



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT**



**IMPACT OF SANCTIONS
AND ISOLATION
MEASURES WITH
NORTH KOREA,
BURMA/MYANMAR,
IRAN AND
ZIMBABWE
AS CASE STUDIES**

AFET

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

STUDY

**IMPACT OF SANCTIONS AND ISOLATION MEASURES
WITH NORTH KOREA, BURMA/MYANMAR, IRAN AND
ZIMBABWE AS CASE STUDIES**

Abstract

The present study explores how the introduction of targeted sanctions has transformed the practice of international organisations, looking at the examples of North Korea, Burma/Myanmar, Iran and Zimbabwe.

Although the ultimate effectiveness of the individual sanctions measures can hardly be ascertained, not least due to their co-existence with unilateral sanctions proactively enforced by the US, the analysis demonstrates that the character of sanctions measures, and the changing nature of the international system, has put the use of sanctions and isolation measures in different terms than was the case just a couple of decades ago.

While it is beyond the scope of this study to reframe the scholarly and policy controversies on the use of sanctions, it is posited that such debate should shift from the “whether” sanctions should be used to the “how” sanctions should be employed, and that the quality of the public debate would benefit from enhanced public awareness of the EU’s policies in this regard.

Finally, the study concludes that despite the absence of formal decision making powers over EU sanctions policies, the European Parliament can play a decisive role in their formulation building up on its proactive record in the scrutiny of EU foreign policy. It should enhance its contribution by requesting from the Council to report regularly on the design of sanctions, their use in negotiations with the target, their role in supporting reformists within the elites and the position of democratic forces, their conformity with human rights and their ultimate political efficacy.

This study was requested by the European Parliament's Committee on Foreign Affairs.

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INTRODUCTION

While international organisations continue to apply sanctions and isolation measures vis-à-vis certain countries whose leadership is considered repressive or aggressive, the effects of globalization and modern communication technologies may strongly weaken their impact putting thus in doubt the concept of isolation. Thus the aim of this study is to focus on the impact of sanctions and to give some indication as to their efficacy in reaching their objectives.

Sanctions constitute one of the most controversial foreign policy tools in international relations. Beyond their traditional use by states, sanctions have been adopted by international organisations to assist them to fulfil their mandates. This is notably the case with the United Nations (UN), whose Charter endows the Security Council with the power to impose mandatory sanctions alongside other instruments to enable them to accomplish its task of maintaining international peace and security. Also the EU has become an increasingly active sender of sanctions over the past decades: it does not only implement sanctions regimes decided by the UN Security Council (UNSC), but it often complements them with additional sanctions. The EU has also agreed a number of sanctions regimes in the absence of a pre-existing UNSC Resolutions, thus developing an autonomous sanctions practice which has gained in frequency and sophistication over the years.

One of the key traditional roles of sanctions is their capacity to stigmatise and isolate their targets. When a new round of UN sanctions against Iran was announced in February 2010, US President Obama made this purpose explicit by claiming that the new sanctions package would “indicate to Iran how isolated they are from the international community as a whole” (CBS News 2010). However, in the increasingly globalised world of the early twenty-first century, where communication technologies have become commonplace, how effective can sanctions be in isolating their targets? And how successful are sanctions and isolation measures in compelling the policy changes they aim for?

The present study examines the impact of sanctions on the targeted leaderships and the countries they rule, analysing the question of whether the impact of the measures responded to expectations, whether unintended effects were observed, and whether and how sanctions and isolation measures reached the objectives spelt out by the senders. In particular, it analyses the extent to which the novel concept of “targeted” sanctions marks an improvement with respect to the full economic embargoes that dominated the international sanctions landscape up until the mid-nineties. Finally, the study explores how the European Parliament can make use of its powers to improve the present EU policies on sanctions against third countries. The ultimate aim of the study is to put forward recommendations on how to improve the efficiency of sanctions, indicating which sanctions work and in which circumstances.

The study is organised as follows: the first part defines the notion of sanctions and explains the novelties introduced by the concept of “targeted” or “smart” sanctions. It then proceeds to explain the mechanisms through which sanctions are meant to achieve their objectives, contrasting them with criticisms based on the discrepancies between practical experiences and the expected way of operation of sanctions.

The second part examines ongoing sanctions and isolation measures in the cases of North Korea, Burma/Myanmar, Iran and Zimbabwe. This case selection features two examples of sanctions imposed by United Nations Security Council (UNSC) for non-proliferation of nuclear weapons and two instances of Western unilateral pro-democracy sanctions. The section will first detail the sanctions measures imposed against each target along with their motivation and objectives. After that, their impact will be examined – taking into account both direct and indirect effects in the political and socio-economic realm – and their efficacy in bringing about the desired policy goals.

The examination of the individual case studies will be followed by a comparative analysis of the effects of the sanctions packages under study including an examination of the efficacy of individual types of “smart sanctions”. Some explanations accounting for the findings of these sections will be put forward.

On the basis of the preceding investigation, part three and part four will present some recommendations geared towards upgrading the role of the EP in improving the performance of the EU as a sender of international sanctions. Such conclusions will put particular emphasis on how the European Parliament may use its oversight and legislative prerogatives in this regard.

PART I – TARGETED SANCTIONS AND THEIR OPERATION

1 WHAT ARE INTERNATIONAL SANCTIONS?

The term “sanctions” does not have any commonly agreed definition under International Law. Koutrakos describes sanctions as measures that “connote the exercise of pressure by one state or coalition of states to produce a change in the political behaviour of another state or group of states” (Koutrakos, P. 2001:49). Sanctions can be defined as measures imposed in reaction to illegal or politically undesirable acts geared towards exercising pressure in pursuance of the ultimate aim of producing a change in the political behaviour of another actor.

Within the United Nations framework, the United Nations Security Council (UNSC) usually adopts sanctions under article 41 of the United Nations Charter. Article 41 immediately precedes article 42, the provision that allows the UNSC to use force in order to maintain international peace and security. Article 41 reads:

“The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”

Thus, the legal basis empowering the Security Council to adopt sanctions does not feature the term “sanctions”. Instead, it refers to a negative formulation, “measures not involving the use of armed force”, which is followed by a non-exhaustive list that notably features the interruption of economic relations, communications and diplomatic links. The variety of measures used as sanctions by the UNSC has broadened considerably in our days, in particular following the introduction of targeted sanctions.

In addition to the mandatory sanctions practice of the UNSC, which every member state is obliged to implement, individual states and international organisations are free to impose unilateral sanctions. Thus, we can distinguish the unilateral sanctions practice of individual states and organisations – such as the EU, the US, Canada or Japan - from the mandatory sanctions of the UNSC. Sometimes, both practices are combined: the UNSC imposes sanctions on a target that certain states or organisations complement with additional measures.

The EU has traditionally referred to sanctions as “restrictive measures” (French *mesures négatives*). In official documents, the term sanctions appears bracketed and attached to the term restrictive measures. Officially the EU only uses the term “sanctions” in connection to the measures agreed in the framework of the CFSP, routinely adopted in the form of a CFSP Common Position. Other sanctions-like measures, such as the redirection of aid within the framework of the suspensions foreseen under article 96 of the Cotonou Agreement, are not referred to as “sanctions” but as “appropriate measures”. The withdrawal of the application of the Generalised System of Preferences (GSP) from actual or potential beneficiaries is not regarded as a sanction either (Portela, C. 2010).

The present study employs a broad definition of sanctions. We consider that if the inclusion of specific measures under the rubric of “sanctions” might be contentious among scholars or practitioners, these would still be covered under the more general notion of “isolation measures”.

2 WHAT ARE “TARGETED” SANCTIONS?

The sanctions landscape suffered a profound transformation in the mid-nineties due to the emergence of the concept of targeted - or “smart” - sanctions. Targeted sanctions are designed to put pressure on the leaders or specific elites who are deemed responsible for the objectionable act and whose behaviour sanctions are meant to modify. Thus, targeted sanctions are designed according to the idea that harm should be canalised towards identifiable leaders and elites, while the population at large should be spared. Targeted sanctions are thus employed in such a way that they only affect certain individuals, elites or economic sectors, rather than the entire economy of the country.

The notion of targeted sanctions therefore excludes the imposition of comprehensive trade embargoes due to their indiscriminate effects. The notion of targeted sanctions was inspired by the humanitarian catastrophe produced by the comprehensive UN embargo on Iraq in the early 1990s (Mueller, J. and Mueller, K. 1999). The emergence of this notion took place in the aftermath of the Cold War, when the UN dramatically increased its activity in peace and security. The 1990s were dubbed “the sanctions decade” by US scholars Cortright and Lopez in view of the dramatic rise in the number of sanctions regimes imposed by the UNSC (Cortright, D. and Lopez, G. 2000). The emergence of targeted sanctions can be regarded as part and parcel of the effort undertaken by the international community to adjust their toolbox - and the UN machinery - to the transformed security environment of the post-Cold War era.

Targeted sanctions have been in existence for over fifteen years, and have been fully embraced by the UNSC, the EU and a number of individual states. Since the mid-1990s, the entire UNSC sanctions practice consists exclusively of targeted sanctions. The same applies to the EU, which officially subscribed to the notion shortly after the adoption of the first European Security Strategy, its Basic Principles on the Use of Restrictive Measures (Council 2004). However, the employment of blanket trade embargoes persists in the practice of a number of individual states, most notably the US. Thus, while the UN, the EU and individual states such as the UK have completely abandoned the use of comprehensive trade embargoes, in international relations the practice of targeted sanctions co-exists nowadays with the use of traditional economic embargoes.

Under “targeted sanctions” we understand measures that fall short of a blanket economic embargo. We can distinguish three sub-types: Personal sanctions, selective sanctions and diplomatic measures.

- Personal sanctions
Personal sanctions are sanctions that affect directly and exclusively clearly identifiable individuals. These sanctions feature a blacklist of targeted individuals with their names, affiliation and birth dates. Most commonly, personal sanctions prohibit the travel of blacklisted individuals – or more specifically, the issuing of visas - and freeze their financial assets or forbid them from holding bank accounts abroad.
- Selective sanctions
By contrast, selective sanctions affect specific sectors of the economy. Most commonly, these measures consist of partial embargoes, such as aviation bans or embargoes on the export or import of specific commodities such as timber, oil, gems, arms or product categories such as luxury goods. Financial sanctions such as investment bans, bans on payments or freezing of assets of state enterprises are also selective sanctions.

In contrast to personal sanctions, selective sanctions may have a wider impact on the economy than personal sanctions and might produce “collateral damage”, as we will see later.

– Diplomatic sanctions

Diplomatic sanctions constitute a very old form of sanctions expressly featured in article 41 of the UN Charter. Their most extreme incarnation is the severance of diplomatic relations, but milder forms include the expulsion of military attaches, the recall of ambassadors or the limitation of contacts.

