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Opening Remarks by the Guest Editor

Over the past few years, the issue of economic sanctions has evolved from a relatively marginal one to the core dispute of international politics – both in the West and in Russia. Sanctions are discussed by politicians and government officials, diplomats and business people, journalists and civil society leaders. For obvious reasons, most participants in the discourse cannot claim the role of impartial analyst: they are ideologically biased in one way or another, their own political agenda and the emotions of the current historical moment are also among the factors to consider. Meanwhile, the extensive empirical material accumulated recently concerning usage of economic sanctions as a foreign policy tool creates the prerequisites for bringing the discourse to a new expert level, forming a new conceptual framework for analysis on the phenomenon of sanctions and integrating this issue into the wider context of modern theories of international relations.

This task is associated with certain difficulties, since the evolution of the mechanisms of sanctions is taking place right now. Moreover, this evolution proceeds against the background of the fundamental transformation of global politics, the outcome of which is far from clear. Nevertheless, it is possible to present a whole series of fundamental questions about the present and future of economic sanctions for discussion among the experts. Here are some of them.

First, what is the reason for the sharp expansion of the practice of economic sanctions in modern international relations? Advocates of this practice tend to argue that sanctions sometimes are the only alternative to the use of military force. Accordingly, the more frequent use of the sanctions instrument testifies to the increased “humanism” of world politics, expressed in the unwillingness of the leading powers to carry out military actions against their foes. Opponents argue that sanctions turn out to be an alternative to diplomacy and a replacement for other traditional foreign policy instruments. It is necessary not to speak about “humanism,” but about the crisis of traditional foreign policy instruments that have been displaced by sanctions.

Second, what are the factors that determine the effectiveness of economic sanctions? Many researchers analyzing sanctions argue that in most cases the goals set by the initiators of the sanctions are unattainable. Moreover, sanctions often turned out to be clearly counterproductive in this sense. Nevertheless, sanctions were not lifted; the sanctions policy was exercised for years and even decades. Probably, we need to look for explanations of the remarkable stability of the sanctions regime beyond declared goals. For example, attention should be paid to the domestic political context (U.S. sanctions against Cuba) or to the balance of power within the groupings of countries applying sanctions (European Union sanctions against Russia).

Third, another question arises concerning expanding cooperation in the field of economic sanctions and the ongoing processes of economic globalization. Does this mean that the effectiveness of sanctions will decrease, and thus will new ways to circumvent, sabotage or ignore restrictions constantly appear? And vice versa, should further expansion of the practice of applying economic sanctions, along with other important factors, lead to accelerated economic globalization or even to a complete change in its current trajectory?

The list could be even longer. The articles in this special issue “Economic Sanctions, Global Governance and the Contours of the Future World Order” present a comprehensive approach to the analysis of economic sanctions, various types of these sanctions, their impact and the mechanisms of adoption. I hope that the materials presented in the issue will serve as an incentive for further discussion on this topic of indisputable academic significance.

A.V. Kortunov,
Director General of the Russian Council on Foreign Affairs

Sanctions' Policy: Unipolar or Multipolar World?¹

I. Timofeev

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Abstract

This article examines the origins of the United States' supremacy in the use of economic sanctions in the context of a wider discussion about the structure of the contemporary world order following the Cold War. Sanctions are understood as an instrument of power relations and a means of forcing "target" countries to fulfil the requirements of "sender" countries. The experience of deploying sanctions suggests that, from the point of view of economic power, the world today retains signs of unipolarity, while a polycentric world order is just one of the possible options for the future. The key research question is: why does the United States continue to have significant leverage in terms of implementing sanctions, despite the growing capabilities of other actors? In addition to U.S. dominance in the global financial system, two other factors are highlighted. The first is the relative weakness of the United Nations (UN) as a key global governance institution. While the United Nations is the only legitimate source of sanctions, it has far fewer institutional capabilities to run a sanctions policy compared to the United States. At the same time, the United States and other western powers successfully use the United Nations to increase the legitimacy of the unilateral measures, or play an active role in the UN Security Council, striving to legitimize their programmes and then supplementing them with their own unilateral measures. The second factor is the difference in the perception of sanctions by national governments and private companies. While national governments often criticize unilateral sanctions, private business tends to comply or over-comply with U.S. measures, even when the national government tries to protect it. As a result, even the most powerful economic actors cannot convert their economic power into political power to counterbalance the United States. The question of how long the United States will be able to maintain its supremacy, and how effective the sanctions will be, is a focus of future research.

Key words: sanctions; United Nations; UN; UN Security Council; power; world order; multipolarity; unipolarity; international business

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Since the end of the Cold War, the debate about the structure of the modern world order has turned into one of most important discussions of our times. The discussion itself has both a purely scientific, as well as a political, component (see, for example, Ivanov [2018], Kortunov [2018] and Simoniya and Torkunov [2015]). The key question is: can the modern world be considered unipolar or has it long since been multipolar and polycentric? This question also has a normative side: what kind of world (unipolar or multipolar) is more desirable and stable? And

¹ The editorial board received the article in February 2019.

this brings us to yet more questions: which model will the world be moving toward in the coming decades? Can we already talk about a new bipolarity? Or will it be different in the future to think of the world in terms of poles and centres of power?

When talking about the structure of the world order, international affairs experts often mean the distribution of power among national governments and their alliances. Although the concept of power is often used by default, it is still key to understanding the questions outlined above. Power here can be understood in the Weberian sense, that is, as the ability of Subject A to impose its will on Subject B and receive the obedience of the latter for one reason or another [Weber, 2016, p. 252]. However, in international relations the nature of power has its own specifics. International relations are anarchic. There is no single sovereign in international relations, meaning that there are no stable foundations for legitimate power. National governments may potentially pose a threat to each other. That is, power still plays a crucial role despite the tremendous progress that has been made in international law and institutions of global governance. This is why the understanding of power in international relations is closely interconnected with the understanding of power in general. We may also talk here about power capability – the ability to lay a claim to power or guarantee protection against such claims.

When discussing a multipolar or unipolar world, we thus mean the quality of the distribution of power and power capabilities among the players. One widely held point of view following the Cold War concerned the construction of a unipolar world order with the United States, as the leader of western society, at the helm. The United States is far superior to all its potential competitors. It has the ability to project its power globally and its military might is backed by tremendous economic and technological potential. No other global player could have anything like the potential the United States has to use its coercive powers when the rules of the game have been broken [see, for example, Wohlforth [1999]].

To be sure, in terms of the parameters of power, the world is still asymmetrically favoured toward the United States. However, there are quite tangible limits to the scope of Washington's use of power. There are at least five or six countries with sufficient military might to keep the United States at bay. These countries are capable of either destroying the United States or causing it unacceptable damage. Outside of this handful, there are also a number of countries with which it would be extremely risky and expensive for the United States to engage in a military conflict, despite the fact that it would likely emerge victorious in such a scenario. What is more, the only legitimate source of global governance is the United Nations (UN), and any one single power. The modern world is so complex that military might loses its role as a key measure of power. For example, it is one thing to use military force to occupy Afghanistan but it is a different thing entirely to win the war in that country. Just like the world itself, the criteria for victory and defeat have become more complicated.

It would seem that the theme of multipolarity is self-evident, and it is high time that we started thinking about the hegemony of the United States as a relic of that country's "golden era" – a kind of imperial phantom, as it were [Alekseeva, Ananyev, 2017, pp. 86–90]. To be sure, if we are to take a realistic view of power in international relations – that is, from the point of view of the power capabilities that prop these relations up – then the proponents of multipolarity have some strong arguments.

But what happens if there are other dimensions beside the use of force in international relations? After the end of the Cold War, the theoretical mainstream relegated economic power and its practical application in politics to the background. Realists tended to avoid engaging with economic problems on a meaningful level. Political outcomes should be explained with the use of political concepts or variables – we could very well consider this requirement of Kenneth

Waltz a methodological tenet of the non-realists [Waltz, 1979, pp. 38–9]. The economy was seen either as a component of power (a developed economy is a prerequisite for building an effective military machine) [Mearsheimer, 2001, pp. 60–75], or as the preserve of competing theories (for example, Marxism). On the contrary, neo-liberal thought placed a significant emphasis on the economy, cooperation, international regimes, new economic realities (such as globalization) and soft power [Keohane, 2005, pp. iv–xviii]. But liberals avoided understanding economics in terms of power. As a result, the use of economic means to achieve goals that are related exclusively to power – resorting to coercion to effect change or maintain a certain political course – did not factor into the overall theory. The neo-Marxist world-systems theory did not solve the problem either, as it focused on gaining an understanding of why hegemony is possible and why hegemonies eventually come to an end (for example, Wallerstein [2001, pp. 347–9]), with issues of power relations having secondary importance. Paradoxically, the secondary nature of economic power for international relations theory went hand in hand with the ever-increasing use of economic instruments to achieve political goals within major powers and international organizations, including the United Nations.

The so-called sanctions – trade and financial sanctions and other restrictions that are used as a way to coerce individual states (“target countries”) to fulfil the political requirements of “sender” countries – act as the key practical embodiments of economic power today. Much has been written about the issue of sanctions. The empirical theory of sanctions exists almost as an entirely separate entity, explaining, for example, why sanctions are successful in certain cases and unmitigated failures in others. But these achievements hardly make a dent in the fundamental theory, which describes the foundations of international relations and the behaviour of states on the international stage.

Meanwhile, the experience of using sanctions provides us with an important “analytical lens” for understanding international relations, presenting them in a different perspective. Looking at the contemporary world order from the point of view of economic power, structurally, it appears to be more akin to the unipolar model. Obviously, the potential of U.S. power in this light is also limited. However, in terms of economic power, the United States’ claim to hegemony is more pronounced, although the theoretical literature pays less attention to this aspect. There is little reason to believe that this situation will last forever – sooner or later, all hegemonies come to an end. However, the theory outlined here has both practical and methodological significance. In practical terms, it raises the question of the means of using and countering economic power as a special, applied task. In methodological terms, it highlights the need to consider the category of power in different lights, to separate economic power from the usual realistic “parameters of power” on the one hand, and from purely economic and trade issues on the other. In other words, the study of sanctions is a subject of the political theory of international relations, since we are talking about economic measures as an instrument of power, rather than about economics per se.

We will attempt to argue the thesis that, in terms of economic power, the world is still, if not unipolar, then at least U.S.- and western-centric. The main research question is: why does the United States continue to have a significant margin of influence in terms of the use of economic sanctions despite the power of other players? Apart from the obvious dominance of the United States in the global financial system, the answer to this question implies two other working hypotheses. The first explains the leadership of the United States and the West as a whole through the insufficiently strong and autonomous role of the UN as the only legitimate source of international sanctions. The second hypothesis highlights how the strategies of government structures and their visions of sanctions differ from those of private business: the difference in

the approaches of government and business in the current environment cements the leadership of the United States in this area.

Sanctions as an Instrument of Power and Coercion

The seminal work on sanctions produced by Hufbauer et al. defines sanctions as the intentional actions of a state (the “sender” country), coalition of states or international organizations to reduce, limit or withdraw from trade and financial relations with the country that is the target of the sanctions. The actions of the sender countries are aimed at achieving foreign policy goals: a change in policy, a change in position on a given issue, a change of political regime, incentives to fulfil or abandon certain obligations or a change of political behaviour inside the country or at the international level. Economic sanctions suggest that the sender country creates conditions under which the economic damage and loss of expected gain or profits, as well as their consequences for society and the political system, make it disadvantageous to maintain the previous political course and force the target country to make concessions in order to meet the requirements set by the sender country [Hufbauer et al., 2009, pp. 3–5]. Sanctions can be understood as an attempt to restrict or influence the sovereignty of a country and its sovereign political course through economic means.

As a rule, sanctions are an instrument of powerful, advanced and developed states. The ability to use economic power reflects the asymmetric distribution of power in international relations. This asymmetry is also characteristic of military power, although the limits and specifics of the use of military and economic measures do not always coincide. Sanctions can be a precursor to the use of force. However, they are often used as an alternative to military force, especially in cases where using force is fraught with heavy losses. According to Hufbauer et al., the United States is responsible for 109 of the 174 cases of economic sanctions deployed in the 20th century. The United Kingdom resorted to sanctions 16 times, the European Union 14 times and the Soviet Union/Russia 13 times. Tellingly, the United Nations deployed sanctions on just 20 occasions. The size and weight of the sender country give it a margin of safety so that it can bear the economic costs of imposing sanctions and neutralize any retaliatory measures with relative ease. It is often the case that the economies of sender countries are orders of magnitude larger than those of target countries [Hufbauer et al., 2009, pp. 5, 17, 89].

Sanctions should be distinguished from the concept of trade war, as the two differ in terms of their goals and agents. Sanctions are aimed at achieving political goals. As such, they are based on coercion. Trade wars pursue economic goals – the creation of more favourable conditions for national producers. Of course, economic goals can, at the end of the day, be conflated with politics. But the nature of the politics will differ here. In the first case it is about power and power relations, while in the second it is about increasing competitiveness and adapting to changing economic realities. It was Harry Johnson who gifted the world the classic definition of trade war. In his understanding, a trade war is a conflict between two or more states that is aimed at achieving economic advantages using instruments to limit bilateral trade [Johnson, 1953, pp. 142–53]. In the modern sense, trade wars are interpreted in the context of the concepts of mercantilism and protectionism, and to a greater extent free trade. In the context of globalization, governments seek to maximize the usefulness of their trade through the use of such instruments as tariff policies, export and import quotas and non-tariff barriers (technical standards, quality standards, customs procedures, etc.). Economic sanctions employ a different set of instruments: comprehensive or partial bans on the export and import of certain goods; bans on financial transactions; confiscations of property and other assets; and bans on transac-

tions with certain individuals, companies and countries. There is an obvious qualitative difference here. In trade wars, countries try to create conditions or environments in which they can maximize their profits, while sanctions introduce bans and restrictions in order to undermine investor confidence in the target country.

Another important difference is the role of the industrial and commercial lobby. If a trade war erupts, business has a strong motivation to be an active player, offering various solutions for the government. It is business that often stands behind trade wars, while governments and parliaments play the leading role when it comes to sanctions regimes. These entities can wage sanctions wars, regardless of the economic costs. Businesses have to adapt to sanctions – they can protest and attempt to get them cancelled, but they are very rarely the ones who initiate them [Hufbauer et al., 2009, p. 7]. It is also important to note that trade wars may very well be waged between political partners and even allies [Pape, 1997, p. 94]. Sanctions can also be imposed against one's allies, although they are not particularly crippling in such cases.

The political goals of sanctions typically come down to three components – coerce, constrain and signal (see, for example, Giumelli [2016, p. 38]). Coercion has both domestic and foreign political dimensions. In the first case, sanctions are often connected to the topic of democratization and are imposed when there is evidence of human rights violations, internal conflicts, government coups, etc. The change of political regime is implicitly present in many cases of this kind. In the Hufbauer database, 80 of the 174 cases that were examined in one way or another involved a change of regime [Hufbauer et al., 2009, pp. 66–72]. In the second case, we are talking about coercion to take certain foreign policy actions, such as cancelling weapons of mass destruction (WMD) development programmes, ending support for terrorists or drug traffickers, withdrawing troops from a given region, observing agreements, etc.

Resorting to sanctions as a method of constraint implies the imposition of restrictions that would hinder the military, technological or other potential of the target country. Sanctions may place bans or restrictions on the delivery of various materials or technologies and restrict investments into certain sectors of the economy. The very fact of introducing sanctions can be used to deter the target country from any further escalations.

As a rule, signal function involves using sanctions as a symbolic measure. The economic damage from these kinds of sanctions is usually minimal. However, they serve as an indication that the sender country has taken a certain political stance and signal a readiness to take decisive measures. Such sanctions are often used against allies.

Over the past 20–25 years, we have seen a tendency toward the use of “smart,” “targeted” and “surgical” sanctions as an alternative to all-encompassing restrictions [Drezner, 2015, pp. 755–64]. An example of the latter is the sanctions against Iraq in 1991, which led to a colossal decline in the quality of life and an enormous number of casualties. Targeted sanctions are directed against individuals (often members of the political elite of the target country or entrepreneurs who have close ties with the political elite), organizations, agencies, companies or sectors of the economy (sectoral sanctions). Nevertheless, such sanctions can cause damage to the target country comparable to that of all-encompassing sanctions, especially when it comes to vital sectors of the economy.

The effectiveness of sanctions in achieving political goals has naturally turned into a highly controversial issue. Researchers are generally sceptical about the impact that sanctions can have. Daniel Drezner proposed the concept of a “sanctions paradox” whereby sanctions are more effective against allies than they are against rivals [1999]. When sanctions are imposed against rivals, they force the target country to close ranks and pursue an even tougher policy. Conversely, sanctions levied against allies serve as an effective signal and stimulus. Empirical

studies cite approximately 20 factors that impact the effectiveness of sanctions, including: the existence of allied relations between the sender and the target [Drezner, 1999; Krustev, Morgan, 2011]; the power relationship between the sender and the target [McLean, Whang, 2010]; linking sanctions to “positive incentives” or concessions [Cortright, Lopez, 1998]; the political regimes in the sender and target countries [McLean, Whang, 2010]; export restrictions [Bonetti, 1998]; the use of financial sanctions [Hufbauer et al., 2009] and several others. A research team led by Nevin Bapat carried out an interesting analysis of how these factors impact the effectiveness of sanctions. According to their research, the most significant factors that determine the success of sanctions are the severity of the costs on target states and the stability of the coalition of sender countries, including the involvement of international institutions [Bapat et al., 2013, pp. 79–98]. The latter factor appears to be the expected result, although the relationship here is not linear: the cumulative damage caused to a target state may not be proportional to the effectiveness of the sanctions. As for international institutions, their role is important in terms of legitimizing sanctions and ensuring the stability of the coalition of sender countries. In theory, sanctions policies should come from international institutions led by the United Nations, and they should be based on principles of multipolarity. In practice, however, the situation looks very different. The United States and its allies essentially use the United Nations to strengthen their positions through sanctions rather than the other way around. UN support increases the effectiveness of sanctions but does not necessarily lead to a multipolar world order.

UN Security Council Sanctions vs. Unilateral Sanctions: Multipolarity vs. Hegemony?

Studies of sanctions policies usually make a distinction between UN sanctions and unilateral sanctions imposed by individual states or regional institutions. However, the United Nations is the only organization whose sanctions are universal and binding for everyone. In the case of unilateral sanctions, restrictions are typically imposed according to the national legislation of the sender country, which as a rule is not recognized by the target country, nor can it be recognized by virtue of the principle of sovereign equality enshrined in Article 2, Paragraph 1 of the UN Charter [Jazairy, 2015, p. 7]. The very concept of sanctions is absent from the UN Charter. The word is synonymous with the concept of coercive or restrictive measures. Chapter VII, Article 41 of the UN Charter is typically cited as the legal basis for sanctions imposed by the United Nations, as it gives the UN Security Council the right to “decide what measures not involving the use of armed force are to be employed to give effect to its decisions.” Furthermore, these “may include complete or partial interruption of economic relations and of rail, sea, air [...] and other means of communication, and the severance of diplomatic relations” [UN, 1945].

The data presented by Hufbauer et al. demonstrates that unilateral measures are used far more frequently than UN Security Council sanctions. However, sender countries often seek to at least partially combine their own sanctions regimes with UN Security Council measures. This increases the legitimacy of the sanctions. Moreover, Bapat’s findings suggest that linking unilateral sanctions to UN Security Council measures also increases their effectiveness. At the same time, in terms of the institutional organization and application of sanctions, states such as the United States have greater possibilities than the United Nations. The sanctions activities of the United Nations are reflected in the large-scale study entitled “Target Sanctions Consortium,” which was preceded by a sizeable amount of work on the so-called Interlaken Process (1998–99) and the Stockholm Process (2001–02) [Eckert et al., 2016, pp. 1–10 not in references]. The U.S. sanctions policy is quite comprehensively set out in a number of legal and

reporting documents. The same can be said of the European Union and its members, as well as Japan, Russia, China and other countries.

So, in the case of the United Nations, the Security Council makes decisions on whether to impose restrictive coercive measures. Drafting a resolution is itself a complicated process, as the positions of all the permanent members need to be coordinated. As a result, it is often the case that a problem has already turned into an acute crisis before a resolution is finally adopted [Biersteker et al., 2016, p. 11]. Meanwhile, the leadership of individual countries can impose sanctions swiftly at the decision of the head of state and may even do so in a preventive manner. For example, the president of the United States may announce a state of emergency with regard to a specific issue and promptly impose sanctions by way of an executive order. The nature of the decision also determines how flexible or inflexible it is. The price for the democratic adoption of a UN Security Council resolution is often a compromise in the wording of the resolution itself. Meanwhile, states can impose tough measures without having to go through the process of getting agreement from other actors.

Even greater differences can be observed at the level of executing decisions. Under Chapter V, Article 25 of the UN Charter, decisions of the UN Security Council are binding for all members [UN, 1945]. However, the specific procedures for carrying out these decisions are unclear. The United Nations has expended significant energy over the past 20 years to improve the mechanism for implementing sanctions. Special committees and expert panels responsible for overseeing the implementation of decisions and monitoring their results have been set up to work on specific issues. And this practice is becoming more widespread. UN Secretariat staff are assigned to provide support and assistance in this work. At the same time, reporting requirements vary from country to country, as does the quality of the reports produced, and in some cases countries simply ignore requests for a report to be submitted or do not submit reports until they have received requests to do so on every single issue. Much depends on the individual efforts of the heads of these committees, as well as on the efforts of various experts and the informal approach they take to the fulfilment of their obligations. In other words, the work of these committees and panels can also be uneven. A disproportionate amount of attention is paid to certain areas. For example, the issue of non-proliferation receives greater attention and resources than other areas. Problems also emerge when it comes to coordinating the work of the sanctions committees and expert panels with other UN institutions, organizations, peacekeeping missions, etc. Human error plays a significant role here, and many procedures need fine-tuning. The same applies to the training of specialist staff for the secretariat, committees and expert panels [Boucher, Clement, 2016, pp. 119–49; Carisch, Rickard-Martin, 2016, pp. 150–71].

Major powers often have developed sanctions policy institutions. The most powerful mechanism can once again be found in the United States, where the Department of the Treasury carries out the main executive functions. Given the dominance of the U.S. dollar in international settlements, the United States Department of the Treasury can track a significant number of transactions and apply financial sanctions extremely quickly. The Department of the Treasury coordinates its works with the intelligence agencies, the Department of State, congressional committees and other institutions. The United Nations may have a monopoly right when it comes to the legitimate application of sanctions, but the United States has moved far beyond the United Nations in terms of its ability to develop mechanisms of economic coercion. The European Union's sanctions mechanism has been gaining strength recently, although the decision-making process is complicated somewhat by the need for a consensus among the members. Corresponding mechanisms in Russia and China are being improved.

In practice, UN sanctions may very well go hand in hand with unilateral coercive measures. Major powers try to use the advantages they have in terms of the speed with which they can deploy sanctions while at the same time striving to give the sanctions greater legitimacy within the United Nations. But this is not always possible, especially when the target country is a permanent member of the UN Security Council. Obviously, neither Moscow nor Beijing will vote in favour of any sanctions that Washington proposes against them. The same applies to their closest allies and partners, which makes it impossible to apply unilateral measures against individual countries at the level of the United Nations. For example, the United States has levied unilateral sanctions against Belarus. Even if in theory Washington attempts to legitimize these sanctions through the Security Council on the basis of supposed human rights violations, Moscow will immediately veto any draft resolution. Having said this, there are a number of cases where UN sanctions exist side by side with unilateral actions. In these instances, the latter appear either before the relevant UN resolution is proposed, or after it has been adopted.

Using data from the Target Sanctions Consortium, Michael Brzoska conducted an interesting study into the effects of combining unilateral and UN sanctions. Since 1990, over two thirds of the sanctions imposed by the UN Security Council have come after individual countries had already taken unilateral measures [Brzoska, 2015, p. 1341]. The majority of instances where the United Nations deployed sanctions first happened in the early 1990s. Unilateral targeted measures were less common then, and they were almost always (four out of five cases) taken against an African country (Somalia, Angola, Rwanda and Côte d'Ivoire). It is worth noting that the United States and the European Union are the main culprits when it comes to the deployment of unilateral sanctions before the United Nations has adopted a relevant resolution. And the United States, France and the United Kingdom are the most aggressive in terms of seeking a UN resolution following the introduction of unilateral measures. Of the 23 cases, the United States launched unilateral actions on 13 occasions, France nine times and the United Kingdom five times. In other words, those countries which actively, and unilaterally, introduce sanctions often seek to advance their positions within the UN Security Council after the fact. However, of the 50 U.S. and 37 EU sanctions programmes, only 15 received any kind of development through the United Nations. And while the number of sanctions packages introduced by western powers continues to grow, the number of UN programmes remains stable [Ibid., pp. 1341–2]. It is interesting to note that the United States, the European Union and certain other western countries (Australia, Canada, Switzerland and Japan) continue to apply unilateral sanctions even after UN resolutions have been adopted. There are two reasons for this – either the measures taken by the United Nations do not go far enough, or they are not having the desired effect. Of the 23 sanctions programmes launched by the United Nations, the United Nations introduced additional measures on seven occasions, while the European Union did so six times [Ibid.]. What is more, the sanctions could be both restrictive (for example, an exhaustive list of sanctions against individuals) and severe (actions against individual sectors of the economy).

It is worth noting that the policy of western countries to unilaterally impose sanctions is met with discontent in both the UN Security Council and the General Assembly. The number of countries that consider unilateral measures to be unacceptable is growing. In 1996, for example, 57 countries voted in favour of a General Assembly resolution on unilateral coercive measures, with 45 voting against and 59 abstaining (A/Res/51/103). In 2014, a similar resolution was supported by 134 countries, with 53 voting against and one abstaining (A/Res/69/180) [Ibid., p. 1345]. Russia and China also use unilateral sanctions, but not nearly to the same extent (in the case of Russia, the number grew after 2014 in the form of retaliatory measures against the

western sanctions and sanctions against Ukraine). This notwithstanding, policy documents in Russia and China generally consider the deployment of unilateral sanctions in circumvention of the UN Security Council to be undesirable.²

At the end of the day, the United States (and to a lesser degree other western countries) currently uses sanctions as a method of prevention, taking full advantage of their institutional decision-making advantages. These countries are also the most active in the UN Security Council when it comes to trying to legitimize their sanctions programmes, which they nevertheless supplement with additional measures. Moscow and Beijing do not do this. Moreover, their position evidently stabilizes the number of sanctions programmes adopted by the UN Security Council and prevents them from being synchronized with the growing number of unilateral measures being taken by the United States and EU countries.³

It is noteworthy that the United States manages to play a special role in the application of sanctions. The fact that a number of other actors have considerable economic power (the European Union, Japan, China, India and Russia) does not mean that the capabilities of the United States can be balanced out. It is very rare that economic power in and of itself can be leveraged to achieve political goals.

States and International Organizations vs. International Business: Independence vs. Conformity?

A vivid example of the “special” role that the United States plays in the application of sanctions is the case of Iran. Since 1979, Washington has exerted almost uninterrupted pressure on Tehran. In addition to freezing Iranian assets in the United States, another key measure has been placing restrictions on the purchase of Iranian oil and the completion of transactions in the oil and gas sector. Most of the sanctions were lifted after the Iranian hostage crisis, but they were introduced once again following the “tanker crisis” of 1987. However, Iran was able to adapt to U.S. measures by reorienting its oil supplies to other markets. In 1995, the United States started to impose sanctions on Iran, accusing it of developing nuclear missile technologies. Washington made these sanctions extraterritorial, thus attempting to ensure the compliance of its allies at the very least. This is why internationalizing the sanctions through the UN Security Council was crucial in terms of legitimizing and supporting the measures taken by the United States. From 2006 to 2008, the UN Security Council adopted a number of resolutions that consistently tightened the sanctions on Iran (Resolutions 1696, 1737, 1747 and 1803). The most stringent measures were introduced in 2010 by Resolution 1929, which hit oil production and transportation, energy sector equipment production, the financial sector and, naturally, the defence industry and nuclear technology development.

At the same time, the United States was “supplementing” these sanctions with its own new unilateral measures. An important innovation was the extraterritorial ban on the purchase

² This much is stated in the 2016 Foreign Policy Concept of the Russian Federation: “to continue efforts to improve the UN sanctions mechanism, specifically, proceeding from the premise that decisions to impose such sanctions should be taken by the UN Security Council jointly following comprehensive discussions [...]; contribute to eliminating from international relations illegal, unilateral coercive measures adopted in violation of the UN Charter and other norms of international law” [President of Russia, 2016]. A similar position is held by China and a significant number of developing countries. In particular, the Declaration of the Summit of the Group of 77 and China held in Santa Cruz, Bolivia noted that unilateral economic measures of coercion are unacceptable and must be eliminated from international relations [G77, 2014].

³ Admittedly, this theory requires additional empirical verification.

of crude oil from Iran. However, understanding that this goal would be impossible to achieve in full, the United States added a provision that allowed countries to avoid sanctions if they reduced oil purchases from Iran. This provision had an extremely powerful effect, reducing Iranian oil exports significantly. Financial sanctions have played a crucial role in the success of the energy embargo. Banks that participated in oil deals ran the risk of being “disconnected” from the U.S. financial system. Obviously, faced with the choice of the Iranian or the U.S. market, banks from third countries preferred to remain a part of the latter. In other words, the United States took advantage of its leading position in the global financial system. The same mechanism worked with EU sanctions, only in this case pressure was applied not on banks, but on oil tanker insurance companies [Graaf, 2013; Maloney, 2015].

Iran sat down at the negotiating table in November 2013. The final version of the Joint Comprehensive Plan of Action (JCPOA) was signed in July 2015 and it was unanimously supported by UN Security Council Resolution 2231. Most of the UN sanctions against Iran were lifted, and the European Union’s “nuclear sanctions” repealed. By decision of President Obama, the most severe sanctions against Iran were revoked.

However, in 2018 the United States announced its unilateral withdrawal from the JCPOA and the full reinstatement of all the extraterritorial sanctions. Most of the foreign companies that had returned to the Iranian market after the sanctions were lifted in 2015 were now subject to fines and other restrictive measures from the United States. All the countries that were party to the “nuclear deal” expressed their dissatisfaction with this move, as Iran had not violated its obligations. The European Union decided to enact an updated version of the 1996 so-called Blocking Statute to protect EU companies against the unilateral actions of the United States. The statute allows EU companies to “recover damages arising from U.S. extraterritorial sanctions from the persons causing the damages and nullifies the effect in the EU of any foreign court rulings based on them. It also forbids EU persons from complying with those sanctions, unless exceptionally authorised to do so by the Commission” [EC, 2018].

It would seem that the support of the European Commission was intended to inspire confidence in EU companies working in Iran. What actually happened was that a large number of companies – including such giants as Total, Siemens, Maersk Line and others – wound up their operations or substantially reduced their activities in the country. Given the fact that many European countries operate in the U.S. market, the sanctions mean that assets could be frozen or other actions could be taken that would lead to potential losses in this market. Given the choice between the Iranian and U.S. markets, major EU companies opt for the latter, even if leaving Iran entails huge losses. In other words, even the political support of such a major player as the European Union does not affect the loyalty of big businesses to U.S. requirements. The same mechanism works for other sanctions regimes, including the sanctions against Russia and other countries.

This high level of conformity among businesses becomes more understandable when we look at specific cases of private companies dealing with the U.S. regulator. The primary mechanism that the United States uses to exert influence on those who flout the rules is fines. Typically, the base fine is linked to the size of the transaction that the company has concluded in violation of the law. As the main regulator of the U.S. sanctions policy, the Department of the Treasury has developed detailed instructions for applying administrative measures under various circumstances. These measures may affect the total amount of fines levied [U.S. Department of the Treasury, 2009]. A number of factors are taken into account when determining the fine, including, for example: whether the violation was intentional or accidental; whether the company’s management was party to the violation; whether the company voluntar-

ily disclosed information about the violation; whether any attempts were made to hide the violation; the degree to which the company cooperated with U.S. authorities in the investigation; whether steps have been taken to ensure that the violation does not happen again in the future; the amount of damage that the American side incurred as a result of the company's actions; the size of the company; and the availability of tools to prevent violations. It should be noted that sanctions are applied to U.S. as well as foreign companies.

In 2018, the Department of the Treasury filed seven claims against companies for a total of \$71.5 million [U.S. Department of the Treasury, n.d.]. This number changes from year to year. In 2014, for example, fines totalled over \$1.2 billion [Ibid.]. In terms of the size of the global and U.S. economies, this is an insignificant amount. But it acts as an important sign for companies. Ignoring the requirements of the Department of the Treasury has more serious consequences (including criminal liability), and repeatedly violating the rules damages a company's reputation, leading to larger fines for each subsequent transgression. This is why businesses often actively cooperate with the Department of the Treasury and try to take measures to avoid the risk of falling under sanctions, regardless of the political stance taken by their respective countries. Let us take a look at a few examples.

The Department of the Treasury collected the largest fine of 2018 from the French bank Société Générale for carrying out transactions in violation of the sanctions regimes against Iran, Cuba and Sudan. It should be noted here that the transactions in question were carried out in 2007–12. The U.S. regulator identified a number of special circumstances, including the fact that certain employees were aware of the possible violation of U.S. sanctions, "warning signals" were ignored and a number of non-transparent payments were enacted. The United States Department of the Treasury also pointed out that the bank is a major financial corporation, which means that more rigorous requirements should be in place for monitoring compliance with the law. The fact that the bank benefitted financially as a result of the actions of persons who, according to U.S. authorities, were under sanctions did not work in its favour. However, the American side did appreciate the actions taken by Société Générale to resolve the issue. The bank worked closely with U.S. authorities during the investigation, launched its own internal probe, improved procedures to minimize the risk of violating the sanctions, increased the budget and number of employees of its regulatory departments and introduced a training programme for employees on compliance with the sanctions [U.S. Department of the Treasury, 2018a].

