the oil industry from EU sanctions (Europe obtains a third of its oil from that country) seriously undermined their effectiveness. At present, there is no procedure on the EU level to verify the implementation of sanctions. Countries differ both in the amount of economic and/or political pain they have to endure by imposing sanctions, and in the resources they can allocate to implementing and monitoring sanctions. At the same time, the smaller and poorer countries often can do less and suffer more, creating fertile conditions for sanctions-breaking.

It is also clear from the cases of Belarus, Burma, and Libya that EU member states vary in their willingness to impose sanctions. Some, such as the Czech Republic and the Netherlands, seem to be more inclined to support sanctions policies than others. Most adapt their stance on the issue to fit their commercial interests (for example, France, which had invested heavily in Burma, was eager to see Burmese sanctions go) or political ones (for example, Poland was very much in favour of sanctions on Belarus, but not on Ukraine). Member states therefore need to produce a pan-European procedure for monitoring the implementation of sanctions. Until it is in place, only such sanctions whose implementation can be monitored through existing means should be imposed. The current situation, in which the EU is not capable of effectively assessing the consequences of

its declared actions, harms not only the effectiveness of sanctions, but also the very credibility of European policy. A clear regime of exemptions from applying sanctions should be devised and implemented.

The impact of sanctions on the population of the target country is also difficult to assess. It is often difficult to obtain a representative sample of opinion from the (undemocratic) countries targeted by sanctions (the nature of their regimes being usually a main reason that sanctions have been declared). However, this does not absolve the authors of sanctions policies from trying to assess and consider popular reactions. Unlike Poland under martial law, which had a representative and credible opposition that unequivocally endorsed sanctions, Belarus today has a much weaker and less credible opposition that is divided on sanctions. This affects sanctions effectiveness, however defined. Even more importantly, sanctions may in some cases cause the population to rally round the regime, as has happened to an extent in Iraq and could happen in Belarus or Iran.²⁴

Thus there is no conclusive answer to the question of whether sanctions actually hurt the population of the targeted country, in whose interests they are declared, more than the strongmen whose behaviour the sanctions were to curb. It is accepted, however, that sanctions on Iraq, whatever their impact on Saddam Hussein, caused extensive fatalities among the civilian population. “The government will always find ways to feed itself”, quipped Jerzy Urban, spokesman of the military regime in Warsaw, commenting on the latest round of Western sanctions against the regime in the 1980s. The subjects of such governments might not be so lucky.

Customise, target, and evaluate

However, short of war, sanctions are the only coercive foreign-policy instrument the EU has at its disposal. This means it is likely to continue using them – despite the gaps in our understanding of implementation and impact. In the absence of better monitoring, the EU should therefore attempt to apply sanctions as smartly as it can, based on what we can already conclude from cases such as Belarus, Burma, and Libya. In particular, the EU should:

Set limited, achievable goals

In particular, these three cases suggest that sanctions can best be expected to be more effective when their goal is limited (for example, the release of prisoners or an admission of past misdeeds) and achievable by the regime being sanctioned without fundamental political trauma.

²⁴ See, for example, Sebastian Fevock’s discussion of the impact of sanctions against Iraq: “The sanctions were almost counterproductive and strengthened the regime. The Iraqi government could always blame the hardship the society had to endure on the international community, and the people did not risk displeasing the regime it depended on.” Sebastian Fevock, “Lessons learned. The UN’s sanctions policy on Iraq from 1990 to 2003 and its implications for the future”, seminar paper, GRIN Verlag 2008.

The broader and more demanding the goal of the sanctions becomes, the more difficult it is to get there – and the more difficult it also is, given the range of factors influencing the final outcome, to assess the impact of sanctions. In other words, sanctions can force a regime to do certain things, but their effectiveness decreases exponentially with the scope and depth of expected change.

This should be an argument for giving up on more ambitious sanctions programmes, such as the broad sanctions introduced in the waning days of Gaddafi's regime. However, the EU seems reluctant to admit failure. Thus both sides – the power imposing sanctions and the power on which sanctions are imposed – find themselves at the opposite ends of the same dilemma: the former will not make the changes the sanctions were to bring about; the latter will not make changes to the sanctions regime. This is a recipe for a protracted deadlock, at the expense of both, but also the population in whose interests the sanctions have been supposedly declared.

Be realistic

The EU should also be realistic about its own capacity to impose sanctions and about what they can achieve. It should acknowledge that some member states will suffer (in real or percentage terms) more than others from the imposition of sanctions and will therefore attempt to evade them or allow their companies to do so. It is better to introduce a diversified sanctions-imposition regime, with timeouts for particularly affected states, than to see them internally undermined from the very beginning.

The EU should also recognise that no regime will commit suicide in order to get sanctions lifted. There are certain behaviours, like massive political repression of credible political threats to a regime's survival, which, while morally and politically reprehensible, are simply not very amenable to modification through economic sanctions. In such cases, political sanctions, even if often perceived as desultory, will have to suffice. (In such a case, however, the EU should clearly show that it is reluctant to introduce economic sanctions because they will not work rather than because it is protecting its own economic interests.)

Loosen or suspend sanctions as a reward for compliance

Even where it is possible to modify a regime's behaviour through sanctions, the threat of introducing more sanctions seems to be markedly less effective than the promise of reducing or suspending existing ones. Thus, although it may be politically easier for the EU to start small, an incremental increase in sanctions is unlikely to be effective. It is better to start with a rather heavy package of sanctions, and loosen or suspend them if the regime complies in tangible ways with the EU's demands. The EU should therefore be clear about what it expects from the regime. Sanctions should come

with clear descriptions of conditions for their lifting, which should be publicly described to the regime.

Communicate

Just as importantly, the EU should communicate with the public and, in particular, the opposition in the target country. In particular, it should inform the public of the reasons and nature of sanctions and the conditions attached. It is of crucial importance to coordinate sanctions policy with the country's opposition (if a credible one exists), both to be able to fine-tune and target, and to empower the opposition with the capacity of having sanctions suspended, if the conditions are met.

Sanctions, and the threat of them, are the basic staple of diplomacy: if you will not do this, then we will not do that. Recent cases of EU sanctions suggest that, the more limited their scope, and the more fine-tuned their implementation, the bigger the chances of their success. But even such custom-made sanctions need their implementation monitored and their effects assessed. Lacking such data, both on the member state and EU level, it is all but impossible to assess the effectiveness of European sanctions policy. This is neither an original nor a new conclusion; the fact that no such systematic mechanism exists seems indicative of a wilful blindness on the part of the European institutions.

About the author

Konstanty Gebert is head of ECFR's Warsaw office. In the 1970s he was a democratic opposition activist and an organiser of the Jewish Flying University, and in the 1980s, under martial law, an underground journalist. He is the founder of the Polish Jewish intellectual monthly *Midrasz*, and a board member of the Taube Center for the Renewal of Jewish Life in Poland and of the Einstein Forum in Potsdam, Germany. He has taught in Poland, Israel, and the US, and is the author of ten books on the Polish democratic transformation, French policy towards Poland, the Yugoslav wars and the wars of Israel, Torah commentary, and post-war Polish Jewry. He has also been a reporter for *Gazeta Wyborcza*, Poland's biggest daily newspaper.

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london@ecfr.eu