This brief catalogue is open-ended, as “targeted sanctions” are often tailor-made to affect leaderships or elites, taking into account that circumstances vary from country to country. Thus, new forms of targeted sanctions are continuously being devised. So far, little is known about the relative efficacy of targeted sanctions in comparison to comprehensive economic embargoes. Research into targeted sanctions remains scarce, partly as a result of the little international awareness of the notion of targeted sanctions, and partly due to the fact that the tools are still under development: sanctions in force are often fine-tuned in order to improve their selectivity and efficacy. Some scholars have expressed doubts about the feasibility of targeting sanctions, claiming that they cannot totally avoid damaging the population (Tostensen, A. and Bull, B. 2002). Preliminary studies of sanctions efficacy suggest that targeted sanctions are somewhat less efficacious than comprehensive sanctions (Hufbauer, G. et al. 2007; Drezner 2011). In any case, irrespective of their comparative efficacy in bringing about the desired policy changes, the international actors which have embraced targeted sanctions are highly unlikely to revert to a policy of imposing comprehensive embargoes as public opposition to such measures would jeopardise their enforcement (Cosgrove, E. 2002).

3 HOW ARE SANCTIONS EXPECTED TO WORK?

The operation of sanctions has not been fully ascertained yet. While academics have attempted to spell out the expected mode of operation of sanctions, decision-makers have never validated or disconfirmed their suggestions (Baldwin, D. and Pape, R. 1998). The standard mechanism of operation of sanctions was formulated by peace scholar Johan Galtung in a seminal study on the UNSC sanctions against Southern Rhodesia in the 1960s. Galtung (1967) delineated the expected operation of sanctions, which implies that the economic harm produced by sanctions generates popular discontent which is then channelled to the ruling elite, which is pressured to conform to the sender’s demands in order to revert to the previous level of wealth. Thus, the leadership would be faced with the choice of either giving in to the sender or being unseated. According to Galtung’s formulation, sanctions tools operate in a similar way to military warfare, as both aim at the ‘political disintegration of the enemy so that he gives up the pursuit of his goals’ (Galtung, J. 1967: 386). The theory foresees that the more intense the value-deprivation, the more the political disintegration:

‘The idea is that there is a limit to how much value deprivation the system can stand, and that once this limit is reached (resulting in a split in leadership or between leadership and people), then political disintegration will proceed very rapidly and will lead to surrender or willingness to negotiate’ (Galtung, J. 1967:388).

Therefore, two possible modes of operation can lead to a successful outcome: one of them is that the pressure exerted by economic deprivation leads the population to rebel against the leader, or that the leadership heads off a potential uprising by agreeing to the sender’s demands. Galtung labelled this way of operation the “naive theory” of sanctions due to its lack of sophistication. Indeed, the “naive theory” was quickly discredited due to the frequent failure of sanctions to compel leaderships to change course. The advent of targeted sanctions hardly heralds a departure from the causal logic explained above. The harm produced by sanctions is now focused on the responsible leadership or the elites that

support them, but the method remains value deprivation. Thus, targeted sanctions transpose the logic of the naive theory to the individual or elite level (Portela, C. 2010; Brzoska, M. 2003).

The naive theory is no longer regarded as the only possible way in which sanctions can bring about compliance by the target. Sanctions can accomplish their aims, or contribute to bring about the target's compliance, in a variety of ways which has not yet been fully catalogued. As Baldwin observes, 'there are many causal logics that could be used to construct a variety of theories' of sanctions (Baldwin, D. and Pape, R. 1998: 193). Some scholars posit that certain instances of regime change were facilitated by sanctions because they undermined the financial and political base of the targeted regimes and emboldened the opposition, such as with US-instigated regime change in the Dominican Republic in the early 1960s (Kirshner, J. 2002). In the case of South Africa, one of the few cases where sanctions are unanimously considered successful, they worked by "creating the conditions" that facilitated the end of apartheid (Crawford, N. and Klotz, A. 1999). Financial sanctions, for instance, "sharpened divisions between the white oligarchy", and thus "contributed significantly to the economic and political climate which fostered" de Klerk's reforms (quoted in Kirshner, J. 2002: 177). It has been posited that in Rhodesia the "impact of sanctions over time increased the pressure on the white regime and ultimately contributed in a modest way to the desired outcome" (Elliot, K. 1998: 56).

The mode of operation of sanctions is closely linked to the question of the purpose of sanctions. Sanctions are not exclusively intended to compel a change in the political behaviour of leaders. They can serve to constrain the military potential of the targeted state – along the lines of the notion of containment in strategic studies –, to weaken their economy and to signal disapproval of its policies (Elliot, K. 2010). In addition, sanctions imposition might be concerned with satisfying domestic audiences in the sender state: sanctions are often levied due to a desire "to demonstrate the effectiveness of the imposing government... a willingness and capacity to act" or "to anticipate or deflect criticism" (Barber, J. 1979: 380). At the same time, they serve to uphold international norms and to maintain "a certain pattern of behaviour in international affairs" (Barber, J. 1979: 382). Scholars recognise that compliance is not always the most important goal of a sanctions regime; indeed, it may not even feature among its objectives (Lindsay, J. 1986), that the importance allocated by senders to the different objectives pursued by sanctions might vary over time (Barber, J. 1979), and even that "policymaker's true goals may be hidden behind the public rhetoric" (Elliot, E. 2010: 86). Therefore, from a policy perspective sanctions efficacy cannot simply be read off the degree of compliance from the target state.

4 WHAT EFFECTS DO SANCTIONS HAVE IN ACTUAL FACT?

The miscalculations on which the naive theory is based were evidenced already during the UN sanctions in the cold war period. Firstly, sanctions have not always led to economic downfall. The economy of the targeted country has often adapted to new circumstances by finding alternative sources of income or resorting to the black market. Even when economic slowdown occurs, popular discontent with the sanctions is often not translated into animosity towards the leadership, but towards the powers imposing the sanctions. Sanctions sometimes produce a phenomenon labelled the 'rally-around-the-flag effect', whereby the population unites behind the regime in response to what they perceive as being a foreign attack against the entire country (Galtung, J. 1967).

Observers have gone beyond asserting the inefficacy of sanctions to contend that they actually display counterproductive or 'perverse' effects. Apart from the flaws in the causal logic (purportedly) underlying the operation of sanctions, the economic decline in the targeted state impoverishes the lower classes, while the elites close to the ruling regime retain their privileges. Perverse effects can be detected at different levels: they weaken the middle classes, which are affected by the general decline in living

standards. While the regime protects the elites that support it, others suffer under the effects of sanctions. Faced with the prospect of living in an increasingly isolated country under sanctions, the intellectual elite migrate. The business community finds it increasingly difficult to operate under the legal framework, and shifts to illegality, which results in the criminalisation of commercial activity (Schlichte, K. 2001).

Beyond the effects on the economy and society of the targeted country, sanctions lend themselves to manipulation by leaders. The leadership routinely uses the sanctions as a pretext to increase repression, tighten its control over the population and over the media, which allows it to monopolise the discourse on sanctions and present them as unjust measures responsible for all hardships. Finally, sanctions perpetuate a long-term isolation from the rest of the world that frustrates those sections which would benefit from enhanced international exposure: the business elites, civil society groups, political opposition and even reform-oriented elements within the government (Will, G. 2003).

Targeted sanctions were designed precisely to correct these effects: Because they do not affect the economy as a whole, they do not bear humanitarian consequences and do not lead to the impoverishment of the population and the criminalisation of society. By individualising the members of the leadership and the elites they hold responsible for wrongdoings, the senders wish to signalise to the population that they are not seeking to harm them. Conveniently, targeted sanctions also offer the possibility of modulation, i.e. of lifting or tightening measures progressively to reciprocate progress by the target, an option that was unavailable with blanket economic embargos. At the same time, targeted sanctions present new challenges to senders. In order to focus their harm on the responsible persons and entities, sanctions have to be crafted carefully and persons need to be identified correctly. This often requires sender agencies to devote considerable effort to source information that is not easily accessible. The following part examines whether the perverse effects have been eliminated, and whether efficacy has been improved.

PART II - CASE STUDIES

The present section reviews four notorious cases of ongoing sanctions: North Korea, Burma/Myanmar, Iran and Zimbabwe. The selection of cases encompasses two cases of UNSC mandatory sanctions for non-proliferation purposes - North Korea and Iran - along with two cases of pro-democracy sanctions unilaterally imposed by the US and the EU accompanied by other Western countries such as Switzerland, Canada or Australia. The dichotomy between UN non-proliferation sanctions and EU/US pro-democracy sanctions is not coincidental: The UNSC is only empowered to wield sanctions on situations that represent a 'threat to international peace and security', a characterisation that is not applicable to situations of authoritarian rule such as Burma/Myanmar or Zimbabwe. Thus, while both the North Korean and Iranian regimes are of major international concern due to their human rights record, they have been targeted by the UNSC due to their military nuclear programmes developed in breach of the Non-Proliferation Treaty (NPT). In the discussion of unilateral cases, special emphasis will be placed on the effects of EU sanctions. It should be noted that in most cases the measures under discussion are targeted sanctions: all sanctions currently wielded by organisations such as the UN and the EU are targeted.

Each case study is structured as follows: it starts with an overview of the sanctions in place, which is followed by a narrative explaining the motivation behind the imposition of sanctions. The case study concludes with an assessment of the impact of sanctions. The section of impact explores different effects of sanctions following a basic subdivision between the disutility created by the sanctions measures and the political efficacy in terms of compelling a policy change in the targeted leadership.

5 NORTH KOREA

5.1 Sanctions summary

UN sanctions against North Korea were imposed in two "waves":

Resolution 1718 (2006) imposed the following measures on North Korea:

- Embargo on heavy armaments and ban on related technical assistance;
- Embargo on material which could contribute to DPRK's ballistic missiles, nuclear and other WMD programmes and ban on related technical assistance;
- Ban on the supply of luxury goods;
- Travel ban on persons responsible for supporting the DPRK's ballistic missiles, nuclear and other WMD programmes and their family members;
- Freezing of assets of persons responsible for supporting the DPRK's ballistic missiles, nuclear and other WMD programmes and their family members.

Resolution 1874 (2009) entailed the following measures:

- Expansion of the partial arms embargo and the ban on technical assistance of the previous resolution into a full arms embargo except for small arms and light weapons;
- Authorisation to all states to inspect North Korean vessels suspect of carrying items banned under the embargo, even on the high seas, and to seize and dispose of such items if found;
- Ban on the provision of bunkering services to vessels suspected of carrying prohibited cargo;
- Ban on the provision of financial services that could contribute to the DPRK's ballistic missile, nuclear or other WMD programmes;

- Ban on the provision of new grants, financial assistance, concessional loans to the DPRK except for humanitarian and developmental purposes ‘directly addressing the needs of the civilian population’ as well as of public financial support for trade with the DPRK – including the granting of export credits.