Another non-U.S. company that was targeted by the United States Department of the Treasury in 2018 was Sweden's Ericsson, which violated the sanctions regime against Sudan in 2011–12 by attempting to sell telecommunications equipment to that country. What is more, the American side claimed that the employees in question were fully aware of the sanctions and made conscious efforts to circumvent them, ignoring the ban that Ericsson's own inspection bodies placed on carrying out transactions with Sudan. As far as the American side was concerned, Ericsson's case was not aided by the fact that it is a major business entity. In other words, it had the means and resources to monitor the risks and comply with the sanctions. However, the regulator took a lenient stance, citing the fact that it was an isolated incident and likely the result of "human error." Ericsson worked closely with U.S. authorities and took additional measures to monitor compliance with the sanctions regime [U.S. Department of the Treasury, 2018b].

In late 2018, the Hungarian firm Zoltek fell under sanctions for violating the sanctions against Belarus after it purchased raw materials from a sanctioned Belarusian supplier. The company's management voluntarily disclosed the fact that it had violated the sanctions to

the United States Department of the Treasury, which concluded that the violations were “non-egregious.” However, the company was reprimanded for its disregard of the law, despite the fact that its management was fully aware of the problem. As a result, the company took a number of measures to soften the regulator’s position: introducing software to monitor prohibited contractors; organizing employee training seminars, etc. [U.S. Department of the Treasury, 2018c]. As in the previous cases, the company demonstrated a high level of conformity.

Investigations into the actions of Chinese companies warrant special attention here. One example is the action of the Department of the Treasury against the Chinese company Yantai, which supplied oil equipment to Iran in circumvention of the sanctions. The company’s case was hurt by the fact that, as far as the American side was concerned, the violation was planned and targeted. In addition, its management and employees were aware of what was happening, did not follow any existing compliance procedures, forged documents and attempted to hinder the U.S. investigation. However, the company eventually cooperated with U.S. authorities and took steps to prevent future violations.

One of the most high-profile cases in recent years was the imposition of sanctions on the Chinese telecommunications company ZTE. The United States Department of the Treasury accused ZTE of violating the sanctions regime against Iran by selling goods containing American-made components. The investigation was opened in 2012. Subsequently, the American side accused ZTE management of deliberately violating the sanctions regime even after U.S. financial authorities had opened a case against the company. The United States threatened to ban ZTE’s access to its U.S. suppliers, which would entail significant losses. The American media also ran with the story about the threat of Chinese industrial espionage. In the end, ZTE came to an agreement with the American side, committing to pay a fine of \$1 billion, restructure the company’s management and to have U.S. observers evaluate the company’s compliance with its obligations. The case of ZTE demonstrated an important trend, namely that Chinese companies are willing to compromise with U.S. authorities if sanctions entail serious consequences for business [U.S. Department of the Treasury, 2017].

Another high-profile case was the investigation into sanctions violations by the Chinese company Huawei. In this instance, the issue became political following the detention of one of the company’s top managers in Canada. Such cases are extremely rare and in the long term may force Chinese authorities to reassess their tolerant attitude toward Chinese companies complying with American laws.

Conclusion

After the end of the Cold War, the United States managed to manoeuvre itself into a favourable position for using economic sanctions as an instrument of political power. The dominance of the U.S. dollar in the global financial system gives financial authorities far-reaching opportunities to track transactions and exert an influence on them. However, in terms of economic power, there are two more obstacles blocking the multipolarity of international relations. The first is the relatively weak and limited role of the United Nations compared to that of the United States when it comes to deploying sanctions. The second is the loyalty of private business to U.S. laws, even when their own governments or international organizations declare their intention to protect business interests. Other actors still cannot convert their economic power into an instrument of political power to the same degree that the United States can.

The big question is: how long can Washington maintain its superiority? A number of factors may get in its way, including: the “weaponization of the dollar,” meaning that political

manipulations of the financial sphere may undermine trust in the U.S. currency in the long term; disagreements with allies – the European Union’s dissatisfaction with the actions of the United States could lead to Brussels playing a more independent role, especially if the euro becomes stronger; and pressure on major powers such as China and Russia, which may try to initiate changes, at the very least at the regional level. Moreover, the political effectiveness of sanctions in terms of their ability to bring about real political changes in target countries is a focus of future research. If countries such as Iran and North Korea have been able to maintain their political courses, then deploying sanctions against Russia and China are even less likely to bring about the desired political changes.

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Политика санкций: однополярный или многополярный мир?¹

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В статье поднимается вопрос о причинах сохраняющегося лидерства США в области применения экономических санкций. Вопрос рассматривается в контексте более широкой дискуссии о структуре мирового порядка после холодной войны. Санкции понимаются как инструмент властных отношений и средство принуждения стран-целей к выполнению требований стран-инициаторов. Опыт использования санкций говорит о том, что с точки зрения экономической власти современный мир сохраняет признаки однополярности, а полицентричное мироустройство пока остается лишь одним из возможных вариантов будущего. Ключевой исследовательский вопрос — почему США до сих пор обладают значительным запасом влияния в области использования экономических санкций, несмотря на мощь остальных игроков? Помимо доминирования США в мировой финансовой системе, мы выделяем два других фактора, которые поддерживают претензии на гегемонию США. Первый — относительная слабость ООН как основополагающего инструмента глобального управления. ООН хотя и является единственным легитимным источником санкций, значительно уступает США в скорости их использования, а также контроле за их исполнением. При этом сами США небезуспешно стараются использовать ООН как механизм легитимации своих односторонних мер. В вопросе санкций они также играют наиболее активную роль в Совете Безопасности ООН, пытаясь легитимировать свои программы, а затем дополняют их односторонними мерами. Второй — разница в подходах к выполнению требований США со стороны национальных государств и частного бизнеса. Если правительства часто критикуют действия США, то частный бизнес в большинстве случаев подчиняется американским требованиям при наличии иной политической позиции своего правительства. В итоге даже мощные экономические центры силы не могут трансформировать свою экономическую мощь в политическую власть, сопоставимую с американскими возможностями. Ключевой вопрос состоит в том, как долго Вашингтон сможет удерживать свое превосходство? Кроме того, существенным практическим вопросом остается политическая эффективность санкций — их способность привести к реальным изменениям в политике стран-целей.

Ключевые слова: санкции; ООН; Совет Безопасности ООН; власть; мировой порядок; многополярность; однополярность; международный бизнес

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Sanctions and International Law¹

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Abstract

This paper demonstrates that, under modern international law, the imposition of economic sanctions is only admissible as a measure of collective security under the authority of the United Nations (UN) Security Council (multilateral) or as countermeasure when a state is either directly affected by illegal acts by another state, or acts in the defence of vital security interests under the “security exceptions” of the General Agreement on Tariffs and Trade (GATT) (unilateral). In all other cases, unilateral sanctions, and in particular their extraterritorial enforcement, are a violation of the norms of national sovereignty and non-interference in the internal affairs of other states. Against this background, the paper analyzes the notion of coercion in the context of the UN Charter, undertakes a structural comparison between multilateral and unilateral sanctions regimes, and analyzes the political use of unilateral sanctions as a major challenge to the international rule of law.²

Key words: sanctions; international law

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Coercion in Modern International Law

Since the end of absolutist rule in Europe and following the fiasco of great power politics in the course of World War I, international law was gradually reoriented toward *cooperation* on the basis of *sovereign equality* of states. The absolute (imperial) understanding of sovereignty – in the sense of unrestrained exercise of power by a ruler who is answerable to no one, whether within or outside his realm – was transformed into a perception of joint responsibility among equals.³ The *jus ad bellum*, the right to wage war as an attribute of sovereignty, has been effectively abrogated by the Briand-Kellogg

¹ The editorial board received the article in February 2019.

² Analyzing existing regulations in the context of contemporary international law and identifying normative contradictions, the paper applies a qualitative empirical approach.

³ This also follows from the affirmation in the UN Charter [UN, 1945] of “sovereign equality” as a “Principle” determining each member state’s actions (Article 2(1)), in tandem with the provision of Article 2(2).

Pact of 1928.⁴ After World War II, the ban on the use of force between states was incorporated into Article 2(4) of the Charter of the United Nations (UN).⁵ Affirming the “importance of the progressive development and codification of the principles of international law” for a stable order of peace, in 1970 the UN General Assembly adopted the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations [UN, 1970]. In this resolution, the international community recalled the “duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State.” The Declaration explicitly stated, as a principle of international law, the “duty not to intervene in matters within the domestic jurisdiction of any State,” an obligation that is also binding upon the United Nations itself according to Article 2(7) of the Charter.⁶

In the context of modern international law based on norms derived from the notion of sovereign equality of states, *coercive measures* against states⁷ – whether political, military or economic⁸ – are only admissible on the basis of *exception*, i.e. as emergency measures: (1) to maintain or restore international peace and security (multilateral), and (2) as measures in defence of legitimate rights or vital (national) interests of states (unilateral). Measures under (1), defining the organization’s system of “collective security” under Chapter VII of the Charter, are within the exclusive competence of the United Nations Security Council [de Wet, 2004]. Measures under (2) are based for example on the right of states to react to violations of treaty obligations by any state (in relations with the sanctioning state) or to defend vital security interests in matters of economic relations with other states. Whether taken by a single state or a group (alliance) of states, those measures, in their very nature, are *unilateral*, in strict distinction from the *multilateral* action of the Security Council on behalf of the community of states as such. Coercive measures under (1) include complete or partial interruption of economic relations as well as of means of transport and communication and, ultimately, the use of armed force [UN, 1945, Art. 41, 42], while measures under (2) are confined to non-military means.⁹

⁴ Article I: “The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy in their relations with one another.” Article II: “The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means” [Kellogg-Briand Pact, 1928].

⁵ “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state...” [UN, 1945].

⁶ “Nothing in the present Charter shall authorize the United Nations Organization to intervene in matters which are essentially within the domestic jurisdiction of any state...”

⁷ For an overview of the problem in the context of actual debates see Matthew Happold and Paul Eden [2016].

⁸ On the legal and political dimension of economic sanctions see A. Kern [2009].

⁹ In this paper, the focus of the analysis is on *economic* sanctions. The resort to unilateral sanctions, whether justified or not in the defence of vital security interests or national interests, is not to be confused with a state’s use of *military* force, individually or with a group of states acting in its defence, in the case of an armed attack. These are different legal categories. Furthermore, the “inherent right of individual or collective self-de-

In the multilateral framework, economic sanctions are one of the tools, also including military force as last resort, to maintain or restore international peace and security (a goal that is directly related to the principle of the non-use of force as defined in Article 2(4) of the Charter). In the context of unilateral action, sanctions are a “measure of last resort” to induce another state, after negotiations have failed, to cease behaviour that violates the rights or affects vital security interests of the sanctioning state.¹⁰

It is a truism that coercive measures in and of themselves are defined by the actual power the enforcing state(s) or intergovernmental organizations possess. Coercion without actual power is mere *recommendation* – in fact, a contradiction in itself. Any legal norm, whether domestic or international, requires a mechanism of enforcement that is based on what Max Weber called the *Gewaltmonopol* (monopoly of force) of the state.¹¹ It is, thus, obvious that any policy of sanctions is directly related to the *actual power constellation*. Sanctions are only effective if there are reliable mechanisms of enforcement, i.e. if they are imposed by a state, group of states or organization that is the *predominant actor* in a given constellation. It is no surprise that – especially since the collapse of the global power balance upon the end of the Cold War – sanctions, from the perspective of those states, have become a favoured tool of foreign policy.

At the level of *multilateral* action, this has meant an increase in the number of Chapter VII resolutions of the Security Council, enforcing partial or comprehensive sanctions regimes or authorizing the use of military force (in particular since the Council's decisions in the Iraq crisis since 1990).¹² Coercive action of the Council became possible because, in the new constellation, there suddenly was less restraint on the most powerful global actor from among the permanent members of the Council. In this period, post-1990, and particularly after the dissolution of the Soviet Union in 1991, no state (permanent member) in the Council dared to challenge the United States by resorting to the veto right. This is the procedural aspect, so to speak, of the imbalance in power relations, meaning that, in this period, no permanent member made use of its special privilege under the voting procedures of the Security Council according to Article 27(3) of the Charter.¹³

At the *unilateral* level, there was an even more drastic increase in the number of sanctions since 1991, when President George H. W. Bush declared his New World Order at the onset of the Gulf War against Iraq [U.S. Government Publishing Office, 1991]. This development was also directly related to the imbalance of power relations at the

fence” (as *unilateral* emergency measure), as defined in Article 51 of the Charter, is only valid until the Security Council has taken action under the Charter's provisions of collective security (i.e. at the *multilateral* level).

¹⁰ As mentioned above, unilateral sanctions are not to be confused with individual or collective self-defence under Article 51 of the Charter. Unlike in the case of measures of collective security under Chapter VII, use of force under Article 51 is not a measure of last resort, but an immediate reaction to an act of aggression until the Security Council has taken necessary measures to maintain the peace.

¹¹ On the definition in the context of his theory of state see M. Weber [(1921/2) 2009, § 17]. According to H. Kelsen [(1934) 2017, pp. 94ff] it is its very *enforceability* that defines a legal norm (in distinction from a moral norm). The aspect of enforceability is also implied in the phrase “international *rule of law*.”

¹² For details see H. Köchler [2004a].

¹³ On the veto provision in the framework of contemporary international law see H. Köchler [1991].

time – when there was much less fear by the dominant global actor of counteraction by other states who, unlike as under the bipolar balance of power after World War II, now found themselves facing only *one* hegemon. This is the material aspect of the imbalance of power relations, meaning that for the imposition of punitive measures in the form of sanctions, the sanctioning state, because of its overwhelming power, does not feel any need to calculate potential repercussions – not to speak of questions concerning the legality of these measures. The norm of “sovereign equality” of states notwithstanding [UN, 1945, Art. 2(1)], it is evident that an obviously weaker state realistically will not consider imposing sanctions on the stronger state. In the logic of power, not of law, it will always be the other way around. In other words, as a matter of realpolitik, sanctions only make sense if there is an *imbalance of power*. As regards the international rule of law, however, the use of coercive measures requires careful scrutiny in each and every instance.

The conceptual distinction between multilateral and unilateral sanctions must not be confused semantically with the distinction between individual and collective self-defence under the UN Charter. “Unilateral” means that one state or a group (collective) of states – acting as an organization (such as the EU) or as an ad hoc coalition, but not on behalf of the United Nations – imposes sanctions as measures of economic coercion. While legally justified under certain specific conditions, such acts do not result from any legal, let alone internationally binding, obligation. “Multilateral” sanctions, on the other hand, are measures imposed to exert economic pressure within the United Nations system of collective security. They are binding upon *all* UN member states. “Multilateral,” in this context, means that sanctions are imposed by the international community as a whole, and therefore legally binding on all its members (in accordance with Article 24(1) of the UN Charter).¹⁴

Multilateral Sanctions

Under the United Nations system of collective security, the imposition of sanctions by the Security Council, under the provisions of Chapter VII of the UN Charter, is conditional upon a determination, by the Council, of the existence of a threat to or breach of the peace, or act of aggression [UN, 1945, Art. 39]. According to the voting rule of Article 27(3), any such determination as well as any subsequent imposition of coercive measures under Article 41 requires an affirmative vote of nine out of 15 members, “including the concurring votes of the permanent members.”¹⁵ Those measures, legally binding upon all member states, are meant to give effect to the Council’s decisions relating to the maintenance or restoration of international peace and security. Article 42 authorizes the Council to take military action should it consider that eco-

¹⁴ “In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”

¹⁵ In view of repeated abstentions by a permanent member on Chapter VII resolutions (particularly since 1990), it is to be noted that, according to established Council practice, abstention is not considered to be in violation of the consensus requirement among the permanent members.

conomic sanctions or a blockade of transport and communication lines “have proved to be inadequate.” In this sense, economic sanctions may be seen as part of an “arsenal of war,” i.e. of a strategy of coercion that may culminate in the use of military force. In this multilateral context, any measure is subordinated to the higher goal of securing peace, and – in view of the enforcement of the norm of Article 2(4) on the non-use of force – of upholding the international rule of law.

Decisions of the Security Council under Chapter VII of the Charter are final. No legal review is possible in the existing normative framework of the UN – neither by the International Court of Justice (ICJ)¹⁶ nor in any other context.¹⁷ This raises the issue of arbitrariness since – unlike executive power in any domestic jurisdiction – the Council acts outside a framework of checks and balances. The problem also relates to the authority of the Council under Article 39: the determination of a threat to or breach of the peace, which must precede any decision on coercive measures under Chapter VII, cannot be challenged. The Council enjoys a virtually unlimited margin of discretion in what it considers a situation (incident) under Article 39, as it is also free in the subsequent choice of coercive measures. The list of such measures in Article 41, including economic sanctions, is explicitly non-exhaustive [UN, 1945].¹⁸ The risk of arbitrary decisions is only mitigated by the consensus requirement of Article 27(3), not by any other provisions for checks and balances. This makes the importance of a *balance of power* among the Council’s permanent members more than obvious.

What is at stake here was made drastically evident in the case of the comprehensive sanctions regime of the Security Council against Iraq. Once imposed, sanctions cannot be lifted unless all permanent members agree. Any permanent member can hold the Council hostage to its previous decisions. In the case of Iraq, the Council maintained the punitive measures over a period of more than 10 years – until, after the invasion and occupation of the country by the United States, that permanent member was satisfied with the situation, namely regime change in the targeted country.

There exists no legal remedy or corrective to the problem of arbitrariness in the Council’s decisions on the imposition and scope of sanctions. In the UN system, Chapter VII resolutions have precedence not only over decisions of any other UN body, including the General Assembly and the ICJ, but also over any obligation a state may have in regard to international treaties. This is also the case for obligations under the rules and regulations of the World Trade Organization (WTO). When the Security Council

¹⁶ This follows e.g., by implication, from the Judgment of the ICJ of 27 February 1998 in the case *Libya vs. United States* (Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie [Libyan Arab Jamahiriya v. United States of America]) [ICJ, 1998, esp. Para. 39–44]. In this Judgment, the Court held the view that it is only competent to decide on matters that are related to resolutions of the Council under Chapter VI (which, legally, are mere recommendations), but not when the Council has acted on the basis of Chapter VII (ordering coercive measures that are binding upon all member states and, as such, are final).

¹⁷ Article 24(2) merely states that the Council “shall act in accordance with the Purposes and Principles of the United Nations.” Under the UN system, there exists no body to monitor compliance of the Council with this requirement [UN, 1945].

¹⁸ The wording in the Article is: measures “may include...”

imposes sanctions, the free trade norms of GATT (General Agreement on Tariffs and Trade) do not apply. As problematic as this may be from a strictly legal standpoint, in view of the Council's supremacy in the UN system the measures ordered by it are quasi "legal" by definition; or in the words of John Foster Dulles: "The Security Council is not a body that enforces agreed law. It is a law unto itself" [1950, p. 194].

Another serious problem in terms of the legality of sanctions regimes imposed and maintained by the Security Council is their compatibility with fundamental norms of human rights.¹⁹ The Council's obligation under Article 24(2) is no assurance in that regard, since there is no effective monitoring of the Council's actions, and there is no possibility of legal redress, neither within the UN system nor by legal action from outside the organization. The comprehensive sanctions against Iraq are a case in point.²⁰ The Council maintained these punitive measures, amounting to a form of collective punishment of the entire population of the country, over a period of more than 10 years. According to a 1996 survey by a U.S.-based research team, these coercive measures caused death and suffering of hundreds of thousands of people [Harvard Study Team, 1996]. In actual fact, the Council, in the name of international security, applied coercive measures that resulted in grave violations of the basic human rights of the civilian population of an entire nation [Gordon, 2010, p. 231ff]. Because of the veto, it was impossible to lift the sanctions, and because of the Council's supremacy in decisions under Chapter VII, there was no way of effective legal challenge.²¹

In the absence of legal remedies and accountability under clearly defined rules, the only antidotes against an arbitrary use of coercive measures in the framework of the UN system of collective security are the mechanisms of international realpolitik. A functioning balance of power among the permanent members will be a more effective means to restrain major global players in their excessive and potentially illegal use of the Council's authority than any resolution or declaration by bodies, whether political or judicial, that are ultimately, in the architecture of the Charter, subordinated to the Security Council. The developments in the Council after the Libya resolution of 2011 [UN, 2011] particularly as regards the situation in Syria, have again made this obvious.²²

Unilateral Sanctions

Since the collapse of the bipolar balance of power, the number of unilateral sanctions regimes has skyrocketed, with the most powerful global actor dominating the statistics.²³ This is again testimony to a law of realpolitik according to which the frequency of

¹⁹ For a general analysis see, inter alia, M. Bossuyt [2000].

²⁰ Cf. the discussion of coercion in modern international law, above.

²¹ On the legal and moral aspects of the Security Council's sanctions policy see Köchler [1995a, pp. 117–54].

²² For an assessment of the problematic aspects of multilateral sanctions within the UN framework of collective security, see also G. Hakimdavar [2014].

²³ According to a recent empirical study, the number of active sanctions regimes has increased from under 100 (around the year 1990) to over 600 in just 15 years. See F. Jonas [2017, p. 1].

resort to coercive measures by individual states is directly proportional to the *imbalance* in power relations.²⁴

Unlike multilateral sanctions of the Security Council, unilateral coercive measures are only legal under certain specific conditions. In modern international law, state sovereignty is not a license for an arbitrary, unrestrained projection of power. Accordingly, coercive measures by one state, or a group of states, against another state cannot simply be justified as an outflow of absolute state power that is accountable to no one. Sovereignty is defined on the basis of *mutuality*, i.e. as sovereign equality, which ties the international conduct of states to a clearly defined set of norms. In this framework, there are essentially two distinct normative scenarios where unilateral sanctions may be considered in conformity with international law: (1) when national security is at stake and (2) as countermeasures against internationally wrongful acts by states.

In general, unilateral economic sanctions are incompatible with the WTO's free trade regime. The principle of *non-discrimination* in international trade stands at the core of the rules and regulations of GATT,²⁵ as set out in Article I ("General Most-Favoured-Nation Treatment").²⁶ Non-discrimination as defined by GATT is also in conformity with the common sense expectation that the trading partner beyond the borders should be dependable and predictable, which obviously cannot be the case if governmental decisions violating the rule of non-discrimination make the continuation of trade relations – and the fulfilling of contracts – impossible.

As regards the legality of unilateral sanctions under scenario (1), the "security exceptions" under Article XXI of GATT and Article XIV of the General Agreement on Trade in Services (GATS) are particularly problematic.²⁷ These provisions have been extensively used by states to justify punitive economic measures for the mere assertion of national interests, or as part of an actual agenda of power politics. The provisions are phrased in a rather vague and imprecise manner, allowing states to decide in a self-serving way whether the conditions for an exception are met. According to Article XXI of GATT, a WTO member may invoke these exceptions when its "essential security interests" are at stake.²⁸ This specifically relates to the following: trade with "fissionable materials," "traffic in arms, ammunition and implements of war," and any action of a

²⁴ Cf. also the general observations in the discussion of coercion in modern international law, above.

²⁵ General Agreement on Tariffs and Trade (30 October 1947), entered into force on 1 January 1948. The provisions, with modifications agreed in 1994 ("GATT 1994"), are still in effect in the framework of the World Trade Organization, established on 1 January 1995.

²⁶ Article I (1): "...any advantage, favour, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties." This provision is mirrored in Article II of the General Agreement on Trade in Services (GATS), negotiated in the course of the establishment of the WTO and entered into force in January 1995.

²⁷ Apart from the use of the national security exceptions clause of GATT/GATS, we do not deal here with countermeasures in disputes over the application of the rules and regulations of the World Trade Organization in cases of violations of these rules by a state party. These are handled on the basis of the organization's "Dispute Settlement Understanding" (DSU).

²⁸ "Nothing in the Agreement shall be construed (...) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests ..."

state taken “in time of war or other emergency in international relations”²⁹ (without any further specification or definition of the term “emergency”).

In the Agreement, there are no provisions requiring states to give any reasons or provide specific evidence for the existence of a threat to their (undefined) “essential security interests.” How a sanctioning state makes use of an exception from free trade rules is at the sole discretion of that state. Although there are, within the framework of the WTO, mechanisms to resolve disputes between members (with the General Council convening a Dispute Settlement Body and an Appellate Body at WTO headquarters in Geneva consisting of seven independent persons), the criteria for so-called “self-judging security exceptions”³⁰ have not been subject to arbitration or scrutiny so far. Exception rules of this kind almost unavoidably invite abuses of power. The vagueness of these provisions, so extensively used by contracting parties,³¹ has made GATT almost a self-defeating statute when it comes to the enforcement of free trade rules.

As explained above in the discussion of multilateral sanctions, exceptions from free trade rules may also be claimed by states in regard to their obligations under the UN Charter. This applies to resolutions of the Security Council under Chapter VII with which all members must comply (Article 24(1)). Consequently, sanctions decisions of the Council overrule free trade regulations of other intergovernmental organizations as well as treaties between member states. This is reflected in Article XXI(c) of GATT, which provides that no contracting party may be prevented “from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.” Unlike the provisions under Article XXI(b), this particular provision is not ambiguous. It clearly relates to Chapter VII resolutions of the Security Council. Certain interested parties, however, have claimed in the past that exceptions from free trade rules resulting from their obligations under the Charter may also be invoked independently of Chapter VII resolutions. However, this interpretation cannot be derived from the actual wording of the text.³² The interpretation is also highly questionable insofar as it may invite arbitrary action by states that are more interested in the unhindered pursuit of their national interests than in ensuring respect for international law. The obligation under Article 24(1) of the Charter, mirrored in the above-quoted provision of GATT, must not be used as a pretext for the unilateral imposition of sanctions.

Apart from the vaguely defined and often abused exceptions under international trade law, unilateral sanctions may also be admissible under above-mentioned scenario (2): as countermeasures against internationally wrongful acts by states. Again,

²⁹ Article XXI (b), subparagraphs (i) (ii) (iii) respectively.

³⁰ For details see R.P. Alford [2001, pp. 697–759].

³¹ Sweden’s use of the provision in 1975 to justify restrictions on the import of certain footwear dramatically illustrates the problem of an arbitrary use of these exceptions. The government argued that the decline in domestic production of a certain type of shoes “had become a critical threat to the emergency planning of Sweden’s economic defence as an integral part of its security policy” (sic!) [Alford, 2011, p. 704].

³² Under the UN Charter, “obligations” of this nature (i.e. regarding international peace and security) stem from Chapter VII resolutions of the Security Council. A single country cannot act on behalf of the Council. In the absence of a resolution by the Council, there simply is no binding obligation for any state. When it comes to collective security under the UN Charter there is no space for “self-judging” measures.

the problem lies in the lack of precision of the respective provisions. The articles on Responsibility of States for Internationally Wrongful Acts, acknowledged by the UN General Assembly in 2001 [UN, 2001],³³ though legally non-binding, have repeatedly been used to justify unilateral sanctions regimes.³⁴ Article 49 (Object and limits of countermeasures), Paragraph 1 provides that a state may, under certain conditions, “take countermeasures against a State which is responsible for an internationally wrongful act in order to induce that State to comply with its obligations.” According to Article 50, these measures must not constitute a “threat or use of force” under the United Nations Charter, must not be in violation of “fundamental human rights,” and must not be of the nature of “reprisals.” This leaves no room for self-righteous actions by self-appointed enforcers of the law on behalf of the international community. Collective enforcement action is the sole responsibility of the United Nations Security Council. The main issue here is that, according to the formulation of Paragraph 1, not *any*, but only an “injured State,” has the right to take countermeasures, and on a temporary basis (Paragraph 2). The “injured” status must not arbitrarily be expanded to serve the political agenda of other states that are not directly affected. Under Article 49, there is no justification for action against a “responsible” state by a third state *on behalf* of an “injured” state.

Apart from the rather imprecise and often legally dubious exceptions under above-mentioned scenarios (1) and (2), unilateral economic sanctions constitute serious violations of general international law. They are at variance with the fundamental norm of sovereign equality (Article 2(1) of the UN Charter) and, subsequently, the prohibition of interference in the internal affairs of states (implied in Article 2(7)).³⁵ Especially in situations of armed conflict (whether domestic or international),³⁶ those coercive economic measures may, as in the multilateral context, also violate human rights.³⁷

In the absence of legal justification, these measures are often cloaked in the garb of human rights, democracy or the rule of law. However, in the present architecture of international law, any coercive action must take place under the authority of the United Nations Security Council, provided that the Council determines possible violations of the above values and principles as threats to the peace under Article 39 of the Charter.³⁸ As has often been the case in recent years, ideological claims in support of sanctions

³³ The text was adopted by the International Law Commission (ILC) of the United Nations (2001) and submitted to the UN General Assembly as part of the Commission’s regular report.

³⁴ For an overview and analysis of the notions of “internationally wrongful act” and “state responsibility” according to the ILC see D.M. Bodansky and J.R. Crook [2002, pp. 773–91].

³⁵ Cf. also the affirmation of this norm in the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations [UN, 1970], that explicitly states the “duty not to intervene in matters within the domestic jurisdiction of any State...”

³⁶ Cf. the blockade imposed by Saudi Arabia and its allies on Yemen. According to an assessment of the UN Special Rapporteur on human rights and international sanctions, Idriss Jazairy, the blockade “involves grave breaches of the most basic norms of human rights law” [UN, 2017].

³⁷ For a general assessment see, *inter alia*, I. Jazairy [2018, Agenda Item 3].

³⁸ Cf. the discussion of multilateral sanctions, above.

may actually serve as cover for the pursuit of narrow economic or strategic interests – and in particular, for the global projection of power by dominant players who seem to define their sovereignty in an exclusionary sense, and without any respect for multilateral treaty obligations.

With the exception of cases under (1) and (2) above, unilateral sanctions also raise the question of *extraterritorial jurisdiction*, a highly disputed notion in international law.³⁹ The International Law Commission of the United Nations (ILC) has described the problem in the following way: “The assertion of extraterritorial jurisdiction by a State is an attempt to regulate by means of national legislation, adjudication or enforcement the conduct of persons, property or acts beyond its borders which affect the interests of the State in the absence of such regulation under international law” [UN, 2006].

This aspect of power politics has been particularly evident in the unilateral sanctions of the United States on the basis of executive orders (EO) of the president, according to the International Emergency Economic Powers Act of 1977. It gives the president the right to declare a national emergency to deal with “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States,”⁴⁰ and to prohibit financial and commercial transactions.⁴¹ Although Paragraph (b) of Section 1702 of this law specifies that the authorities granted to the president “may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared [...] and may not be exercised for any other purpose,” the actual practice of the almost 30 “emergencies” declared since 1979 has demonstrated that the margin of discretion enjoyed by U.S. presidents is extremely wide.⁴² This invites arbitrary and erratic decisions.⁴³ The provision according to which not only threats to “national security,” but also threats to “foreign policy” and “economy” – without precise definition – entitle the president to order coercive measures against officials and institutions of other states has indeed encouraged an aggressive assertion of national interests.⁴⁴ In tandem with vaguely defined, often dubious ideological justifications for the declaration of emergencies and imposition of sanctions, the enforcement of this law has been tantamount to blatant interference into the domestic affairs of the targeted countries.⁴⁵

³⁹ The concept is most frequently used in international criminal justice; cf. note 49 below.

⁴⁰ United States Code, Title 50, Chapter 35, Section 1701.

⁴¹ Loc. cit., Section 1702.

⁴² The margin of discretion is also an issue regarding decisions of the Security Council under Article 39 of the UN Charter, with the remarkable difference, however, that in the Council the arbitrariness is mitigated because any determination under this Article requires consent among the five permanent members.

⁴³ On the attempt of Congress to limit, through this law, the extensive powers of the president under the Trading with the Enemy Act of 1917 cf. also The International Emergency Economic Powers Act: A Congressional Attempt to Control Presidential Emergency Power [1983].

⁴⁴ For an alternative approach see the earlier study by J.J. Collins and G.D. Bowdoin [1999]. According to the authors' assessment, the United States can cope with complex human rights and security problems “without a preemptive or ill-considered resort to unilateral economic sanctions” [p. 2].

⁴⁵ This has been particularly obvious e.g. in Executive Order 13818 [2017, pp. 6039 ff]. It is to be noted that this EO also quotes, inter alia, the Global Magnitsky Act as additional legal basis.

