



Global Institutions

UNITED NATIONS SANCTIONS REGIMES AND SELECTIVE SECURITY

Thomas Kruiper



ROUTLEDGE



United Nations Sanctions Regimes and Selective Security

This book investigates the selective nature of UN sanctions regimes with a specific focus on the post-Cold War era. Legally binding on all members, UN sanctions are the most effective and legitimate non-violent multilateral tools to respond to international security threats. They are also symbolically more powerful than unilateral or multilateral sanctions because they enjoy global support. However, while dozens of threats to international peace were met with UN sanctions since 1990, many others were not. How can we explain this incoherent approach? With a focus on the selectiveness, rather than effectiveness of UN sanctions the author reflects on the shifting geopolitical tensions between Security Council members and uses a variety of widely used academic datasets to provide a unique overview of what determines sanctions and sanctionable events. The primary audience will be scholars and students of international relations, international organizations, security studies, and political economy.

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Global Institutions

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Abbreviations

ANC	African National Congress
AU	African Union
CFSP	Common Foreign and Security Policy
CSTO	Common Security Treaty Organization
CIS	Commonwealth of Independent States
CINC	Composite Index of National Capability
CTBT	Comprehensive Nuclear Test Ban Treaty
CTED	Counter Terrorism Executive Directorate
DDR	Disarmament, Demobilization, and Reintegration
DEA	Drug Enforcement Agency
ECOWAS	Economic Community of West African States
ESS	Emergency Special Session
FRY	Federal Republic of Yugoslavia
FSQCA	Fuzzy-Set Qualitative Comparative Analysis
GSDB	Global Sanctions Database
GTD	Global Terrorism Database
HDI	Human Development Index
IDP	Internally Displaced Person
IAEA	International Atomic Energy Agency
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ILO	International Labor Organization
ILC	International Law Commission
PRIO	International Peace Research Institute in Oslo
IR	International Relations
JCPOA	Joint Comprehensive Plan of Action
KPCS	Kimberly Process Certification Scheme for Diamonds
MAP	Membership Action Plan
MAD	Mutually Assured Destruction
NGO	Non-Governmental Organization
NATO	North Atlantic Treaty Organization
OFAC	Office of Foreign Assets Control
OFFP	Oil for Food Program

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OAU	Organization of African Union
OAS	Organization of American States
OIC	Organization of Islamic Cooperation
OSCE	Organization for Security and Co-operation in Europe
PBC	Peacebuilding Council
PNE	Peaceful Nuclear Explosions
QCA	Qualitative Comparative Analysis
R2P	Responsibility to Protect
SED	Sanctionable Events Database
SSR	Security Sector Reform
START	Study of Terrorism and Responses to Terrorism
TSC	Targeted Sanctions Consortium
TIES	Threat and Imposition of Economic Sanctions
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
UN	United Nations
UNAEC	United Nations Atomic Energy Commission
UNC	United Nations Command
UNCTC	United Nations Counter Terrorism Committee
UNDPO	United Nations Department of Peace Operations
UNDP	United Nations Development Program
UNEF	United Nations Emergency Force
UNGA	United Nations General Assembly
UNHCR	United Nations High Council for Refugees
UNHRC	United Nations Human Rights Council
UNMOVIC	United Nations Monitoring, Verification, and Inspection Committee
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSCOM	United Nations Special Commission
UCDP	Uppsala Conflict Data Program
WMD	Weapons of Mass Destruction
WHO	World Health Organization

Full names for all the abbreviated armed groups mentioned throughout the book can be found in the text or in the Sanctionable Events Dataset.

Note on United Nations Documents

The book refers to all official documentation published by the UN in accordance with the United Nations Digital Library system, a platform that provides access to UN-produced materials in digital format. For example, Security Council Resolutions are coded S/RES, followed by the number of the Resolution. General Assembly Resolutions are coded A/RES. To find any of the documents referred to in the text, the reader can consult <https://digitallibrary.un.org/>



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1 Introduction

United Nations Sanctions and Selective Security

The Selective Nature of UN Sanctions

On the 18th of May 2012, the United Nations Security Council (UNSC) adopted Resolution 2048 in response to a coup d'état in the small West African country of Guinea-Bissau (S/RES/2048). The resolution imposed a travel ban on five military leaders, including General Antonio Indjai, the coup leader. Although nobody had died in the coup, the fifteen members of the Council unanimously condemned the coup, backing efforts by the African Union (AU), the Economic Community of West African States (ECOWAS), the Community of Portuguese Speaking Countries (CPSP), and the EU.