5.2 Background and motivation of the sanctions

Prior to the commencement of the sanctions episodes, the UNSC adopted resolution 1695 in July 2006, expressing grave concern at North Korea’s test launch of ballistic missiles that could endanger civilian aviation and shipping. The Council demanded that North Korea suspend all activities related to its ballistic missile programme and required all member states “to prevent missile and missile-related items, materials, goods and technology being transferred to the DPRK’s missile or WMD programmes”.

Following revelations that North Korea had conducted a test of a nuclear weapon on 9 October 2006, the UNSC adopted Resolution 1718 under Chapter VII with the objective of inducing North Korea to abandon its nuclear aspirations. According to Resolution 1718, North Korea must:

- Cease all launches and tests of nuclear and ballistic missiles;
- Retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;
- Return to the Treaty on the Non-Proliferation of Nuclear Weapons and IAEA safeguards;
- Provide the IAEA transparency measures extending beyond the IAEA safeguard agreement to include access to individuals, documentation, equipment and facilities; and
- Abandon all other existing weapons and ballistic missile programmes in a complete, verifiable and irreversible manner.

North Korea was also urged to return to the six-party talks and to work toward the implementation of a Joint Statement issued in September 2005 that included, *inter alia*, the abandonment of all its nuclear weapons programmes and a return to the NPT. To ensure compliance with the UNSC’s demands, member states were required to prevent the direct or indirect supply, sale or transfer to North Korea of aircraft and military equipment, spare parts and related material; all items and equipment and technology set out in several UN documents (related to nuclear programmes, ballistic missile programmes and other WMD), and “luxury goods”. Small arms and light weapons (and their related material) were not banned. The UNSC also banned North Korea from receiving or exporting any battle tanks, heavy artillery other military hardware as well as nuclear materials or equipment (Charron, A. 2011).

After North Korea attempted to launch a missile and detonated a nuclear device underground, the Council adopted resolution 1874 on 12 June 2009 unanimously. It strengthened the sanctions by banning arms and related material, including financial transactions, technical training and advice associated with them. States were called upon to inspect cargo to and from North Korea even on the high seas. States ready to supply North Korea with small arms or light weapons had to notify the Committee in advance. States were also to refuse bunkering services to North Korean vessels if suspected of carrying banned items. Finally, states were called upon to ban all financial transactions with North Korea that may contribute to its nuclear or ballistic missile programmes.

5.3 Impact of sanctions

Impact of specific sanctions measures

Arms Embargo

Evidence available of the impact of sanctions against North Korea is meagre. The arms embargo had two sides: a ban on exports of arms from North Korea and a ban of import of arms to North Korea. The import side of the arms embargo was successful in that it does not appear that arms were exported to North Korea in the period covered by sanctions. Yet, the reason for this is that China had insisted in the exclusion of small arms and light weapons from the sanctions. Thus, in 2007 China could export cartridges for shotguns, an item not covered by the embargo.

The ban on the import of arms from North Korea bears the potential of inflicting costs on the regime, given that it constitutes one of its main sources of revenue. As reported by Ford, North Korean exports can only compete internationally 'in sectors of the market that are distorted by political and strategic considerations', such as the arms market (Ford, G. 2009:127). Various episodes of cargo seizure reveal that there has been some disruption in the export of banned items from North Korea to third countries. The seizures in 2009 of North Korean weaponry from a cargo plane refuelling in Bangkok by Thai authorities and of North Korean military hardware from an Australian-owned vessel bound for Iran by UAE constitute famous examples of enforcement of resolution 1874. Yet, the intercepted shipments are believed to constitute only a fraction of the estimated hundreds of millions of dollars with Pyongyang earns every year from illegal arms exports (Taylor, B. 2009). As recognised by North Korea experts, while trade has been made more difficult by the sanctions, "the arms are still arriving at their destinations" (interview 2011).

Ban on luxury goods

The ban on the export of luxury goods presents a peculiar picture, as the export of luxury goods to North Korea actually increased between 2006 and 2007 (Noland, M. 2009). The UNSC Resolution did not feature any list of items covered under the embargo. The definition of the products and the administration of the sanctions was left to individual UN members. Several countries such as Australia and Japan published their list of luxury items covered, while China and South Korea, North Korea's main trading partners, did not. Russia defined luxury goods narrowly, including fur coats costing more than \$9,637 and watches costing nearly \$2,000 (Noland, M. 2009:66). As reported by Noland, no evidence was found that UN sanctions 'had any effect on North Korea's trade in luxury goods with its largest trade partner, China' (Noland, M. 2009:74). Ford confirms that 'in Pyongyang there now...shops selling fashionable clothes, shoes and handbags, largely imported'. The availability of luxury goods to the elite evidences the emergence of a dual economy (Ford, G. 2009: 131).

Other sanctions

It is unilateral sanctions - especially US financial sanctions - that appear to have had more noticeable effect on North Korea. Cuts in the supply of fertiliser and food aid by South Korea and the US caused the humanitarian situation to deteriorate (Taylor, B. 2009). US financial sanctions have had the more noticeable impact, but their enforcement required a considerable amount of pressure. Following the US designation of Delta Asia Bank as a suspect of money laundering for North Korea, the Macao authorities froze the suspect accounts worth a total value of \$24 million. As an indirect effect of this operation, banks around the globe became less willing to deal with North Korea (Taylor, B. 2009).

On the other hand, trade *per se* was not disrupted. An indirect effect that can be expected of sanctions is that the prospect of tightening sanctions, or even military action should tensions escalate would drive up the risk premium on trade with North Korea and deter commerce in areas not directly subject to

sanctions. Yet, no significant change in trade flows following the nuclear test and the imposition of UN sanctions was detected. Indeed, the period after the test is associated with trade volumes larger than expected (Noland, M. 2009).

Political Efficacy

There is hardly any evidence of sanctions having compelled any policy changes in the political behaviour of the North Korean leadership. Having withdrawn from the six-party talks, the North Korean leadership indicated that it was ready to return to the six party talks in case that the UN sanctions were lifted and the US signs a peace treaty formally ending the 1950-53 Korean War (Taylor, B. 2009). This demand was rejected by the UNSC as it fell short of meeting the criteria formulated by Resolutions 1718 and 1874, and has now lost currency. The inefficacy of sanctions against North Korea is generally explained by the fact that North Korea is already the most isolated country in the world. Little disutility can be inflicted on a state that has been extremely isolated for several decades. As an expert admits, 'if the UN lifted the sanctions, nothing would change' (interview 2011). The US introduced a comprehensive embargo on North Korea in 1950 during the Korea war, which was relaxed after the end of the war but never fully lifted (Taylor, B. 2009). In the words of an expert: 'they don't know what it is not to be under sanctions' (interview 2011).

The reaction of the North Korean leadership to threats of and imposition of sanctions by the UNSC is normally one of extravagant protest. The events of the spring 2009 illustrate it: After North Korea attempted to launch a missile in violation of resolution 1718, the UNSC publicly instructed the 1718 Sanctions Committee to explore options to adjust the sanctions measures, thereby signalling to North Korea that the sanctions would be strengthened. North Korea immediately announced it was pulling out of the six-party talks, resuming its enrichment activities and expelling all nuclear inspectors, and subsequently detonated a nuclear device underground (Charron, A. 2011). As a North Korea expert contends, the sanctions are having the undesirable effect of weakening the reformist elements within the North Korean leadership. The pompous gesticulation of North Korean leaders is routinely attributed to Pyongyang's attempts to discredit Seoul's current conservative government and to remind the US of its capacity to inflict harm on South Korea (Osti, D. 2011). Yet, they can be also explained by internal dynamics within the leadership, in particular with regard the military hard-liners' struggle with reformist-minded elements within the cabinet in favour of opening up the country. Whenever the latter takes a step away from isolation, the hard-liners stage a provocation which brings about a backlash that in turn weakens the reformers (interview 2011). Thus, the imposition and tightening of sanctions is instrumentalised within the leadership in an attempt to neutralise advocates of, if not political change, at least some limited economic reforms.

5.4 Conclusion

The failure of sanctions against North Korea can be explained with three different elements:

1/ The choice and design of measures presents a mixed record, but on the whole it is not entirely inadequate. The ban on import of arms appears as an intelligent way of curtailing the Pyongyang's ability to obtain succulent revenues from arms trade. Enforcement has not been entirely satisfactory and has been unable to stop arms trade, partly due to the fact that Pyongyang sells arms and missiles to 'countries of concern' such as Iran, Pakistan, Yemen and Syria, which are unable to find alternative suppliers easily. Yet, the seizures evidence that the sanctions have made the shipping of missiles more difficult for North Korea. The ban of export of arms appears to have been respected; however, this is only to the fact that China excluded the items it attempted to export to North Korea from the text of the UNSC Resolution. The ban on luxury goods is blatantly violated.

2/ The inability of the sanctions to bring about compliance can hardly be ascribed to the choice and design of measures. Rather, it is attributable to the level of isolation to which the country has been subjected since its creation. The long-term US unilateral sanctions have brought about a belief in the North Korean leadership that sanctions will remain in place for as long as the regime remains in power, while. Thus, the imposition of UNSC sanctions can only add a fine layer of supplementary disutility unable to change the calculations of a leadership which 'does not know what it is not to be under sanctions'. Indeed, the hard-liners within North Korean ruling elite have devised ways of instrumentalising the imposition of sanctions to strengthen their position vis-à-vis reformers.

6 BURMA/MYANMAR

6.1 Sanctions Summary

The EU has following measures in force (2010/232/CFSP):

- an embargo on arms and military equipment;
- suspension of non-humanitarian aid (exceptions are permitted for projects in support of human rights, democracy, good governance, conflict prevention and building the capacity of civil society; health and education, poverty alleviation, and environmental protection);
- a visa ban and a freezing of assets on members of the junta and high-rank military officers, authorities in the tourism sector and family members;
- an investment and loan ban, including extensions of participation in state-owned enterprises, and ban on the creation of joint ventures with
- Suspension of high-level bilateral governmental visits;
- Ban on the attachment of military personnel to the diplomatic representations of Burma/Myanmar in EU Member States, as well as on the attachment of military personnel to diplomatic representations of the Member States in Burma/Myanmar;
- Ban on the export of equipment and technology, and the provision of technical or financial assistance destined for enterprises engaged in logging and timber processing, and the mining of metals, precious and semi-precious stones;
- Ban on the import of round logs, timber products, metals, precious and semi-precious stones.