The arrogation of sovereign rights by way of unilateral sanctions in open violation of international law has been particularly obvious in two laws adopted by the United States Congress. Both, the Global Magnitsky Human Rights Accountability Act (GMA) [2016]⁴⁶ and the Countering America's Adversaries Through Sanctions Act (CAATSA) [2017], claim a right of the United States to interfere into the sovereign domain of other states, whether on the basis of human rights (GMA) or in regard to specific policies of Iran, Russia and North Korea (CAATSA). The GMA "authorizes" the president of the United States to impose entry and property sanctions against any non-U.S. national in connection with responsibility for or support of (purported) serious human rights violations anywhere in the world. The CAATSA, specifically targeting Iran, Russia and North Korea, entitles the president to impose sanctions, inter alia, in connection with Iran's military programme and against persons responsible for human rights violations in Iran (Countering Iran's Destabilizing Activities Act); with Russia's policies concerning the economy (crude oil projects), cyber technology and human rights (Countering Russian Influence in Europe and Eurasia Act); and with North Korea's economic and financial activities as well as defence industry (Korean Interdiction and Modernization of Sanctions Act).⁴⁷

These two laws are tantamount to a *global projection of U.S. sovereignty* for which there exists no legal justification in any shape or form. Not only do they constitute a violation of the sovereignty of other states⁴⁸ but in the total absence of due process they also institutionalize judicial arbitrariness in the actions of the world organization's most powerful member and seriously undermine the system of international law on which the United Nations is built. The passing of these bills has once again demonstrated the adverse impact of the absence of a balance of power on international law. In the reasoning of the GMA in particular, with the U.S. seemingly insisting to establish itself as global arbiter of human rights and the rule of law, there exists a certain structural similarity to the dubious rationale of "universal jurisdiction" in international criminal law.⁴⁹ Not surprisingly, certain states closely aligned with the U.S. have emulated this approach and adopted their own version of the GMA.⁵⁰ In addition to the universal sovereignty claim implicit in the GMA (that tries to justify interference by reference, among other norms and principles, to fundamental human rights), the CAATSA, without any inhibition puts the economic and strategic interests of the United States above international law, thereby totally undermining

⁴⁶ This law was preceded by the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112–208), which specifically related to Russia.

⁴⁷ On signing the law, President Trump criticized it as "seriously flawed," stating that, "[b]y limiting the Executive's flexibility, this bill makes it harder for the United States to strike good deals for the American people, and will drive China, Russia, and North Korea much closer together" [The White House, 2017].

⁴⁸ The GMA's self-declared "primary" jurisdiction covers all states, while CAATSA covers three states specifically. However, its extraterritorial application implies a kind of "secondary" universal jurisdiction that potentially covers all states.

⁴⁹ Cf. the analysis of H. Köchler [2004b, pp. 33ff].

⁵⁰ This is the case with the United Kingdom, Canada and the Baltic states.

the principle of sovereign equality of states. The wording of the Act is clear and unambiguous testimony to these intentions.

The global scope of the GMA implies an extraterritorial understanding of the application of U.S. law, in fact an absolute, imperial interpretation of sovereignty that is at variance with modern international law. Similarly, the provisions for the extraterritorial enforcement of sanctions in the CAATSA and other U.S. sanctions regimes, euphemistically described by the U.S. as “secondary sanctions,” are in outright contradiction to the basic principle of fairness in relations between sovereign states. Irrespective of the legal evaluation of unilateral sanctions in a given case, their extraterritorial enforcement is *intrinsically illegal*. It implies the violation of economic rights – or sovereignty rights, respectively – of third parties. Under no circumstances is it acceptable in legal terms that third states which are not involved in a dispute a state may have with another state can be subjected to unilateral sanctions of that state against the second state. These “secondary” – i.e. third-party – sanctions may also infringe upon treaty obligations of third parties. In general, no state has the right to dictate to other states, or individuals and companies in other states, how they conduct their economic relations or go about their business. More than 20 years ago, a similar controversy arose around the so-called Helms-Burton Act [1996]⁵¹ by which the United States enforced its unilateral sanctions against Cuba also vis-à-vis companies from third countries.⁵²

By including provisions for so-called secondary sanctions in its unilateral sanctions regimes, the United States assumes the right to take action against any foreign government or company doing business with a sanctioned state, or sanctioned companies or individuals in that state, if they have branches in the U.S. or undertake financial transactions via U.S. banks.⁵³ One of the most recent and drastic cases of an extraterritorial enforcement of sanctions involved measures imposed by the U.S. administration on the Equipment Development Department of China’s Ministry of Defence, and its Director, under Section 231⁵⁴ of the CAATSA for buying military equipment from Russia.⁵⁵

The contrast of this extraterritorial (“secondary”) sanctions practice with the UN General Assembly’s Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States [UN, 1970] could not be more striking. The Declaration solemnly states: “No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.”⁵⁶ Apart from constituting serious violations of state sovereignty resulting from outright interference

⁵¹ Economic sanctions of varying scope and range against Cuba have been in place since 1960, initially under President Dwight D. Eisenhower and also under the provisions of the Trading with the Enemy Act [1917].

⁵² For details see, inter alia, A. Puig [1997, pp. 65–9] and H. L. Clark [1999, pp. 61–96].

⁵³ For an overview and critical analysis of the practice since the 1990s see also Gordon [2016].

⁵⁴ “Imposition of Sanctions with Respect to Persons Engaging in Transactions with the Intelligence or Defense Sectors of the Government of the Russian Federation.”

⁵⁵ For details of the use of CAATSA in regard to China’s procurement of military equipment from Russia see the Special Briefing document of the U.S. Department of State [2018].

⁵⁶ Third principle in the Declaration, annexed to Resolution 2625 (XXV).

into the internal affairs of other states, these illegal secondary measures — in some cases even more than the “primary” unilateral sanctions — further increase tensions, undermine international security and may even trigger an escalation that could lead to armed confrontation.⁵⁷ By arrogating, through extraterritorial enforcement, a kind of multilateral authority, the sanctioning state also intrudes into the exclusive domain of the United Nations Security Council.⁵⁸

In the present statutory framework of the United Nations, there are no effective legal mechanisms to independently investigate and adjudicate violations of the law that result from the unilateral application of sanctions. The International Court of Justice may only deal with legal disputes and propose a settlement if states have generally recognized its jurisdiction and referred the respective dispute to the Court for arbitration or if an international treaty provides for dispute settlement by the Court.⁵⁹

The Politics of Coercion: Challenge to a Rule-Based International Order

Summing up, it can be said that, apart from instances of the defence of legitimate security interests or in cases where a state is directly affected by illegal acts of another state, unilateral sanctions are a tool of international politics that is incompatible with the norms of diplomacy and peaceful co-existence among nations. As is evident from the provisions of Chapter VII of the UN Charter,⁶⁰ multilateral sanctions are coercive measures just one stage below the use of armed force. In moral terms, measures of this type share the characteristics of war. U.S. president Woodrow Wilson minced no words in a commentary shortly after World War I: “A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted but it brings a pressure upon the nation which, in my judgment, no modern nation could resist.”⁶¹

Multilateral sanctions, enforced by the United Nations, are an instrument of collective security. In that regard, they are not only morally, but also legally justified⁶² in

⁵⁷ These practices were also sharply criticized by the U.S. Chamber of Commerce. In a briefing document of 15 September 2016, the Chamber notes: “some sanctions legislation has imposed restrictions on commercial activity in an extraterritorial fashion that incites economic, diplomatic, and legal conflicts with our allies” [U.S. Chamber of Commerce, 2016]. Cf. also the earlier analysis by H. Wolff [2006].

⁵⁸ See the discussion of multilateral sanctions, above.

⁵⁹ This is the avenue Iran and Qatar decided to pursue concerning the unilateral sanctions imposed on them by the United States and Saudi Arabia (and allies) respectively. Iran has invoked Article XXI, paragraph 2 of the Treaty of Amity, Economic Relations, and Consular Rights between the United States of America and Iran (signed at Tehran on 15 August 1955, entered into force on 16 June 1957), which provides that any dispute regarding the application of the treaty “shall be submitted to the International Court of Justice.” Qatar invoked Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination [UN, 1965], which stipulates that any dispute over the interpretation or application of the Convention “shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision.”

⁶⁰ Articles 41 and 42.

⁶¹ Address in 1919, quoted in S.K. Padover [1942, p. 108].

⁶² Provided they do not violate fundamental human rights of the population in the targeted country. See Bossuyt [2000] and Köchler [1995b].

view of the security interests of the international community represented by the Security Council. Ultimately, their rationale is one of law enforcement at the global level, meant to ensure compliance with the norm of the non-use of force and, subsequently, to maintain peace among nations. It is obvious that the legitimacy of this mechanism essentially depends on the commitment, stipulated in Article 24(2) of the Charter, of the Council's permanent members to the Purposes and Principles of the United Nations.

If unilaterally imposed, whether by a single state or a grouping or alliance of states, sanctions, due to their outright negation of sovereign equality, effectively belong to the law of the jungle. They are part of the old system of international relations that is best described by the German term *Souveränitätsanarchie*⁶³ – where self-help in defence of the national interest, not a joint commitment to a rule-based order, determined the interaction between states. In such a context, the *jus ad bellum*, the “right to wage war,” as a prerogative of the sovereign state was seen as integral part of the law of nations.⁶⁴ This understanding of the international status of the state, including the right to use coercion, has effectively been abolished since the entering into force of the Briand-Kellogg Pact after World War I and the adoption of the Charter of the United Nations after World War II.

However, due to the absence of credible checks and balances, i.e. of effective deterrence in the post-Cold War era, unilateral sanctions have almost become the tool of choice for an *imperial projection of power*. The politics of coercion has increasingly undermined, in some respects even replaced, the rule-based international order envisaged by the founders of the United Nations. It is worthy of note, in this regard, that a recent report of the Human Rights Council of the United Nations also likens such policies to economic warfare: “It may reasonably be argued that applying a comprehensive regime of unilateral coercive measures extending to the imposition of domestic sanctions legislation on third parties, the effects of which almost equate to those of a blockade on a foreign country, amounts to using economic warfare” [Jazairi, 2018, pp. 7 ff]. The special rapporteur further recalled the Council's emphasis on the promotion of the international rule of law “with a view to eliminating economic coercion as a tool of international diplomacy” [ibid., Ch. 6, Para. 51].⁶⁵

Concerning unilateral sanctions and particularly their extraterritorial enforcement, there is, under these circumstances, no effective legal redress. The International Court of Justice in most circumstances lacks jurisdiction as well as enforcement power since, under Article 94 of the UN Charter, the authority of its judgments is tied to the Security Council (where a permanent member may veto any enforcement action, particularly when it is the sanctioning state). The dispute settlement mechanism of the World Trade Organization is not effective either, especially as regards the highly controversial self-judging security exceptions that totally undermine the free trade rules of the WTO.⁶⁶

⁶³ “Anarchy among sovereign states.”

⁶⁴ On the development of international law regarding the *jus ad bellum* see Köchler [2006, pp. 13ff].

⁶⁵ Cf. also Elements for a Draft General Assembly Declaration on Unilateral Coercive Measures and the Rule of Law, annexed to the Report.

⁶⁶ Concerning the scope of these exceptions and the view that the invocation of a security exception by a member state is non-justiciable see A.D. Mitchell [2017, pp. 292ff].

In the absence of adequate and tested legal procedures — and in view of an obvious inconsistency, not yet resolved within the UN system, between basic norms of the Charter and the principle of national sovereignty as interpreted by certain states⁶⁷ — the only alternative measure of redress against the arbitrary (and in itself illegal) use of unilateral sanctions is non-legal,⁶⁸ but not extra-legal: namely, *countersanctions* by targeted countries.⁶⁹ Especially as regards secondary (extraterritorially enforced) sanctions, joint action of affected third-party states may be the only efficient means to defend and safeguard national sovereignty.

In the harsh environment of global power politics, such a *corrective of realpolitik* will be indispensable as long as legal provisions are not ultimately effective. In this regard, the only reason for hope lies in the gradual emergence of a multipolar balance of power. The creation of new multilateral forms of cooperation at regional and global levels, enabling affected states to circumvent the trade and currency monopoly of sanctioning states, may eventually weaken the impact of unilateral measures by single states or intergovernmental organizations (with the exception of the United Nations) — and it may gradually prepare the ground for wider respect of the norms of international law, first and foremost the sovereign equality of states.⁷⁰ In any polity or constitutional framework, the law can only be upheld within a system of checks and balances, which at the international level requires a credible balance of power.

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⁶⁷ On the status of sovereignty and normative inconsistencies with other norms and practices in the contemporary system of international law see Köchler [2017].

⁶⁸ In terms of not resorting to (dubious or ineffective) legal procedures.

⁶⁹ Such countermeasures — as exceptions — are legally admissible also in view of Article 49 of the articles on Responsibility of States for Internationally Wrongful Acts [UN, 2001].

⁷⁰ Democratization of the United Nations would be an important step in that direction. See Köchler [2014].

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Санкции и международное право¹

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В статье наглядно продемонстрировано, что в рамках современного международного права введение экономических санкций является допустимым инструментом обеспечения коллективной безопасности только в случае применения по решению Совета Безопасности ООН (меры многостороннего принуждения) или как контрмера в случае, если государство испытывает прямое или косвенное влияние неправомерных действий другого государства, или предпринимает действия для защиты своих жизненно важных интересов в соответствии с правилами ГАТТ об «исключениях по соображениям безопасности» (меры одностороннего принуждения).

Во всех других случаях односторонние санкции, особенно если они применяются экстерриториально, являются нарушением национального суверенитета и принципа невмешательства во внутренние дела других государств. Учитывая эти обстоятельства, автор статьи проанализировал сущность понятия «сдерживание» согласно Уставу ООН, сравнил режимы многосторонних и односторонних санкций, а также доказал, что односторонние санкции, вводимые по политическим мотивам, являются одной из основных угроз верховенству международного права.²

Ключевые слова: санкции; международное право

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² При анализе существующих механизмов регулирования в рамках современного международного права и выявлении нормативных несоответствий был применен качественный эмпирический подход.

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Sanctions and International Institutions: The Prospects of Russia Mitigating Sanctions Risks¹

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Abstract

In recent years, the global economy has experienced an obvious decrease in cooperation in the regulation of international trade. This “renaissance of uncooperativeness” has been marked in particular by the intensified application of economic sanctions. Among the factors that have contributed greatly to the understanding of economic sanctions and ways to counter them is the adoption of a political and economic approach and the concept of targeted (smart) sanctions. These components have brought about important changes regarding the place of sanctions on the agenda of international institutions. To begin with, targeted sanctions are in most cases seen as being unrelated to military pressure (i.e. they are a “substitute” for war rather than a “precursor” to it). Second, the incentives for introducing sanctions either without a relevant United Nations (UN) Security Council resolution or in the UN+ format have increased, with the initiating country adding its own comprehensive sanctions package on top of the basic UN Security Council resolution. Third, the task of creating control mechanisms for targeted sanctions coming from a group of countries has become much more complicated. Fourth, targeted sanctions have proved ideal for creating the illusion of activity in situations in which the imposition of sanctions is not optional, but there is no motivation to undermine cooperation with the target country.

In general, these changes have resulted in an increase in incentives for resorting to sanctions and creating increasingly sophisticated methods for monitoring compliance with sanctions regimes. At the same time, international institutions are increasingly losing their role as a deterrent when it comes to sanctions. With an increasing number of sanctions decisions being taken at the national level without consulting the UN Security Council, and with the World Trade Organization (WTO) consistently neglecting to deal with economic barriers caused by sanctions, most of the target countries are being forced to find their own ways to ease the sanctions pressure without seeking assistance from international institutions.

Key words: economic sanctions; Russia; WTO; UN Security Council; United States; EU

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Introduction

In recent years, the global economy has experienced a marked decrease in cooperation in the regulation of international trade. The Doha round of World Trade Organization (WTO) negotiations is at a strategic impasse. The mega-regional agreements on free trade that seemed a certainty only three to five years ago have either been scrapped or postponed indefinitely (such as the Transatlantic Trade and Investment Partnership and the free trade zone between the Eurasian Economic Union and the European Union), lost their key participants (such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, which replaced the Trans-Pacific Partnership Agreement after President of the United States Donald Trump withdrew from it), or encountered growing uncertainty which all but precludes the possibility of signing binding documents that would cover a broad range of cooperation areas (such as a comprehensive regional economic partnership with the participation of China) any time soon. The latest initiatives of the U.S. administration, primarily those aimed at protecting the domestic steel and aluminium markets, as well as the increasing trade pressure on China, have spurred, for the first time in decades, fears about the threat of massive trade wars on a global economic scale. According to WTO monitoring data, the volume of global trade covered by the newly introduced restrictions grew more than seven-fold in the period from mid-October 2017 to mid-October 2018 (from \$79 billion to \$588 billion), while the additional restrictions introduced from mid-October 2018 to mid-May 2019 affected another \$339.5 billion of trade flows [WTO, 2018, 2019b]. Even though both markets and experts mostly concur today that the U.S. policy of applying pressure to target countries will more likely result in those countries making concessions than resorting to retaliatory measures, the possibility of trade wars cannot be ruled out completely. The history of the world economy is replete with examples in which the ambitions of politicians and conflicting international economic interests brought about scenarios that ultimately did not suit any of the parties involved.

This “renaissance of uncooperativeness” has been marked in particular by the intensified application of economic sanctions. The harsh sanctions pressure on Russia, the withdrawal of the United States from the “nuclear deal” that included easing the sanctions against Iran, and the sanctions imposed by a number of countries against Syria and Venezuela in an obvious attempt to trigger regime change in both states are all vivid examples of the increasing use of economic instruments to achieve political goals in the global arena. In these circumstances, countries and economic entities faced with economic sanctions (or the threat of such sanctions) urgently need to find international mechanisms that could at least mitigate the damage caused by sanctions or, even better, secure the lifting of sanctions altogether. Since 2014, the Russian leadership, business elites and the expert community have made significant efforts to challenge the lawfulness of the sanctions against Russia (in particular by appealing to the WTO) and gain access to alternative sources of financing (including through the financial mechanisms of the BRICS grouping of Brazil, Russia, India, China and South Africa). However, the

original hopes that Russia's membership in leading international economic institutions would help it to counter these sanctions proved to be too optimistic. Does this mean that Russia failed to take full advantage of the potential of international institutions in its fight against the sanctions? Or is this limited potential the actual problem? What is the "comparative anti-sanction effectiveness" of the existing international institutions? And what factors define it? Most importantly, what opportunities can interaction with these institutions offer in terms of neutralizing the sanctions pressure on the Russian economy? This article proposes answers to these questions based on analytical methods developed as part of the political and economic approach to the analysis of economic sanctions.

Economic Sanctions From the Political and Economic Perspective

It would be wise to start seeking answers to the questions posed above by analyzing the very phenomenon of economic sanctions, the evolution of which is of fundamental importance for understanding the position of international institutions with regard to this issue. From the standpoint of the academic approach to international relations and world politics, economic sanctions are an instrument of non-cooperative influence on the economic interests of the target country for ensuring changes to its domestic and foreign policies (including its defence and security policies) that would be beneficial for the country imposing the sanctions.² The objective of economic sanctions is either to eliminate or reduce and restrict the effects of the target country's "unwanted" policies by inflicting a level of economic suffering for such policies and/or restricting (or denying) it access to the resources that would be used to advance such unwanted policies or practices.³ It is for the political decision makers of the initiating country to decide which of the target country's policies are "unwanted," based on their understanding of their own country's interests (or of the interests of the international community as a whole), and also based on their own interests (such as raising their international profile, winning an election, gaining access to markets from which the target country will have been ousted, etc.). And all this is disguised by rhetoric about national interests and international security.

The range of approaches used to address the topic of sanctions is fairly broad: from international legal studies that focus on the legal prerequisites and consequences of using economic restrictions to achieve political ends to research into the domestic

² In this context, it is immaterial whether the sanctions are based on UN Security Council resolutions or on unilateral decisions by individual countries. What is important are the instruments and objectives of the policy, not the nature of its legal substantiation.

³ For more detail on the objectives of sanctions, see K. Alexander [2009] and J. Forrer [2017]. Compelling a target country to change its "unwanted" policies implies a revision of actions already taken, whereas restricting such policies implies deterring it from adopting policies in the future which would be "unwanted" from the standpoint of the initiating country. The correlation of these priorities has been the subject of heated debates in papers that assess the effectiveness of economic sanctions, given the strong temptation to interpret the absence of any further "unwanted" actions following the introduction of sanctions as a sign of their effectiveness. This often leads observers into the classic *post hoc ergo propter hoc* trap.

political factors that inform decisions on sanctions in the initiating countries and determine the reaction to such sanctions by target countries. One important method here is the political and economic approach to analyzing economic sanctions [Kaempfer, Lowenberg, 2007] which involves applying standard assumptions of public choice theory to the problem of achieving political goals by economic means.⁴

The analytical constructions that are characteristic of this approach are based on three fundamental statements regarding the motivation of actors involved in a sanctions stand-off and the interaction among these actors. To begin with, sanctions are viewed as a so-called club good for economic and political actors in the initiating country, i.e. they are designed to promote their interests but are also understood to entail certain costs, which these actors seek to minimize.⁵ This means that before deciding to impose sanctions, their supporters in the initiating country must first organize effective interaction among themselves for “promoting” the idea of sanctions while overcoming the resistance of those entities in their own country whose interests run counter to these sanctions.

Second, the response of the target country is viewed as a result of the interaction between national economic and political actors whose interests are affected, directly or indirectly, by both the sanctions and the proposed response measures. This effect can be both negative (damage sustained from restrictions on foreign economic relations) and positive (for example, if foreign competitors leave the national market for “fear” of the sanctions). Depending on the balance of forces among the actors involved, the introduction of economic sanctions can either weaken or strengthen calls within the target country to continue the policies that brought about the sanctions in the first place. It can also create incentives of varying intensity for taking retaliatory measures against the initiating country.

Finally, in light of the above, the general parameters and dynamics of sanctions regimes are determined by the balance of political forces among all the interested actors – both the proponents and opponents of the sanctions regime in the initiating country, as well as the proponents and opponents of the current foreign and domestic policy in the target country (in the parlance of the political and economic approach, this is known as the conditions of equilibrium in the political markets of the respective countries). In particular, it is the characteristics of this balance that determine the effectiveness of a sanctions regime, which is understood as the ability of sanctions to deter the target country from continuing with a policy that is “unwanted” for the initiating country.⁶

Academic analysis of sanctions falls into two main schools of thought as applied to the political and economic approach. The first school starts by identifying the actors

⁴ For the characteristics and analytical potential of the political and economic approach to economic regulation and global politics, see S.A. Afontsev [2010].

⁵ In economics, club goods are understood as goods jointly used by a limited number of consumers. The available amount of such goods depends on the amount of resources allocated for their creation by all consumers, each of whom decides on the size of their contribution based on the expected contributions of the other consumers.

⁶ For a definition of the effectiveness of sanctions in the context of contemporary interpretations, see L. Jones and C. Portela [2014] and R.M. Nuriev [2018].

involved in decision-making processes as part of a sanctions stand-off. The behaviour of these actors is then examined from the standpoint of the rational maximization of their own objectives. This school of thought appears to be more productive in terms of building a formal theoretical model of a sanctions stand-off, as well as in terms of the empirical testing of such a model [Cox, Drury, 2006; Kaempfer, Lowenberg, 1988; Kaempfer, Lowenberg, Mertens, 2004; Oxenstierna, Olsson, 2015]. According to the less strict game theoretic approach to analysis, each country is viewed as a separate actor (the so-called single-actor approach). No lower-tier actors are identified, and the sanctions stand-off is modelled as a result of international interaction among the countries interested in achieving foreign political goals and minimizing economic damage. Owing to the obvious methodological vulnerability of the assumption that countries can be viewed as rational actors pursuing their own interests (as if they were individuals and not supra-individual entities), this school of thought currently enjoys less popularity, but its contribution to the analysis of the sanctions topic cannot be denied, in particular with regard to modelling the dynamics of the sanctions stand-off, by analogy with arms race models [Drezner, 1999; Eaton, Engers, 1992; Lacy, Niou, 2004; Tsebelis, 1990].

A fundamentally important achievement of the political and economic approach to analyzing economic sanctions is its contribution to the transformation of the sanctions policy models used in international practice. The traditional model, which dominated until the mid-1990s, was based on the idea that the effectiveness of sanctions is based on the so-called pain-gain principle, which states that the probability of the target country revising its political course directly depends on the level of economic damage inflicted, and a prerequisite for provoking the desired reaction from the target country is to deprive it of its resource base (such as export revenues and sources of gross domestic product (GDP) growth) in order to make the continuation of the “unwanted” domestic or foreign policy impossible.

In the mid-1990s, researchers noted that the pain-gain principle often proved to be ineffective in relation to non-democratic target countries, where the elites would often choose to ignore the interests of population groups that are affected by the sanctions, as well as to countries where there is a broad public consensus in favour of continuing with the current foreign and domestic policy which makes the population more inclined to endure the consequences of the economic sanctions [Askari et al., 2003; Pape, 1997]. In light of these problems, the doctrine of targeted, or smart, sanctions was devised. Targeted sanctions are designed to inflict damage not on the target country's economy as a whole, but rather on its political and economic elites, in order to compel the latter to discontinue the current policy [Cortright, Lopez, 2002; Drezner, 2011; Eyler, 2007].

The main features of the targeted sanctions doctrine are as follows:

- 1) sanctions (travel bans, bans on financial transactions, the freezing of assets, etc.) are aimed against representatives of elite groups who are actually capable of reversing the political course of the target country;

2) the restriction (suspension or prohibition) of military and technical cooperation, arms exports, dual-use equipment and technologies and associated joint research and development projects;

3) humanitarian exemptions to the sanctions regime to ensure that civilians have access to external sources of food, medicines, healthcare services, etc. (in addition to the rhetoric that such measures mitigate the suffering of the civilian population caused by the sanctions, they also pursue the goal of provoking a split in the society of the target country by counterpoising the interests of the elites and those of the majority of the population).

Since the mid-1990s, these principles have been increasingly permeating international sanctions practice and have resulted in a number of innovations that considerably complicate efforts of the Russian Federation and other countries that have been subjected to sanctions pressure to counter sanctions.

Targeted Sanctions and the Role of International Institutions

Under the influence of the targeted sanctions doctrine, the practice of resorting to economic sanctions has undergone important changes which are directly related to the place that the sanctions item occupies on the agenda of international institutions. To begin with, targeted sanctions have in most cases come to be perceived as a tool to compel the political elites of the target country to abandon “unwanted” policies without having to exert massive economic pressure that would affect the entire population of the target country and, moreover, without the need to use military force against that country, whether in parallel with the sanctions or subsequently. This circumstance dramatically elevated the status of economic sanctions as an instrument for securing political goals, both in the practice of the UN Security Council and in the sanctions policies of individual countries. Sanctions have thus turned from a precursor to war into a substitute for war [Afontsev, 2014]. This, in turn, has made sanctions more justifiable from a moral standpoint and has reduced the associated risks to the reputation of countries that see economic sanctions as a means to secure political goals.

Second, the incentives for introducing sanctions either without a relevant UN Security Council resolution or in the UN+ format have increased, with the initiating country adding its own comprehensive sanctions package on top of the basic UN Security Council resolution. The explanation offered in such instances is that the sanctions are not aimed against the target country and its civilian population, but rather against its elites [Thouvenin, 2015], who are often accused of dictatorship, violations of human rights and other norms of international law. This circumstance is due both to the moral and reputational effects noted above and by the broad range of instruments available to national governments that wish to influence the political elites of the target country. The broader the range of such instruments available to the initiating country, and the more painful these instruments are to the target country (because of close eco-

conomic links and/or owing to the initiating country's weight in the international system of economic relations), the higher the probability that the initiating country will impose such sanctions without the consent of the UN Security Council.

Third, the task of creating control mechanisms for targeted sanctions which are imposed under a UN Security Council's resolution or initiated by a group of countries in the absence of such a resolution has become much more complicated. The diversity of sanctions decisions adopted at the national level, and the exceptions made in the interests of civilians, means that economic actors in those countries which maintain active economic contacts with the target country can devise ways to continue cooperation in spite of the sanctions regime, including by breaching some of its individual provisions. In this context, perhaps the only effective method of enforcing the sanctions regime is for the respective national governments to threaten "offending" actors with penalties. Such threats are actively used by the U.S. administration to enforce sanctions against countries like Cuba, Iran and Russia. However, there are limitations to this practice. If penalties are applied against non-residents, the initiating country may encounter growing discontent with its policy, which can eventually weaken the unity of the members of the "sanctions coalition."

Finally, targeted sanctions have proved ideal for creating the illusion of vigorous activity in situations when not imposing any sanctions is not an option (due to relations with allies, electoral considerations, etc), but there is no desire to undermine cooperation with the target country. In this case, the government of a given country may limit itself to introducing a minimal sanctions package that does not affect bilateral economic relations in any significant way (Japan's sanctions against Russia are a typical example here: while sanctions are formally in place, their influence on trade and investment cooperation between Russia and Japan is minimal). Even if they do not lead to additional economic suffering for the target country, such gestures may nevertheless prove very painful from the diplomatic point of view (along the lines of "yet another country has joined the sanctions regime"), and there are very few opportunities available to the target country to appeal against them through the existing international mechanisms because there is, *de facto*, no aggrieved party: no damage done means no grounds for a dispute.

The sizeable international experience of applying targeted sanctions accumulated to date [Carisch, 2017; Friedman, 2012; Hufbauer, Schott, Elliott, 2009] makes it possible to assess their effectiveness from the standpoint of achieving the goals of the initiating countries and the ability of target countries to counter such sanctions. The effectiveness of targeted sanctions has proved to be only slightly higher than that of the traditional sanctions model. The only success stories in which UN Security Council resolutions were involved are Liberia and Myanmar; however, in the case of Myanmar, the Chinese government's position played a more important part than the sanctions. As for the most prominent examples of the application of targeted sanctions – those related to United Nations Security Council Resolution 986 on Iraq dated 14 April 1995 and United Nations Security Council Resolution 1970 on Libya dated 26 February

2011 – the contribution of economic sanctions to achieving the goals of the initiating countries proved virtually non-existent. In fact, in the case of Iraq, the targeted sanctions resulted in widespread abuse as part of the Oil-for-Food Programme which, in a number of instances and contrary to the logic of the targeted sanctions doctrine, benefited the Iraqi leadership. UN sanctions against other countries (including the sanctions against Sudan, South Sudan and Yemen, which were the subject of heated debates in 2018 and early 2019) have so far failed to produce any noticeable results that could be put down to “smart” sanctions pressure on the target countries.

The same is true of instances when sanctions were introduced in the absence of relevant UN Security Council resolutions. This applies, in particular, to the sanctions practice of the United States and the European Union [Ahn, Ludema, 2017; Portela, 2014]. In light of this, in modern practice, targeted sanctions are most often combined with the traditional pain-gain sanctions model. In Iran, for example, the original targeted sanctions were gradually transformed into traditional sanctions, implying large-scale restrictions on the country’s foreign economic contacts: Iran was disconnected from international payment systems and an oil embargo was introduced [de Galbert, 2015; Dubowitz, 2010]. The sanctions against Russia evolved in a similar way. At the same time, the limited effect of sanctions on the foreign and domestic policies of target countries does not mean that the economic interests of those countries do not suffer. To what extent can they expect to minimize this damage relying on existing international mechanisms? We must admit that the possibilities of using such mechanisms are currently extremely limited.

First, given the current composition of the UN Security Council, there is no reason to expect this body to make any decisions aimed at restricting the autonomy of individual countries and country associations (such as the European Union) regarding sanctions on countries not covered by relevant Security Council resolutions, as well as expanded sanctions in addition to those approved by Security Council resolutions. At the same time, the costs associated with the risk of falling under the sanctions of leading economically developed countries create strong incentives for economic actors to refrain from interacting with the targets of existing sanctions, even if those sanctions are unilateral and not supported by a United Nations Security Council mandate.

Second, interaction with club-type international organizations that claim leading roles in the governance of global economic processes, but are significantly inferior to the UN Security Council in terms of the legitimacy of their decisions, could help a target country to raise its status and alleviate the risks of growing international isolation. However, when it comes to easing the sanctions pressure, the role of such organizations is more symbolic than tangible. Constructive cooperation with such organizations on issues that are not related to sanctions may increase the willingness of individual member nations to improve relations with the target country, but will hardly result in anything more than that. One illustrative example in this sense is Russia’s participation in the G20, its membership in the Financial Action Task Force and especially its interaction with the Organisation for Economic Co-operation and Development (OECD),

which continues to be active despite the fact that the process of Russia acceding to the organization was suspended in 2014 (for example, in May 2019, Russia joined the OECD-drafted Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting). Despite the progress made in terms of Russia's continuing contribution to the priorities of these organizations, there is hardly any reason to believe that this will increase Moscow's chances of having the sanctions either lifted or even eased.

Third, with regard to sanctions levied against a number of aspects of bilateral economic relations, there are no specialized international organizations or other out-of-court mechanisms that target countries, legal entities and individuals (both residents of target countries and residents of third countries accused of breaching a given sanctions regime) can apply to for the protection of their interests. The most important group of restrictions that cannot be appealed through the existing mechanisms are related to the financial sphere. The charters of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD) – the leading international organizations responsible for shaping the global financial architecture – do not contain provisions that would allow target countries to appeal against financial sanctions and seek their cancellation. Regional development banks, for their part, have the right to suspend cooperation with countries and legal entities against whom sanctions have been introduced by their member nations, regardless of the views or rulings of other international organizations. In this case, the ratio of votes in the managerial structures of the relevant development banks is of decisive importance. If the majority is held by representatives of the initiating countries (as was the case with the European Bank for Reconstruction and Development, which in 2014 suspended investments in projects being implemented in Russia), then resumption of cooperation with the target country is only possible after the sanctions have been lifted. At present, possible counteraction to sanctions – freezing assets, banning the processing of payments and imposing restrictions on foreign loans and security transactions – is exclusively limited to diplomatic influence on the initiating countries and appeals to judiciary mechanisms. Moreover, both these channels of influence have proved to be extremely ineffective.⁷

Fourth, in those areas where appeals to international regulators are in fact possible (trade in commodities and services and investment measures related to trade), the chances of target countries effectively protecting their interests are extremely low. This is because the WTO, the only global organization which has the powers to lift restrictions on international economic cooperation, has consistently distanced itself from any involvement in sanctions disputes between members. In accordance with Article XXI ("Security Exceptions") of the General Agreement on Tariffs and Trade (GATT) – one of the fundamental agreements that forms the legal basis for the WTO's operation –

⁷ In particular, on 13 September 2018, the European Court of Justice in Luxembourg rejected a class action filed by Rosneft, Sberbank and a number of other Russian companies against the EU sanctions (for an analysis of the case and the ruling's legal effect, see M. Kuisma [2018]). In March 2017, the same court dismissed a similar suit filed by Rosneft [Court of Justice of the European Union, 2017].

