

At a Glance

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

SANCTIONS:

TOOLS TO IMPLEMENT THE THIRD PILLAR OF THE RESPONSIBILITY TO PROTECT

Targeted sanctions pressure governments to protect populations

Within the Responsibility to Protect framework, sanctions are coercive measures that can be imposed on a country, or on individuals within a state, in order to pressure or compel a government to stop perpetrating or permitting the commission of mass violence against civilian populations. Sanctions may be authorized by the United Nations Security Council under Chapter VII of the UN Charter, as well as by individual governments and regional organizations. This pressure to protect populations can be applied in numerous forms, including freezing financial assets of governments and individual members of regimes; imposing travel bans; suspending credit, aid or loans as well as other financial services; controlling availability of high-value commodities; imposing embargoes on arms and related materials; limiting diplomatic contact; boycotting international sporting events; and restricting scientific and technical cooperation. The international community has placed emphasis in recent years on strengthening sanctions to ensure that these tools are carefully *targeted* so as to not disproportionately impact the health and well being of civilians or increase instability in the country. It is also widely believed that sanctions are most effective when implemented in conjunction with other measures as part of a broader political strategy, and that both the imposition and lifting of sanctions can be useful tools in persuading disputing parties to use nonviolent means to resolve conflict.

UN, regional and national actors contribute to effective implementation

United Nations

- The **Security Council (SC)** authorizes *sanctions regimes* in cases where populations have been threatened by RtoP crimes and establishes sanctions committees to monitor their implementation. Such cases have included Sudan, in response to the ongoing atrocities committed against civilians in the Darfur region in 2005, Côte d'Ivoire, in an effort to quell post-election violence in 2011 and Libya when the late Libyan leader Muammar Gaddafi threatened his population with mass killing also in 2011. The Council may adopt Resolutions to call for additional or systematic coordination and monitoring of sanctions, and conduct field missions to targeted states and neighboring countries. In 2006, the Council established a **focal point for de-listing** (removing names from sanctions lists) to receive and facilitate the consideration of petitions for individuals to be delisted.
- The **Secretary-General (UNSG)** and the **General Assembly** can call on the SC to authorize sanctions. The UNSG may also request dialogue, policy recommendations and training on sanctions, and call on **Special Representatives of the Secretary-General (SRSG)** to coordinate their diplomatic efforts with sanctions committees.
- **Sanctions committees and chairs**, supported by **independent expert groups and panels** as well as the **Department of Political Affairs**, monitor the implementation and impact of sanctions. Expert groups and committee chairs can conduct field visits to the region - in coordination with the SC, UNSG, SRSGs and **Department of Peacekeeping Operations** - to increase awareness of the obligations in complying with sanctions regimes and assess if any states implementing the sanctions are in need of assistance, as well as recommend necessary adjustments to the SC. Sanctions committees and expert groups can also facilitate dialogue on best practices and briefings for Member States. The committees and expert groups are assisted by the **UN Subsidiary Organs Branch (Sanctions Branch)**, which can manage information from sanctions committees; provide assistance to and coordinate among expert groups; and prepare briefing papers and trainings for sanctions committees and new non-permanent SC Members.

Regional and sub-regional arrangements

While some arrangements can authorize sanctions to protect populations, others may be restricted by their mandates to implement these tools only in specific situations, for example the African Union and Economic Community for West African States are primarily restricted to authorizing sanctions in cases of "unconstitutional changes in government".

- The **European Union (EU)** can authorize economic measures such as arms embargoes, trade and financial sanctions and travel bans on individuals responsible for the commission of mass violence. Such measures were implemented in Guinea in 2009, following the government's brutal response to a civilian protest in a Conakry stadium, and Libya in March 2011. The EU also imposed targeted

THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:** The state bears the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, humanitarian, and should peaceful means prove inadequate, military measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

sanctions on Syria in May 2011, in response to ongoing attacks by government forces against civilian protestors, and expanded these initial measures to include additional targets and restrictions as violence escalated. The EU can also suspend development aid, as was done in Mali in 2012 in response to ongoing violence against civilians in the north by rebel groups.