However, as from the 12th April 2011, the suspension of high level meetings is temporarily lifted, and new members of governments with no affiliation the military or "essential for dialogue with the international community" are not covered by the sanctions (2011/239/CFSP).

6.2 Background and Motivation of Sanctions

As spelt out in the relevant CFSP Common Positions, sanctions are in place due to the lack of improvement in the human rights situation and the absence of substantive progress towards an inclusive democratisation process (2010/232/CFSP). Sanctions were initiated following the failure of the ruling military junta, the State Peace and Development Council (SLORC), to honour the results of the 1990 elections won by the National League for Democracy (NLD), the EU suspended its aid programmes and imposed an arms embargo along with diplomatic sanctions. Sanctions were upgraded in 1996 due to human rights violations: a visa ban and a suspension of high-level visits were introduced. In 2000, the visa ban was expanded and a freezing of assets was imposed on the blacklisted individuals, with further extensions of the blacklists followed in successive years (Portela, C. 2010). After the renewed house arrest of Aung San Suu Kyi, the EU urged Burmese authorities to release her, stop harassment of the NLD and to allow for open debate at the National Convention, imposing the following measures:

- an expansion of the visa ban to include members of a lower military rank;
- a policy of negative votes against extending loans to Burma/Myanmar from international financial institutions to be implemented by the Member States;
- a prohibition on EU registered companies and organisations from making financing such as loans and equities available to named Burmese state-owned enterprises.

The ban prohibited European companies from investing in certain state-owned enterprises in Burma/Myanmar, but exempted existing investment, which could be prolonged. Prior to the imposition of the investment ban, Member States had banned the extension of export insurances to European enterprises conducting business in or with Burma/Myanmar (Will, G. 2003). In 2006 the sanctions package was strengthened, as the investment ban was extended to participation in state-owned enterprises, although it still exempted agreements concluded prior to October 2004. In reaction to the repression of the pro-democracy demonstrations of the autumn 2007 - the so-called 'Saffron Revolution' -, the EU agreed measures targeting specifically state-owned industries by prohibiting:

- the export of equipment and technology, and the provision of technical or financial assistance destined for enterprises engaged in logging and timber processing, and the mining of metals, precious and semi-precious stones;
- the import of round logs, timber products, metals, precious and semi-precious stones;
- the creation of joint ventures with blacklisted enterprises or their subsidiaries.

The motives for the imposition of the sanctions were listed as the failure of the authorities to allow for a democratic transition to civilian rule, the detention of Aung San Suu Kyi and the harassment of the opposition, human rights violations and restrictions on the operation of IOs and NGOs. Yet, the conditions for lifting or easing of sanctions are spelt out in a broad formulation in the Common Position 2006/318/CFSP:

"In the event of a substantial improvement in the overall political situation in Burma/Myanmar/ Myanmar, the suspension of these restrictive measures and a gradual resumption of co-operation with Burma/Myanmar will be considered, after the Council has assessed developments".

In April 2011, after a new government was sworn in, the Council decided to suspend the sanctions for new members of the government without affiliation to the military or who are essential for dialogue with the international community to pursue the interest of the EU, initially for 12 months. High-level bilateral government visits to Burma/Myanmar were also allowed again. Both measures were taken "in order to encourage future progress in civilian governance and to strengthen democracy and respect for democracy and respect for human rights", as well as "dialogue with relevant parties in Burma/Myanmar" (2011/239/CFSP). Those members of the new government who had their restrictions suspended have never served in the army, or left it more than a decade ago (BBC News 2011).

Finally, a measure falling under a legally fully separate chapter is the suspension of the GSP scheme for Burma/Myanmar in March 1997 on the basis of the practice of forced labour. Burma/Myanmar was not only the first instance of EU withdrawal of GSP preferences, but it also remained the only case for almost a decade. If not under suspension, Burma/Myanmar would be eligible for the "Everything but Arms" scheme, the EU's most favourable scheme reserved for states classified by the UN as Least Developed Countries (LDCs).

6.3 Impact of sanctions

Impact of specific sanctions measures

Arms embargo

The arms embargo has failed to deny the Burmese government access to arms, as they were able to find alternative suppliers. Although China has been the dominant supplier throughout the past two decades, Burma/Myanmar has even been able to diversify its arms imports, purchasing from Ukraine, Russia, Singapore, Bulgaria and North Korea. The EU arms embargo is negligible, given that “even if the EU was ready to sell arms, the Burmese would have been able to afford very few items” (interview 2007).

Gems and timber embargo

The gems and the timber embargo have had some impact. Along with the US trade ban and the US/EU suspension of trade preferences, the commodity embargoes have had the effect of annihilating local industries with the notable exception of the extraction sector. The embargo has not been able to stop trade in gems, which is now diverted through Thailand. Indeed, the US General Accountability Office (GAO 2009) reported in 2009 that there is no way to make it work. The embargoes have harmed those traders operating through the legal system. Because trade is diverted through Thailand, Burmese traders have to operate through Thai intermediaries, thus obtaining lower revenues for their sales (interview 2011). While the EU blacklist of gems enterprises looks like a selective list, it is in reality a sectoral embargo which reproduces the complete list of gems merchants featured in the Yangon yellow pages. The list is not meant to single out companies connected to the junta, but to facilitate the identification of Burmese entities operating in the gems trade (interview 2008).

Suspension of trade preferences

The EU GSP suspension is, per se, not believed to have caused particular disruption for the Burmese economy, not least given that at the time Burmese enterprises were unaware of trade preferences (interview 2011). They might have contributed to the decline in the textile industry observed since the imposition of the US trade embargo, as it is reported to have forced the closure of a number of garment factories (Steinberg 2010). However, the non-granting of trade preferences under the ‘Everything but Arms’ scheme has been singled out as one of the measures affecting the economy generally, and by implication penalising the population at large. The extraction industry remains unaffected by the suspension, as the GSP does not cover the export of energy.

Pointing to Burma/Myanmar's status as a labour-intensive agricultural country whose GDP is mostly generated in the private sector, Tonkin argues that “any assault on the formal economy is [...] bound to have its effect on the ordinary people, who at the very least will continue to suffer stagnation in the living standards and more probably a deterioration” (Tonkin, D. 2006).

According to Burma/Myanmar expert Gerhard Will sanctions play into the hands of the military junta, as they shield the country from international exposure while contributing to its underdevelopment:

“Those most affected by the sanctions are those [...] who remain unemployed as a consequence of the underdevelopment of the public economy sector. In addition, sanctions harm all those interested in closer co-operation with foreign countries: private entrepreneurs [...] scholars [and] forces in government and administration convinced that modernising the country is indispensably linked to intensive exchange with industrialised countries” (Will, G. 2003:16-17).

Yet, as is often the case with the targets in the developing world, quantifying the damage inflicted by sanctions remains a difficult task, in particular because it is impossible to dissociate their effects from

those of the government's misguided policies. A recent review of sanctions by the NLD attributed economic underperformance in Burma/Myanmar to the junta's economic mismanagement rather than to sanctions: 'economic conditions within the country have not been affected by sanctions to any notable degree' (NLD 2011:5); 'cronyism...constitutes the main obstacle to the emergence of small and medium enterprises' (NLD 2011:3).

Political Efficacy

The inefficacy of sanctions against Burma/Myanmar is widely recognised. A high-rank official from the UK Foreign Office acknowledged in a hearing at the House of Lords in 2006 that the sanctions against Burma/Myanmar were "not working very well" and that EU sanctions were "unlikely to bring about change" (House of Lords 2007:22). Former British diplomat and current chairman of Network Myanmar Derek Tonkin contends that "the restrictive measures applied by Britain and the EU since 1988 have had no perceptible effect in persuading the military junta in Burma/Myanmar to moderate its repressive policies" (Tonkin, D. 2006:3). The stalemate in relations with Burma/Myanmar can be easily explained by the active interest that China, but also India and Thailand take in the country. Rather, the long-term isolation to which the EU and the US have subjected Burma/Myanmar has allowed China and, despite its democratic credentials, also India to exploit its vast natural resources (Nuttin, X. 2010).

6.4 Conclusion

The failure of the sanctions against Burma/Myanmar can be ascribed to several reasons. Firstly, the sanctions regime, despite its comprehensiveness, remains unilateral – mainly North American and European - and does not cover Burma/Myanmar's key resource: the energy extraction industry. Contrary to the case of Iran, where EU measures targeting the energy sector likely entail financial losses to European firms (CSMonitor 2010), EU sanctions against Burma/Myanmar leave the energy sector unaffected. Thus, the combined effect of several measures inhibiting the private sector, such as the suspension of trade preferences and embargoes on gems and timber, and low levels of aid have impeded the development of indigenous industries, while Burma/Myanmar's neighbours are increasingly active in the extraction industry. The result is an abnormal situation of underdevelopment coupled with growing dependence on non-Western investment. Thus, as a consequence of sanctions EU and US influence on Burma/Myanmar has decreased to the advantage of that of Asian powers.

Secondly, the sanctions were originally put in place in order to provide a bargaining chip to the democratic opposition, in the hope that it could persuade the ruling junta to engage with the NLD. The formulation and management of the sanctions has consistently followed the guidance of NLD's Aung San Suu Kyi (Steinberg 2010), which has to this date called for the permanence of sanctions. Following her latest talks with European diplomats in March 2011, she was quoted as saying: "Sanctions must remain in place. Sanctions should only be lifted when something has changed here" (AFP 2011). In addition, the Burmese sanctions have become a powerful domestic issue in both the US and the UK, which makes it difficult for their respective administrations to modify the regime in the absence of the junta's full compliance with maximalist demands.

7 IRAN

7.1 Sanctions Summary

The current sanctions package is reflected in four UNSC Resolutions: 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010). They entail following measures:

- embargo on all items which could contribute to Iran’s enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, and ban on related technical or financial assistance;
- visa ban and assets freeze on persons and entities directly associated with Iran’s proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems;
- prohibition to supply arms to Iran;
- ban on new grants, assistance or loans to Iran except for humanitarian and developmental purposes;
- ban on commercial activity involving uranium mining, production or use of nuclear materials and technology by Iran overseas;
- authorisation to states to intercept, seize and dispose of Iranian cargo covered under the embargo;
- prohibition on bunkering services to Iranian-owned or –contracted vessels;
- ban on new branches, subsidiaries of Iranian banks abroad and ban on new joint ventures with Iranian banks.