WTO members have the right to take any action that they deem necessary to protect their national security priorities (including actions “taken in time of war or other emergency in international relations”), or any action in pursuance of their obligations under the UN Charter in order to maintain international peace and security [GATT, 1994]. In international practice, both elements of the article are normally interpreted as broadly as possible, which virtually rules out the possibility of such restrictions being successfully appealed within the WTO’s mechanisms. This practice is based on the 1982 ruling on the interpretation of Article XXI in response to an appeal by Argentina, which was fighting the sanctions imposed on it in the context of the Falklands Crisis. The interpretation reads that, if the initiating country informs the target country “to the fullest extent possible” about any decisions made under Article XXI, it shall have the full freedom to introduce corresponding restrictions [GATT, 1982].⁸ This effectively means that the WTO distances itself from ruling on issues related to economic sanctions introduced based on national security considerations, and provides its member states with maximum freedom of action in this sense [Smeets, 2018].

International Institutions and Anti-Russian Sanctions

In light of the above, it is highly unlikely that Russia will succeed in using the existing international institutions to minimize the damage being caused by the economic sanctions. In fact, the likelihood of this has been consistently shrinking over the years as more sanctions are introduced against Russia. Chronologically speaking, the sanctions imposed by the United States, the European Union and their allies against Russia have been imposed in four main phases [Afontsev, 2017].

1) *The targeted sanctions phase* (17 March 2014 to 15 July 2014). These sanctions were aimed exclusively against certain individuals and legal entities whose actions were believed to threaten the territorial integrity and political stability of Ukraine during and in the aftermath of Russia’s annexation of Crimea and Sevastopol.

2) *The sectoral sanctions phase* (16 July 2014 to 11 September 2014). The immediate cause of these sanctions was an escalation of the armed confrontation in the east of Ukraine and the accusations levelled against Russia that it was providing support to the unrecognized Donetsk and Luhansk people’s republics. Rather than being aimed against specific actors, these sanctions were meant to damage entire sectors of the Russian economy (namely its energy, financial and military-industrial sectors), regardless of whether the affected companies were involved in the crisis in Ukraine.

3) *The escalation of sanctions* (12 September 2014 to 1 August 2017). A feature of this phase was that it started against the background of positive shifts in the dynamics of the Ukrainian conflict following the signing of the Minsk agreements on a ceasefire and practical steps to normalize the situation in the east of Ukraine. During the subsequent period of nearly three years, the initiating countries blamed Russia for the

⁸ For the current interpretations of Article XXI, see WTO [1994]. See also M. Smeets [2014].

absence of any progress in the implementation of the Minsk agreements. This was used to justify the prolongation of the sanctions regime (in particular, the European Union would regularly prolong its sanctions for six months, while the United States would extend them for 12 months), as well as to expand the regime to cover more actors, specifically individuals and legal entities. The most significant expansion of the sanctions regime occurred in September 2016, when the United States placed more than 100 Russian companies on the sanctions list.

4) *The expansion of the grounds for sanctions* (2 August 2017 until the present). The transition to this phase is directly connected to the signing of the Countering America's Adversaries Through Sanctions Act [U.S. Congress, 2017] by President of the United States Donald Trump. This phase is marked by a shift in the justification for the sanctions, from blaming Russia for violating Ukraine's territorial integrity and interfering with its internal affairs to accusing Russia of counteracting Ukraine across a broad spectrum of its foreign political priorities, primarily on the territory of Eurasia. The fact that the prospects of the sanctions being preserved or even tightened were now being tied to issues which had nothing to do with Ukraine's territorial integrity created new risks of the sanctions pressure escalating and made it virtually impossible to predict a combination of political conditions that could put an end to the sanctions stand-off [Timofeev, 2018].

The threat of the United States (and possibly its allies) tightening the economic sanctions regime served as a key source of uncertainty for the Russian economy in 2018, and remains so in 2019. The most recent waves of new U.S. sanctions, in early April and late August 2018, proved to be extremely painful to Russia. The April sanctions, although aimed at Russia's largest holding companies (primarily against Oleg Deripaska's Rusal and Viktor Vekselberg's Renova), generally stayed within the 2017 sanctions logic related to Russia's alleged interference in the U.S. election, its threats to cybersecurity and its support for the Al-Assad government in Syria. However, since August 2018, the U.S. administration's priority has been to accuse Russia of violating the Chemical Weapons Convention in connection with the so-called Skripal case.

The danger of this accusation lies in the fact that the further tightening of sanctions pressure on Russia may develop along the same lines as the scenario previously tested by the United States on Iraq and, since 2018, on Syria. The de facto ultimatum delivered by the United States to Russia in August 2018 under the Chemical and Biological Weapons Control and Warfare Elimination Act (Washington gave Moscow 90 days both to provide "guarantees" regarding its non-use of chemical weapons and to allow international observers into the country) created the threat of pressure on the Russian economy growing in the future in line with the logic and chronology of "stages and deadlines" established by the U.S. leadership.⁹ According to IMEMO RAS estimates, if the first of the established deadlines (November 2018) had arrived along with a further tightening of the sanctions, then the combined losses of the Russian economy in 2018 could have exceeded 1% GDP growth [Afontsev, 2017, p. 126]. Fortunately, this

⁹ For the official position of the U.S. administration on this issue see D.E. Rennack and C. Welt [2018] and the U.S. Department of State [2018].

scenario did not materialize. However, this was mainly thanks to the allies of the United States (primarily the European Union), which decided against unequivocally supporting the new sanctions initiatives, rather than action by international institutions.

The reality is that the potential for using the capabilities of international institutions (in particular, WTO mechanisms) to mitigate actual and potential sanctions threats to the Russian economy is currently extremely limited. This has resulted, among other things, in the failed attempts of the Russian authorities and business community to secure the weakening and lifting of sanctions through WTO mechanisms, something that had been hoped for in the early years of the sanctions stand-off. In 2018, these hopes were somewhat revived amid proposals from the European Union and China to reform the WTO Dispute Settlement Body. However, these proposals were made in response to the threats posed to the economic interests of the European Union and China by the foreign trade initiatives of the Trump administration. And even if they succeed (which is extremely unlikely, given the position of the United States), they will not help in easing the sanctions pressure on Russia, given the WTO's interpretation of Article XXI of GATT [Yedovina, 2018].

This does not mean, of course, that a country's participation in WTO mechanisms does not contribute to limiting the extent of the damage caused by sanctions. In this respect, we may say that Russia's accession to the WTO in 2012 has certainly had a positive effect in terms of limiting the scope of sanctions. Had Russia continued as a non-aligned country, the range of possible sanctions against it could have been much broader. In particular, the United States and the European Union could have raised customs duties on various imports from Russia, primarily on metals and metal products, polymers, fertilizers and railway and electrical equipment. In this regard, WTO mechanisms have been an important deterrent to economic sanctions against Russia.

What is more, Russia took advantage of Article XXI as a legitimate basis for introducing retaliatory measures against the initiating countries. The name of Executive Order No 560 of the President of the Russian Federation "On the Application of Certain Special Economic Measures to Ensure the Security of the Russian Federation" dated 8 August 2014 itself contained an explicit reference to national security priorities and thereby safeguarded the document against potential lawsuits over its possible failure to comply with WTO rules.¹⁰ Furthermore, should the United States attempt to further expand extraterritorial sanctions against companies from third countries that continue to cooperate with Russia (in particular, on the project to build the Nord Stream 2 gas pipeline), the respective countries (primarily EU members) will be able to challenge such sanctions in the WTO (EU representatives have previously expressed their readiness to challenge similar U.S. sanctions against Iran and Cuba).

In those areas that are outside the scope of the WTO, Russia has even fewer opportunities to counter the sanctions using the potential of international institutions. The

¹⁰ Notably, it was thanks to its ability to prove the appropriate use of Article XXI of GATT that Russia was able to win a WTO dispute with Ukraine in April 2019, after the latter had accused Moscow of illegitimately restricting the transit of goods via Ukrainian territory [WTO, 2019a].

most difficult situation in this respect concerns the financial sector. In particular, the expansion of U.S. economic sanctions in August 2018 led to unexpected problems for many Russian companies related to the processing of foreign transactions by Chinese banks.¹¹ These difficulties may seem paradoxical in light of the declared “turn toward the East” in Russia’s foreign policy (including in the country’s foreign economic activities). In fact, there is no paradox here. Given the risks to the Russian economy that are emerging in the current phase of the sanctions stand-off, the reaction of many Chinese banks is fairly understandable: they are trying to minimize the extent of their interaction with Russian companies. In a situation where any Russian business, including small- and medium-sized enterprises, may potentially fall victim to U.S. sanctions over the next one to three years – for example, in relation to its cooperation with companies already on the U.S. sanctions list – many Chinese banks that for the most part do not interact with Russian businesses to any significant degree (less than 1% of the total volume of their transactions) prefer to stop any such interaction altogether.

The behaviour of Russia’s Chinese partners entails a number of unpleasant but fairly pragmatic consequences. First, if a Chinese bank refuses to process operations involving Russian companies, then there is virtually no sense in appealing against its actions in court, through political channels or even more so via international organizations. If the management of a Chinese bank truly believes that interaction with Russian companies creates an undesirable level of risk, then this is a sad but predictable reality, the inevitable price to pay for Russia’s sanctions stand-off with leading developed economies.

Second, payment relations between Russian companies and Chinese banks are far safer if the banks in question are large and have strong connections with the Chinese political leadership. An analysis of the actual situation involving the payments of Russian companies indicates that the biggest risks are associated with interaction with private and/or regional Chinese banks, whereas the “big four” state-owned commercial banks (the Bank of China, the China Construction Bank, the Industrial and Commercial Bank of China and the Agricultural Bank of China) have stepped up their involvement in the implementation of projects in Russia over the past several years and demonstrate a significantly higher degree of readiness to cooperate with Russian partners.

Third, since the existing bilateral Russia-China institutions (such as cooperation between the Central Bank of Russia and the People’s Bank of China, including with regard to servicing mutual operations in national currencies) cannot solve the problem, and global institutions do not have the authority in this domain, it is very tempting to pin hopes on the creation of new multilateral mechanisms – for example, at the level of BRICS institutions. However, given the nature of cooperation within BRICS [Sergunin, Gao, 2018] and the specific interests of its members, the chances of such mechanisms emerging are extremely slim. As for the existing BRICS financial institutions, in particular the New Development Bank, they can be regarded as nothing

¹¹ See, in particular, P. Bazhanov and A. Zakharov [2018] and M. Korostikov et al. [2018].

more than an alternative channel for attracting the funds of Chinese investors to the Russian economy. But they are not going to solve the sanctions cooperation problems with Chinese banks.

Conclusions

The general conclusion regarding the possibility of using international institutions to counter sanctions pressure is not encouraging: the existing mechanisms are not suitable for this, and the emergence of new mechanisms is extremely unlikely due to the fact that even the most loyal economic partners are not at all prepared to put their own interests on the line for the sake of a country that has been targeted by sanctions. To quote Kipling, when it comes to sanctions, “for the race is run by one and one, and never by two and two.”¹² Russia will have to pursue the easing of sanctions using economic and foreign political instruments, which will inevitably necessitate the building of coalition relations with those countries and non-state actors that are interested in maintaining and developing economic cooperation with Russia. Even though the role of international institutions in the implementation of this strategy currently appears to be insignificant, we can still propose certain recommendations in this respect.

Challenging the economic sanctions imposed by individual countries and associations *at the UN Security Council level* is a necessary component of diplomatic counteraction to the sanctions pressure. Although such actions are unlikely to bring about the lifting of sanctions, Russia needs to use the UN platform to voice its committed position regarding the illegitimacy of unilateral politically motivated measures that result in systemic damage to international economic cooperation.

Interaction with *club-type mechanisms* of global economic governance should be pursued in the hope that Russia’s participation in achieving the priorities of these organizations will help support (and, ideally, strengthen) the readiness of individual countries to oppose the further tightening of anti-Russian sanctions if they are interested in restoring full-scale economic relations with Russia. This factor can have a particularly important role in strengthening mutual trust between Russia and those EU countries that could file lawsuits against the United States with the WTO over the extraterritorial application of its anti-Russian sanctions and, with some luck, impose a veto on the further prolongation of EU sanctions against Russia. Even though not a single EU member whose domestic economic actors are interested in restoring full-blown economic relations with Russia has taken any political steps to date to block the anti-Russian sanctions, the possibility of such a situation emerging in the future, although low, still remains.

Despite the fact that the potential of *specialized international organizations* is minimal in terms of their ability to have the anti-Russian sanctions lifted, it would be wise for Russia to interact with countries whose economic actors may suffer in the event that

¹² From Rudyard Kipling’s “Tomlinson.”

the United States attempts to further expand the extraterritorial remit of its anti-Russian sanctions. This would make it possible to coordinate efforts to file lawsuits against the United States with the WTO. In turn, interaction with international development banks (first of all with the BRICS New Development Bank) could help Russia attract more external loans, even though it is unlikely to fully make up for the losses caused by the financial sanctions.

It is true that the range of options available to Russia is very limited. However, politics is the art of the possible, and harnessing the potential of international institutions in countering economic sanctions is no exception.

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Санкции и международные институты: перспективы снижения санкционных рисков для России¹

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В последние годы глобальная экономика столкнулась с выраженным снижением уровня кооперативности в регулировании международной торговли. Одним из элементов этого «ренессанса некооперативности» стала интенсификация применения экономических санкций. Важный вклад в понимание экономических санкций и противодействия им внес политико-экономический подход и концепция таргетированных («умных») санкций. Под их влиянием произошли важные изменения, относящиеся к месту санкционной проблематики в повестке дня международных институтов. Во-первых, таргетированные санкции в большинстве случаев воспринимаются вне связи с перспективами военного давления («субститут войны», а не «прекурсор войны»). Во-вторых, увеличились стимулы к использованию санкций без решения Совета Безопасности ООН либо в режиме «ООН+», когда страна — инициатор санкций, опираясь на базовое решение СБ ООН, дополняет его своим собственным развернутым санкционным пакетом. В-третьих, резко усложнилась задача создания контрольных механизмов в случае, если таргетированные санкции применяются группой стран. В-четвертых, таргетированные санкции оказались идеальны для создания иллюзии деятельности, когда не вводить санкции нельзя, но и вредить сотрудничеству со страной-адресатом желание отсутствует.

В целом эти изменения привели к росту стимулов для использования инструментов санкционной политики и созданию все более совершенных механизмов контроля за соблюдением санкционных режимов. При этом международные институты все в меньшей степени выступают в роли сдерживающих факторов в рамках санкционного противостояния. В условиях, когда все большее число санкционных решений принимается на национальном уровне без обращения к СБ ООН, а ВТО последовательно дистанцируется от рассмотрения связанных с санкциями экономических барьеров, большинство стран — адресатов санкций вынуждены вести борьбу за снижение санкционного давления без помощи международных институтов.

Ключевые слова: экономические санкции; Россия; ВТО; Совет Безопасности ООН; США; ЕС

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Deaf Ears and the U.S.-EU-Russia Sanctions Tangle: Contending Strategic Discourses and Mutual Emboldenment¹

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Abstract

The contemporary strategic landscape between Russia and the West is marred by interlocking economic sanctions, despite little tangible evidence that they are effective. Both Russia and the West seem complacent about the “high incidence-low effectiveness” of their sanctions-related behaviour, and there are no obvious off-ramps to the continuation or escalation of current sanctions policies. What factors caused this U.S.-EU-Russia sanctions tangle, and what can be done to address it? This article addresses these questions by comparing the sanctions-related discourse of the Russian and western strategic communities as expressed in over 1,000 academic research articles published since 2010. Statistical analysis of publication output, citation patterns and the textual content of these articles reveals contending Russian and western “world views” according to which each strategic community embraces fundamentally different understandings of the meaning, objectives, processes and legitimacy of sanctions-related behaviour. This suggests that breaking the sanctions tangle will require that the Russian and western strategic communities deepen their understanding of, and engage with, each other’s world views, and in so doing re-examine the beliefs, objectives and expectations that form the basis of each side’s current use of sanctions.

Key words: sanctions; Russia; US; EU

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Sanctions mar the contemporary strategic landscape between Russia and the West, having emerged as a prominent tool of economic warfare. In June 2019, EU Council members voted unanimously to sustain economic sanctions against Russia as part of a hardening of response to Moscow’s actions in Crimea and Sevastopol

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and the stalled peace accord for East Ukraine.² With passage of the Countering America's Adversaries through Sanctions Act of 2017, efforts to pressure Moscow by sanctioning individuals, firms and sectors of the economy were codified into U.S. law. Sanctions, in effect, are a blunt instrument of American policy toward Russia; politically costly for the president to resist imposing, and now with a legal voice in their lifting, empowering the U.S. Congress with strong incentive to take a tougher line to constrain executive leaderships in both countries. Accordingly, bipartisan proposals circulating within the U.S. Congress calling for the blacklisting of large Russian state banks and the blocking of future transactions for Russian debt issuances hang like a sword of Damocles over western investors in Russia [Kluge, 2019]. The Russian leadership, too, currently embraces countersanctions, having streamlined intergovernmental decision-making, extended travel bans and broadened the embargo on targeted agricultural goods to include a variety of processed and prepared food staples and luxury items imported from the EU, U.S., Australia, Canada, Norway and Iceland.

Yet, there is a yawning gap between the prevalence of sanctions and countersanctions, and tangible evidence of their success. Western sanctions on Russia have failed flatly to secure Moscow's formal compliance with stated objectives, from restoring Ukraine's sovereignty over Crimea, fully implementing the Minsk accords, admitting guilt to ordering the Skripal attack, withdrawing support for the Assad regime in Syria, and for the U.S., restraining from election meddling. Notwithstanding the growing target list of Russian energy companies and posturing over sanctions imposed on firms involved in constructing the controversial Nord Stream 2 pipeline, the volume of Russian gas exports to Europe has steadily risen to unprecedented levels since 2014. More fundamentally, the sanctions have been flawed both by design – e.g. absolute, overlapping and confused objectives; different priorities and pain tolerances associated with American, European and Asian stakeholders; overestimation of the global exposure and influence that Russian business elites have on national security decision-making; vulnerability to oil price volatility; insensitivity to the modalities of Russia's securitization of economic policy responses – and by implementation – erratic imposition and removal of sanctions targeting Russia's aluminium giant, Rusal; the spectre of shifting goalposts; lack of a broader strategic framework for escalation and de-escalation; and absence of institutionalized dialogue among American and European decision makers to forge common objectives and off-ramps [Connolly, 2018; Keatinge et al., 2017].

By the same token, Russia's explicit sanctions-related behaviour has foundered. The potency of Moscow's countermoves is diluted by ad hoc exemptions to

² According to the EU Council, the renewal of the economic restrictions and sanctions was passed in response to the "illegal annexation" of Crimea and Sevastopol, otherwise regarded in Russia as the "reunification" of territory. For justification of discrete EU economic sanctions, see especially [EC, Council of the EU, n.d.].

the embargo on European agricultural imports, Belarus' emergence as a willing re-exporter, Russia's restricted trade footprint and dependence on western financial systems, as well as the declining purchasing power of Russian consumers. Policies adopted to insulate firms from western sanctions degrade the Russian investment climate by exacerbating structural problems, compounding legal uncertainty over ownership and control and fuelling competition and unpredictability in the allocation of state funding for large-scale projects [Trickett, 2019]. Although overall trade and investment with Beijing have risen to embellish high profile deals and gestures of political unity, concerted efforts at strategic trade diversification have been stymied by Chinese reticence at pursuing large-scale investment in Russian infrastructure projects and state-owned companies largely out of fear of poor returns and of ending up on western sanctions lists [Simes, 2019]. By President Putin's own account, western sanctions have cost the economy roughly \$50–55 billion, if not the nearly 1.5% gross domestic product (GDP) loss per annum assessed by foreign experts. Despite claims that Europe has suffered more by comparison, Moscow has failed outright to stem the escalation of sanctions or drive a political wedge between western partners with different stakes and levels of hostility toward trade with Russia [President of Russia, 2019].³

Curiously, however, there is widespread complacency about this disconnect between the “high incidence-low effectiveness” of sanctions-related behaviour. Why? Is it a product of wishful thinking, whereby all parties are banking on respective sanctions or countermeasures to gain traction over time? Alternatively, is the success of economic statecraft more indirect, captured by the symbolic and deterrent value of registering displeasure and discouraging even more offensive behaviour by the target? Or, are sanctions simply regarded as the least-bad option to allay domestic pressure to do something in protest of the offensive policies by the other while averting the risks of more precipitous action? Do the respective domestic political costs of inaction outweigh the strategic costs of allowing tensions to simmer with the perpetuation of otherwise flawed sanctions?

This article addresses these questions to explicate the contemporary sanctions tangle between the West and Russia by drawing focus to contending strategic approaches. As suggested above, there are numerous conditions and precipitating factors identified by scholars and practitioners alike that confound strategies adopted by respective senders and targets of sanctions. However, at the crux of these strategic problems is a misalignment between western and Russian preconceptions and expectations of sanctions, as opposed to irrational calculations, cognitive dissonance or the leaderships' disregard for the strategic costs. As gleaned from data

³ By other accounts, Russia's countersanctions have had only a marginal effect on European exports (both overall and in the agro-food sector) and the annual loss to Russian GDP may be twice the magnitude cited by Putin. See especially Aslund [2019] and Gros and Di Salvo [2017]. For broader discussion, see Kastakova, Baumgartner, Zatzko [2018] and Timofeev [2018, pp. 120–4].

analysis of large-scale trends in scholarly and policy analytical discourses, a conceptual divergence exists where each community embraces fundamentally different understandings of the meaning, objectives, processes and legitimacy of sanctions-related behaviour. Rather, contending western and Russian world views of sanctions confound strategic interaction by reinforcing asymmetrical preferences, ascribing different meanings to similar events, muddling threats, rationalizing costs and thwarting tailored initiatives, while affirming each side's parochial assessments of its leverage over the other and the success of its sanctions-related behaviour. Accordingly, perpetuation of the status quo fuels not only mutual misperceptions and strategic acrimony between western and Russian policymaking communities, but also risks dangerous escalation otherwise masked by wishful thinking or fixation on domestic audience costs.

This article first deconstructs the strategic logic of sanctions and critiques common assumptions that undergird contemporary assessments of effectiveness. It then describes the value of applying data analytical methods to systematically extract and disaggregate broad and rich patterns in world views from large corpora of strategic discourse. Findings regarding trends in the structure and content of western and Russian scholarly discourses on sanctions and countersanctions are summarized. The article concludes by teasing out the implications of divergences in strategic world views for the efficacy of respective western and Russian sanctions-related activities, as well as the search for possible off-ramps to escalation.

It Takes (at Least) Two to Tangle

Economic sanctions are tools of statecraft aimed at withholding economic and financial exchanges to advance foreign policy objectives, broadly or narrowly defined. Typically, they are designed to impose pain on a rational calculating target such that the costs of compliance outweigh the benefits of resistance for the latter, while presenting a cost-effective option for the sender. Smart sanctions, as described by Daniel Drezner, are a subset tantamount to "precision-guided munitions" for economic warfare. They are "designed to hurt elites and key supporters of the targeted regime, while imposing minimal hardship on the sanctioned country's mass public. By altering the material incentives for powerful supporters, the argument runs, these supporters will eventually pressure the targeted government into making concessions" [2018, p. 252]. Based on this logic, sanctions can be employed in pursuit of alternative ends, such as compelling or deterring a target's future action, restraining a target's current behaviour, punishing a target's regime or forcing regime change, or sending a message to underscore discontent or the importance of a norm to a target and third parties. Sanctions strategies come in different forms, including threats of levelling comprehensive punishment or the application of gradual

or tailored pressure on a target, or the imposition of penalties on home-based firms or extraterritorial partners with commercial connections to a target; they can be directed at enemies and allies alike, as well as at domestic constituencies. Accordingly, sanctions by definition are dynamic and strategic; both the comparative utility of alternative forms and outcomes are shaped by the interaction of expectations, preferences and behaviour among senders, targets and third parties.

The effectiveness of sanctions is neither obvious nor uniform. *Success* – attainment of the strategic purpose of a sanction – is distinct from *impact* – the observable political and economic costs imposed on the target caused by the sanction [Connolly, 2018, p. 10]. As the product of strategic interaction, success is beyond the control of any single state's policies. Not surprisingly, prevailing research is generally pessimistic, revealing that only one third of post-war era sanctions events successfully altered the behaviour of the target, and much less (5%) if the attainment of a sender's partial objectives is not considered [Hufbauer, Schott, Elliot, 1985; Pape, 1997]. Moreover, concessions to sanctions do not follow directly from cost-benefit calculations made in a strategic vacuum. Rather, causal pathways vary across context. For example, the operative objective of a sanctions strategy is significant. Here the predominant research reveals that sanctions are more likely to succeed when formulated as a symbolic gesture or as a threat to deter or compel a target, as opposed to a form of imposing material punishment, restraint, regime change or new international norms [Connolly, 2018, pp. 11–14; Drezner, 2003].

Although the scholarly literature is rife with debate, prominent conditions of success are associated specifically with senders, targets and third parties. For senders, these include sanctions that are of short duration rather than open-ended; involve multilateral and institutional cooperation with third parties; and are targeted or otherwise narrowly hit actors with influence over a regime's policies. Similarly, key conditions that augur well for a target's compliance relate to sanctions that hurt friends or those that value an existing exchange relationship with a sender more than enemies; that impose costs greater than the salience of the issue to a target; and that hurt status quo, as opposed to revisionist targets or those that expect conflict to be highly likely in the future. In addition, research suggests that regime type matters for target states, as insulated authoritarian leaderships are well poised to pass along the costs of sanctions to broad societal elements and to bolster resilience from “rally ‘round the flag” effects. Conversely, democratic targets are more prone to compliance as they are susceptible to median voter pressure coming from adversely affected societal elements [Ang, Peksen, 2007, pp. 135–45; Connolly, 2018, pp. 16–22; Copeland, 2014; Drezner, 2003; van Bergeijk, Biersteker, 2016]. Still other scholarship demonstrates conditions propitious for sanctions-busting behaviour by third parties. Black knight firms and states are more likely to emerge where there are profitable trade opportunities created by sanctions, while third-party

states are more likely to step into the breach with politically motivated aid-busting behaviour when the issue at hand is politically salient [Early, 2015].

From a practical perspective, the challenge for successful sanctions rests with manipulating the dynamic cat-and-mouse game between sender and target. As summed up by one former practitioner, “the objective is to design a maze around the sanctioned quarry that drives them to make the policy switch desired by the sanctioner, thereby completing the maze”. This entails that senders adhere to axioms, such as clear identification of objectives for the imposition of pain and minimum remedial steps by a target for relief; deep understanding of the target’s vulnerabilities, interests and commitments; imposition of graduated and competitive pressure on target vulnerabilities and avoidance of respective strengths; close monitoring and adroit recalibration in the face of unexpected target resolve; reassurance that target compliance will be met with commensurate removal of pain; and willingness to admit failure and explore alternative strategies or accept long-term costs of sustaining sanctions [Nephew, 2018, pp. 179–85].

Moreover, the strategic terrain is strewn with paradoxes. As noted above, sanctions tend to be more effective against a sender’s friends and allies – where there is something of value to hold in abeyance – than against enemies. Similarly, what may be most effective for signalling a sanctions threat may ultimately undermine the capacity of a sender to sustain if called upon to implement. Put differently, sanctions threats are more credible and distinguishable from “cheap talk” if the sender is willing to incur costs of following through on the threat. However, sanctions that incur lower costs of implementation are more sustainable. Accordingly, senders confront a “Goldilocks dilemma” in crafting sanctions, whereby they must threaten to incur sufficient costs needed to credibly deter or coerce but avoid actually incurring costs that are so high as to undermine efforts at effectively sustaining the pressure brought to bear by the sanctions. There also is considerable nuance associated with the impact of regime types. Democracies, for instance, may be more effective as senders than as resilient targets of sanctions. Drawing on the broader coercion literature, democratic polities may be more credible at issuing sanctions threats owing to both the restraining and confirming effects of transparent institutional checks and balances, while the opacity of authoritarian leaderships can undermine the ability of targets to distinguish bluffs from sincere threats and operative audience costs, thus fuelling their resistance [Hart, 2000; Schultz, 2001]. Yet another paradox is that sanctions tend to be more effective when coupled with reassurance and clear off-ramps, but the integration of positive inducements risks exacerbating moral hazard problems and establishing reputations for appeasement [Haftner-Burton, Montgomery, 2008]. At the same time, the very effectiveness of sanctions at curbing trade and market access for targets can generate incentives to establish and enrich informal, organized criminal, illicit and black-market activities

that provide effective relief and weaken transparent exchange mechanisms beyond target states [Andreas, 2005; Long, 1996].

Notwithstanding the conditionality and paradoxes of contending arguments, there are several basic assumptions that cut across the extant literature. First, actors are treated as rational; senders and targets calculate costs, benefits and probabilities in their respective decisions to impose or comply with sanctions. Accordingly, sanctioners that can threaten or impose greater punishment are more likely to have their demands accepted by a weaker target. Power advantages – economic and military – mostly affect considerations of the magnitude of pain that can be levelled by a sender that shape the ultimate decision of targets to defy or comply [Byman, Waxman, 2001]. By extension, the failure to comply with mutually recognizable costly sanctions is typically attributed to exogenous political factors, cognitive dissonance or otherwise corrupted or irrational decision-making.

Second – and stemming from the rationality assumption – both senders and targets presumably share common conceptions of costs and benefits. Although preference hierarchies may vary and sanctions can affect groups differently within a target state (necessitating more targeted applications), there is presumably a common appreciation that the greater the pain incurred by influential targets, the more likely they will seek relief through compliance. Sanctions work because they impose significant costs on politically relevant stakeholders that lead them to modify behaviour of the target; they fail when the link between economic costs and political influence is disrupted [Drezner, 2018, pp. 251–70]. The challenges for a sender, therefore, rest mostly with finding and targeting the relevant social forces within a target country, as opposed to convincing the latter that compliance is the appropriate response for alleviating the imposed pain.

Third, it is widely assumed that the threats of sanctions issued by senders are received as intended by targets. Given uncertainty, misperceptions and information asymmetries, the credibility of a sender's threat derives mostly from its efforts to demonstrate resolve via costly signalling. In traditional coercive bargaining contexts, the latter typically can come from conveying that the sender either has incurred significant sunk costs with issuing the threat of sanctions (that are difficult to reverse), or that its hands are tied by domestic or third-party stakeholders such that there is no choice but to follow through on imposing sanctions in the face of target non-compliance [Sescher, Fuhrmann, 2017]. The more conspicuous the latter, presumably the more credible the threat and the more likely a cost-sensitive target will comply. The crux of bargaining, therefore, turns on the communication between senders and targets through signals and other diplomatic measures.

These traditional assumptions, however, are problematic. The balance of power can affect the magnitude of a sender's demand, as much as the target's assessment of costs of non-compliance. Taking into account how a demand is received, a strong

sender can issue greater demands while a weaker one can settle for smaller ones. Furthermore, communication is not the only problem at the root of international signalling. How signals are received can be as much a function of how in tune a target is with a sender when processing them, cognitively or politically. Asymmetries in prior understandings concerning the legitimacy and efficacy of sanctions, for example, may lead targets to draw very different conclusions about the credibility of threats or meaning of specific actions, irrespective of how transparent a sender may be at conveying the sincerity of threats or its bluntness at implementing sanctions. By the same token, both senders and targets can incur sunk costs and confront domestically tied hands that lock in mindsets and policies to offset the marginal significance of diplomatic communication.

Alternative causal claims linking economic pain to political concessions are typically caveated by “all things equal.” But as Drezner notes, all things are not equal [2018, p. 268]. How the U.S. chooses to demonstrate resolve or processes credibility and effectiveness of sanctions may be fundamentally different from how Russian targets interpret these actions, let alone how they issue their own signals. Similarly, how a target perceives and chooses to respond to sanctions may vary; reciprocating with countersanctions is only one option. In the case of Russia, scholars are beginning to uncover not only contrasting cognitive frames that are used to evaluate respective interests and perceptions of threat posed by western sanctions, but altogether different conceptualizations of the interplay between regional foreign policy priorities, the country’s position within global geo-economic structures and prevailing business frames. The latter, in turn, shape the geographic scope, financial levers and institutional features of Moscow’s sanction-related behaviour, as well as trigger divergent perceptions of threat from across economic sectors [Aalto, Forsberg 2015; Golikova, Kuznetsov, 2016]. Also, targets like Russia can exploit a range of policy tools to respond asymmetrically by insulating affected sectors from the pain of western sanctions, strengthening reliance on domestic resources and diversifying strategic trading relations [Connolly, 2018]. Others may opt to react orthogonally, taking action across different domains. Furthermore, Moscow seems to eschew the mirror-imaging of sanctions strategies that revolve around exploiting economic dependencies. Some suggest that the Kremlin is more prone to practicing “differentiated retaliation” with its countersanctions, aimed less at leveraging economic advantage against vulnerable western targets than instrumentally directed at exacting maximum punishment against those particular mainstays of anti-Russian policies while minimizing strategic damage to important major powers [Hedberg, 2018]. These observations of asymmetrical behaviour are significant because assessments of credibility, options and pain tolerances in a bargaining context are in the eyes of the beholder – the targets of sanctions. The latter can be filtered not only by information asymmetries and misperceptions but through a target’s differ-

ent preconceptions of opportunities and costs, as well as sense of appropriateness of available responses to similar actions. These issues can be fundamentally disruptive to the traditional strategic logic and expectations of sanctions processes if such basic understandings of the meaning, processes, legitimacy and effectiveness of sanctions-related behaviour vary significantly across sender and target states.