The 2012 coup in Guinea-Bissau was nothing new. The former Portuguese colony has a long history of violent coups. But S/RES/2048 is important because it may have represented the peak of the use of UN sanctions to promote progressive norms of democratic governance and human security. The sanctions were imposed under Article 41 of Chapter VII of the UN Charter, which concerns “action with respect to threats to the peace, breaches of the peace, and acts of aggression”. In previous decades, this article had been used to respond to major wars of aggression between Iraq and Kuwait (1990) and Eritrea and Ethiopia (2000), as well as acts of ethnic cleansing and genocide in Bosnia (1992) and Rwanda (1994). In the years surrounding 2012, the Council also imposed sanctions to target armed groups and protect civilians in Libya (2011), the Central African Republic (2013), and Yemen (2014).

Ironically, 2012 also marked the beginning of the civil war in Syria, the deadliest war of the last decade with more than 400,000 deaths according to the Uppsala Conflict Data Program (UCDP). Unlike the bloodless coup in Guinea-Bissau, the Council did not consider the war a threat to the peace. Russian and Chinese officials insisted that the war in Syria was an internal affair, warning that sanctions on the regime of Bashar al-Assad would only exacerbate the situation. Since then, the Security Council has witnessed similar blockades over Ukraine and Myanmar, most notably. So, while 2012 was a milestone for progressive UN sanctions, it also marked the start of a new era of geopolitical deadlock in the Security Council. How can these two contradictory conclusions both be true at the same time?

2 Introduction: United Nations Sanctions and Selective Security

This book investigates the track record of UN sanctions regimes, with a specific focus on the post-Cold War era. UN sanctions are arguably the most legitimate and most impactful non-violent multilateral tools to respond to international security threats. Imposed under Chapter VII of the Charter, sanctions are legally binding on all members. They are also symbolically more powerful than unilateral or multilateral sanctions because they enjoy global support. Unfortunately, history also shows that UN sanctions are imposed in an incoherent, selective manner. Since 1990, many threats to international peace were met with sanctions, while many others were not. How can we explain this? That's the question this book attempts to answer. This book is different in that it studies *selectiveness*, not *effectiveness*.

Chapter 2 will provide a short history and introduction to the selectivity of UN Sanctions. During the Cold War, inquiries into the selective nature of UN sanctions were unnecessary. The geopolitical tensions between the Soviet Union and the United States created an environment of institutional deadlock in the Security Council. Between 1946 and 1989, the Council passed an average of only fifteen Resolutions per year, compared to 62 Resolutions annually since then. The only cases in which the Security Council reached consensus about the imposition of mandatory sanctions under Chapter VII of the Charter were those of Southern Rhodesia (1966) and South Africa (1977), both in response to white-minority apartheid regimes.

After the Cold War the UNSC became much more ambitious, and less constrained by power politics. Since 1990, the UN launched 47 peace operations, an average of 1.5 per year versus only 0.3 during the Cold War. The Council's progressive thinking about peace and security also allowed for new types of sanctions and targets. Over the past three decades, the Council has imposed sanctions regimes in response to 70 sanctionable events in five categories: nuclear proliferation (3), interstate conflicts (3), civil wars (18), international terrorism (34), and coups d'état (3) (see Table 1.1). UN sanctions were central to punishing the nuclear ambitions of North Korea and Iran, border wars between Iraq and Kuwait and between Ethiopia and Eritrea, civil wars from the Democratic Republic of Congo to Cambodia, terrorist groups linked to Al-Qaida and the Islamic State, and coups d'état in Haiti and Guinea-Bissau.

But despite the progress made since the 1990s, UN sanctions regimes remain selective. As a matter of fact, the database that accompanies the book identifies a total of 264 sanctionable events since 1990. Compared to the 70 events that did receive sanctions, that constitutes a rate of 27%. Depending on how you measure, since 2010 that rate is even lower.

Table 1.1 Sanctionable events 1990–2023

<i>Event Type</i>	<i>Events since 1990</i>	<i>UN Sanctions</i>	<i>Percentage</i>
Nuclear Proliferation	7	4	57%
Interstate War	6	3	50%
Civil War	76	18	24%
Terrorism	136	43	32%
Coup d'état	42	3	8%
Total	267	71	27%

What makes an event sanctionable? Chapter 3 investigates that question in detail. In the event of nuclear proliferation (Chapter 4), we consider all seven states that have proliferated nuclear weapons outside of the Treaty of the Non-Proliferation of nuclear weapons (NPT). For the chapters on interstate wars (Chapter 5) and civil wars (Chapter 6), the dataset recognizes 5 interstate wars and 76 civil wars since 1990, in line with the definition of the UCDP. For the chapter on terrorism (Chapter 7), the UN's sanctions response covers both state sponsors of terrorism and the transnational sanctions regime against Al-Qaida and the Islamic State. The latter includes terrorist organizations, but also individual members and related entities. While the state sponsors of terrorism and related entities and members of terrorist organizations are discussed in Chapter 7, the dataset only captures the 136 deadliest terrorist organizations in the Global Terrorism Database (GTD) from the University of Maryland. Finally, Chapter 8 considers the UN's response to 42 successful coups d'état that occurred since 1990.