7.2 Background and Motivation of Sanctions

In December 2006 the Security Council applied sanctions against Iran to stop its nuclear enrichment and reprocessing activities. Sanctions were triggered by a report of the IAEA to the Council noting the existence of undeclared nuclear material in Iran. The Council then demanded that Iran must take the steps required by the IAEA to resolve outstanding questions, and suspend all enrichment-related and reprocessing activities, including research and development. The Council endorsed the proposals of China, France, Germany, Russia, the UK, the US and the EU High Representative for a longer-term, comprehensive arrangement that would allow for the development of relations and cooperation with Iran. In support of the demands, the Council threatened to adopt measures under Article 41 “to persuade Iran to comply with this resolution and the requirements of the IAEA”. Four months past the due date given to Iran to respond, the Council passed resolution 1737 which imposed mandatory sanctions. Yet, it announced that it would suspend sanctions if Iran stopped its enrichment and reprocessing related activities. The UNSC applied a targeted arms embargo, financial and travel sanctions. Under the arms embargo pursuant to resolution 1737, all states were to prevent the sale or supply of items which could contribute to Iran’s enrichment-related, processing or heavy water-related activities or to the development of nuclear weapons delivery systems. A detailed list of materials, equipment, goods and technology related to nuclear programmes was attached to the resolution. States were also required to prevent the supply of any technical assistance, training, financial assistance, financial resources or services that related to the items listed. Under the financial sanctions, all states were to freeze the funds and other financial assets and economic resources of persons or entities designated by the Council that were directly associated with or providing support to Iran’s nuclear activities.

In view of Iran’s failure to comply with resolutions 1696 and 1737, the Council adopted resolution 1747 in March 2007 imposing a visa ban on individuals connected to Iran’s nuclear programme. The resolution included a list of entities and individuals to be targeted with the travel, financial and nuclear-

related goods sanctions. Iran was also banned from supplying, selling or transferring any arms or related materiel. Most importantly, resolution 1747 outlined the required actions of Iran for the easing of sanctions: measures would be suspended if all enrichment-related and reprocessing activities were frozen, and terminated if all demands of the Council were met.

The UNSC imposed another round of measures against Iran after receiving several reports from the IAEA indicating that it had not suspended enrichment and reprocessing activities and heavy water-related projects. Resolution 1803 authorised states to inspect the cargo of aircraft and vessels to and from Iran operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line. In May 2010, on the eve of the Council applying additional sanctions against Iran, two non-permanent members of the UNSC at the time, Turkey and Brazil negotiated a deal with Iran in which it would ship low-enriched uranium to Turkey in return for fuel for Iran's research reactor. Yet, the UNSC still passed a new round of sanctions in June 2010. Resolution 1929 banned Iran from acquiring interests in any commercial activity in another state involving uranium mining, production or use of nuclear materials. It also expanded the arms embargo by prohibiting the supply to Iran of battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles including financing for such items, spare parts or training. In addition, it prohibited the transfer of technology or technical assistance to Iran related to ballistic missiles, the transit of individuals listed by the 1737 Sanctions Committee and the opening of new branches, subsidiaries, or representative offices of Iranian banks, or the establishment of joint ventures with Iranian banks (Charron, A. 2011).

UNSC sanctions against Iran come to supplement the US sanctions regime that has been in force since 1987 and upgraded in 1996 and 2010. US measures fall into three categories: a comprehensive trade and investment ban, sanctions on foreign parties engaging in proliferation or terrorism-related transactions and financial sanctions including a freeze of assets and a prohibition on access to US financial institutions. One of the latest upgrades in US sanctions consists in the re-imposition of a ban on the import of carpets, a measure that had been lifted in 2000.

Partly as a result of US pressure, the EU has adopted supplementary sanctions in addition to those imposed by the UNSC. They constitute the most far-reaching sanctions package imposed by the EU to date. The text of the CFSP Common Position, which combines the UNSC and EU autonomous sanctions regime, is ten pages long excluding the annexes (Council 2010). Notably, it encompasses an embargo on key equipment and technology for the oil and natural gas industries; ban on provision of certain services to and of investment in the oil and natural gas industries.

7.3 Impact of Sanctions

Impact of specific sanctions measures

Financial sanctions

The consequences of the mounting sanctions against Iran are often conflated with that of US sanctions. In the wake of UNSC sanctions imposition, the effects of US financial sanctions had been augmented thanks to the co-operation of some large European banks, which have curtailed their business with sanctions Iranian entities and refrained from conducting dollar transactions with Iran. UNSC sanctions have brought about closer collaboration with the US-inspired financial sanctions. In compliance with UN sanctions, financial regulators in the United Arab Emirates froze dozens of Iranian bank accounts and clamped strict controls on currency transfers Iran. It is reported that the 'sudden squeeze on foreign-currency supplies, which also hit Dubai's large and lucrative merchandise re-export trade with Iran, sent Iran's rial, which had held steady against the American dollar for years, into an abrupt 15% plunge late last month' (Economist 2010:67).

Energy sector sanctions

Sanctions on the energy sector have compelled almost all the biggest international traders in refined petroleum products to stop dealing with Iran. Due to its shortage of refining capacity to produce gasoline, Iran has to rely on costlier small-scale overland shipments for much of the petrol that it has to import (Economist 2010:67).

Ban on dual-use Items

Difficulties in the acquisition of spare parts for civilian aircraft have been recorded (Brzoska, M. and Neuneck, G. 2010).

Effects on trade

As a result of US pressure, certain governments reduced their export credits for goods shipped to Iran prior to UN action (GAO 2007). After the imposition of UNSC sanctions, these measures to have affected the readiness of some foreign companies to engage in operations with Iran even in those areas not directly covered by ongoing sanctions, stopping "Iranian operations by big multinational firms and a growing reluctance by shipping and insurance companies to service Iran-bound cargoes" (Economist 2010).

Sanctions have not had the effect of altering the total volume of trade and investment in Iran. Rather, they have brought about a shift in the composition of Iran's trading partners from European to Asian and Middle Eastern countries (Brzoska, M. and Neuneck, G. 2010). This trend was already visible in the period predating the UNSC sanctions imposition: Following the 1987 US ban on Iran's exports, Iran's trade with the world grew dramatically. Iran was able to replace the loss in US trade through trade with other countries, and the total value of Iranian imports and exports continued to grow thanks to global trade ties with Europe and the developing world. Over the past decade, trade with China has largely replaced the declining share of EU's trade with Iran. The EU's share of Iran's imports declined from 50% in 1994 to slightly over one-third of Iran's imports in 2006, while Asian countries' share has tripled from 9% to 27% (GAO 2007:31). Evidence on the effects on the population is rather meagre. A former Iranian official was quoted as saying that sanctions had increased the price of imports anywhere from ten to thirty percent (Drezner 2011:104); however, evidence of decline in living standards is unavailable.

Political Efficacy

The relatively recent imposition of sanctions against Iran makes it difficult to advance an assessment of their political efficacy. Certain positive effects can be discerned: in 2003, Iran agreed to temporarily suspend enrichment in exchange for not having its case referred to the UNSC, for fear that sanctions might be applied (Taylor, B. 2010). However, Iran's failure to resolve outstanding issues with the IAEA subsequently suggests that its willingness to co-operate was insincere. Similar to the case of North Korea, or even Ukraine in the aftermath of the breakup of the Soviet Union (Müller H., 1996), Iran appears to have realised that the nuclear related activities provide it with a useful bargaining chip to obtain concessions from the West. At the same time, sanctions can be manipulated to the regime's advantage in the domestic arena by presenting opposition groups as agents of Western powers which serve alien agendas.

7.4 Conclusion

Similarly to the case of North Korea, the sanctions against Iran present several layers: original US sanctions pursuing a wider range of objectives – including stopping its involvement in terrorist activities – are superseded by narrower UNSC measures pursuing non-proliferation. Yet, continued US pressure coupled with the internationalisation of the Iranian nuclear dossier has led the EU and others to adopt US-inspired measures. The design of measures is well targeted: oil export revenues represent nearly 80% of Iran's total export earning and account for almost 20% of the GDP. At the same time, it is the second largest importer of gasoline in the world as it suffers from a shortage in refining capacity. Thus, energy sanctions target simultaneously Iran's key source of revenue and key vulnerability. However, these measures are not part of the UNSC sanctions package and their implementation depends largely on US efforts.

Arguably, sanctions targeting Iranian banks have succeeded in disrupting the financial networks supporting activities of concern to the US. By contrast, the measures had no major impact on the behaviour of Iran, although contrary to what some analysts suggest, the reason might be less Iranian leaders' determination to acquire nuclear military capabilities than their ability to turn the nuclear impasse into a political asset on the domestic arena.

8 ZIMBABWE

8.1 Sanctions Summary

Sanctions imposed against Zimbabwe by the EU belong to two different legal frameworks: One of them consists in a suspension of the application of the ACP-EU Partnership Agreement, the Cotonou Agreement, under which development co-operation take place. The suspension of the agreement is foreseen under article 96, which allows of any of the parties to denounce the agreement in case that the other party violates one of the essential elements of the agreement, namely respect for human rights, democratic principles and the rule of law. The other measures were adopted under the CFSP framework. Despite their different legal bases, both measures were adopted simultaneously on the 18th of February of 2002, and appear in the same issue of the Official Journal of the European Union. Thus, according to the latest revision (2011/101/CFSP), ongoing EU sanctions against Zimbabwe consist of:

- arms embargo, embargo on non-lethal military equipment and prohibition on technical or financial assistance related to military activities;
- travel ban and assets freeze on members of the government, persons and entities associated with it, as well as persons whose activities undermine human rights, democracy and rule of law – originally, the bans applied to 20 individuals, whereas today they extend to 163 persons and 31 entities;
- suspension of the application of the Cotonou Agreement under article 96. This measure freezes budgetary support and support for development projects under the 9th and 10th European Development Fund, except for those projects in direct support of the population (Darracq, V. 2010:9).

8.2 Background and Motivation of Sanctions

Sanctions against Zimbabwean leaders were imposed in 2002. The Zimbabwean crisis has its origins in the agrarian reform begun by President Mugabe in 2000-01, which entailed the expropriation of land from white farmers, and which was accompanied by a wave of political violence and the intimidation of the opposition. The expropriation campaign was initiated against the background of declining support for President Mugabe's party (ZANU-PF), which embarked on this policy in an attempt to expand its

power base with a view to the forthcoming parliamentary elections. Consultations were launched in January 2002. Aid was suspended only after the Zimbabwean authorities refused entry to a team of EU electoral observers on the eve of the 2002 elections, and their harassment of the opposition. The EU moved very quickly from political dialogue under Art 8 of the Cotonou Agreement to Art 96 consultations which were concluded exceptionally early (interview 2007). The Zimbabwean aid sanctions constitute the only Art. 96 suspension case triggered by a government refusal's to accredit election monitors, a move precipitated by the fact that an ultimatum had been issued to that effect in the context of consultations held in 2002. Immediately after the suspension, the EU imposed an arms embargo along with a visa ban and a freezing of assets against individuals included in one of the longest blacklists the EU had ever produced. In parallel to the political crisis, an economic crisis of catastrophic dimensions unfolded, due to corruption and mismanagement of the economy: Zimbabwe became the world's fastest shrinking economy with the world's highest annual inflation rate, featuring unemployment figures of 70 per cent and above (Weiland, H. 2004:129, International Crisis Group 2009:8). Exacerbated by drought, the continued deterioration of the economy compelled the EU to increase humanitarian aid.

