

# Sanctions' Policy: Unipolar or Multipolar World?<sup>1</sup>

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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

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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.<sup>2</sup>

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.<sup>3</sup>

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

<sup>2</sup> 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].

<sup>3</sup> 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?<sup>1</sup>

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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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