Methods and Data

As suggested by the critique above, presuppositions about sanctions lie at the crux of western and Russian postures. These world views are comprised of basic beliefs, values and coherent understandings concerning the definitions, processes and significance of sanctions that are shared within each strategic community. They constitute pre-analytic visions that influence which challenges are recognized, which issues are emphasized and which policies are endorsed within a strategic community for grappling with international issues such as sanctions. World views are not theories or logical explanations of events as much as they are comprised of axioms concerning relevant types of issues, actors, goals and appropriate relationships that inform construction of causal arguments. Holders of world views interpret new information through these pre-analytic prisms. Although they represent deeply rooted knowledge within a community, their tenets and coherence are conspicuous and can be readily articulated [Griffiths, 2007; Mowle, 2003; Phillips, Brown, Stonestreet, 1996; Thompson, 1982]. Common beliefs among distinct world views can provide the basis for constructive dialogue and exploration of shared interests across respective strategic communities. Alternatively, contending world views that lack commensurate beliefs can create distinct, if not clashing, value systems and cognitive referents for updating knowledge. As such, they can present impediments to identifying mutual interests or engaging with a phenomenon that cannot be reconciled by common appeal to empirical observation. As noted by Michael Lind [2011], even if rivals agree on the facts they may disagree on conclusions because of their different premises. In the sanctions context, this can account for why different strategic communities may seem to talk past one another, sustain mutually costly policies or otherwise ascribe different values, meanings, assessments and significance to the same actions and counteractions.

The digitization of information provides a means by which we can identify and assess respective preconceptions, axioms and logical connections at the crux of the discourse within the strategic communities through the application of bibliometrics, a subfield of library and information science. Bibliometrics refers to a set of research methods, analyses and tools that support the statistical analysis of research articles, books and other online content. The field emerged during the late 1950s and 1960s within the hard sciences as a means by which researchers could engage

with the rapidly expanding and increasingly global body of scientific knowledge. By many accounts, the field originated with U.S. scientist Eugene Garfield, who in 1955 published his first article on the value of *citation analysis*, a methodology within bibliometrics that examines how scientists refer to existing studies when publishing the results of their research [1955]. Garfield argued that studying the patterns within these citations could help to identify critical but underappreciated research studies, reveal axioms and the internal structure of knowledge, and map the evolution of knowledge in a research field. De Solla Price [1965] built on this work, using Garfield's newly established Science Citation Index database to identify researcher collaboration networks focused on a particular aspect of a field, as well as to describe the diffusion of ideas between these networks over time. More recently, social science researchers have begun incorporating bibliometrics into their work, such as by using natural language processing to identify national differences in the assumptions, approaches and foundational literature underlying the research in an academic field [Schwemmer, Wieczorek, 2019].

Bibliometric tools can help determine if there are significant differences in how Russians and non-Russians conceptualize sanctions. One way to draw out such differences is by examining the body of academic research on sanctions that the Russian and non-Russian social science research communities have published since 2010, when the U.S. imposed a first round of sanctions on the Russian Federation with the Magnitsky Act. These sanctions marked the inception of a prolonged process of western sanctions on Russia, preceding the sanctions and countersanctions that followed after 2014 in response to the Ukraine crisis, election meddling and other issues of international acrimony. Given the critical importance of the U.S.-Russia relationship to the international community, as well as the expansion of the breadth and severity of U.S./EU-Russia sanctions over time, this nine-year period has produced a significant body of sanctions literature by Russian and non-Russian academic researchers.

We compared summary information from the articles published by Russia-based researchers to those published by non-Russian researchers, using three of the most established methods within bibliometrics:

- *Publication output analysis* in which we compared the volume of articles published by each group as well as the journals in which they published. This comparison helps to inform our understanding of the relative importance that each group assigned to the topic of sanctions after 2010, as well as the degree to which the two groups engage in debates within the same publications.
- *Citation analysis* in which we examined the degree to which the research of certain authors shares a common basis in existing literature. Common references across Russian and non-Russian-authored papers suggest that the communities have a shared understanding of the importance and evolution of the

respective research. Conversely, a lack of common references suggests that Russian and non-Russian researchers see sanctions from fundamentally divergent world views.

- *Content analysis* in which we probed the level of substantive convergence within the titles and the abstracts of articles from each group. This analysis helps to establish the areas of most important terms, topics and other characteristics of the content of each group's research, as well as the degree to which these research areas are shared.

In order to build a relevant corpus from which to mine using these bibliometric techniques, we applied a standard search query to the two highest quality, globally available, citation indexing databases: Web of Science, owned by Clarivate Analytics, and Scopus, owned by the academic publisher Elsevier. Both databases are subscription-based and curated, with discipline-specific editors responsible for selecting only those journals for inclusion that are subject to critical peer review, and which meet other standards including editorial focus, journal impact, longevity and local prestige. Although they provide only article metadata – title, date, authors, abstract, keywords, citation and funding information – they structure, clean and format the data in a way that is tailored to bibliometric analysis. Specifically, each database enables researchers to conduct complex searches, filtering to identify the most relevant articles for a topic, as well as to perform analysis within the web-based platform. The latter affords the ability to filter results by the geographical location of the author's reported institutional affiliation, which we used to categorize articles as "Russian" or "Non-Russian." The majority of articles in each database are in English or English plus an additional language, but Web of Science also offers the Russia Science Citation Index (RSCI), a citation database produced in partnership with eLibrary.ru that focuses on the most-cited and influential scholarly journals published in Russia. While the overwhelming majority of this literature is in Russian, the journals included in RSCI provide both Russian and English language versions of all metadata structured in the same manner as that of English-only articles. We utilized this database, in conjunction with articles from the general Web of Science and Scopus databases with Russia-based authors, to expand the breadth and depth of our Russian article corpus. After searching, filtering and cleaning the data, we amassed a dataset of 2,060 articles in total, of which 41% were Russian (854 articles) and 57% were non-Russian (1,206 articles).

Findings: Western vs. Russian Sanctions World Views

Our data analysis is part of an ongoing programme of international research that aims to foster and improve understanding across Russian and non-Russian academic and policy communities. The research to date suggests that there are sig-

nificant differences between Russian and non-Russian research on sanctions. This includes both methodological and substantive differences between the two communities that could, in turn, reflect the existence of two world views of research on international sanctions. Below is a summary of the most salient differences from this preliminary research.

Finding 1: Differences in where Russian and non-Russian sanctions scholars publish suggests that Russian sanctions scholarship developed independently and largely hidden from non-Russian scholars.

The simplest analysis of Russian and non-Russian academic research on sanctions comes from our publication output analysis which compared the number of academic research articles on sanctions published by Russian and non-Russian authors since 2010, who wrote them and where they were published. The first question that we assessed was how the volume of articles published by each group changed after the U.S. and its allies imposed sanctions on Russia during the 2014 Ukraine crisis. Figure 1, which shows the annual volume of sanctions articles produced by the two groups since 2010, indicates that non-Russian scholars published consistently more sanctions articles before 2014. The 2014 sanctions changed this pattern, with both groups increasing significantly the number of published articles in 2015–19 versus 2010–14. This chart suggests two points related to Russian sanctions scholarship. First, sanctions scholarship has not been a central focus of ongoing Russian academic research, especially prior to 2014. However, Russian and non-Russian sanctions publication rates responded in similar ways after 2014, suggesting that research in both communities may be stimulated by major contemporary events.

The two groups show more distinctive differences when we examine where each group published respective sanctions research. While 822 journals published at least one of the 2,060 articles in our dataset, over 25% (522) of the total publication output was concentrated in a core group of only 31 journals, each of which published 10 or more articles on sanctions from 2010–19. Of this core group, 19 journals are published in Russia and are not widely available outside the country. Together, these journals published 409 articles, 72% of the output of the core journal group and 20% of all the articles in the dataset. In total, there were 82 Russia-sourced journals represented in our dataset, and they published approximately 25% (578) of all articles, suggestive of a robust dialogue on sanctions among Russian scholars. However, this discourse is largely not accessible to western academic researchers. While each of the Russian journals that are part of the “sanctions core” are included in at least one of the two major academic indexes used by western scholars (Scopus and Web of Science), they are not easy to access.⁴ This is espe-

⁴ In Web of Science, a researcher must have a subscription to the Russian Science Citation Index and perform a separate search to reach Russian-language content, and both Scopus and Web of Science present results to search queries sorted by a relevance score which is heavily weighted

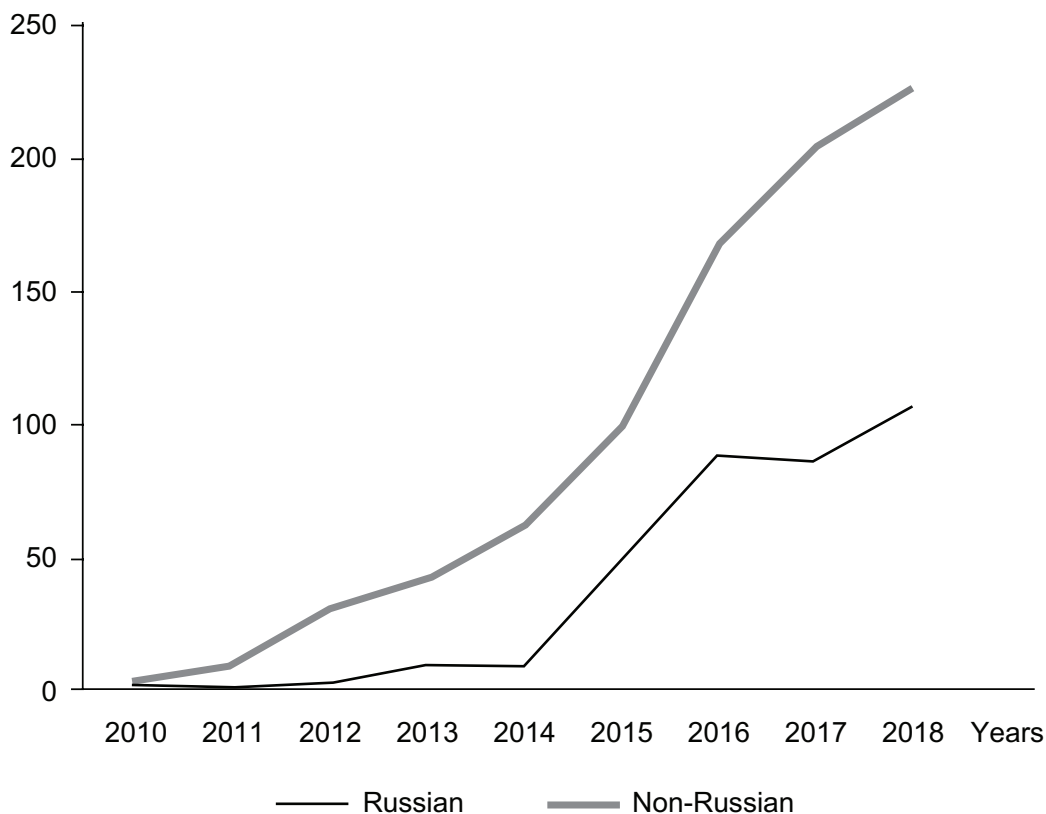


Fig. 1. Comparison of Sanctions Articles Published Annually by Russian and Non-Russian Researchers, 2010–19 (n = 2,060)

Source: Compiled by the authors.

cially problematic since nearly two thirds (523 of 822 articles) of the sanctions-related articles in our dataset were written by Russian authors were published in these Russian language publications. Accordingly, there is a large body of Russian research on sanctions that is not engaged by mainstream non-Russian scholars. In addition, there is little geographic diversity among the articles published by the preferred publication outlets of Russian and non-Russian sanctions scholars. For example, 71% of the Russian-authored articles in our sanctions article dataset (584 of 822) appeared in journals that exclusively published sanctions articles authored by other Russia-based scholars. Another 16% of Russian-authored articles (128 of 822) was published in journals where greater than 90% of sanctions content was written by other Russians. Conversely, non-Russian scholars appear equally infrequently in Russia-based journals. Non-Russian sanctions scholars appear in only six of the 19 core sanctions journals, and in total they published only six articles in

by the impact factor of the publishing journals in the results. This scoring biases against journals published in languages other than English, which from a practical perspective means that few non-Russian researchers will find the rich body of Russian sanctions literature published since 2014.

Journal Rank (Sanctions Articles in Dataset)	Journal	Russian Journal	Total Sanctions Articles (2000–2019)	Russian Author	Non Russian Author	% Russian Articles
1	MIROVAYA EKONOMIKA I MEZHDUNARODNYE OTNOSHENIYA	Y	67	65	2	97%
2	EKONOMIKA SEL'SKOGO KHOZYAISTVA ROSSII	Y	41	41	0	100%
3	EKONOMIKA SEL'SKOKHOZYAISTVENNYKH I PERERABATYVAYUSHCHIKH PREDPRIYATIY	Y	30	30	0	100%
4	VOPROSY EKONOMIKI	Y	29	29	0	100%
5	INTERNATIONAL AFFAIRS		24		24	0%
6	SSHA I KANADA: EKONOMIKA, POLITIKA, KUL'TURA	Y	22	21	1	95%
6	AGRARNYI VESTNIK URALA	Y	22	22	0	100%
6	CONTEMPORARY EUROPE- SOVREMENNAYA EVROPA	Y	22	21	1	95%
9	VESTNIK FINANSOVOGO UNIVERSITETA	Y	19	19	0	100%
10	EKO	Y	18	18	0	100%
10	MGIMO REVIEW OF INTERNATIONAL RELATIONS	Y	18	16	2	89%
12	EKONOMIKA. BIZNES. BANKI	Y	17	17	0	100%
13	BALTIC REGION	Y	16	16	0	100%
13	AZIYA I AFRIKA SEGODNYA	Y	16	16	0	100%
15	OSTEUROPA		15	3	12	20%
16	SURVIVAL		14	2	12	14%
16	BULLETIN OF THE ATOMIC SCIENTISTS		14	2	12	14%
16	TURKISH POLICY QUARTERLY		14		14	0%
16	TERRA ECONOMICUS	Y	14	14	0	100%
20	PROBLEMS OF POST-COMMUNISM		13	2	11	15%
20	MIDDLE EAST POLICY		13		13	0%
20	EKONOMIKA REGIONA-ECONOMY OF REGION	Y	13	12	1	92%
20	ECONOMIC AND SOCIAL CHANGES- FACTS TRENDS FORECAST	Y	13	13	0	100%
24	INTERNATIONAL POLITICS		12		12	0%
24	EUROPEAN SECURITY		12		12	0%
26	EURASIAN GEOGRAPHY AND ECONOMICS		11	2	9	18%
26	EKONOMICHESKAYA POLITIKA	Y	11	11	0	100%
26	INTERNATIONAL TRENDS	Y	11	11	0	100%
26	ROUTLEDGE HANDBOOK OF RUSSIAN FOREIGN POLICY		11	3	8	27%
30	ECONOMIST (UNITED KINGDOM)		10		10	0%
30	MEZHDUNARODNYE PROTSESSY	Y	10	9	1	90%
	Total	19	572	415	157	

Fig. 2. Journals Publishing 10+Sanctions Articles, 2010–19 (n = 2,060)

Source: Compiled by the authors.

non-Russian sources. This suggests that Russian and non-Russian researchers who write about sanctions are engaged in dialogue only within their respective local research communities, rather than as part of an international epistemic community.

Finding 2: Russian and non-Russian research communities cite different sources, suggesting different core assumptions about international sanctions and their use.

The finding that Russian sanctions scholarship is isolated from that of non-Russian scholars is reinforced by examination of citation patterns among respective communities of researchers. While publication analysis suggests that separate communities of sanctions scholars exist within the Russian and non-Russian academies, this does not necessarily mean that Russian and non-Russian scholars have distinctive approaches to sanctions scholarship. To test this idea, two additional bibliometric analyses were employed. The first is *citation* analysis, which uses the references that authors make to previously published scholarship to understand the state and evolution of knowledge within an academic discipline, including shared assumptions, frameworks and practices that characterize a field's dominant research paradigm, as well as the emergent approaches, theories and methods that characterize a field's research front. Comparing the most-cited sources in the collection of Russian-authored articles to those cited by non-Russian authors can help determine whether the two groups work from a common base of knowledge about sanctions. If so, they are likely to reference at least some of the same journals, and by extension the same major authors and research papers in the field. In addition, the proportion of articles in the dataset that cite these common sources should be roughly equal in the Russian and non-Russian articles in the dataset, although we would expect modest variation due to the fact that until 2019 Russia was the only great power since the end of the Cold War targeted for significant external sanctions.

Figure 3 depicts the overall sources (journals) that Russian and non-Russian authors referenced in their publications, which provides a high-level perspective of the body of literature underlying each group's research. The two tables list the 25 most-cited journals by each group, as well as the number of citations that the group made to each journal. There is no overlap between the two lists; Russian authors most frequently cite only journals published in Russia, and non-Russian authors have none of these journals within their own most-cited sources list. The absence of Russian journals on the non-Russian author list is particularly striking, given the large body of literature on sanctions that Russian authors have published in Russian journals since 2014. These citation patterns suggest that Russian and non-Russian sanctions scholars may be working from different core conceptualizations of the sanctions literature, and also that little if any learning is occurring today across more recent scholarship by the two groups.

Rank, Non-Russian Articles	Top Sources (Journal): Non-Russian Authored Articles	# of References to Source (Journal) in Non-Russian Corpus	% of Papers in Non-Russian Corpus Citing Source (Journal)	Rank, Russian Articles	Top Sources (Journal): Russian Authored Articles	# of References to Source (Journal) in Non-Russian Corpus	% of Papers in Non-Russian Corpus Citing Source (Journal)
1	INTERNATIONAL AFFAIRS	32	2,7%	1	MIROVAYA EKONOMIKA I MEZHDUNARODNYE OTNOSHENIYA	69	8,1%
2	OSTEUROPA	17	1,4%	2	EKONOMIKA SEL'SKOGO KHOZYAISTVA ROSSII	41	4,8%
3	BULLETIN OF THE ATOMIC SCIENTISTS	16	1,3%	3	EKONOMIKA SEL'SKOKHOZYAISTVENNYKH I PERERABATYVAYUSHCHIKH PREDPRIYATI	32	3,7%
4	TURKISH POLICY QUARTERLY	16	1,3%	4	VOPROSY EKONOMIKI	30	3,5%
5	MIDDLE EAST POLICY	14	1,2%	5	AGRARNYI VESTNIK URALA	22	2,6%
6	EUROPEAN SECURITY	13	1,1%	6	CONTEMPORARY EUROPE-SOVMENNAYA EVROPA	22	2,6%
7	INTERNATIONAL POLITICS	13	1,1%	7	SSHA I KANADA: EKONOMIKA POLITIKA KULTURA	22	2,6%
8	SURVIVAL	13	1,1%	8	INTERNATIONAL TRENDS	20	2,3%
9	ECONOMIST (UNITED KINGDOM)	12	1,0%	9	VESTNIK FINANSOVOGO UNIVERSITETA	19	2,2%
10	PROBLEMS OF POST-COMMUNISM	11	0,9%	10	EKO	18	2,1%
11	EURASIAN GEOGRAPHY AND ECONOMICS	10	0,8%	11	EKONOMIKA. BIZNES. BANKI	17	2,0%
12	GLOBAL RESPONSIBILITY TO PROTECT	10	0,8%	12	AZIYA I AFRIKA SEGODNYA	16	1,9%
13	INSIGHT TURKEY	10	0,8%	13	BALTIC REGION	16	1,9%
14	INTERNATIONAL RELATIONS	10	0,8%	14	MGIMO REVIEW OF INTERNATIONAL RELATIONS	16	1,9%
15	IHS JANE'S DEFENCE WEEKLY	9	0,7%	15	TERRA ECONOMICUS	15	1,8%
16	REVIEW OF INTERNATIONAL STUDIES	9	0,7%	16	ECONOMIC AND SOCIAL CHANGES-FACTS TRENDS FORECAST	14	1,6%
17	THIRD WORLD QUARTERLY	9	0,7%	17	EKONOMIKA REGIONA-ECONOMY OF REGION	12	1,4%
18	AMERICAN FOREIGN POLICY INTERESTS	8	0,7%	18	EKONOMICHESKAYA POLITIKA	11	1,3%
19	AMERICAN JOURNAL OF INTERNATIONAL LAW	8	0,7%	19	APK: EKONOMIKA UPRAVLENIE	9	1,1%
20	CAMBRIDGE REVIEW OF INTERNATIONAL AFFAIRS	8	0,7%	20	UPRAVLENETS-THE MANAGER	9	1,1%
	Total	248	20,6%		Total	430	50,4%
	Number of Total References in Corpus	40 387			Number of Total References in Corpus	10 146	
	% of References in Corpus Citing Top 20 Sources	0,6%			% of References in Corpus Citing Top 20 Sources	4,2%	
	Articles in Corpus--Non Russian Authored	1206			Articles in Corpus--Russian Authored	854	
	Average References to Sources for Non-Russian Articles	33			Average References to Sources for Russian Articles	11,9	

Fig. 3. Journals Cited Within Russian- and Non-Russian-Authored Sanctions Papers, 2010–16

Source: Compiled by the authors.

Finding 3: Russian and non-Russian research communities study different topics, suggesting increasing divergence in the future between the two communities.

The second analysis that we used to assess substantive differences between Russian and non-Russian sanctions literature is *topic modelling*, which examines mathematically the frequency and co-occurrence of words and phrases within unstructured text. We compared the content of Russian and non-Russian-authored articles on sanctions from two perspectives: article titles, which provide either the most concise or provocative summary of the author's research, and the abstract, which is also concentrated but allows authors more space to express the details of their approach. For both perspectives, we used machine learning, which applies statistical analysis to the text of research articles in order to find patterns in word usage and word co-occurrence. For the title analysis, we performed keyword co-occurrence mapping, which identifies frequent clusters of terms within the same title. We visualized this co-occurrence and identified specific clusters of co-occurring terms in the two network diagrams in Figure 4. In the top diagram, which represents papers produced by non-Russian authors, there are six distinctive clusters of terms which can be distinguished by their colour, and whose size indicates their relative importance within the group. The two largest clusters overlap, and they focus on the international economic aspects of Russian sanctions (*orange*) and the effect of sanctions on international security and balance of power issues (*light blue/green*). Three additional clusters (*purple and light green*) focus on sanctions on Iran and North Korea and nuclear security, as well as the United Nations' role in sanctions (*blue*). In contrast, the bottom diagram in Figure 4 represents the same analysis applied to the title of Russian-authored articles. There are only two clusters in this diagram, and they differ significantly from those of non-Russian authors. The larger cluster (*light blue*) focuses on the economic effects of sanctions, but it incorporates terms such as "agrarian," "region," and "development," indicating that the research focus within this cluster is on the domestic economic effects of sanctions and the Russian government's policies to reduce their effects. The second cluster (*light orange*) also focuses on the economic effects of sanctions, but the emphasis is on Russia's export economy, inflows/outflows of capital investments, as well as Russian government policy to blunt the effect of sanctions on Russian exports. These two diagrams provide further evidence that Russian and non-Russian authors have fundamentally different approaches to the broad tenor of each group's research on sanctions.

Another perspective can be formed by examining the content of the abstracts of each group's articles, for which we utilized LDA (Latent Dirichlet Allocation) topic modelling. Topic modelling is a technique to distil the most distinctive topics in a large collection of related documents based on the patterns of words that authors se-

Russian	Terms in Topics: Non Russian	Russian	Terms in Topics: Russian
1	Russia* -- region* -- intern* -- politic* -- relation* (IR)	1	Product* -- meat -- dairi* -- milk -- import* (DE)
2	Russia* -- sanction* -- econom* -- region* -- develop* (DE)	2	Russia* -- sanction -- new -- foreign -- China (IPE)
3	Industri* -- develop* -- econom* -- region* -- innov* (DE)	3	Food -- import -- countri* -- Russian* -- state (DE)
4	Polici* -- govern* -- issu* -- author* -- include* (IR)	4	Rusian* -- develop* -- econom* -- market* -- sanction (DE)
5	Statist* -- compani* -- process* -- Russia* -- financi* (DE)	5	Polici* -- sanction -- Russia* -- trade -- oil (IPE)
6	Defenc* -- missil* -- replac* -- metropolitan* -- Moscow* (S)	6	Sanction -- Russia* -- state -- politi* -- econom* (IPE)
7	Russian* -- econom* -- develop* -- new* -- save* (DE)	7	Russia* -- region* -- intern* -- relat* -- polit* (DE)
8	Russian* -- research* -- econom* -- state* -- inform* (DE)	8	Econom* -- develop* -- region* -- Russian* -- industri* (DE)
9	intern* -- Russian* -- trade* -- monei* -- regul* (IPE)	9	Russia* -- relat* -- econom* -- sanction -- Ukrain* (IPE)
10	Russia* -- China* -- right* -- relat* -- strateg* (IR)	10	Budget* -- econom* -- region* -- integr* -- develop* (DE)
Key: (IPE) International political economy ; (S) Security; (D) Domestic economy; (IR) International relations; (O) Other			

Fig. 5. Topic Models and Associated Words for Russian- and Non-Russian-Authored Articles, Based on Abstract Text

Source: Compiled by the authors.

stracts for each group. For each group, we created models with five to 40 topics and assessed the accuracy and comparability of each. Based on these assessments, our final models for each group contain 10 topics, which are in Figure 5. This table contains an ordered list of each group's topics, each of which consists of the five words most closely associated with the topic and that describe its contents. After reviewing the topics, we added a label to the end of the topic words that indicates a broad category of the topic's contents, such as international political economy or domestic economy.

Despite some areas of alignment between the two groups at the broad category level, Russian and non-Russian scholars focus on different aspects of sanctions phenomena. The focus of Russian sanctions scholarship is economic, as all 10 of the topics fall into the broad category of either domestic or international political economy. The six domestic economic topics cover the major dimensions of the Russian government's efforts to blunt the effects of sanctions through policies supporting domestic food producers (Topic 1 [T1] and T3), regional economic development (T4, T7 and T10) and industrial development (T6 and T8). The international economic topics focus on strengthening Russia's economic ties with China (T2), increasing oil exports (T5) and one less-clear topic containing economic terms as well as Ukraine (T9). The topics of non-Russian scholars are more diverse and reflective of mainstream sanctions scholarship, with research covering economic, international relations and security aspects of economic sanctions. Of the six economic topics, five cover areas related to Russia's domestic economy, but there is limited overlap with the work of Russian scholars. For example, while four non-Russian topics cover regional economic development, one appears similar to a Russian topic (T2, similar to Russian T9), while the others focus on areas not in the Russian list, including regional innovation (T3) and research and development (T7 and T8). The other four non-Russian topics (T1, T4, T9 and T10) focus on international relations and security, which do not appear as focal topics of research on the Russian list.

Taken as a whole, the research topics extracted from the abstracts of the articles in our dataset provide evidence of substantially different research interests and approaches between Russian and non-Russian scholars studying sanctions. This finding reinforces similar evidence of the two worlds of research found in our analysis of publication and citation patterns.

Discussion and Implications

This article applies data analytics to identify patterns in western and Russian strategic discourse surrounding sanctions. Drawing on insights from bibliometrics, we

of authors' relative focus on each topic, we can make a substantive, empirically based assessment of whether the two groups form one or two world views related to academic research on sanctions.

distil the frames of reference and character of research within and across strategic communities. We also uncover patterns in the substantive themes and priorities that provide the contours to respective world views about the meaning, processes, legitimacy and significance of sanctions.

This preliminary analysis underscores that western and Russian strategic communities are worlds apart in thinking about sanctions. The respective scholarship enjoys very little overlap or even common links to third parties. The two communities have little in common, publishing in different journals, citing different sources and studying different sanctions-related topics. Although the two communities reference similar literature concerning the general failure of sanctions, they draw different conclusions about the sources and modalities of such ineffectiveness.

Substantively, the two communities are seemingly further apart. A close qualitative review of the key works in respective sanctions literature reveals that whereas Russian scholarship is almost categorically pessimistic about the success of sanctions at altering foreign policy behaviour, western commentary is generally marked by debate over alternative conditions for success. Moreover, as highlighted in the data analysis, while western scholarship addresses a variety of causes and effects for sanctions with a core focus on the strategic dimensions, Russian academic analyses tend to cluster narrowly around the macroeconomic impact of sanctions, as well on the utility of asymmetrical responses, including import substitution, domestic regulation, national innovation and strategic trade diversification away from the West and toward India and China. Finally, Russian scholars range from questioning the legitimacy of sanctions altogether as a dangerous threat to the norm of sovereignty, to acknowledgement that certain confining conditions, such as multilateral and intergovernmental endorsement, can provide the legal justification for the tactical, temporary application of sanctions. Conversely, issues concerning the violation of sovereignty are not prominently featured within the western discourse on the strategic role of sanctions, and there is considerable attention devoted to the viability and effectiveness of unilateral sanctions, especially as practiced by the United States.

These findings caution against embracing unidimensional strategic perspectives on sanctions. Rather than reflecting interaction between uniformly calculating senders and targets, the respective literature highlights the asymmetrical and distinct frames of reference. They cast doubt, for example, on the reciprocal nature of Russian sanctions. The communities tend to talk past each other, highlighting divergent interpretations and drawing different conclusions and courses of action from the same set of sanctions-related events.

These conceptual incompatibilities also carry distinct implications for respective western and Russian sanctions strategies. For the West, the credibility of sanctions threats and related signalling may warrant greater empathy and richer understanding of how they are interpreted in Russia. In the West, sanctions are generally

accepted as presenting a target with a choice between compliance and non-compliance. Within the Russian discourse, however, the main element of choice rests with policy options for blunting the negative impact of sanctions. Therefore, calculated western efforts to demonstrate resolve by resorting to diplomatic gestures of tying hands or sinking costs, may indeed be counterproductive by affirming the prominent conceptions in Russia that there is no choice but to remain steadfast and resilient in the face of what are widely viewed as illegitimate and revisionist offensives by the West. Attuned primarily to the long-term opportunities for macroeconomic, distributional, autarchic and third-party relief, the Russian strategic community may be generally prone to overlook the short-term costs of non-compliance in favour of perceived long-term gains of reduced dependence on an inconsolable West.

By the same token, the asymmetry of western and Russian preconceptions can subvert the promise of targeted sanctions. Put simply, the challenge for implementing effective western smart sanctions on Russia may require more than unlocking the black box of opaque Kremlin decision-making to refine targets of political influence. Rather, the deeper conceptual divide over the legitimacy of sanctions and Russian attention to mitigating their impact, suggests that discrete coercive initiatives that do not disrupt comprehensive trade flows may make it not only easier for the Kremlin to evade, but convey a lack of commitment on the part of western senders. Thus, while smart sanctions may make it less costly and more amenable for western senders to impose and sustain sanctions, they can directly embolden Russian resistance to policy change.

The divergence in sanctions world views also poses challenges for Russian policymakers. Admittedly, the research presented does not illuminate the motivations behind the academic discourse, leaving unclear whether the trends reflect sincere beliefs among independent-minded scholars or instrumentally constructed narratives. Irrespective of the origins, however, the narrow clustering of perspectives reveals a circumscribed national discourse on sanctions. This may provide a grave disservice to Russian decision makers, as it can deprive the leadership of outside assessments of the full range of opportunities and costs that they confront when imposing and responding to sanctions. On the one hand, the confined discourse can highlight the short-term problems of western sanctions and macroeconomic opportunities for relief at the expense of fleshing out long-term, indirect costs or systematic assessment of the implications of western sanctions for magnifying the country's structural economic and political problems. Here a narrow focus on impact mitigation may distort the significance of issues, such as evidence of a "rally 'round the flag'" effect of western sanctions, treating them in an analytical vacuum divorced from correlates of either episodic or broader patterns of support for the regime's assertive foreign policies otherwise driven by preceding popular and elite attitudes toward the "reunification" of Crimea and/or domestic economic op-

portunities. Fixation on the former, therefore, may either over or understate the short-term instrumental benefits to the regime presented by discrete western sanctions, masking broader public and elite insensitivity to foreign threats, media effects at shaping opinion in Russia, and/or the fundamental nature of political support for the leadership [Frye, 2017; Kazun, 2016; Sherlock, 2019]. On the other hand, dismissing sanctions based on their perceived illegitimacy and ineffectiveness can conflate cheap talk and hubris with sincere interests in constructive engagement, as perceived by prospective western interlocutors.