Mugabe's attendance at the French–African Summit of February 2003 spurred considerable irritation (Weiland, H. 2004:139). The EU's ban on Mugabe's participation in summit meetings provoked the cancellation of a Europe–African summit planned for 2003. When the summit finally took place in 2007, British Prime Minister Brown refrained from attending, in protest at Mugabe's presence. The Southern African Development Community (SADC) played a central role in pressuring Zimbabwe to comply with the organisation's newly agreed electoral standards in the 2005 parliamentary elections, thus acknowledging the existence of democratic deficiencies in the country. Following the electoral victory of the opposition in the presidential and parliamentary elections of April 2008 – a development ascribed to the miserable state of the economy, coupled with divisions in the ruling party – SADC brokered an agreement among the opposition and the Mugabe regime. Three parties entered a Government of National Unity in February 2009 where President Mugabe shares power with Prime Minister Tsvangirai and Deputy Prime Minister Mutambara, both from opposition parties, under the Global Political Agreement (GPA). Minor modifications were conducted in order to enable the EU to support projects to further GPA implementation (House of Commons 2011). The EU started a process of re-engagement, which entailed the provision of a package of about €90 million per year, channelled through non-states actors and UN agencies and spent in support of the recovery of the country and the efforts of the government of national unity to implement its agenda (Europa Press Release 2011).

Most recently, a modest revision has taken place: in February 2011, the EU decided to remove 35 individuals from the blacklist in recognition of "significant progress made in addressing the economic crisis and in improving the delivery of basic social services" (Ashton 2011). Yet, the EU concluded that there had not yet been sufficient progress to justify a more substantial change of its policy towards Zimbabwe. Thus, the remaining 163 people and 31 businesses are still considered to be linked to human rights' abuses, the undermining of democracy or the abuse of the rule of law (2011/101/CFSP).

8.3 Impact of sanctions

Impact of specific sanctions measures

Assets freeze

The impact of the EU's assets freeze was reportedly hampered by the slowness of its implementation, which gave blacklisted individuals sufficient time to move their resources out of European accounts (Greve, J. 2009). One of the ZANU-PF leaders who is also a businessman, Solomon Mujuru, is reported to have \$6 million of his funds frozen in European banks (International Crisis Group 2009:6).

Visa ban

The implementation of the visa ban has been criticised due to its incoherent implementation, and particularly in view of the exceptions granted by France and Italy to allow for Mugabe's visits soon after the adoption of the sanctions (Greve, J. 2009).

Redirection of aid

In economic terms, any consequences of sanctions would be difficult to quantify in view of the acute economic downfall that the country has suffered since the beginning of the present crisis. It would be difficult to make the EU's halt of development aid responsible for hardship in view of the fact that it actually increased aid to Zimbabwe following the 2002 crisis. The aid suspension foreseen under article 96 allows for the continuation of aid in direct support of the population and leaves humanitarian aid unaffected. Thus, EU action did not contribute to the hardship provoked by the economic downfall, but rather palliated it.

While recognizing that the dire economic situation is due to the government's macroeconomic mismanagement and corruption, and especially the disruption of agriculture, some researchers have noted that targeted sanctions have restricted the ability of Zimbabwean actors to access international credit and grants (Sims et al. 2010). However, in view of the disastrous state of the economy and the volatile investment climate, it is dubious that Zimbabwean operators had been granted credits even in the absence of sanctions.

Arms embargo

EU members have complied with the arms embargo. However, a unilateral EU arms embargo hardly has the potential of limiting the availability of arms to the Zimbabwean regime. This is not only due to the easy accessibility of arms in Africa, but also to China's growing links with Zimbabwe, which extends to arms trade. At the most, the combined EU and US arms embargoes can deny the target of sophisticated weapons technologies unavailable from other suppliers – however, this aspect is of little relevance in the Zimbabwean context.

Political Efficacy

EU and US sanctions are credited for bringing about the fragmentation of the ruling party: 'Targeted EU and US sanctions on senior regime figures are working. ZANU-PF leaders cite their personal financial situations as motivation for wanting Mugabe out' (International Crisis Group 2007:13). A senior member of the politburo, supportive of the faction demanding Mugabe's retirement, was quoted as saying: 'We need to look at [what measures should ensure] that ZANU-PF remains in power. One of those measures is clearly to have a new leader and to begin to make moves to engage with the international community' (International Crisis Group 2007:6). According to another senior member, ZANU-PF's overall objective during the negotiations to bring the opposition party into a coalition government was to help stabilise the economy and obtain removal of Western sanctions targeted on the ruling party's leadership (International Crisis Group 2009:4). For former UK Europe Minister Chris Bryant, Zimbabwean Prime Minister Tsivangirai's advocacy of easing sanctions proves that sanctions are being effective: 'Tsivangirai is under considerable ZANU-PF pressure to secure the lifting of targeted measures. This is evidence of the effectiveness of the measures' (House of Commons 2011).

8.4 Conclusion

The inefficacy of the sanctions against Zimbabwe can hardly be traced back to the design and implementation of the measures. Indeed, they have apparently succeeded in fostering opposition to Mugabe within its own ranks. Instead, failure should be ascribed to two main circumstantial factors.

The first and main difficulty with the Zimbabwean sanctions is the infelicitous coincidence of the imposition of targeted sanctions with an acute economic downfall, crowned by unprecedented hyperinflation, which compelled the EU to increase its aid. The fact that economic deterioration and the imposition of sanctions took place simultaneously has allowed the government to present economic hardship as a result from Western sanctions. The reality is obscured to the Zimbabwean population at large, namely that economic decline is due to the Mugabe administration's mismanagement of the economy and in particular of the land reform, while the EU has contributed to mitigate its consequences. The misunderstanding that hampers the communication of EU policies on Zimbabwe is exacerbated by the fact that the Zimbabwean population experienced old-style comprehensive sanctions in the past, namely UNSC sanctions in protest against the white-minority regime of Rhodes. Due to the government's monopoly of the media, the public remains uneducated about the nature of EU sanctions and their role in Zimbabwe to this day.

A second factor explaining failure relates to the EU's reaction to the formation of the GNU in 2008 as a result of South African mediation. The EU and the most influential regional power, South Africa, follow diverging approaches to the Zimbabwean question. While South Africa mediated the current power-sharing arrangement, the EU approach follows a 'maximalist' logic which regards Mugabe and the ZANU-PF as illegitimate and demands their removal from power. Such divergence in objectives has led to what has been called "conflictual collaboration" between the EU and South Africa (Darracq, V. 2010). In line with this maximalist approach, the EU has offered half-hearted support to a GNU that includes the opposition but also Mugabe: The CFSP sanctions remain in place, as does the article 96 suspension. As a limited measure of support, the UK contributed almost GBP 60 million in 2010 in terms of development and humanitarian aid, while the Commission managed to allocate EUR 110 million, among others in support of the stabilisation of the country and the implementation of the GPA (Darracq, V. 2010).

9 EVALUATION

The cursory review of sanctions against four extraordinarily 'hard' targets of sanctions reveals that no single factor can be made responsible for their failure: it was a combination of circumstances that brought about the political impasse that we witnessed in each of the situations examined. If anything, two common denominators can be identified in the very heterogeneous selection of cases: one of them is that long-term isolation progressively reduces the bargaining power of senders. The second is that the vacuum left by senders which cut off their trade links is invariably exploited by other powers, particularly in those cases where commodities or resources are to be gained. The ultimate political inefficacy of the sanctions imposed is due to the fact that the withdrawal of Western powers does not isolate the target countries, but simply throws them into the arms of alternative suppliers all too eager to embrace resource-rich countries.

From the pallet of sanctions reviewed, the financial sanctions and the commodity embargoes are doubtlessly those which bear greater promise of efficacy. The cases of Iran and Burma/Myanmar testify to the fact that they display some noticeable effects. They present two key advantages compared to other sanctions: First, they create a noticeable disutility to the target country, which cannot operate normally under sanctions. The accumulated negative effects might provide an inducement to accommodate senders' demands. Sanctions create bargaining chips, but their effective employment in extracting political concession is part of a negotiation whose success often depends on the skilfulness and flexibility of the sender. Sanctions *per se* do not display 'corrective' or 'healing' effects. Secondly, even if they fail to bring about political concessions, in the process they impair the target's ability to operate, hampering the accomplishment of its goals. US financial sanctions weakened Iran's support for terrorism: Hizbollah's financial support was disrupted by Iranian banks' limited ability to interact with the US financial system (GAO 2007:20). Thus, financial sanctions and sectoral embargoes can constrain the target even if they cannot compel it to willingly change course. Their downside is that, in order to be effective, considerable effort must be put into monitoring, collecting information on adherence and encouraging defectors to comply. Their mere imposition does not suffice.

This finding about the choice of measures is somewhat in tension with the EU's current practice, which makes use predominantly of visa bans and arms embargoes. While these measures are often instrumental in stigmatising the targeted individuals, they fail to frustrate their ability to operate, obtain revenues and pursue the policies the senders consider undesirable. This is particularly the case when such measures are imposed outside the framework of the UNSC.

Finally, targeted sanctions do not appear to have severe negative effects on the population beyond a general decline in living standards. This is not only due to the targeted nature of the measures, but also due to the fact that withdrawn investment and trade by the West is replaced by alternative suppliers. In addition, those targets which are in such dire economic situation that their population is in danger of a humanitarian crisis –such as North Korea or Zimbabwe– continue to receive humanitarian aid. In particular, EU sanctions expressly and invariably leave humanitarian aid flows unaffected.

PART III - TARGETED SANCTIONS, ISOLATION AND GLOBALISATION

Having been originally devised in a context of lower international connectivity, what role can sanctions play in an ever-more globalised world where information technologies are increasingly making national borders irrelevant? Sanctions scholars have identified potentially contradictory effects of the use of sanctions in an international context characterized by increasing globalisation (Hufbauer, G. et al. 2007). On the one hand, the capacity of the UN or other senders to isolate target countries is decreasing as a consequence of globalisation. On the other hand, globalisation has also brought about increasing dependence of individual countries on access to the world community; thus, their vulnerability to restrictions put on its international connectivity has increased accordingly. In an infelicitous paradox, those countries which are subjected to sanctions are often precisely those who have remained most isolated from the international system, and arguably, those which would benefit most from enhanced international exposure.