To investigate how the UN Security Council's selective track record can best be explained, the book presents four main hypotheses: (H1) Countervailing Power, (H2) Westphalianism, (H3) Humanitarianism, and (H4) Western bias. To test these hypotheses, the book uses a mix of qualitative and quantitative research. Due to the small number of cases, Chapters 4 and 5 provide case studies of all nuclear proliferators and interstate wars. Chapters 6 (civil war) and 7 (terrorism) provide mostly quantitative analysis. Chapter 8 uses a mixed method. The backbone of the quantitative analysis is a dataset that was created specifically for this book, called the Sanctionable Events Database (SED). The SED provides a total of 38 variables to describe and code each event (see Chapter 3). Some variables simply serve to describe the event type and the details of the sanctions regimes, while others serve as proxy variables for the four hypotheses of the book. The SED thus helps the reader acquire a deeper understanding of the logic and motivations behind the selectiveness of UN sanctions.

The four hypotheses of the book represent alternative interpretations of Article 39 of the UN Charter, which is the article that forms the Council's institutional basis for sanctions (Article 41), or for the use of force (Article 42).

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

H1 – Countervailing Power

The most obvious hypothesis for the selective nature of UN sanctions regimes since 1990 is power politics. It resonates with the International Relations (IR) theory of structural realism, arguing that powerful states use sanctions to pursue foreign policy goals, along the lines of political allegiances. It stresses the words 'the Security Council shall determine' of Article 39, claiming that states impose sanctions in line with their interests, not the interests of the subject at hand. Any observer of international politics will be quick to point out that the five permanent members

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of the UNSC have the right to use their veto to block resolutions that conflict with their national security and geopolitical interests. Obviously, Russia blocked any attempt to impose sanctions on separatists in eastern Ukraine (2014–2022), or elsewhere in their sphere of influence. Similarly, the strong bond between the United States and Israel has allowed the latter to get away with sanctionable events that others would not, both in terms of armed conflict and nuclear proliferation. Having a permanent buddy in the Security Council is indeed one of the proxy variables in the dataset, and indeed it has quite some explanatory power. Similarly, being a nuclear power or a regional hegemon also gets states a long way. Together, these proxies form part of a hypothesis best described as ‘countervailing power’, which is a term I borrowed from Martin Binder (2017).

H2 – Westphalianism

If the first hypothesis relates to the IR school of Realism, the second (Westphalianism) and third (Humanitarianism) belong to the IR school of Liberalism. The tricky thing about liberalism is however that it is not a coherent theory of IR, but rather an umbrella term that includes liberal institutionalism, liberal idealism, human rights liberalism, and a focus on liberal democracy and good governance (Morgan and Collins 2022). The UN Charter mandates the Security Council to respond to ‘breaches of the peace’ and ‘threats to the peace’, but it does not specify clearly which events count as such.

The norm around which P-5 members have formed the strongest consensus is that of Westphalianism, which alludes to the respect for state sovereignty. Wars of aggression are a clear violation of this norm. Indeed, all the interstate wars since 1990 that passed through the filter of countervailing power were promptly sanctioned under the banners of ‘breaches of the peace’ or ‘acts of aggression’. But confusingly, Article 39 does not only mandate the Council to determine the existence of breaches of the peace and acts of aggression, but also ‘threats to the peace’. Defining this term is more complicated because they are typically associated with domestic conflicts, not threats to the Westphalian system *per se*. Nevertheless, some civil wars do represent a threat to Westphalian security. Some civil wars have spill-over effects on regional security or can lead to state failure. Conflicts in fragile states also attract transnational crime and serve as a safe haven for terrorist groups (Rotberg 2010). For example, although the civil war in Mali has resulted in a relatively small number of conflict-related deaths, the destabilizing activity of jihadist non-state armed groups in the region also affects Niger, Burkina Faso, Northern Nigeria, and Chad. Contrarily, civil wars in India, Colombia, and Türkiye may have resulted in more deaths over time, but they never threatened the statehood of these countries or regional instability. In the database, the proxies that aim to measure the threat to the Westphalian system are related precisely to these two questions. (1) Does the conflict have spillover effects on neighbouring countries? And (2) does the conflict increase the risk of state failure?