Notwithstanding the conceptual incompatibilities and attendant risks of escalation, the die is not cast for a mutual sanctions deadlock. Mutual attention within western and Russian strategic communities to common costs and the negative impact of sanctions, as opposed to their success, may provide the foundation for future dialogue and exploration of off-ramps to conflict escalation. Here the key to advancement may well rest with searching out areas of overlap related to modalities for limiting and containing costs to macroeconomic stability, trade diversification and sanctions blowback. In light of contending world views, however, such dialogue must either await a breakthrough in the relationship caused by developments along other fronts or follow from dramatic unilateral and empathetic gestures at breaking the sanctions tangle. Incremental approaches to sanctions relief will likely fall on deaf ears, as they can be easily integrated into prevailing strategic frames. In addition, there may be richer analytical territory to mine for assessing conditions for the effectiveness of sanctions practiced cooperatively against third parties, such as Iran and North Korea. Given that the status quo is not stable, with the costs of disconnected western and Russia sanctions-related behaviour mounting, the time is ripe for rethinking the premises of strategic interaction. Engaging respective world views, therefore, can be the first step in breaking the sanctions tangle and derailing a trajectory toward dangerous escalation.

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Глухота сторон в клубке санкционных противоречий между США, ЕС и Россией: противоборствующие стратегические дискурсы и взаимное «подстегивание»^{1, 2}

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Современный стратегический ландшафт отношений между Россией и Западом омрачен взаимными экономическими санкциями, несмотря на незначительное число убедительных доказательств их эффективности. Складывается впечатление, что и Россию, и Запад устраивает ситуация, при которой их поведение, связанное с применением санкций, характеризуется высокой частотностью случаев наложения санкций при их низкой эффективности; при этом отсутствуют очевидные развилки для продолжения или эскалации нынешней санкционной политики. Какие факторы стали причиной формирования клубка противоречий между США, ЕС и Россией по вопросу о санкциях и какие шаги могут быть сделаны для их преодоления? Авторы статьи ищут ответы на данные вопросы путем сравнения связанных с санкциями дискурсов российского и западного стратегических сообществ. Исследование основано на выборке из более чем 1000 академических статей, опубликованных с 2010 г. Статистический анализ выпуска публикаций, анализ паттернов цитирования и текстовой контент-анализ данных статей показывают, что российское и западное «мировосприятия» противостоят друг другу: для каждого сообщества характерно свое понимание значения, целей, процессов и легитимности связанного с применением санкций поведения. Это, в свою очередь, позволяет сделать еще один вывод: чтобы разрубить клубок санкционных противоречий, российское и западное стратегические сообщества должны углублять понимание мировосприятия противоположной стороны, вовлекаться во взаимодействие друг с другом и постепенно переоценивать свое понимание убеждений, целей и ожиданий, лежащих в основе существующей практики применения санкций каждой из сторон.

Ключевые слова: санкции; Россия; США; ЕС

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Sanctions Against Russia and Their Impact on the Eurasian Economic Union¹

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Abstract

This article deals with the political and economic implications of sanctions against Russia for the functioning of the Eurasian Economic Union (EAEU), which became operational in 2015.

Assuming that the political conduct of EAEU states is based on political pragmatism, the author concludes that in spite of the fact that they provide official support to Eurasian integration, they also have an interest in acceding to alternative projects that strengthen their sovereignty. Therefore, the major challenge to the Union derives primarily from the political sphere since the number of alternatives to Eurasian integration is gradually increasing, disrupting relations between members and Russia.

In this respect, the correlation between western sanctions and the EAEU's economic growth rate is of great importance. The principal purpose of sanctions is to limit a state's ability to pursue its independent and active policy, including the development of foreign economic projects. Consequently, anti-Russian sanctions must have influenced the EAEU and its key members. In 2016, Russia demonstrated a decrease in gross domestic product (GDP) which had an even greater negative impact on Belarus and Kazakhstan. Nevertheless, they have not only managed to regain lost ground on economic performance, but also to achieve some growth in GDP. Such dynamics confirm the author's hypothesis that the members of the EAEU have room for manoeuvre if some external player influences their political and economic development.

However, the EAEU's internal capacities for dynamic development should not be overestimated. The Union faces problems such as weak aggregate GDP in comparison with the leading world economies, low GDP growth rates in the member states and a relatively low rate of EAEU population growth. In this context, the Union definitely needs to expand its economic influence in the global arena.

Although EAEU states might have divergent interests, the author concludes that a pragmatic assessment of the benefits from participation in the Eurasian integration project, including the preservation of their identity and greater room for manoeuvre in their foreign trade and economic activities, remains the principal factor maintaining the integrity of the Union.

Key words: sanctions; sanctions policy; unilateral restrictive measures; Eurasian Economic Union; Eurasian integration; Russia; Belarus; Kazakhstan; Armenia; Kyrgyzstan

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Introduction

The Eurasian Economic Union (EAEU), launched in 2015 as the first comprehensive economic integration project in the Commonwealth of Independent States area, has needed to take decisions in a context defined by the external sanctions imposed against Russia, one of driving forces behind regional integration. The remaining countries must search for an optimal model of interaction that addresses the need to promote their national interest regardless of Russia's position.

In the years since independence, each EAEU member state has had its own experience of cooperation with the states that imposed sanctions against Russia. This fact has raised the question of how to correlate the economic benefits of integration with the development of relations with external actors without detriment to their interests.

The high degree of dependence of EAEU economies on Russia means they cannot distance themselves from Eurasian integration, while membership in the integrational grouping mitigates the negative impact of external economic challenges. Moreover, the unique nature of the development of the EAEU in the context of anti-Russian sanctions is underscored, among other things, by the non-existence of comparable examples of developing integration projects in which sanctions are being imposed against one of the key members.

A Theoretical and Methodological Framework for Analysis

Currently, academic and sociopolitical articles are paying considerable attention to the issue of sanctions. In response to the change in the international balance of power the world's leading states have resorted to this instrument, trying to make up for the rigidity of the system of international law and the mechanisms for maintaining international stability that emerged in the second half of the 20th century. According to estimates provided by the Ministry of Foreign Affairs of the Russian Federation, the U.S. has imposed sanctions against almost 70 states worldwide. Increased popularity of sanctions as a political tool stemmed from their ability to deliver a clear message, enabling a state to convey its disagreement with another state's political positioning on the global stage. In fact, sanctions may become an element of interstate dialogue in case a state is not capable of persuading its political counterpart to act in a particular way via traditional political means. Similarly, the inability of a state to initiate a sanctions policy due to economic weakness can be mitigated through adhering to a sanctions regime implemented by a stronger state (or a group of states).

Thus, sanctions are manifestations of individualistic and non-cooperative behaviour by states, displacing the institutional approach to international interaction and a cooperative way of confronting international challenges.

The imposition of sanctions is the prerogative of the United Nations (UN) Security Council which, in contrast to the leading world powers, has exercised this right about 20 times [Hufbauer, Schott, Elliott, Oegg, 2009]. The principal aim of this instrument is to maintain international security and stability. Adhering to this logic, when resorting to sanc-

tions states typically refer to inappropriate behaviour by their counterparts in situations that could relate to regional and global security. To a certain extent, sanctions have made the issue of countering security threats prevail over the protection of human rights. This is why sanctions imposed against Russia in the past few years have been increasingly justified by high-profile incidents which could easily be interpreted in terms of security and military threat – in particular, the civil war in south-east Ukraine, Crimea's reunification with Russia and the Skripal case [Connolly, 2018].

Sanctions are principally aimed at preventing a state from conducting a proactive and independent foreign policy, including the strengthening of its external economic ties. Accordingly, the transformation of a state's global standing, increased dependency of its government, and a domestic policy reform aimed at civil society empowerment (this concept is used in an extended sense, without considering a state's national circumstances) are necessary implications of sanctions policy.

Leaving aside the ethical aspect of these decisions, such an approach can be effective as an element of a strategy for establishing a favourable environment for international development. In particular, sanctions are efficient as one state manages to form a coalition in order to impose sanctions against another, limiting its access to international resources and preventing it from maintaining relations with its traditional allies or like-minded partners [Timofeev, 2018a].

The latter factor is of particular importance. By no means are all states sufficiently motivated to take their lead from pivotal states. Preserving national identity based on historic heritage may be a significant factor for them (even if it is economically unsound in today's environment). This principle becomes more relevant in connection with the fact that projects for state-to-state cooperation are beneficial in terms of better industry, logistics and easier access to resources. Such environments create preconditions for regional integration that could be of interest for the respective political elites.

Following this logic, regional integration provides a window of opportunity for each member state in the event that a non-member state imposes sanctions against it. In this case, rapid and total isolation of a particular state becomes extremely difficult. Thus, membership in an integrational grouping leaves room for manoeuvre for members if their political and economic development is negatively affected by external factors.

One of the clearest examples of this was the reaction of the states of the Southern Common Market (MERCOSUR) to political developments in Venezuela in the summer of 2017. Despite the fact that a decision was made to suspend the membership of Venezuela in the integration association, no sanctions measures were taken.

In this regard, the role of the EAEU in confronting EU sanctions against Russia is quite emblematic. In particular, the following questions underpin this article: does the economic union provide a way to mitigate the negative impact of sanctions and retaliations, and what is the attitude of EAEU members to these challenges?

Despite the fact that the development of Eurasian integration is based on liberal and institutional approaches to explaining the dynamics of relations among states in the same region, the actions of EAEU states are suggestive of a pragmatic view of the Union consistent with the tenets of realism. This is understandable given that post-Soviet states, formerly

republics of the USSR, will strive to enhance their agency in world politics and consider alternative ways to develop their external and domestic policy. In light of this necessity, they are prepared to consider different configurations of state-to-state ties and contacts which could contribute to strengthening their position in both regional and global contexts. Proceeding from this logic, this article undertakes an analysis of the political behaviour of states within the framework of the EAEU and provides scenarios for possible actions of EAEU members regarding their compliance with each state's national interests against the background of sanctions imposed against Russia in 2014. These scenarios start from the assumption that national policies are highly pragmatic. Russia's actions are not subject to analysis because Russia is considered an independent variable shaping the development of the EAEU.

For example, the Eurasian Development Bank highlights the following reasons for the future success of the EAEU. The more the organisation exists as a regional one the more sustainable it will be.

Secondly, key root success significantly depends on national growth policies. Thirdly, sustainable development of the EAEU depends on its ability to establish efficient economic projects that should be globally upper hand [EDB, 2016].

Current Challenges Facing the Eurasian Economic Union

Conceived solely as a project of economic integration, the EAEU is currently in the process of establishing a common economic space which envisages a single, coordinated and coherent policy in multiple areas of economic management as well as the regulation of various sectors through the establishment of single and common markets. One of the key tasks of the EAEU is to form common markets in sectors defining the structure of economies and to lay the foundation for the common market of the Union in the future [Kheyfets, 2019].

Before exploring the impact of sanctions on the dynamics of political relations within the EAEU, it is necessary to highlight the substantive aspects of the definition of "sanctions" used herein.

According to I. Timofeev, an expert in the field of sanctions, the use of sanctions implies direct or indirect interference by one state with another state's decision-making process, i.e. the use of instruments for limiting sovereignty. The aims of imposing sanctions can be different, from changing a political regime to limiting the military capacity of a state. The content of sanctions, as a rule, amounts to trade and financial constraints. That said, Russia became the object of sanctions, not a trade war. As Timofeev notes further, sanctions differ from trade wars in that there exists a partnership between participants and by the fact that trade wars, as a rule, have no impact on domestic decision-making [Timofeev, 2018b]. In the case of Russia, sanctions were aimed at changing Russia's policy toward Ukraine and reconsidering Crimea's reunification with the Russian Federation. The American sanctions, for their part, were also directed at deterring the capacity of Russia's foreign policy.

Thus, the restrictive measures taken by western states with regard to Russia exemplify political pressure aimed at influencing Russia's political decision-making. In particular, actions such as freezing assets, imposing restrictions on the movement of individuals who have been included on special lists, prohibiting companies from maintaining business communication with their blacklisted Russian counterparts, banning investments in transport, infrastructure and energy projects involving Russia, and prohibiting European financial institutions from lending to projects under sanctions could be considered examples of such pressure. The measures of political pressure include removing Russia from the Group of 8 and abandoning the regular Russia-America and EU-Russia political dialogue. Furthermore, sanctions have indirectly affected the integrity of the EAEU, within which Russia is a driving economic force.

In fact, the economic sanctions imposed by western states against Russia in 2014 became the first major test for the entire Union. In the same year, Russia took retaliatory measures against those western states that joined in the pressure against it (i.e., the food embargo). These measures included the ban on the import of particular foods and commodities from states that supported the sanctions imposed against Russia.

The leaders of Russia, Belarus and Kazakhstan signed the Treaty on the Eurasian Economic Union by the time the first restrictive measures had been taken against some Russian politicians. Moreover, by 1 January 2015, when the EAEU became operational, sanctions lists had been significantly expanded with the inclusion of the banking and financial sectors of Russia's industrial, defence, mineral, oil and gas companies.

Historically western sanctions were imposed against two EAEU members, namely Russia and Belarus. By 2016, the EU and Canada had gradually lifted their sanctions from Belarus [Dolinin, 2017]. The U.S., for its part, suspended its restrictive measures. Sanctions against Belarus in 2006 had been in place for 10 years without having a sufficient impact on its economy. This was largely due to a relative lack of interdependence between the Belarusian economy and those of the U.S., EU and Canada.

At the same time, however, sanctions imposed against Russia were gaining momentum in the context of the escalating Ukraine crisis. Having emerged in 2014, sanctions have established themselves firmly as an element of negotiation between Russia and the West. Against the backdrop of the development of a new international integration grouping in which Russia played an active role, the EU, the U.S. and the other Group of 7 states have paid increased attention to affecting Russia's economy via the use of restrictive measures.

This raises a question about the integrity of the Union, the functioning of which is linked to the viability of Russia's economy as well as to innovative approaches to the strengthening of the EAEU's international image, suggested mostly by Russia. Russia, as the driving economic force of the Eurasian integration project, is faced with the necessity of forcing enhanced integration processes within the EAEU in order to form alternative sources of economic development in the context of increased external political pressure.

It is important to notice here that integration groups can be either economically equal or different. The Eurasian Economic Commission report says that the first group is represented by such unions as EU, EFTA, ANZCERTA. The second one includes NAFTA,

SACU, SADC etc [EEC, 2014a]. The Eurasian Economic Union belongs to the second group and faces difficulties normal to such types of unions.

When the Eurasian integration project was officially launched the aggregate gross domestic product (GDP) of the EAEU states amounted to \$1.632 trillion [EEC, 2014b]. This figure looks quite small compared to global averages. For example, at the same period China's GDP amounted to \$10.48 trillion WB, n.d.a]. For Germany this figure was \$3.38 trillion, for the UK it was \$2.9 trillion and for India it was \$2.1 trillion [WB, n.d.b].

Table 1. GDP for EAEU States in 2015–18, \$ Millions (Current-Prices)

EAEU State	2015	2016	2017	2018
Armenia	10,553	10,546	11,537	12,428
Belarus	55,317	47,478	54,413	59,585
Kazakhstan	184,387	137,278	162,887	172,939
Kyrgyzstan	6,678	6,813	7,565	8,093
Russia	1374 665	1 285 713	1 577 870	1 660 950
Total:	1 631 600	1 487 829	1 814 272	1 913 995

Source: [EEC, n.d.a].

Table 2. GDP Growth Rate for EAEU States in 2015–18, \$ Millions

EAEU State	2016 (compared to 2015)	2017 (compared to 2016)	2018 (compared to 2017)
Armenia	-0.07	9.40	7.72
Belarus	-14.17	14.61	9.51
Kazakhstan	-25.55	18.65	6.17
Kyrgyzstan	2.02	11.04	6.98
Russia	-6.47	22.72	5.27
Total:	-8.81	21.94	5.50

Source: [EEC, n.d.a].

Analysis of GDP dynamics in EAEU states reveals that despite a significant growth in GDP (17.3% for the period of 2015–18) the development of national economies was not stable. Technically, only the economies of Armenia and Kyrgyzstan experienced stable growth in GDP, while the economies of Russia, Belarus and Kazakhstan were characterized by a high degree of interdependence. After the contraction in GDP experienced by each of the three economies in 2016, provoked mostly by sanctions imposed against Russia, economies seemed to start growing again.

Thus, either at the time it became operational or thereafter, the EAEU faced a vital need to expand its economic influence, find new markets for its products and look for political alternatives to cooperation with western states.

Despite difficult geopolitical circumstances, the Russian government is considering the possibility of combining the capacities of the EAEU and the markets of its major trad-

ing partners, namely the EU and China. In 2015, Russian president Vladimir Putin and Chinese president Xi Jinping adopted a decision on the conjunction of the EAEU and the Belt and Road Initiative. In 2018, the EAEU and the People's Republic of China signed a non-preferential Agreement on Trade and Economic Cooperation. According to economist A. Spartak, such a rapprochement is the reaction of the parties, primarily the Chinese, to the growing uncertainties over the future of numerous western integration groupings and the basic nature of western states' trade policy [Spartak, 2019].

Non-western states, for their part, are intensively driving toward mega regionalism according to Spartak. A free trade agreement signed with Vietnam and an interim agreement concluded with Iran serve as less rigid forms of developing a network of contractual agreements, in contrast to full membership. A number of memoranda established between the EAEU and foreign governments demonstrate the existence of broad prospects for deepening trade and economic ties with international partners. Mongolia, Chili, Peru, Korea, Singapore, Cambodia, Moldova, Greece, Jordan, Ecuador, Cuba, the Faroe Islands and Thailand have already expressed their intention to cooperate with the Union. Such a strategy reduces the effectiveness of sanctions imposed against members. For some of these states such an opportunity is far from theoretical as they are subject to American sanctions.

Russia, being one of the driving forces of Eurasian integration, is interested in preserving and expanding its influence over the Eurasian area. The EAEU is an association of states that differ according to their power and influence, and the contribution of each member is proportionate to its level of economic development. The Union is dependent on Russia's economy and one of the principal aims of sanctions is to exert political influence over Russia's allies in the EAEU with a view to reducing its influence in the region.

In fact, when the Union became operational sanctions had already been imposed. Aware of their possible impact on all EAEU members and potential participants in the Union, and mindful of the fact that the dialogue between the U.S. and Russia had been abandoned, other members of the EAEU emphasized the exclusively economic nature of the Eurasian integration project, leaving aside its political aspects. For instance, the authorities of Kazakhstan rejected any non-economic integrative transition and Kazakhstan is one of the most ardent proponents of economic cooperation within the framework of the EAEU [Mir24.tv, 2018]. It helped EAEU members to preserve their economic ties with western states as well as to maintain and develop political relations with them in the tense political environment of 2015 [Kuzmina, 2015].

Given the unique nature of sanctions as a tool for exerting influence over Russia as a member of the EAEU, it can be assumed that this creates both advantages and disadvantages for the Eurasian economic project.

Assessment of the Implications of Sanctions Imposed Against Russia Within the Context of Eurasian Integration, 2015–18

Despite a number of complications – complex geopolitical conditions, political and economic pressure on one of the key members of the EAEU, and the complexities involved in the adjustment of business structures and enterprises with state participa-

tion, public authorities primarily from the economic sphere, and EAEU members to the new working conditions in the formats of emerging common and single markets in the Eurasian economic space – interest in mutual trade among the states of the EAEU is growing. Nevertheless, this economic indicator remains extremely low, with the volume of mutual trade amounting to 11.7% as a share of total trade in 2015, increasing only to 14.5% by 2018 [EEC, 2018], and it is unclear whether the sanctions were instrumental in the growth of mutual trade. Perhaps the impact of sanctions on the members of the EAEU market was minimal. The policy pursued by the Eurasian Economic Commission (EEC) to eliminate exemptions, mutual restrictions and barriers in the internal trade of the EAEU was determinative; however, not all restrictions have been eliminated even five years after the official launch of the EAEU.

According to the EEC [2018], 85.5% of the volume of merchandise trade in the EAEU is foreign trade with non-member states. Further, Russia has the highest rate as a percentage of the total (91.1%). In second place is Kazakhstan (77.6%), another key player in the EAEU, while Armenia ranks third (71%). The indicator of domestic trade exceeds foreign trade only in Belarus where 47.5% of goods go to foreign markets. Regarding the statistical data on the volume of mutual trade for January – November 2018 provided by the EAEU (the most recent data available at the time of preparation of the article), the following figures might be relevant. The volume of mutual trade amounted to 54.621 billion dollars. Russia takes the lead with 65.2% of the total number for the EAEU, and Belarus takes second place with 23.2% on this indicator [EEC, n.d.b].

Russia is by far the major exporter of products to the EAEU market (63.4%), while the first place in terms of imports belongs to Belarus (37%). In the case of Belarus, it can be assumed that the goods re-exported from EU countries, disguised as Belarusian and heading to Russia, are taken into account in these statistics.

The cited statistics point to the fact that, despite the sanctions regime and the generally negative geopolitical and economic background, trade between EAEU members and non-members prevails in total trade, while the EAEU market size cannot compensate for the turnover lost particularly by Russia after the imposition of sanctions and countersanctions.

Due to the demography of the EAEU, it is difficult to make optimistic forecasts of the consumer demand for products produced in the Eurasian space. When the Eurasian integration project was officially launched the population of the Union was 182069,5 thousands of people [EEC, 2014b]. The population growth rate was not generally high, at 0.11% to 0.35% annually. Most of this growth occurred in Kazakhstan and Kyrgyzstan – from 1.15% to 1.65% annually since 2015 [EEC, n.d.c]. This trend proves the fact that EAEU members will have an ongoing interest in maintaining economic relations with third states.

Moreover, mineral products accounted for the bulk of mutual trade among the EAEU members [EEC, 2018] in 2018 (27.7% of total), followed by mutual sales of machines, equipment and vehicles (18.5% of total). This means that the structure of mutual trade is dominated by goods that are not demanded directly by ordinary citizens while equipment for light industry and agriculture has to be purchased in external markets.

Another challenge faced by the Union is whether to abandon pegging to the U.S. dollar in mutual settlement of payments and adopt a common currency. Despite the fact that this issue has been at the heart of discussions for many years, it was given particular attention when the EAEU became operational. It is worth noting that the rouble's depreciation in 2014, after the first sanctions were imposed against Russia, led to volatility in the currency markets of almost all the EAEU members. Kazakhstan, whose currency is closely linked with the Russian rouble, has been severely affected by the depreciation of the Kazakhstani tenge. This resulted in the emergence of diametrically opposed views on the prospect of further development of Kazakhstan's economy. Some insisted that it was necessary to abandon the Russian currency and pursue an independent exchange rate policy. Others called for further harmonization of national exchange rate policies and even de-dollarization of trade among EAEU members. Moreover, Kazakhstan, being one of the leading forces of Eurasian integration, provided a platform for various political discussions concerning the necessity not only of ending dependency on the Russian rouble, but also of withdrawing from the Eurasian project itself against the backdrop of sanctions imposed against Russia [World View, 2018].

To date, the EAEU members have not elaborated a single mechanism to respond to such external challenges, which is why their actions are of an ad hoc nature and mostly based on personal agreements concluded by the heads of state rather than on existing institutional practices.

None of the members of the Customs Union joined in Russia's unilateral decision in 2014 to impose countersanctions. Accordingly, trade policy in the Customs Union had ceased to be coherent by the time the EAEU was established in 2015 [Suslin, 2016]. Meanwhile, the issue of the delivery of goods through the territories of certain EAEU countries, particularly through Belarus to Russia, were placed at the top of the agenda and remain there even now [Drobot, Abrosimova, Savitskaya, 2017; Knobel, 2015]. In the context of the integration project, this situation complicates the functioning of a single customs territory, since goods should move freely within the integration grouping when crossing external customs borders. There is a contradictory situation whereby Belarusian goods can freely enter the Russian market while the entry of goods produced in blacklisted countries is prohibited. For some time, the EAEU invoked the respective provisions of the Agreement on Common Rules of Origin of 26 January 2008 (which has been inactive since 12 January 2019) in order to determine product's country of origin.

The lack of common principles for the settlement of such problematic issues impedes the functioning of the single customs area. EAEU members, including not just Belarus but also Armenia and Kazakhstan, are able to take advantage of this situation by re-exporting prohibited goods from the EU. In particular, after Russia imposed a ban on the delivery of agricultural products from Europe there was a corresponding increase in exports of apples from Belarus to Russia in 2015 compared to 2014. According to the National Statistics Committee of the Republic of Belarus, 254,000 tonnes of fresh apples were imported into Russia in 2014, while in 2015 this figure increased to 518,000 tonnes. There was also a significant difference in exports of meat. In 2014, 2409 kg of fresh and chilled pork were imported into Russia, whereas in 2015 this figure rose to 17,616 kg [Republic of Belarus,

n.d.]. Therefore, the increase in exports of products sanctioned from Belarus into Russia is evident. Russia's monitoring bodies have conducted inspections of products imported from Belarus in order to determine whether they are in conformity with the Russian law, but the lack of control over the Russian-Belarusian border deriving from the core EAEU principle of free movement of goods makes it difficult to streamline the supply of agricultural products to Russia. Leaving aside the economic aspect of the issue, this situation has highlighted significant political contradictions between Russia, which is the leading power in the EAEU, and Belarus, Russia's key partner in the region. According to A. Suzdaltsev, Belarus has decided to balance between Russia and the western states in order to reap financial, economic and geopolitical benefits [Suzdaltsev, 2019].

Moreover, western investors have the opportunity to establish factories on the territory of Belarus and Kazakhstan and get access to the Russian market in the future, avoiding customs duties and any other limitations. The functioning of the EAEU implies the lack of borders between Russia and Belarus,² and consequently, blacklisted goods easily enter the Russian market. Regaining control of the Russian-Belarusian border confronts the principle of the free circulation of goods, and hence challenges the very idea of the economic union.

The authorities of Kazakhstan maintain the same position. On the one hand, they are optimistic about the idea of Eurasian integration, but on the other, they uphold the principle of the supremacy of national sovereignty and want to avoid deepening integration. Kazakhstan seeks to become a bridge between Asia and Europe.

Despite this each member state benefits from Eurasian integration, economist Aza Migranyan says. For example, Belarus improved its agricultural sector and machinery, Kazakhstan – construction materials, food and car industry, Russia – such sectors are not identified [Migranyan, 2014].

Political Challenges Posed by Sanctions to Eurasian Integration: Key Factors and Possible Alternatives for Development

The Union faces major political challenges that derive mostly from the political sphere. Such threats are inevitably linked to the emergence of alternative development strategies that undermine the foundations of the Union and relations between the members and Russia. Significant breakthroughs in enhanced independence from Russia and the development of alternatives to the EAEU are possible – but only if each country implements quite painful decisions.

In Belarus the issue of the transparency of the political regime will remain at the top of the agenda. With the start of the Minsk process, Belarus has demonstrated its commitment to international dialogue. Moreover, freedom of movement, being one of the indicators of human rights development, enjoys broad public support. For instance, Belarus is one of the leading countries in terms of the number of Schengen visas per capita. In January 2017, by the decree of the president the Republic of Belarus, a visa-free regime was established for

² This problem especially concerns the Russian-Belarusian border because most of prohibited goods produced in the EU are re-exported through Belarus.

foreign citizens of 80 countries, provided that they stay in the country no longer than five days and enter Belarus only through the border checkpoint at the Minsk National Airport [President of the Republic of Belarus, 2017]. However, these changes may be insufficient in light of political struggle around upcoming elections, which are usually monitored by the West. The issue of a stagnating national economy that has proved difficult to develop without Russia will also remain on the agenda. Given these factors, Belarus' western partners count on involving the country in various alternatives to the Eurasian integration project [Barakhvostov, Rusakovich, 2017; van der Togt, 2017]. Sanctions pressure, for its part, may be a consequence of a negative assessment made by western countries of Belarus' observance of human rights.

In Armenia, with the accession to power of opposition forces in 2018, the question of foreign policy priorities became extremely relevant. In 2015, when Armenia was deciding on its accession to the EAEU, the Russia factor was pivotal. For both sides this decision was mutually acceptable. Can it be treated as a strategic one? The prime minister of Armenia, N. Pashinyan, was trying to find new sources for the country's development without undermining the constructive partnership that had been established earlier. This aim could hardly be called simple given the geographical position of Armenia and historical ties with its neighbours. One alternative may be to develop relations with Georgia and Turkey which could subsequently entail the proactive involvement of Armenia in projects linked with the Black Sea region. That said, this approach is unlikely to be popular today, bearing in mind that the active support by non-EAEU countries of Armenia's search for alternatives to Eurasian integration could pose a significant challenge to the EAEU. In the current circumstances, sanctions for close cooperation with Russia are unlikely to be imposed against Armenia. However, promoting the use of alternatives could become the basic strategy of countries seeking to undermine the Armenian-Russian partnership.

For Kazakhstan, which is one of the key initiators of Eurasian integration projects, any alternative to the EAEU raises the issue of changing plans for strategic development. However, this does not rule out the necessity of strengthening its own economy and elaborating a new agenda for cooperation with Russia. Strengthening ties with China and the operationalization of debates over independent integration in Central Asia, in which Kazakhstan and Uzbekistan are highly interested, could become an alternative to Eurasian integration [Makhmutova, 2018]. Today, the EU, which has developed the strategy of the New Partnership for this region since 2007, demonstrates increasing interest in such cooperation in the Central Asia region. It is anticipated that the Central Asia Strategy will have been adapted to the EU Global Strategy by the end of 2019. Kazakhstan will hardly be able to promote the initiative of cooperation between the EAEU and the EU or make use of it, even though it provides opportunities for strengthening ties with European countries. As was the case with Belarus and Armenia, Kazakhstan will come under intense scrutiny by European countries, for which the involvement of Kazakhstan in alternatives to the EAEU may be a desired goal.

For Kyrgyzstan, developing the industrial and human resources capacity necessary for active engagement in the EAEU remains the major challenge for participating in Eurasian integration. Full-fledged alternatives to participation in this project are virtually non-ex-

istent. Any other project, whether suggested by neighbouring states or by China, will not involve equal partnership between Kyrgyzstan and other participants. Such a prospect encourages the authorities of the country to give priority to participation in the EAEU. At the same time, there is still room for more active entry into the Kyrgyz market of institutions and organizations related to the Islamic economy. However, such an alternative may not be supported by the Republic's existing partners and could therefore marginalize the country within the Central Asia region as a whole. Kyrgyzstan's ability to adhere to its chosen priorities of Eurasian integration will require it to contribute more intensively to industrial and human resources development and to establish pragmatic relationships with neighbouring states.

The scenarios described above characterize alternatives to cooperation with Russia for EAEU members. The probability of their implementation may increase with growing tensions between Russia and the West. Experience gained from the application of sanctions suggests that this tool is more effective when utilized in a comprehensive manner by a coalition of states imposing sanctions against their opponent. For their part, those states that have not taken sides are forced to choose between two options: cooperate with a state under sanctions and thus become a violator of the sanctions regime or opt for an alternative to this cooperation. This is exactly the reason why assessing the potential of alternatives to Eurasian integration might be of considerable practical significance, especially given the fact that western countries seek to keep pressure on Moscow.

Leaving aside their negative economic impact, sanctions have significantly influenced the political context of the development of the Union. First, they exposed the existing competition among the participants. In this case, there are several factors which will determine the evolution of the EAEU in the medium term.

First, the driving forces of Eurasian integration, Belarus and Kazakhstan, are seeking to achieve independence. Reaffirming their commitment to deepened economic integration, the leaders of these countries constantly emphasize their independence from Russia in making political decisions. The import substitution policy that was implemented by Russia after countersanctions were imposed in 2014 has enabled the producers from Belarus and Kazakhstan to increase market share in Russia. This suggests that these states will remain committed to Eurasian integration. At the same time, Belarus and Kazakhstan take a cautious approach to the possibility of being influenced by Russia's political and economic decisions. This fact will determine the nature of relations among the key players in the medium term. Russia is the major economy in the region, and consequently can exert political pressure on its partners in the EAEU. Given the fact that the establishment of a common market remains the prime objective of integration, Russia has to resort to political leverage to achieve the objectives of the Union. In particular, speaking about expanding the EAEU's network of contacts, it should be borne in mind that the creation of numerous free trade areas will not bring tangible benefits to the Union and its members. However, this step enables Russia to overcome the negative effects of sanctions.

A further factor that will influence the development of the EAEU is more active and meaningful involvement by Armenia and Kyrgyzstan in Eurasian integration. Unlike Russia, Belarus and Kazakhstan, which acceded to the EAEU through the Customs Union,

Armenia and Kyrgyzstan joined the Eurasian integration project relatively recently. Taking into consideration the political instability and the difficult economic climate in these countries, we could argue that their desire to accede to the integration process arises from their need to ensure national security. Therefore, they will be guided by this factor when making decisions within the EAEU in future.

Given the uneven economic development of EAEU members and the divergence of their interests, it is likely that all these countries, except for Russia, which is generally at the heart of political discourse in the EAEU, will continue to emphasize their national sovereignty and base their actions on it. In trying to mitigate the external pressure by means of institutions and development projects established in the framework of the EAEU, Russia may face cautious but tough opposition from national elites fearful of increasing Russian political influence in their countries.

Conclusion

This analysis of the development of relations among EAEU members in the context of sanctions imposed against Russia from 2015–19 leads to the following conclusions.

First, the unfavourable political and economic situation surrounding Russia, which is the driving force of Eurasian integration, has put other participants in a quandary. On the one hand, the logic of Eurasian integration implies the need to harmonize positions between partners, facilitating and promoting mutual development. On the other hand, each of the participants of the integration project has its own experience of interaction with other countries, and its own economic interest. This results in diametrically opposed approaches to achieving a common economic space, which is the ultimate goal of the EAEU.