The effectiveness of targeted sanctions remains, in general, an under-researched question. Arguably, targeted financial sanctions offer most promising prospects of effectiveness. This can partly be deduced from the behaviour of targets: the beauty of financial sanctions is that it bears the capacity to limit the target's ability to operate internationally, often in indispensable transactions, while they carry a big deal of publicity and thus stigmatisation with them. Yet, the successful employment of financial sanctions requires careful design based on resource-intensive research and proactive enforcement. As exemplified by unilateral US financial sanctions against North Korea and Iran, the approval of measures by the UNSC is not sufficient to guarantee effects. Selective embargoes have revealed themselves to be an equally powerful tool whenever they target commodities that provide critical revenues to the targeted leadership or their supporters (such as embargoes on oil or diamonds, which proved key to ending African conflicts), rather than those that aim to deprive leaders of access to privileges (such as embargoes on luxury goods). Furthermore, both types of sanctions have the potential to discourage third states and companies from engaging with targeted actors due to the increase in the risk-premium associated with transactions and the fear of forthcoming sanctions. Regrettably, the selective embargoes are the targeted measures most likely to bear consequences on the civilian population as illustrated by the decline of the textile industry and the gems in trade Burma/Myanmar. However, in this case the negative effect is primarily attributable to the inadequate selection of targeted industries rather than to the ineffectiveness of the instrument. Visa bans, beyond being a major source of international embarrassment among some of the targeted leaders, have been acknowledged as a major impediment by those who have business in countries they are unable to enter (Sims, B. et al. 2010).

In general, no specific type of targeted sanction is generally more effective than others; rather what matters is that sanctions tools are selected and designed according to the vulnerabilities of the targeted leaderships. Such an approach requires considerable effort in terms of intelligence collection and planning, a circumstance that has hardly been acknowledged by most senders. The EU already displayed encouraging signs of inventiveness in its targeted sanctions exercise against the FRY during the Kosovo conflict (Portela, C. 2010). Importantly, mistakes in design and targeting are likely to occur; thus, mechanisms for their identification and correction must be put in place.

Irrespective of the relative efficacy of targeted sanctions vis-à-vis blanket trade embargoes, one should not lose sight of the fact that the lack of progress or stalemate in some notorious sanctions cases cannot be attributed to a purportedly inherent inefficacy of these measures but to inadequacies in their management, as well as a lack of support by other members of the international community, notably neighbours of the targeted state and emerging powers. Support offered to the Mugabe regime by neighbouring countries has been central to Zimbabwe's resistance to sanctions pressure: Zimbabwe's neighbours continue to back Mugabe not only politically, but also through the supply of energy. The

EU's attempts to garner support for its sanctions on Zimbabwe from the Southern African Development Community (SADC) remained unfruitful. African powers such as Nigeria and South Africa criticised the imposition of EU sanctions (Smith, K. 2006).

Two major considerations should guide the development of any policy of sanctions in particular with regard to the effects of isolation: one of them is that long-term or very long term isolation of a target has the counterproductive effect of severely reducing the leverage that outside parties can exert on it. The cases of North Korea and Iran beautifully illustrate this phenomenon. While UN measures against these countries only started in recent years due to nuclear proliferation concerns, they had both been under US sanctions long before: North Korea since the Korean War in the early 1950s, and Iran since the hostage crisis in the early 1980s. One could argue that it was precisely the intense hostility perceived from the outside world, and particularly that expressed by the US, that compelled these leaderships to believe that they needed nuclear weapons for their own protection. In the case of North Korea, the isolation of the country has acquired such magnitude that outmost external pressure has hardly any impact on its leadership. Even in sanctions episodes of much shorter duration such as Zimbabwe, officials resent the loss of leverage that quickly follows the imposition of sanctions.

The second factor relates to the transformed international environment. Until the Second World War, economic blockades were often employed as war tools designed to weaken the enemy, concurrently with bellicosities. In its aftermath, sanctions became an element of superpower competition for the favour of third world countries – sanctions by one superpower were offset through the support of the other superpower. For a long period of time, the imposition of sanctions had the effect of denying the target of critical goods, or at least to deprive it from access to technologies, aid, credit, investment and trade links that were not available elsewhere. In the current international system, the West still retains almost exclusive access to some of the privileges, but it is increasingly loosing its monopoly. This situation is being transformed with the emergence of new powers such as India, South Africa, Turkey but especially China. It has been extensively documented that China has taken advantage of the Western-inspired isolation of Burma/Myanmar to increase its presence in the country, and particularly in the extraction industry, an example followed by India. China has been under fire for its deficient implementation of UN sanctions against North Korea, with which trade flows have actually increased, including in the sector of luxury goods. While South Korea and Japan have joined US sanctions against a range of Iranian banks and firms, China has, along with Turkey, expanded its share of Iran's market (Economist 2010). Chinese influence has also increased in the most remote location of Zimbabwe: it is now a major investor in the Zimbabwean mining and extractive industries, and even a donor of development aid which is expected to be linked to Chinese business opportunities. As British Minister for Europe David Lidington comments:

"China's commercial activities in Zimbabwe exploit the space that we and other likeminded states have vacated. Often these are not carried out at a government-to-government level but through large private corporations. China operates a large scale Joint Venture in the controversial Marange diamond fields and has also been involved in arms exports and the construction of Zimbabwe's new defence college [...] Politically China maintains a relationship with the Inclusive Government as a whole [...] However China's historical and continued preference appears to be to work with ZANU-PF, a relationship which, inter alia, enables it to gain access to Zimbabwe's considerable mineral wealth" (quoted in House of Commons 2011).

From this perspective, the imposition of sanctions does no longer have the effect of isolating the target, - or putting pressure on the target to overcome its isolation-, but to increase its connection to China to the detriment of Western influence.

PART IV - WHAT ROLE FOR THE EUROPEAN PARLIAMENT?

The European Parliament does not have a formal role in the adoption of CFSP sanctions, and it has not acquired it as a result of the Lisbon Treaty. Still, the EP is regarded as one of the key actors in the formulation of EU sanctions policy, given its active advocacy of sanctions in response to democratic crises and grave human right violations, such as most recently in response to the flawed elections in Belarus. The EP's activism in the case of the China arms embargo is well known (Wulteputte, V. 2004). Moreover, the EP has developed its own role as a sender of sanctions by making use of its power to ratify external agreements. The non-ratification of agreements has become the most "traditional" form of EP "sanction" in order to condemn the behaviour of third countries. Historically, the EP has wielded this instrument of "non-ratification" in several instances: it refused to ratify the protocols to the agreement between the ECC and Israel as early as 1988 (Greilshammer, I. 1991), and it also made the signing of treaties with Turkey conditional on the improvement of its human rights record (Zanon, F. 2005). Following the abrupt interruption of Belarus' democratic transition in the early 1990s, the EP indicated that it would not approve any future treaty signed with Minsk (Fierro, E. 2003), thus delivering a clear signal to Council and Commission that the resumption of talks on a Partnership and Co-operation Agreement would be pointless.

The Committee on Foreign Affairs passed a resolution on the evaluation of EU sanctions as part of the EU's action and policies in the area of human rights at the initiative of the Subcommittee on Human Rights (European Parliament 2008). The resolution, adopted in September 2008, deplored the fact that no evaluation or impact assessment had been carried out in respect of the EU's sanctions policy, which made it difficult to gauge their impact. Thus, the EP invited the Council and the Commission to carry out such evaluation. The Commission did carry out a review in response to the EU's invitation. Unfortunately, due to the change in the legislature that ensued the following year, the Commission never reported on what remained an internal report. Thus, the resolution remains without follow-up to this day. In spite of the lack of formal powers with regard to the imposition of sanctions, the EP has a critical role to play in holding the Council accountable for the management of its sanctions policies.

10 RECOMMENDATIONS

On the basis of the preceding analysis, the following recommendations can be put forward:

1. The Council should consider the imposition of targeted sanctions such as selective commodity embargoes and financial sanctions. Current concentration of visa bans and arms embargoes makes current sanctions practice mostly symbolic, but deprives them from teeth and ultimately constrains their efficacy.
2. In order to be efficacious, targeted sanctions need to be tailored to the specific situation to which they need to be applied, rather than be routinely selected from a pre-agreed catalogue. The Council Secretariat or the EEAS should create a 'sanctions unit' composed of sanctions experts in charge of conducting targeted preliminary studies of the vulnerabilities of the targeted regimes and their linkage to the elites and economic structure of the country and present them to the Council prior to the decision of imposing or renewing sanctions. Drawing on a variety of resources, the unit should also make recommendations regarding the designation of targets and how sanctions could be devised in order to affect the designated targets most effectively.
3. The 'sanctions unit' should also report on the international linkages of the target regime or actors and on the pressure efforts of other international actors (or absence thereof) in order to ensure co-ordination and ensure maximum compatibility of the EU's sanctions strategy with that of the EU.
4. The 'sanctions unit' should also maintain linkages with national authorities of the member states in order to collate information on implementation and to improve its practices.
5. By contrast, the Council should try to avoid limiting bilateral contact as part of the sanctions strategy. While sanctions remain in place, communication channels should be kept open in order to allow for talks to be conducted, to avoid the occurrence of misunderstandings, and to avoid the loss of influence on the side of the EU.
6. Council evaluations of the efficacy of sanctions measures are currently confidential. The EP should use its scrutiny powers to inquire regularly about the reasons for the selection of specific sanctions measures, their impact on the target and the evidence of progress towards the goals of the sanctions, at a minimum once a year, when the Council conducts the review that precedes the renewal of measures. The Council should provide explanations as to why sanctions are renewed, which modifications are introduced and on which basis they are decided. Such justifications are currently unavailable.
7. The Council should also report on the political negotiations with the targeted regime, indicating which conditions are being attached to the easing of sanctions and how the target leadership is reacting to the offer of negotiations. The Council should also report, and respond to MEP enquiries, about the EU's contact with opposition groups in the target countries. The EP should also ensure that the sanctions strategy, and in particular the negotiations which accompany the sanctions and that intend to use them as a bargaining chip, do not become disconnected from the strategies of democratic opposition groups. The Council should report on its consultations with opposition groups in the target country whenever these exist. The Council should report to the EP on how sanctions are being used to support the position of opposition groups and reformist-minded sectors of the leadership.
8. The Council should ensure that a serious dissemination effort is done within the EU in order to increase awareness of the notion of targeted sanctions and to promote a better understanding of their employment. The objective of such efforts is to educate the public with regard to the sanctions controversies: rather than debating whether sanctions should be enacted or not, the public discussion should shift towards which kind of sanctions are meaningful. In particular, it is

advisable to raise awareness of the nature of targeted sanctions, and to dispel stereotypes about the wide-ranging humanitarian effects of comprehensive sanctions that current UN and EU sanctions no longer have! Such efforts shall be geared towards improving the quality of the sanctions debate and enhancing the understanding of EU policies towards uncooperative regimes.