- The **League of Arab States**, in an unprecedented move, imposed financial sanctions on Syria in November 2011, followed by an arms embargo in December of the same year. As this was the first time the League imposed such measures, the organization faced challenges in implementation and oversight as not all member states complied with the sanctions.

Individual governments, private companies and civil society

Individual governments, businesses and private companies have a responsibility to comply with sanctions authorized by the UN and regional organizations. They may also unilaterally issue sanctions to pressure governments, though such measures implemented by private companies can lack careful targeting and monitoring and thus risk adversely affecting the civilian population of the state. These actors and civil society groups can also mobilize UN and regional bodies to authorize targeted sanctions, increase public knowledge of why they are levied and improve general understanding of these tools.

Strengthening targeted sanctions

The effectiveness and challenges associated with sanctions have been subject to consideration within the UN system. Sanctions regimes in the early 1990s became infamous for negatively impacting the livelihood of populations in targeted states; however, since then, changes in the composition, implementation, and monitoring of sanctions has made them more effective and significantly decreased their impact on civilians. The informal Working Group on General Issues on Sanctions - created by the Security Council in 2000 - published its Report in 2006 with recommendations to improve the implementation of sanctions regimes. Sanctions have since been institutionalized within the UN system and are now subject to a sophisticated system of checks and balances. Nonetheless, ongoing research is needed to better understand when targeted sanctions are most effective, including alongside what measures they should be authorized and common patterns of violations of sanctions regimes. Comprehensive training and education can also improve the understanding of the impact of sanctions.

- **Sanctions regimes must be carefully designed to affect those responsible for mass atrocities and minimize impact on the civilian population**, including by being made subject to safeguards and exceptions that ensure the protection of human rights and provision of humanitarian assistance, if applicable. Pre-assessment is needed to ensure that the appropriate individuals are targeted as well as understand both the feasibility of implementation and the political, economic and humanitarian impact. The scope and aims of the sanctions as well as the conditions under which they are to be lifted should be clear and consistent. **Rigorous oversight and monitoring through field visits and periodic reviews of implementation** are also crucial. To this end, **committees and other bodies responsible for the design and monitoring of sanctions must be adequately resourced and carefully staffed**, including with administrative, logistical, and analytical support and consideration of relevant qualifications.
- In addition to those perpetrating mass violations, **those governments and private companies that enable these crimes** by supplying necessary goods and services must be identified and sanctioned proportionally.
- When sanctions are imposed on a state, they must **work in conjunction with any ongoing diplomatic and peacekeeping efforts**. As a coercive measure, sanctions risk affecting the neutrality of envoys or missions, which could block opportunities for diplomatic engagement. Delisting individuals or lifting sanctions may be used as incentives to negotiate and achieve a peaceful resolution.
- **Cooperation and swift coordination between all UN and regional actors as well as Member States are crucial to ensure national and regional compliance with sanctions**. Increased information sharing and transparency, including reminders of the commitments under sanctions regimes as well as reports and briefings from those monitoring the implementation, can contribute to cooperation. In the case of Libya in 2011, coordinated action between governments, regional organizations and the UN, which resulted in the freezing of over 35 billion USD to pressure the late Libyan leader Muammar Gaddafi to refrain from committing RtoP crimes against his population, has been hailed as a landmark example of effective cooperation.
- **Member States can seek assistance** from the UN, regional bodies and other governments if their economies are negatively impacted as they implement sanctions. They can also **assist in capacity building for other states** facing such challenges.

For further information, please visit the **Sanctions and Security Research Program** at www.sanctionsandsecurity.org, a project of the Fourth Freedom Forum and the Kroc Institute for International Peace Studies at the University of Notre Dame.

ICRtoP

INTERNATIONAL COALITION FOR **THE RESPONSIBILITY TO PROTECT**

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The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to continue close scrutiny of the consistent implementation of the third pillar and develop effective methods to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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