Second, the logic of integration implies enhancing mutual trade within the EAEU. That requires reorienting trade and investment policy toward the integration project, shifting toward import substitution policies, and boosting the consumption of goods produced by EAEU members. In this context, the imposition of any sanctions against states supporting Eurasian integration is limited in effectiveness and time, in the absence of additional military pressure exerted by those states that initiated the sanctions.

Third, during a crisis EAEU members have preferential access to their partners' markets, and especially to Russia's. This could contribute significantly to overcoming the manifestations of crisis. Members have a greater room for manoeuvre in trade in comparison with non-members.

Finally, despite the fact that the EAEU is economic in nature, there is a distinct political aspect to relations within the integration project. This is due to uneven economic development among the participants, the existence of a clear frontrunner capable of combining the economic capacities of all EAEU members, and the great diversity of reasons for acceding to the integration project. The enhancement of the integration process through consistency and compromises in decision-making within the EAEU could become the mechanism for overcoming the politicization of the EAEU.

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Влияние антироссийских санкций на Евразийский экономический союз¹

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В статье оценивается политико-экономическое влияние антироссийских санкций на функционирование Евразийского экономического союза (ЕАЭС), учрежденного в 2015 г.

Опираясь в своем анализе на интерпретацию поведения государств — членов ЕАЭС с позиции политического прагматизма, автор приходит к выводу, что наряду с официальной поддержкой евразийской интеграции страны-члены заинтересованы в развитии альтернативных проектов, укрепляющих их национальный суверенитет. Таким образом, основные угрозы Союзу следует ожидать преимущественно из политической сферы в связи с распространением альтернатив, направленных на подрыв отношений государств — членов с Россией.

Существует взаимосвязь между принятием странами Запада антироссийских санкций и темпами экономического развития ЕАЭС. Поскольку основная задача санкций заключается в ограничении возможностей страны проводить активную самостоятельную политику, включая развитие внешнеэкономических связей, антироссийские санкции неизбежно должны были повлиять на ЕАЭС и ее ключевых участников. В 2016 г. вслед за снижением ВВП России еще большее снижение продемонстрировали Белоруссия и Казахстан. Однако в дальнейшем страны не только вернулись на исходный уровень, но и смогли добиться роста ВВП. Такая динамика говорит в пользу выдвинутого автором предположения, согласно которому участники евразийского объединения имеют возможности для маневра в случае внешнего негативного влияния на их политико-экономическое развитие.

При этом не следует переоценивать внутренние ресурсы ЕАЭС для его динамичного развития. У Союза есть ряд проблем: небольшой совокупный ВВП в сравнении с ведущими экономиками мира, низкие темпы роста ВВП стран-членов, сравнительно низкая динамика роста численности населения. В таком контексте для ЕАЭС крайне важно расширение международного экономического влияния.

Учитывая различные интересы стран — членов ЕАЭС, автор приходит к выводу о том, что ключевым фактором, поддерживающим целостность Союза, по-прежнему будет оставаться прагматичная оценка его членами возможностей, которые они получают от участия в ЕАЭС, включая сохранение ими своей государственной идентичности и большую торгово-экономическую маневренность.

Ключевые слова: санкции; санкционная политика; односторонние ограничительные меры; Евразийский экономический союз; евразийская интеграция; Россия; Белоруссия; Казахстан; Армения; Киргизия

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Russian and Indian Cooperation in the Indo-Pacific Region in the Context of Sanctions¹

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Abstract

During the Cold War, the Soviet Union and India, although not in a formal alliance, were strategic partners in the full sense of the word. Soviet naval forces operated in the Indian Ocean, limiting the potential of an American presence. The USSR supported India's policy on the Middle East. Moscow, New Delhi and Baghdad created a "rouble-rupee" triangle which untied bilateral trade from the dollar and created a working mechanism for mutually beneficial trade. With the collapse of the USSR, Russia's sphere of influence declined substantially. However, in 2000 Moscow announced its return to South Asia, and it has gradually regained its influence in the region since then. There, the new India is expanding its influence, claiming the status of a great power and the role of a regional leader.

This article discusses the prospects for cooperation between Russia and India in the Indo-Pacific region in the context of the American imposition of sanctions against Russia. It analyzes promising areas in which the implementation of joint Russia-India projects is possible and concludes that opportunities for such projects exist in virtually the entire Indo-Pacific region, including small island states, Africa and the immediate neighbourhood of India. The author divides countries into three categories: potential U.S. allies (from Washington's point of view), adversaries of the United States and countries toward which the United States does not pursue an active policy. The article concludes that Russia should build relations with all three groups of countries while maintaining contact with India. This will help consolidate anti-American forces in the region and will erode the sanctions regime. The most promising areas for trilateral projects are the traditional fields of cooperation between Russia and India, primarily military-technical cooperation and energy projects.

Key words: Russia; India; sanctions

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Cooperation between Russia and India has a long history. For decades, the Soviet Union has been one of India's key economic, military and political partners. After the collapse of the USSR, relations between Russia and India significantly cooled: the new Russian government paid little attention to the eastern countries, focusing mainly on the United States and Western Europe. India, in turn, having lost the USSR as one of

¹ The editorial board received the article in February 2019.

its most important trade and political partners, carried out large-scale reforms and re-oriented its policy toward cooperation with the countries of Southeast Asia, proclaiming the Look East policy.

Soon both Moscow and New Delhi realized the need for a rapprochement. After the collapse of the USSR, the world became theoretically unipolar, but the United States was not ready for the role of hegemon. As a result, a multipolar world began to take shape in which Russia and India turned out to be natural allies. Both claimed a role as a new centre of power, both were *de facto* great powers, they had no territorial disputes and they held similar views on the main problems of the world. Moscow and New Delhi began to restore old ties. In 2000, the Declaration on Strategic Partnership was signed, which New Delhi took as the long-awaited revitalization of old ties [Basu, 2000, pp. 1763–4]. Since then, Russian-Indian relations have generally developed in ascending order, although there have been periods of cooling, in particular, in the last years of Manmohan Singh's tenure. However, after Narendra Modi became prime minister, bilateral relations intensified significantly [Stobdan, 2016, p. 74].

The strength of these relationships was tested in 2018. Despite the risk of falling under American sanctions, New Delhi has demonstrated its intention to cooperate with Moscow on the whole spectrum of issues of interest to both sides, adhering to the spirit of strategic autonomy and considering Russia to be a key promising strategic partner. Russia, in turn, also sees India as an important strategic partner.

Political relations between Russia and India are developing successfully, but economic relations are clearly lagging behind. In contrast to the Soviet era when the USSR was one of the main trading partners of India, current trade between the two countries cannot surpass the \$10 billion mark (for comparison, the trade between India and China, who are not strategic partners, has exceeded \$80 billion). The threat of sanctions from the United States further complicates the development of trade and economic relations.

Nevertheless, Russian leadership set an ambitious task to increase trade, bringing it to \$30 billion by 2025. To accomplish this task a thorough analysis of potential areas of cooperation is required. As a rule, such an analysis highlights the functional areas of cooperation (defence industry, nuclear energy, space exploration). Researchers pay particular attention to deepening contacts in these areas, as well as expanding their list. Relatively little attention is usually paid to the geographic dimension of cooperation, that is, the search for possible forms of cooperation with the participation of third countries despite the fact that this issue was raised at the talks between Russian president Vladimir Putin and Indian prime minister Narendra Modi in October 2018. In the final joint press statement, "Russia-India: A Reliable Partnership in a Changing World," the potential cooperation of Moscow and New Delhi in third countries is mentioned three times [President of Russia, 2018, Para. 27, 36, 42]. Nevertheless, analysis of the geographic fields of promising cooperation has not yet appeared.

This article is intended to fill this gap. It analyzes possible areas of cooperation between Russia and India and proposes specific projects and mechanisms that could

be implemented in these areas. To achieve this goal, the interests of Russia and India in the region are analyzed, as well as the intersection points of these interests. Due to the fact that only a small number of such projects are currently being implemented or are at the final stage of discussion (for example, the nuclear power plant in Ruppur, Bangladesh) or were implemented in Soviet times (the USSR-Iraq-India rouble-rupee triangle), the analysis inevitably is largely hypothetical.

Consideration and analysis are limited to the Indo-Pacific. In the interpretation of New Delhi, which differs markedly from the interpretation of Washington, this region includes the entire Indian Ocean and surrounding countries, as well as the western part of the Pacific Ocean, stretching in the south to Australia, in the east to Polynesia, in the north to the Bering Strait.

In Russian foreign policy discourse, the Indo-Pacific as a topic is rather poorly developed: Russia traditionally uses the concepts of Asia-Pacific and IOR (Indian Ocean region) as independent regions. This is not necessarily a problem: if desired, Indo-Pacific can be perceived as a combination of Asia-Pacific and IOR without prejudice to the main idea of large-scale bilateral cooperation.

Russia-India: Cooperation in the IOR and the Asia-Pacific Region in Retrospect

In the Soviet period, the Non-Aligned Movement (NAM) led by India was friendly to the USSR; it sought to create a favourable political situation in the world and to facilitate the exit of the former colonies from the political orbit of the colonial empires. Many newly formed countries chose the socialist way as the most suitable for themselves. India, which sought to develop Soviet-style heavy industry, pursued a pro-Soviet policy on the whole.

The Soviet Union, being one of the two superpowers, had strategic interests in both the Indian and Pacific Oceans. They were formed on the basis of two considerations: the need to create a friendly foreign policy environment for the USSR and opposition to American influence in these regions. These tasks were accomplished by expanding the Soviet economic and military presence in the regions. The key role in ensuring security and projecting Soviet interests was played by operational squadrons (10 Operational Squadron in the Pacific and 7 Operational Squadron in the Indian Ocean). Soviet ships maintained a military presence in the regions, secured the interests of the USSR and provided implicit support to Soviet allies and partners; for example, during the Sino-Vietnamese War in 1979, Soviet ships blocked the entrance to the Gulf of Tonkin and ensured the transfer of equipment for Vietnam, while during the Indo-Pakistan War of 1971, Soviet ships shadowed the U.S. task force, which showed support for Pakistan.

In the Pacific, the zone of Soviet interests included countries adhering to a socialist orientation (Vietnam, Laos, Kampuchea (Cambodia) and Indonesia (until 1965)). In the Indian Ocean, it included East African and Middle Eastern countries

(Mozambique, Ethiopia, Syria, Iraq, Madagascar, South Yemen, Somalia (until 1977) and Egypt (until 1976 and since 1984)), that had taken the side of the USSR in the Cold War. In addition, the Soviet Union maintained friendly relations with the countries of South Asia which were part of the NAM and adhered to a pro-socialist orientation (India, Burma and Sri Lanka).

India, in turn, desired a security zone in the Indian Ocean while almost completely ignoring the possibility of expansion in the Pacific. New Delhi's interest in the IOR has been evident since India gained independence and became the largest local player in the region. Within this framework, the so-called Indira doctrine (as it was called in the western media with reference to the name of the country's prime minister, Indira Gandhi) implied complete Indian domination in the IOR in the future. These plans, however, came up against the objective problem of lack of resources. Throughout the Cold War, the Indian Navy did not have enough ships or personnel to realize these plans even partially. In this context, the Soviet presence in the IOR was perceived positively by India. The USSR modernized the Indian naval base in Vishakhapatnam and the presence of Soviet ships restrained the activity of the U.S. fleet, allied to Pakistan [Srivastava, 2017, p. 84]. At the same time, there was a constant fear that, if a third world war began, the IOR countries would be drawn into it due to the presence of Soviet and American forces in the region; however, New Delhi, realizing that it would not be possible to force the USSR and the U.S. to withdraw their forces, pursued a realistic policy under these conditions, advocating the transformation of the Indian Ocean into the Zone of Peace (IOZOP) in the long term.

After the collapse of the Soviet Union, the situation changed dramatically. Russia, as the successor state to the USSR, has largely lost its political and economic influence in the world: the Warsaw Treaty Organization and the Council for Mutual Economic Assistance (COMECON), in which Moscow had played a leading role, ceased to exist, while a drop in industrial production and a break in trade ties led to a reduction in foreign trade. India, to the contrary, following the results of reforms and thanks to a well-thought-out foreign policy, has become a great power with sufficient potential to project influence in both the IOR and the Asia-Pacific. While the goals of India in the Indian Ocean have not fundamentally changed since the time of Indira Gandhi, in the Pacific Ocean New Delhi relies primarily on cooperation with the Association of Southeast Asian Nations (ASEAN), perceiving it as a key player in the economic and regional security fields.

Russia, in turn, has demonstrated a lack of serious interest in the Indian Ocean for most of the post-Soviet period. At the same time, it remained quite active and determined by security considerations in the northern Pacific. Outside of its territorial waters, Russia, like India, focused primarily on cooperation with ASEAN, supporting its claims to be a key player in the Asia-Pacific.

The following features characterize the balance of power and interests of Russia and India in 1991–2014. The first is a decrease in the economic, political and military capabilities of Russia, and a geographical reduction in the sphere of its interests in par-

allel with a corresponding increase in the possibilities and sphere of interests of India. In fact, the ability of the two countries to project influence is now equal. The second is a change in the political goals of Russia and India. Russia no longer sets the goal of an ideological struggle with the United States, acting only as one of the great powers and trying to restore its zone of influence as far as possible. In turn, India in a vacuum of power has become an independent player, also acting as a great power, claiming to dominate its zone of influence. The third relates to global political changes – the end of the Cold War and the actual formation of unstable unipolarity. This drastically changed the strategy of most countries in the world, which now had not only to survive, but to achieve maximum benefits and security guarantees in conditions of general uncertainty.

In fact, during this period Russia and India did not have specific points of geographical contact: Russia's presence in India's zone of direct interests was quite insignificant.

The situation changed again in 2014 when Russia announced its intention to restore, at least partially, its former sphere of influence. Now, Moscow is expanding its presence on the western borders of the Indian Ocean (Syria and Iraq, East Africa), while at the same time showing more activity in the Pacific Ocean. In turn, India, under the leadership of Narendra Modi, has shown a steady interest in strengthening its position in the IOR and expanding it in the Asia-Pacific. It was during this period that the concept of the Indo-Pacific, proposed by the Indian theorist Gurprit Khurana in January 2007, began to gain popularity.

The mutual expansion of spheres of influence created the foundation for the further rapprochement of Russia and India. However, the process of this rapprochement is negatively affected by the sanctions imposed by the U.S. against Russia in order to guarantee the interests of their companies in the markets of third countries.

This tactic looks quite reasonable in the context of the gradual loss hegemony by the U.S., increasing multipolarity and the emergence of China as a second superpower. It helps to undermine the position of one of China's important partners and at the same time to expand the capabilities of American business. India and Russia have a fundamentally different role in this scheme. If India is seen by Washington as a potential ally in confronting the PRC, Russia is a convenient adversary. The United States, for obvious reasons, seeks to stabilize this scheme, turning India into a junior ally. This scheme is not beneficial either to Moscow or New Delhi because India and Russia are interested in preserving the possibility of manoeuvre by staying away from the confrontation between the U.S. and China while building up their influence, turning into stable centres of power. It is obvious, however, that America's anti-Russian course will not change in the near future. Russia and India, if they intend to continue to avoid their inclusion in the U.S.-China confrontation, have to look for new mechanisms and fields of cooperation.

The ideal strategy for Russia may be as follows. Moscow is interested in maximizing cooperation with countries that are perceived by the United States as potential allies. At the same time, it is interested in developing relations with U.S. opponents.

In the first case, Russia actually puts the United States in a difficult situation, forcing Washington either to put pressure on a potential ally, thereby provoking dissatisfaction and the growth of anti-American sentiments, or to put up with the build-up of Russian influence, which in most cases will be perceived by local elites as weakness and will lead to a further increase in cooperation with Russia. In the second, Russia, also under attack by the United States, is seen by the elites of these countries as a natural ally. Finally, there is a third group of countries for which the United States does not pursue an active policy: there are also opportunities for expanding the Russian presence there.

Russia-India cooperation plays a special role in these conditions: India, which does not want to become a junior partner of the United States, forms the third pole of power acting together with Russia. This third pole is beneficial both to the countries considered by the United States as promising allies, and to their opponents. The presence of the third pole allows countries of both groups to avoid being drawn into the U.S.-China confrontation and to expand their foreign policy capabilities. Accordingly, both Russia and India have a brilliant opportunity to expand their spheres of influence.

Under current conditions, a number of points and whole subregions where successful Russia-India cooperation is possible can be distinguished. They form a kind of arc that stretches along the entire coast of the Indo-Pacific from South Africa to Vladivostok.

East Africa

In Soviet times, the countries of East Africa were of particular interest to the USSR because of their rich resource potential and favourable strategic position. The latter made it possible to ensure the military-political presence of the Soviet Union in the IOR through access to the ports of Mozambique and Tanzania in the south and Ethiopia in the north. The USSR provided the friendly regimes with financial and military assistance. It is significant that these countries, although they experienced a significant political transformation after the Cold War, maintain economic ties with Russia.

In the current situation, Russia is interested both in re-establishing ties with the old allies, primarily Mozambique, and in building up relations with new players who were in another camp during the Cold War – South Africa and Kenya. The former claims to be a subregional leader, while the latter is a significant player in African affairs. However, Russian business at this stage is reluctant to go to Africa. However, the state could play a leading role by ensuring cooperation (for example, naval) with these countries.

This seems particularly promising in the context of Russia-India relations. The Indian concept of maritime security implies dominance in the Indian Ocean and control over the choke points, two of which (the waters around the Cape of Good Hope and the Mozambique Channel in the south and the Bab-el-Mandeb in the north) are located off the coast of Africa [Indian Ministry of Defence (Navy), 2015a, p. 57, 2015b, pp. 17–21]. Yet, the Indian Navy, despite the stated desire to become a security pro-

vider for all IOR basin countries [Naidu, 2013, pp. 201–2] often does not have enough resources. Meanwhile, East African states are concerned about the rise of unconventional threats to maritime security (piracy, human and arms trafficking, drug trafficking and smuggling). The emerging vacuum of power is either filled by external players (China in Tanzania), or leads to a deterioration of the situation on the maritime borders of African states.

The current situation is conducive to stepping up the Russian presence. Under these conditions, Russia could act as a force contributing to the strengthening of the naval capabilities of African countries. Now the navies of East Africa are mainly equipped with obsolete ships from the fleets of European states or the People's Liberation Army Navy. Favourable conditions have been created for Moscow to act as a new player in the ship supply market for African countries. This will not require special expenses because the most popular ship is a patrol vessel with a displacement of 300–400 tons, armed with 40- or 20-mm guns and capable of fighting against pirates and smugglers. It is difficult to overestimate the importance of providing the navies and coast guards of East African countries with Russian-built ships. In addition to creating a promising market for Russian shipbuilders, it will help strengthen Russia-Africa ties and will help create the necessary conditions for the return of a permanent naval presence in the Indian Ocean.

Thus, the potential Russia-India cooperation in East Africa is strategic: Russian naval and military-technical cooperation with countries of the subregion does not threaten Indian interests. Moreover, it frees India from the need to independently ensure the safety of East African waters and allows it to focus on the implementation of the main task – control over the Indian Ocean.

Middle East

During the Cold War, the Middle East was a zone of interest for both the USSR and India and was one of the regions where they successfully worked together to mutual benefit.

Syria, which has an exceptionally advantageous strategic location, was one of the key allies of the USSR in the region. The Soviet military presence there created a hotbed of constant concern on the southern flank of the North Atlantic Treaty Organization (NATO); in addition, the USSR was given the opportunity to use Syrian ports to base its ships, which thereby facilitated access to the Indian Ocean. After the collapse of the USSR, Russia-Syria relations experienced a period of decline. The process of restoring Russia's positions in Syria began after 2000, although it was interrupted by the civil war. In this war, Russia naturally supported the government of Bashar al-Assad, which guaranteed the consideration of Russian interests.

For India, Syria was of interest mainly as one of the players of the NAM. New Delhi conducted a course aimed at supporting secular Arab regimes to counter Pakistan's influence and secure access to the region's oil and gas. As a result, India supported Syria

on the return of the Golan Heights. Syria, in turn, supported India in preventing the internationalization of the Kashmir territorial dispute.

Iraq was also a strategic ally of the USSR, receiving significant military and economic assistance from Moscow (during the Iran-Iraq War, for example). This strategic line was interrupted only in 1991 due to the reorientation of Soviet foreign policy and the rash actions of Saddam Hussein. During the Cold War, Iraq was one of the important elements in the system of USSR-India cooperation: it implemented the scheme of a trade triangle that worked in the rupee-rouble trading system and proved its effectiveness.

India, in turn, regarded Iraq as a key ally in the region, having signed a friendship and cooperation agreement in 1952. Despite periodic cooling in relations between Baghdad and New Delhi, Iraq remained one of the largest markets for Indian goods in the region. Even after the outbreak of Iraqi aggression in Kuwait and the breakdown of USSR-Iraq cooperation, India continued to assist Iraq, condemning Operation Desert Storm and accusing the United States of provoking war [Joshi, 2015, p. 254]. The 2003 U.S.-UK intervention was a painful blow for India; the contacts between New Delhi and Baghdad were closed and began to recover only after the holding of democratic elections in Iraq.

At the moment, circumstances are pushing both Russia and India to increase cooperation in the Middle East. Russia is busy restoring its influence in the countries of the region, primarily in Syria, where it provides support to government forces fighting the terrorists, and in the future in Iraq, which is gradually regaining sovereignty. In turn, India is also interested in restoring its position in the region, although this aspiration has not yet taken shape in a sustainable concept like Look East/Act East [Teja, 2015, p. 90]. Due to changes in the global political situation, the participation of Iraq and Syria in the NAM is no longer the same and India has shown much less interest in traditional schemes of interaction with Arab countries, trying to diversify its policy by establishing relations with both Israel and the Arab monarchies of the Gulf. But its imperatives remain the same: countering Pakistani influence in the region; ensuring uninterrupted oil supplies; and ensuring the security of the Indian diaspora in the region (in 2015–16 alone, it transferred \$35.9 billion to India) [Pethiyagoda, 2017]. The significance of the first factor is gradually decreasing, but that of the second and third is increasing [Kumaraswami, 2008, pp. 581–3].

Such stability in determining interests lays a solid foundation for strengthening Russia-India cooperation. It is significant that both Russia and India are expanding the network of contacts in the region, including those countries that were previously on the other side during the Cold War (for example, Saudi Arabia and the United Arab Emirates (UAE)), which opens up opportunities for involving them in tripartite cooperation schemes, which, in turn, will objectively contribute to the weakening of the sanctions regime. There is a possible partnership in the production of weapons: Russia is interested in getting a share of the arms markets in Kuwait, Oman, Saudi Arabia and the UAE, estimated at hundreds of billions of dollars (for more details see Kalinina

[2013] and Yussef Nassasra [2017]). However, this is hindered, among other things, by the fear of causing U.S. discontent. If the expansion of Russian weapons to the markets of the Arabian Gulf countries goes through India according to the scheme in which Indian companies produce weapons under Russian licenses, these concerns will be removed. In addition, both Russian and Indian companies are interested in developing the high-tech sector of the Gulf countries, in particular, the implementation of the Neom project. If Russia and India submit package proposals for the construction of solar energy and infrastructure facilities, the chance of winning the tender will increase markedly.

For objective reasons, the restoration of the rupee-rouble trade triangle, beneficial to Russia, India and Iraq, currently looks unrealistic. Iraq still has limited sovereignty and is largely dependent on the United States. However, any tripartite projects benefit both Russia and India. At present, Iraq is home to thousands of Indian business people; India is interested in stabilizing the situation in Iraq, which can be achieved only as a result of the complete defeat of the militants of the IS, which cannot be achieved without the participation of Russia.

Russia, in turn, is interested in the direct participation of India and the Indian diaspora in restoring the Syrian economy, since India maintains warm ties with Syria, helping it train personnel for industry. Russia is interested in the implementation of the “Afghan Scheme” in Syria and Iraq, aimed at large-scale Indian assistance to these countries while building up Indian influence as opposed to Iranian. Obviously, this option will not be fully realized due to the fact that the countries of the Middle East play a much smaller role in Indian foreign policy than Afghanistan; however, it is beneficial for Moscow to maximize India’s involvement in Middle Eastern affairs and turn it into one of the key players whose interests coincide with those of Russia in restoring stability in the region.

In addition, building up Russia-India cooperation with new players such as Saudi Arabia, the UAE and other monarchies of the Gulf looks promising. India’s interests in these countries are much broader than its interests in Iraq, and are considered by individual Indian experts as potentially leading to the formation of strategic partnership relations [Pradhan, 2013, pp. 232–5]. In addition, these countries are traditionally perceived in the region as U.S. allies, and building ties with them will objectively undermine the sanctions regime.

An important feature of the Middle East as a region of promising cooperation is that most of the states located there are relatively less exposed to the danger of secondary U.S. sanctions, either because they are perceived by the Americans as an enemy (Syria), or because of their importance for U.S. foreign policy (Saudi Arabia). In addition, the specifics of financial mechanisms (Islamic banking, hawala) makes it difficult to track money transfer channels, preventing Washington from determining the final beneficiary in the implementation of transactions. In India, hawala mechanisms are well-developed, in particular, due to the use of a hundee system compatible with hawala [Dobaev, 2016, p. 124]. In general, in 2014 Islamic banks operated in 75 countries

and their total assets reached \$1.6 trillion (excluding hundee) [Podvoisky, 2015, p. 30]. The existence of a single hawala/hundee system allows Russian companies to receive and make payments in the countries of the Middle East through the Islamic banking system and to use it for payments to their counterparts in the countries of South Asia. It is worth mentioning that “jointly exploring the possibilities of forming regional trade mechanisms with the participation of third countries” and “the use for mutual benefit of new opportunities that arise as a result of integration processes in the global economy” are mentioned in the 2000 Declaration on Strategic Partnership between the Russian Federation and the Republic of India [Ministry of Foreign Affairs of the Russian Federation, 2000].

In sum, Russia is interested in increasing the number of allies in the region. The most promising of them is India, which seeks to restore the position compromised as a result of the American invasion in 2003.

Iran

Russia-Iran and India-Iran relations have never been simple. Initially, during the Cold War, Iran was in the western camp; after the Islamic revolution, it left the western bloc, but did not join the Soviet one. Moreover, Tehran's relations with both Moscow and New Delhi have deteriorated significantly due to the support provided by India and the USSR to Iraq during the Iran-Iraq War. In addition, Iran actively supported Pakistan, which caused discontent in India.

In the 1990s and 2000s Iran's relations with both Russia and India improved. Moscow and Tehran, as well as Tehran and New Delhi, have successfully cooperated in both the energy and military spheres. In 1989–91 Moscow and Tehran signed military contracts worth \$5.1 billion; in 1992, agreements were signed on cooperation in the peaceful use of nuclear energy and the resumption of construction of the Bushehr nuclear power plant. India, in turn, during this period supplied Iran with spare parts for Soviet-made equipment and trained Iranian sailors. In 2005, a number of important agreements were signed between India and Iran on the supply of oil and liquefied natural gas [Dietl, 2012, pp. 875–7].

At present Iran, not claiming the status of a great power, nor even more so a superpower, is becoming a subregional leader, increasing its influence in Syria and Iraq and among the Shiite diaspora in the Arab monarchies of the Gulf. Its importance is growing for the South Asian players Pakistan and India: both countries are experiencing difficulties in the supply of hydrocarbons, and Iran is becoming an important partner for them. In addition, Iran directly borders Pakistan, which creates a complex geopolitical configuration, and forces New Delhi and Islamabad to flirt with Tehran [Ramana, 2012].

India's interest in establishing contacts with Iran is clearly visible from the fact that New Delhi partly ignored the threat of U.S. sanctions by continuing to implement its projects in Iran, including the North-South Corridor.

Russia's interest in maintaining good relations with Iran is connected both with the interaction of the two countries in Syria and with the general geopolitical situation. Iran, like Russia, is the subject of U.S. sanctions, and the validity of these sanctions is disputed by other western countries. In these conditions, the rapprochement of Moscow and Tehran seems natural.

Iran's significance for Russia and India is also determined by the fact that the North-South Corridor – the shortest and most promising trade route connecting India with the European part of Russia and western Siberia – passes through its territory. Until recently, its development was slow due to lack of funding and its potential was not fully utilized. However, in 2016–17 India began active funding of the southern and south-eastern section of the Corridor [Dunaeva, 2017, pp. 197–8]. In addition, it is to be expected that in the case of the signing of the free trade agreement between the Eurasian Economic Union (EAEU) and India, the goods flowing through it will be activated; at the same time, due to lack of funds, Iran is not able to independently ensure the creation of the necessary infrastructure on the central and northern sections of the route, the development of which will be jointly undertaken by Russia and India.

Thus, Russia is interested in the development of any form of bilateral or trilateral cooperation with the participation of Iran and India. The most promising are energy projects and maritime interaction in the form of rescue and relief exercises. Given that the main route for oil supplies to India passes through the Strait of Hormuz, New Delhi might be interested in this form; however, it should be remembered that India will not break off relations with the United States for the sake of a rapprochement with Tehran.

India's Immediate Neighbourhood

Indian foreign policy thinking considers the world through the concept of concentric circles. The zone of its immediate neighbourhood, including the small countries of South Asia and a number of island states in the Indian Ocean, is perceived as critical for ensuring the country's security.

In this zone, Russia has certain, rather limited economic interests related primarily to the construction of energy facilities – for example, the construction of a hydro-electric power station in Nepal and the Ruppur nuclear power plant in Bangladesh; the latter project is planned to be implemented in cooperation with India, which should provide technical assistance [Zakharov, 2018, p. 126]. This project is currently the only large-scale joint India-Russia project being implemented in a third country, and it could become a pilot for further joint initiatives both in India's immediate neighbourhood and in other regions. The fact of cooperation in such a high-tech industry has allowed some Russian scientists to talk about the formation of a potential “nuclear union” between Moscow and New Delhi [Pechishcheva, 2018, p. 154].

In the absence of serious Russian political and security interests in the countries of South Asia, it was reasonable to strengthen Indian influence in exchange for guarantees of compliance with Russian economic interests. Russia's lack of ambition in the

region is its strong side: in the current conditions of India-China rivalry and mistrust, the emergence of Russia, which is interested in stabilizing the situation and mitigating contradictions between India and China rather than inciting them, as does the United States, would be positively accepted by the small countries of India's immediate neighbourhood. None of these countries is connected with the United States so seriously as to risk falling under sanctions in case of trade with Russia. Thus, building contacts with them, Russia opens its window of opportunity.

The Pacific and ASEAN

Compared to the years of the Cold War, when Asia-Pacific countries were part of the opposing blocs which made their full-fledged cooperation impossible, the situation has radically changed. ASEAN, which could not fulfil its claims to be the centre of power during the confrontation of superpowers, has replenished itself with new members and become one of the most important centres of the world economy and a determining factor in regional politics.

Russia relied on the development of relations with ASEAN all along, considering the Association to be the main regional player. In 1996, it received the status of a dialogue partner and in 2004 it joined the Bali Treaty. In turn, India in 1985 began a cautious rapprochement with ASEAN [Sridharan, 1996, pp. 163–83] which in 1991 turned into the Look East policy (transformed into the Act East Policy in 2014). Under this policy ASEAN is considered to be the main partner of India in the west Pacific: it is an important source of finance and technology for New Delhi seeking to avoid dependence on the United States or China. Thus, both Russia and India perceive ASEAN as an important mechanism for stabilization and development in the Pacific.

The idea of ASEAN's centrality plays a big role in the formation of the concept of the Indo-Pacific. The perception of ASEAN as the eastern pillar of the Indo-Pacific allows us to avoid identifying this concept with Quad and transforming it into a regional security subsystem in which India has an auxiliary role. Thus, the Indo-Pacific in the Indian and ASEAN understandings is turning into a region where India is the dominant power in the IOR and ASEAN is the dominant power in the western part of the Pacific, being the main axis of the whole construct and maintaining a leading position in the region. Such an interpretation equally suits both India and the ASEAN countries. An alternative development scenario, which implies the formation of the Indo-Pacific as a structure with American dominance, will mean a decline of their influence.

Russia and India are involved to varying degrees in cooperation with ASEAN countries. However, there are a number of countries with which both parties are interested in developing relations.

Vietnam, traditionally maintaining close relations with Russia, has recently been the focus of the Indian Act East policy. Hanoi is perceived by India as a potential ally to counteract the growth of Chinese influence [Kaura, 2018, p. 55]. This interest opens up a wide field for trilateral cooperation, which could include both joint projects in the

energy sector and naval exercises (at the moment, a mechanism has been developed for holding them between all potential participants in the triangle in a bilateral format).

Another country with which Russia and India are equally interested in cooperation is *Indonesia*, a developing power with great potential, claiming to be the unofficial leader of ASEAN. India has long-standing and strong ties with Indonesia [Shekhar, 2010]. Indonesia has its own view on the Indo-Pacific, which differs significantly from the American one and can become the basis for a pan-ASEAN concept. Possible cooperation projects with Indonesia involving India may include both military and naval exercises, as well as the supply of Russian-designed and Indian-made weapons necessary for Jakarta to confirm its claims to subregional leadership.

Philippine president Rodrigo Duterte demonstrates the desire to diversify external relations, considering Russia among potential partners. India, in turn, supports cooperation with the Philippines focusing, inter alia, on the fight against terrorism, a topic that Russia is also interested in developing and promoting. Thus, tripartite antiterrorist mechanisms have great potential. They may include joint exercises, the exchange of experience and information and arms assistance to the Philippines in the fight against the Islamic State.