9. In order to enhance the MEPs knowledge of the progress in sanctions situation, the EP should complement the questions to the High Representative on EU sanctions policies and reports by the Council with regular hearings of country experts in which the design and effects of sanctions are discussed in connection to the developments in the targeted country.
10. The EP should also act as a human rights watchdog, making sure that EU measures are consistent with human rights, and that appropriate mechanisms are in place that allow for de-targeting of persons or entities which might have been targeted erroneously.

11 BIBLIOGRAPHY

- Ashton, C. (2011) Declaration by the High Representative on behalf of the European Union on Zimbabwe, 6567/11, Brussels 15 February 2011
- AFP (2011) "Suu Kyi says sanctions must remain", 23/03/2011
- Baldwin, DA. and Pape, R. (1998) "Evaluating Economic Sanctions", *International Security* 23(2)
- Barber, J. (1979) "Economic Sanctions as a Policy Instrument", *International Affairs* 55
- BBC News (2011) "EU eases Burma sanctions on some civilian ministers", 13 April 2011
- Brzoska, M. (2003) "From Dumb to Smart? Recent Reforms of UN Sanctions", *Global Governance* 9
- Brzoska, M. and Neuneck, G. (2010) "Iran – auf dem Weg zur Bombe?", *Vereinte Nationen* 58(4)
- CBS News (2010) "Obama says US developing new sanctions for Iran", 9 February 2010
- Charron, A. (2011) *United Nations Sanctions and Conflict*, Routledge: London, forthcoming
- Cortright, D. and Lopez, GA. (2000) *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner: Boulder
- Cosgrove, E. (2002) "The Efficacy of Sanctions", *International Security Policy Paper* No. 82, International Security Information Service: London
- Council of the European Union (2011) "Council Decision of 12 April 2011 amending Decision 2010/232/CFSP renewing restrictive measures against Burma/Myanmar", Official Journal L 101/24
- Council of the European Union (2010) "Council Decision of 26 July 2010 concerning restrictive measures against Iran", Official Journal L 195/39
- Council of the European Union (2004) "Basic Principles of on the Use of Restrictive Measures (Sanctions)", Council Doc. 10198/1/04 REV 1, Brussels, 7 June 2004
- Crawford, N. and Klotz, A. (eds) (1999) *How Sanctions Work: Lessons from South Africa*, St. Martin's: New York
- CSMonitor (2010) "EU passes unprecedentedly tough Iran sanctions", 26/07/2010
- Darracq, V. (2010) Quelle politique pour l'UE au Zimbabwe aujourd'hui?, *Occasional Paper* 87, ISSEU: Paris
- Drezner, D. (2011) "Sanctions sometimes smart: Targeted sanctions in theory and practice", *International Studies Review* 13
- Economist (2010) "Iran economy: Sanctions being to bite, The Economist, 9th October 2010
- Elliot, KA. (1998) "Factors Affecting the Success of Sanctions", in D. Cortright and GA. Lopez (eds) *Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World?* Westview: Boulder
- (2010) "Assessing UN Sanctions after the Cold War: The Evolving Standard of Measurement", *International Journal*, 65(1)
- Europa Press Release (2011) Zimbabwe: Commission support the Council decision, IP/11/190, Brussels 15 February 2011
- European Parliament (2008) Report on the evaluation of EU sanctions as part of EU actions and policies in the area of human rights, Foreign Affairs Committee, Rapporteur: Helene Flautre (2008/2031(INI)), Brussels

- Fierro, E. (2003) *The EU's Approach to Human Rights Conditionality in Practice*, M.Nijhoff: The Hague
- Ford, G. (2009) "North Korea in transition", *Soundings* 43
- Galtung, J. (1967) "On the Effects of International Economic Sanctions, with examples from the case of Rhodesia", *World Politics* 19(3)
- Grebe, J. (2010) "And they are still targeting: Assessing the effectiveness of targeted sanctions against Zimbabwe", *Africa Spectrum* 1/2010
- Greilshammer, I. (1991) "The Non-ratification of the EEC-Israel Protocols by the European Parliament (1988)", *Middle Eastern Studies* 27(2)
- House of Commons (2011) Restrictive measures against Zimbabwe, European Scrutiny Committee, 9 February 2011
- House of Lords (2007) *The Impact of Economic Sanctions*, Second Report of Session 2006-07, Select Committee on Economic Affairs, Volume I: Report, 9 May 2007, The Stationary Office Limited: London
- Hufbauer, GC., Schott, JJ., Elliot, KA. and Oegg, B. (2007) *Economic Sanctions Reconsidered: History and Current Policy*, Institute for International Economics: Washington, D.C.
- International Crisis Group (2007) 'Zimbabwe: An End to the Stalemate?', Africa Report 122, March 2007
- (2009) 'Zimbabwe: Engaging the Inclusive Government', Africa Briefing 59, April 2009
- Kirshner, J. (1997) "The Microfoundations of Economic Sanctions", *Security Studies* 6(3)
- (2002) "Economic Sanctions: The State of the Art", *Security Studies* 11(4)
- Knudsen, R. (2008) *The Comprehensive UN Sanctions against the Federal Republic of Yugoslavia – Aims, Impact and Legacy*, Kolofon Forlag: Oslo
- Koutrakos, P. (2001) *Trade, Foreign Policy and Defence in EU Constitutional Law: The legal regulation of sanctions, exports of dual-use goods and armaments*, Hart: Oxford
- Lindsay, JM. (1986) "Trade Sanctions as Policy Instruments: a Re-examination", *International Studies Quarterly* 30(2)
- Müller, H. (1996) "European nuclear non-proliferation after the NPT extension: achievements, shortcomings and needs" in P. Cornish, P. Van Ham and J. Krause (eds) *Europe and the challenge of proliferation*, Chaillot Paper no.24, ISSWUE: Paris
- Mueller, J. and Mueller, K. (1999) "Sanctions of Mass Destruction", *Foreign Affairs* 78(3)
- National League for Democracy (2011) "Sanctions on Burma", 08/02/2011
- Noland, M. (2009) "The non-impact of UN sanctions on North-Korea", *Asia Policy* 9
- Nuttin, X. (2010) "Political space and the EU's approach to the Burmese issue", in C. Li and W. Hofmeister (eds) *Myanmar. Prospect for Change*, Select Publishing: Singapore
- Osti, D. (2011) "Crisis on the Korean Peninsula: Testing China's appetite for International Negotiation", ISPI Analysis 44, Istituto per gli Studi di Politica Internazionale: Roma
- Portela, C. (2010) *European Union Sanctions and Foreign Policy: When and Why Do They Work?*, Routledge: London
- Schlichte, K. (2001) "The post-crisis consequences of sanctions", paper presented at the seminar Sanctions and the political economy of crisis, International Peace Academy, Paris, November 22-3, 2001

Sims, B., Masamvu, S. and Mirell, H. (2010) *Restrictive measures and Zimbabwe: Political Implications, Economic Impact and a Way forward*, IDASA: Pretoria

Smith, KE. (2006) "The Limits of Proactive Cosmopolitanism: The EU and Burma, Cuba and Zimbabwe", in O. Elgstöm and M. Smith (eds) *The European Union's roles in International Politics*, Routledge: London

Steinberg, D. (2010) "The US, China and Burma/Myanmar", in C. Li and W. Hofmeister (eds) *Myanmar. Prospect for Change*, Select Publishing: Singapore

Taylor, B. (2010) *Sanctions as Grand Strategy*, IISS: London

Tonkin, D. (2006) "Burma (Myanmar): A Case Study, evidence submitted to the House of Lords", Select Committee on Economic Affairs, SC/05-06/EA28

Tostensen, A. and Bull, B. (2002) "Are smart sanctions feasible?" (Review article), *World Politics*, 54(3)

United Nations Security Council (2006) Resolution 1718 (2006) adopted by the Security Council at its 5551 meeting on the 14 October 2006, S/RES/1718

United Nations Security Council (2009) Resolution 1874 (2009) adopted by the Security Council at its 6141 meeting on the 12 June 2009, S/RES/1874 (2009)

United Nations Security Council (2006) Resolution 1737 (2006) adopted by the Security Council at its 5312 meeting on the 23 December 2006, S/RES/1737

United Nations Security Council (2007) Resolution 1747 (2007) adopted by the Security Council at its 5647 meeting on the 24 March 2007, S/RES/1747

United Nations Security Council (2008) Resolution 1803 (2008) adopted by the Security Council at its 5848 meeting on the 3 March 2008, S/RES/1803

United Nations Security Council (2010) Resolution 1929 (2010) adopted by the Security Council at its 6335 meeting on the 3 June 2010, S/RES/1929

US Government Accountability Office (2007) "Iran Sanctions. Impact on furthering US objectives is unclear and should be reviewed", *Report to the ranking member, Subcommittee on National Security and Foreign Affairs, House Committee on Oversight and Government Reform*, GAO: Washington

US Government Accountability Office (2009) "International Trade. US Agencies have taken some serious steps but serious impediments remain to restricting trade in Burmese rubies and jadeite", *Report to Congressional Committees*, GAO: Washington

US Government Accountability Office (2010) "Iran Sanctions. New Impact on furthering US objectives is unclear and should be reviewed", *Testimony before the Committee on Oversight and Government Reform, House of Representatives*, GAO: Washington

Weiland, H. (2004) "EU sanctions against Zimbabwe: A Predictable Own Goal?", in M. Holland (ed) *The Common Foreign and Security Policy: The First Ten Years*, (2nd edition), Continuum: London

Will, G. (2003) „Wege aus der Isolation. Birmas nationaler und internationaler Aussöhnungsprozess“, *SWP Studie 36*, Stiftung Wissenschaft und Politik: Berlin

Wulteputte, V. (2004) "The EU Embargo on Trade in Arms to China", in M. Dumoulin and G. Duchenne (eds) *L'Europe et l'Asie*, Peter Lang: Bruxelles

Zanon, F. (2005) „The European Parliament: An autonomous foreign policy identity?“ in E. Barbe and A. Herranz (eds) *The Role of Parliaments in European Foreign Policy*, Office of the European Parliament: Barcelona

Interviews conducted in Brussels (2007 and 2011), Singapore (2008), Yangon and Canberra (2009) and Bangkok (2011). The anonymity of interviewees is respected.

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