Laos during the Cold War was in the Soviet sphere of influence. In the 1990s after the collapse of the Soviet Union, relations between Russia and Laos noticeably cooled. Now they are recovering and Laos is interested in attracting Russian enterprises that could help to modernize worn-out infrastructure and organize mining in the country. India, being one of its largest trading partners, is also interested in strengthening economic relations with Laos and modernizing its infrastructure. A promising area of trilateral cooperation could be joint infrastructure projects – the repair of roads and equipment for the extraction of resources by Russian firms using Indian funds.

Myanmar is now in a difficult situation, constantly the object of pressure from western countries due to the tough policy toward the Rohingya Muslims. With Myanmar risking sanctions, tripartite formats are of particular value. India is interested in developing relations with Myanmar not only in the energy (primarily participation in the development of gas projects [Twining, 2008, p. 17]) and military areas, but also in infrastructure projects such as the laying of the India-Southeast Asia corridor and assistance in the modernization of ports and roads. In this case, Russia, already under American sanctions, could undertake the implementation of infrastructure projects in which the Indian side is objectively interested.

In summary, ASEAN countries are far more vulnerable to American pressure than countries in the western part of the IOR; at the same time, their economic and political weight in the region leaves no alternative for Russia, forcing it to build the closest possible relations with them. In this scheme, India may act as Russia's partner in the implementation of the tripartite projects listed above as a party not threatened by U.S. sanctions. In turn, Russia itself can assist India in countries that are already at risk of being sanctioned.

Japan and Korea

The situation with Japan and Korea is much more complicated. Both countries are tied to the United States with legally binding treaties; during the Cold War, they were part of the western bloc. Japan, among other things, has limited sovereignty, not being able to legally protest the deployment of American bases on its territory and being de facto in a state of territorial dispute with Russia. At the same time, the extremely warm relations between Japan and India, rooted in the late 19th century, should be taken into account.

In the context of the transformation of the world system, Moscow is interested in developing relations with Tokyo and turning Japan into a friendly, strong and fully independent state. Establishing strong and trusting relations with the new Japan could fundamentally change the situation in the region. In the current context such radical transformations are unlikely, but this does not mean that they should not be sought. The trilateral Russia-India-Japan dialogue can help bring these countries closer. It is better to carry it out on Tracks II and 1.5. It is significant that Japan is the only Asian country that has imposed sanctions, and Tokyo has done so reluctantly and under pressure from the United States.

The situation with Korea is different. Although this country is also under actual American control, its degree of independence is much greater. Russia is a member of the six-party talks and is interested in normalizing the situation on the Korean Peninsula and attracting Korean capital for the development of the Russian Far East in exchange for the supply of hydrocarbons necessary for the development of Korean industry.

Both Japan and Korea maintain close relations with India, actively invest in it and conduct joint projects with Indian banks and companies. Pulling them into tripartite formats, such as dialogue on Tracks II and 1.5 on security issues, construction of off-shore supply vessels for oil projects with Indian share (Sakhalin-1, Vankor), and attraction of Japanese and Indian investments in infrastructure projects in the ports of the Russian Far East (Vladivostok, Nakhodka) would benefit both Russia-India relations and the situation in the region, weakening sanctions.

Island States of the Pacific

Finally, a promising area is cooperation with the small countries of the Pacific Ocean in Polynesia, Melanesia and Micronesia, which are now the field of confrontation between the United States and its allies on the one hand and China on the other. At present, neither Russia nor India has strategic interests in this region due to limited resources and capabilities. The certain interest of India is explained by the presence of the Indian diaspora on some islands (primarily Fiji); until recently, this factor played an insignificant role in Indian foreign policy. However, Narendra Modi, after coming to power, demonstrated that the Indian zone of strategic interests is gradually expanding and may include Fiji in the future [Raja Mohan, 2015, pp. 170–2].

In turn, Russia is interested in small Pacific states mainly due to their votes in the United Nations General Assembly. It must be borne in mind, however, that small countries can change their position as demonstrated by the example of Tuvalu and Vanuatu, which recognized the independence of Abkhazia and South Ossetia but subsequently reversed this decision. In this regard, Russia needs to determine the possible formats for cooperation with small island states, building a clear strategy, choosing the preferred regimes and key countries of the region and taking into account possible interaction with China and India. A major plus is the relatively small interest of the United States in the economies of the Pacific countries, which makes it unlikely that local financial institutions will be subject to sanctions, especially when implementing joint Russia-India projects.

Fiji seems to be the most promising country due to the presence of a large Indian diaspora, favourable conditions for tourism and the availability of minerals. Joint humanitarian projects, such as opening schools and clinics, have great potential.

Cooperation with reliance on Australia and New Zealand seems inappropriate due to the clearly pro-western position of these countries regarding sanctions.

Far Eastern Corridor

In addition to these trilateral formats, it is necessary to mention a bilateral one, the potential India-Vladivostok axis. Indian business has repeatedly shown increased attention to participating in development projects in the Russian Far East, but so far these wishes have remained unfulfilled. India is currently seeking to diversify its hydrocarbon consumption and Russia, with its deposits in Sakhalin and the Arctic, could provide it with the necessary opportunities. Indian business is now present in the Sakhalin-1 field and is developing its presence in the Arctic; it is necessary to intensify this process.

Meanwhile, Russia is interested in attracting Indian capital to the region, both on its own and in order to balance China's influence. It is necessary to formulate a Russian concept of the Indo-Pacific that would look attractive to India and the ASEAN countries and would be combined with the existing Indian and Indonesian concepts, representing the Far East as the north-eastern flank of the Indo-Pacific and the link with the Arctic and Siberia.

Conclusion

In the future the zone of cooperation between Russia and India may cover the entire coast of East Africa and Eurasia, washed by the Indian and Pacific Oceans. The most promising approaches are trilateral, which make it possible to bring the positions of Russia and countries under U.S. sanctions closer and to erode the American influence on potential allies. India is a weak link in the chain of American sanctions as demonstrated by the story of the sale of S-400 systems. India's geopolitical significance for

the United States is too great to jeopardize a potential alliance with New Delhi due to anti-Russian sanctions.

As can be seen from the above examples, the most promising is the implementation of projects in which Russia and India have rich experience in cooperation: energy, military-technical cooperation and space. In addition, countries that were previously part of the Soviet zone of influence are interested in the participation of Russian specialists in the modernization of infrastructure. Indian engineers and workers with experience in operating Soviet-built structures can also be involved in these projects. The experience of humanitarian cooperation is in demand, for example the creation of schools and hospitals, the training of foreign specialists in Russia and India, and the publication of literature in Asian languages.

The sanctions imposed by western countries on Russia present a serious challenge for it, forcing it to seek allies in the East. One of those is India, a traditional Russian partner in South Asia, whose area of interest is constantly expanding.

It should be borne in mind that the way out of sanctions does not at all constitute the main content of Russian policy toward India. Moscow's interest in building relations with New Delhi is long-term but sanctions impede Russia-India cooperation, so the erosion of the sanctions regime is important for relations between the two countries.

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Сотрудничество России и Индии в Индо-Тихоокеанском регионе в условиях санкций¹

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В годы холодной войны Советский Союз и Индия, хотя и не состояли в формальном союзе, были в полном смысле стратегическими партнерами. Советские военно-морские силы присутствовали в Индийском океане, ограничивая потенциал американских операций, СССР поддерживал политику Индии на ближневосточном направлении. Москва и Нью-Дели создали с участием Ирака треугольник «рубль — рупия», позволявший отвязать двустороннюю торговлю от доллара и создать работающий механизм взаимовыгодной торговли. С распадом СССР сфера влияния России существенно сократилась. Однако в 2000 г. Москва заявила о возвращении в Южную Азию и с тех пор постепенно восстанавливала свое влияние в регионе, где она имеет стратегические интересы. Там же расширяет свое влияние и новая Индия, претендующая на статус великой державы и роль регионального лидера.

В статье рассматриваются перспективы сотрудничества России и Индии в Индо-Тихоокеанском регионе в условиях введенных против России американских санкций. Автор анализирует перспективные зоны, в которых возможна реализация совместных российско-индийских проектов. В результате он приходит к выводу, что возможности для таких проектов существуют практически во всем Индо-Тихоокеанском регионе, включая малые островные государства, Африку и зону непосредственного соседства Индии. Автор разделяет страны на три категории: потенциальные союзники США с точки зрения Вашингтона, противники США и страны, в отношении которых США не проводят активной политики. По мнению автора, России следует выстраивать отношения со всеми тремя группами стран, поддерживая контакт с Индией. Это поможет консолидировать антиамериканские силы в регионе и будет способствовать размыванию режима санкций. Наиболее перспективными сферами для трехсторонних проектов являются традиционные поля сотрудничества России и Индии, в первую очередь ВТС и энергетика. Помимо этого, автор предлагает обратиться к советскому опыту использования «мягкой силы» в Азии как хорошо зарекомендовавшему себя в годы холодной войны.

Ключевые слова: Россия; Индия; санкции

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Sanctions in IR: Understanding, Defining, Studying¹

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Abstract

This article examines the ability of the two leading theoretical perspectives in international relations (IR) – realism and liberalism – to explain various aspects of sanctions implemented against Russia after 2014, as well as Russia's countermeasures. Following arguments developed by Robert K. Merton, the author underlines the importance of middle-range theories in studying phenomena that lie at the confluence of economics, legal studies and political science, e.g. international sanctions. Moreover, the author points out the evident and pressing need to integrate sanctions within a broader theoretical context which would contribute to rethinking the nature of contemporary political interactions.

The author consequently tests liberal and realist paradigms and concludes that sanctions fall into the grey zone of their explanatory capabilities. Finally, the author concludes that scholars should either abandon the idea of studying sanctions in terms of big theories and return to an instrumental understanding or they should reconfigure international realist and liberal explanatory principles – which would probably change the paradigms significantly. A third option is to develop a new ontology of international relations.

Key words: IR theory; political theory; sanctions; economic sanctions; middle-range theory; methodology

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Introduction and Preliminary Remarks

The current international agenda is the result of events that occurred in 2014. Ongoing tensions are a challenge for the scientific and expert communities responsible for understanding, defining and studying this agenda. Today, the topic of sanctions is a burning issue which provokes heated debates; however, it seems that Russian international relations (IR) scholars have not created a coherent body of work that could form the basis of a national sanctions studies tradition. This task requires examination of the explanatory abilities of the leading theories in IR, which is an important step toward understanding sanctions: their effects, results and future.

¹ The editorial board received an article in March 2019.

This analysis focuses on the restrictive measures introduced after 17 March 2014 against a number of Russian politicians by the EU and the U.S., with other states joining them, which remain valid in the form of the extended package, as well as the countermeasures introduced by Russia colloquially called “countersanctions.” Sanctions have been used as a foreign policy instrument more than 170 times in the period since the early 20th century [Hufbauer et al., 2009, p. 248] and have acquired the status of a routine and technical practice. Thus, imposing sanctions includes numerous different aspects and has a profound background in the relatively recent past. However, the events of 2014 created a qualitatively new situation in the international arena. This situation requires expertise that would involve incorporating and not ignoring the previously accumulated knowledge of sanctions.

The methodological aspects of this study include both the broadest conceptual research frameworks – i.e. paradigms implying an approach, a school of thought or research tradition – and the complex of research methods and practices – i.e. methodology in a strict sense. The analysis considers two dominant IR paradigms – liberalism and realism – but does not address constructivism. This is because, unlike liberalism and realism, “the disputability and the unfinished state of constructivism’s formation as a research track becomes noticeable as soon as one looks into it a bit closer” [Alexeyeva, 2014, p. 5]. This means that a comprehensive preliminary conceptualization would shift the focus of this article away from its stated goal (that being said, such an undertaking may be useful for further studies in this field).

It should be noted that this study does not explore the possibility of a global military conflict, drawing instead on the idea of a “new reality” [Sushencov, 2017] and corresponding logic of reasoning which concludes that the relations between Russia and the western states have entered a state of pervasive but predictable and controllable confrontation. This does not mean, however, that an academic description of this world order through the categories of IR theory is unnecessary.

IR theory is characterized by a competition among dominant schools of thought, each trying to gain monopoly over the interpretation of international processes by either proposing a number of exclusive “business card” concepts (e.g. the realist “security dilemma” or the liberal “complex interdependence”) or by explaining various international political phenomena in completely different ways.² Although this competition has become less distinct, it still defines IR theory; this trend, represented in its canonical form by the so-called Great Debates, has determined the segmented current state of IR theory. Thus, the frequently encountered thesis that no international relations phenomenon, including sanctions, can be explained within just one paradigm is not disputed in this article. Further, the following assertions are made. First, the analysis of sanctions in this study requires understanding the strengths and weaknesses of the leading theoretical constructions presently shaping the way that IR experts think, and

² For example, liberalism makes a correlation between the growth in the number of asymmetric conflicts in late 20th – early 21st century and the rise of influential non-state actors, while realism generally explains this tendency as being related to proxy-wars that resulted from shifts in traditional state balancing.

achieving such understanding is the aim of this study. Second, theorization, with IR theory being no exception, does not imply building a system of articles of faith – this would contradict the very essence of scientific knowledge. However, it initially comprises actions carried out under the “as if” principle, that is, acting as if the desirable result would allow the best methods possible to fill some gap in our knowledge. In this case, reference is made to the normative element of theory. The analysis of existing grand theories is carried out according to the same principle.

This analysis is undertaken as follows. First, the importance of studying sanctions from the perspective of two major IR theories is discussed, followed by an examination of the explanatory abilities of (neo)liberalism and (neo)realism within the framework of sanctions studies. The article develops several conclusions and identifies trajectories for further discussion.

Following the Ladder of Abstraction

Robert K. Merton, a prominent sociologist and science historian, stated the following in his landmark publication, *Social Theory and Social Structure*: “Like so many words that are bandied about, the word “theory” threatens to become meaningless. Because its referents are so diverse – including everything from minor working hypotheses, through comprehensive but vague and unordered speculations, to axiomatic systems of thought – use of the word often obscures rather than creates understanding” [Merton, 2006, p. 64]. This thesis, which was originally formulated with regard to sociology, has turned out to be seamlessly applicable to political science in general. It has sharply and accurately emphasized the problem of research thinking that between lies between the Scylla of high abstraction and the Charybdis of down-to-earth empirics. The compromise brought forward by Merton in the form of middle-range theories promoted a harmonization of the methodologically segmented knowledge of sociopolitical reality. However, it did not remove the question of how the optimal level of abstraction and distance of the researcher from the research object can be determined on a case-by-case basis.

Moreover, not only does this question fall within the realm of philosophy of science, it also contains a distinct practice-oriented element as some political phenomena are sensitive to research instrumentarium.³

Sanctions are a conspicuous example of such phenomena in that, on a first approximation, they allow for the application of multiple scientific research methods and explanatory paradigms.

The presentation of sanctions as a set of middle-range theoretical constructions is undoubtedly justified. Furthermore, this approach is widespread in the academic field.

³ It must be mentioned that, unlike essentially contested concepts that are the object of competition between grand schools of thought or ideologies (e.g. fundamentally different interpretations of justice in conservatism and socialism), here the issue is to counterpose the applied methods and practices along the axis empirical-abstract. See Gallie [1956].

The issue addressed by the expert community in this case is to make sanctions “smarter” as economic restrictive measures become universally recognized as one of the most popular foreign policy instruments. Still, popularity does not equal efficiency. Edward Fishman, a member of the secretary’s policy planning staff at the U.S. Department of State, illustrates this point with the following convincing example: “In March 2016, the U.S. secretary of the treasury, Jacob Lew, struck a memorable note of caution in a speech on sanctions. ‘We must be conscious of the risk that overuse of sanctions could undermine our leadership position within the global economy and the effectiveness of our sanctions themselves,’ he said. The more the United States relies on sanctions, Lew argued, the more other countries will wean themselves off dependency on the U.S. financial system – and reduce their vulnerability to U.S. sanctions” [Fishman, 2018]. Zack Cooper and Eric B. Lorber make similar remarks in their publication with a self-explanatory title, “The Right Way to Sanction China”: “...the U.S.-Chinese economic relationship is ‘too big to fail’ and...Washington therefore has little economic leverage with Beijing. Indeed, U.S. policymakers should be realistic that extensive sanctions against China would be unwise and infeasible. Nevertheless, certain limited, conduct-based sanctions may be able to shape Chinese behavior at an acceptable cost” [Cooper, Lorber, 2016]. In other words, the “new sanctions” should be more variable and adaptive than the previous restrictive measures [Feaver, Lorber, 2015] while the initiating state should be at least one step ahead when it comes to assessing their efficiency and consequences. This approach is based on a strong empirical element that is characteristic of middle-level theories. In this case, sanctions acquire an extended meaning, which is substantially close to the notion of trade wars.⁴

Yet even in the era of “smart” sanctions the forecasting of their implementation process and their consequences remains complicated, and this fact gives rise to somewhat different statements at the other end of this problematic area. Daniel W. Drezner, one of the leading American IR experts, reflects on whether the use of sanctions as a foreign policy instrument will endure. Richard N. Haass, who has traditionally been close to the U.S. political establishment, expresses similar ideas: “The United States must show restraint and recapture a degree of respect in order to regain its reputation as a benign actor. This will require some sharp departures from the way U.S. foreign policy has been practiced in recent years: to start, no longer carelessly invading other countries and no longer weaponizing U.S. economic policy through the overuse of sanctions and tariffs. But more than anything else, the current reflexive opposition to multilateralism needs to be rethought” [Haass, 2019]. This is not due to the pessimism of some experts or their idealistic visions of the future, but rather to the necessity of integrating the instrumentalist understanding of sanctions into a broader theoretical context. This point of view is less widespread; still, it deserves careful attention and raises a legitimate question: to what extent is IR theory in its current form shaped primarily by two dominant

⁴ Timofeev [2018] points out that differences in terminology resulted in two competing approaches to sanctions: Hufbauer’s wide one and Pipe’s narrow one, which draws distinction between trade wars and sanctions per se as politically motivated measures.

schools of thought,⁵ capable of explaining the character and the nature of the ongoing sanctions showdown (the minimum objective) and forecasting its future (the maximum objective)? It seems reasonable to address this research issue by consecutively analyzing the above-mentioned leading IR theory schools in terms of their congruence.

Behind the Line of Interdependence

The liberal paradigm⁶ in its both softer and more distinct forms appears to be more vulnerable in the present situation. One of liberalism's fundamental assertions stipulates the following: peace is engendered by the balance of interests that form the state of interdependence. This state of interdependence is, in the simplest terms, a rationally comprehensible world order within which losses in a potential conflict exceed the gain from a potential victory [Keohane, Nye, 1987]. Liberalism's vulnerability can be explained by the fact that this assumption no longer has sufficient explanatory power. Discussing the theory of complex interdependence in 2000, Kenneth N. Waltz explained that it is "a condition in which one party can scarcely move without jostling others; a small push ripples through society. The closer the social bonds, the more extreme the effect becomes, and one cannot sensibly pursue an interest without taking others' interests into account [*author's note*: and by threatening them either with one's own actions or with attempting to control one's opponent's actions]...That interdependence promotes war as well as peace has been said often enough" [2000].

Beyond any doubt, Waltz's remarks are not autonomous – on the contrary, they are a natural continuation of the full-scale criticism that consists of at least two tracks. On one hand, it is reasonable to analyze cooperation benefits in relative rather than absolute terms, while putting major focus on their distribution between the cooperating participants. In this regard, it is often of more principal importance to a state to achieve a configuration under which it would minimize the benefits of its key opponents instead of maximizing its own gains [Gieco, 1988]. On the other hand, the above-mentioned scheme is mostly inherent to either a bipolar system or a structure characterized by the significantly asymmetric resource potentials and capabilities of the actors involved, while a polycentric system implies an emphasis on gross indicators [Snidal, 1991]. Still, even if we do not take the previously underlined ambivalence of one of liberalism's key constructions into account, it is impossible to ignore the tendency, or at least some evident attempts, toward neutralizing the consequences of economic cooperation by ensuring the highest possible level of economic autonomy. This includes its radical manifestation – deliberately cultivated economic competition with a corresponding set of sanctions as protectionist instruments. In this respect, we can talk about the erosion of interdependence foundations, when the recognition of potential economic losses

⁵ See Introductory Remarks, above.

⁶ I deliberately do not draw distinction between the "classical" and "neo" paradigms in this study by using general notions "liberalism" and "realism" instead without compromising the quality of argumentation.

in case of confrontation loses its role as a decisive argument and safety mechanism. Sanctions are a vivid illustration of this tendency.

The supporters of liberalism may object and claim that the present situation is essentially neither a paradox nor an anomaly. They may argue that it can be described at least partially by the categories of an adapted cooperative security concept, in which sanctions appear as a pre-emptive or immediate response by a group of states united by their common will and fundamental interests, to potentially dangerous or actually subversive actions of some other actor. However, the case of the sanctions imposed on Russia compromises the integrity of such theoretical constructions by creating a number of internal contradictions. For instance, if we use the interpretation of cooperative security suggested by R. Kennedy, one of liberalism's founders, we have to admit two important problems. First, the researcher's focus of attention becomes shifted toward the threats provoked by the possibility of the proliferation of weapons of mass destruction and the potential spread of terrorist and extremist attacks and internal conflicts. That is, in this case the scenario – in which a state carries out unacceptable actions and an adequate response follows – lacks in-depth development [Tsygankov, 2000]. Second, it is crucial for a collective security system to be inclusive. Kennedy regards it as a necessity to incorporate the interests of all participants. Thus, a legitimate but ultimately polemical and thus unresolvable question arises: to what extent were Russia's interests taken into account in 2014? At that time, sanctions were imposed under the pretext of responding to Russia's unacceptable actions on the international stage, and the preliminary conditions for averting a similar scenario in the future were established.

A different approach to cooperative security is advanced by R. Kohen, according to whom cooperative security is a symbiosis of collective security and defence that implements the stability projection principle [1999, p. 1]. If we take this as a premise, then we should regard sanctions as an instrument of “compelling the disobedient.”⁷ This would mean, in Pavel A. Tsygankov's apt words, that “it is hard to get rid of the impression that it is all about the security of a small group of some privileged states, and that for the sake of preserving (or promoting?) their interests they should not hesitate to use force against the states that do not participate in this system” [2000, p. 5]. This narrative obviously does not fit into the logic of liberal thought, while cooperative security's exclusive character, with some international organizations possessing extraordinary powers (in Kohen's opinion, the North Atlantic Treaty Organization is one of these) and pursuing – to say the least – interests that diverge from their institutional basis, creates a legal and political collision. As a result, a considerable number of sanctions are imposed without a corresponding United Nations Security Council decision, which makes their legitimacy disputable.

Liberalism's second crucial line of argumentation pivots on a notion of international regimes with two general meanings: as a social institution, i.e. a configuration of roles, relations and rules of conduct, and as a specific regulated area of IR that counterbalances broader global structures [Levy, Young, Zurn, 1995]. Even if we dismiss some

⁷ This phrase was first introduced by Timofeev [2019].

experts' critical remarks about the relative weakness of a particular regime's theoretical framework, as is the case with the arms control regime in particular [Gallagher, 2012], recent developments show that not only some elements of particular regimes become prone to erosion – if not to degradation. It is, probably more importantly, the idea of understanding regimes as universal regulators of international relations, or safety mechanisms active in case of rising tensions, that becomes eroded by international restrictive measures. Initial optimism regarding the capabilities and prospects of regimes has been substituted by moderate wariness, triggered not least of all by the crisis of regimes and by the expansion of the sanctions showdown to areas that have traditionally been perceived as systemically important in terms of the global community's interests. While, for example, problems with inclusive normative regulation of environmental protection have long been firmly incorporated into the international agenda as sensitive but predictable and generally acceptable here and now, decreasing international cooperation in space exploration, countering terrorism and organized crime causes greater concern in the expert community. Such a state of affairs demonstrates the limits of interdependence and cooperation. Beyond these limits lies the area of unilateral promotion of national interests in the mould of Carl Schmitt's concept of the political. Although this area is mostly displeasing to liberal theorists, it is crucially important to study and understand it. According to Schmitt's concept, the polarity of ethics and economy "demonstrates surprising consistency and coherence, and this allegedly non-political or even anti-political system either serves the existing division into groups of friends and enemies or creates a new one; thus it is incapable of avoiding the political as its inevitable consequence" [Vasilik, Vershinin, 2000, pp. 42–3].

Realism's Early Revenge

Moving from a discussion about liberalism's descriptive capabilities to the idea of the revenge of the political in the international dimension entails an assessment of the paradigm that embraces the friend/enemy dichotomy at its core, i.e. realism. At first glance, it is realism that appears to best suited to the current state of international political interactions. Moreover, it seems that the description of sanctions is consistent with political realism's categories, with national interests and pragmatism being most notable among them. When put under scrutiny, the rhetoric of the official Russian and American media regarding sanctions against Russia appears as undoubtedly realist. Consider the following examples:

The Presidential Executive Office has not yet made itself familiar with the essence of countermeasures against the U.S. that have been suggested by the State Duma, but representatives of the Kremlin are sure that countersanctions will not do any damage to the national economy, the president's spokesman Dmitry Peskov said... Peskov underlined that Vladimir Putin had repeatedly mentioned the priority of Russia's national interests in case of taking such decisions. The interest of Russian

MPs toward countering anti-Russian sanction policies is explicable and comprehensible, the Kremlin's spokesman claimed. In his opinion, the MPs are working on minimizing the consequences of anti-Russian sanctions and developing countermeasures [Vedomosti, 2018].

The Russian Ministry of Foreign Affairs previously stated that Moscow reserved the right to respond to the sanctions imposed by Washington on Russian business people and companies. "If American authorities prefer to destroy economic and other ties with Russia, it is their right, as well as we reserve the right to respond" – Russia's Foreign Ministry claimed...After that Medvedev entrusted the government with developing measures of support for the companies affected by the sanctions. Although economic sanctions are a political instrument, they affect ordinary people, Russia's prime minister underlined. He specified that this was the reason why state measures of support would be aimed "first of all at preserving industrial objects and jobs and not at compensating the losses of company owners." [RBC, 2018].

The current conversation about Russia sanctions centers around targeting and scope. Are we punishing the people whose behavior we most want to change? Is there pain, well inflicted, on those individuals responsible for creating chaos in Ukraine and Crimea, for reckless attacks on Sergei Skripal and others, and for wanton interference in Western elections? Can we hurt Russian elites in a way that Putin will notice? Have we done enough? [Twigg, 2019].

Further, Edward Fishman argues in terms of realism and suggests that the U.S. should perform a sort of sanctions exercise: "The United States must prepare itself for the coming economic battles by overhauling its sanctions apparatus...The first step is to build a permanent sanctions contingency-planning process within the U.S. government. Just as the U.S. military draws up detailed plans for wars it might someday have to fight, U.S. officials in the State Department, the Treasury, and other agencies should create and constantly update off-the-shelf plans to impose sanctions rapidly if needed. To practice these plans and signal the government's readiness to use them, they should routinely perform military-style exercises that simulate crises in which sanctions play a central role in the response" [Fishman, 2018].

Yet, it is important to understand: appropriate and even successful (when it comes to policy-advocacy purposes) practices employed in the media and adjacent areas often turn out to be invalid in the narrow terms of academic discourse. In that respect realism's potential should be assessed primarily by standards of theoretical knowledge and methodology with emphasis on its internal contradictions.

The main problem of realism lies in its interpretation of the drivers of IR. Even if we take certain differences between realist theorists into account – and these differences are mostly related to the limits of using force on the international stage [Elman, Jensen, 2014] – this paradigm remains explicitly state-centric as it implies that states are the only subjects of international relations [Freyberg-Inan, Harrison, James, 2009].

However, an obvious contradiction arises against the background of comparing this core realist thesis with the practice of imposing and implementing sanctions. Sanctions are introduced by states against particular people and companies, which does not fit in the logic of state-centric international relations and reflects instead their more complex structure.

Tables 1 and 2 show the subject-object dimension of international sanctions against Russia.

Table 1. Sanctions by Sectors

Sector	Sanctions Imposed
Fuel and Energy	Sanctions against fuel and energy companies, their subsidiary and affiliate structures (Rosneft, Transneft, Novatek, Gazprom, Gazpromneft, Lukoil and Surgutneftegas); Prohibiting the export of oil extraction and processing technologies; Freezing existing joint projects in the oil industry sector and pausing the development of new projects
Banking and Finance	Freezing financial assets of individuals and business entities; Limiting deposits in foreign banks; Legally limiting banking activities of Sberbank, VTB, Gazprombank, Vnesheconombank and Rosselkhozbank; Limiting access to loan funds; Disconnecting from international payment systems
Defence Industry Complex	Stopping bilateral arms trade deals; Banning the export of military technologies and dual-use products to Russia
Non-Sectoral Sanctions	Personal restrictions imposed on individuals and business entities; Stopping investment activities and supplying of equipment and materials used in key industrial segments of Sevastopol and the Crimea

Sources: [Timofeev, Makhmutov, 2018; Vaslavskiy 2018].

Thus, it must be taken into account that calling these sanctions “anti-Russian” is really a shorthand of academic discourse. The charts show the previously mentioned paradox that confronts realists. They are left with two options: either to admit the insignificance of sanctions and their “decorative” and ignorable role in current international relations, or to conclude that realism in its modern form has problems with interpreting reality.

Table 2. Subject-Object of Sanctions

Sanctions Against a State as an IR Actor	Sanctions Against Non-State Actors
<ul style="list-style-type: none"> • Russia's expulsion from the G8; • Freezing military technical cooperation with NATO, the U.S. and the EU, including cooperation in the Arctic region; • Curtailing intergovernmental dialogue within traditional formats such as the U.S.-Russia Bilateral Presidential Commission, the Russia-NATO Council, the Council of Europe; • Stopping cooperation in the field of civil nuclear energy projects; • Stopping cooperation in the field of fighting drug trafficking; • Curtailing counterterrorism cooperation; • Imposing restrictions on Sevastopol and the Crimea as Russian regions; • Limiting the broadcasting of Russian TV channels 	<ul style="list-style-type: none"> • Freezing a number of Russian banks' operations by such international payment systems as Visa and MasterCard (including freezing bank card operations in the Crimea); • Sanctions against the Russian financial and banking system (including the UK Criminal Finances Bill); • Targeted restrictive measures against business people and politicians (including politically exposed persons regulations)

Sources: [Timofeev, Makhmutov, 2018; Vaslavskiy 2018].

Conclusion and Discussion

Analysis of sanctions through the lens of theory and methodology shows that both currently dominant IR theory paradigms – liberalism and realism in their modern forms – have difficulty interpreting reality due to their internal contradictions.

Liberalism in its general meaning is vulnerable in relation to IR's economic dimension (complex interdependence) and in viewing international regimes as universal regulators and safety mechanisms in case of rising tensions.

At first glance, realism seems able describe the contemporary phenomenon of sanctions. Still, it also has weaknesses. It is true that sanctions rhetoric often has realist features (primarily due to a more frequent use of such categories as power, national interests and pragmatism), and yet from a strict academic perspective realism requires adaptation. The main problem is that its emphasis on the state-centric character of international relations leaves a researcher with only two options: either to ignore the fact that many sanctions are imposed by states on non-state actors or to reduce the role of states. The latter would inflict severe damage on the very core of the paradigm itself.

As a result, the phenomenon of sanctions ends up in a grey zone of descriptive constructions with a high level of abstraction. Meanwhile, the necessity of comprehending sanctions using more than middle-level theories has obviously become urgent. There are three ways of addressing this issue. The first is a large-scale intervention in the foundations of the two leading IR theories, which would probably seriously affect their future image. The second is to abandon the very idea of comprehending sanctions through the lens of grand theories. This may lead to a shift of academic thought toward classical institutionalism with its set of research instruments and supporting middle-

level theories. The last option is to search for “the third way” which could include addressing constructivism as a basis for establishing a new ontology of international interaction. However, this option is significantly limited by the fragmented state and questionable creative potential of constructivism in its current form.

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Санкции в теории международных отношений: методологические противоречия и проблемы интерпретации¹

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Цель статьи — анализ текущего состояния двух ведущих школ теории международно-политической мысли (реализма и либерализма) на предмет их объяснительных возможностей в отношении санкционной проблематики, сложившейся в результате введения санкций против России в 2014 г. и последующих ответных мер. Следуя за выдающимся социологом и историком науки Р. Мертоном, автор отмечает важную роль теорий среднего уровня в изучении феноменов, лежащих на пересечении предметных полей экономики, юриспруденции и политической науки, к которым относятся международные санкции. Вместе с тем обозначается очевидно назревшая необходимость вписать санкции в более широкий теоретический контекст, что позволит внести вклад в переосмысление характера современного международного взаимодействия. Развивая этот тезис, автор последовательно рассматривает парадигмы либерализма и реализма и приходит к выводу о том, что санкционная проблематика попадает в серую зону их объяснительного потенциала. В итоге автор делает заключение, что для решения поставленной задачи академическое сообщество должно либо отказаться от идеи изучать санкции в категориях высокой абстракции и вернуться к их инструментальному пониманию, либо адаптировать объяснительные принципы международного реализма и либерализма (что, вероятно, существенно изменит их облик), либо пойти по третьему пути, предусматривающему создание иной онтологии международных отношений.

Ключевые слова: теория международных отношений; политическая теория; санкции; экономические санкции; теория среднего уровня; методология

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