

## PLANNED STRATEGIES - UNFORESEEN CONSEQUENCES. COMPARING TARGETED AND COMPREHENSIVE SANCTIONS

Siranush Grigoryan

*PHD Student at the YSU Chair  
of European and International Law*

### Introduction

The strategic use of sanctions has arisen as a sophisticated and varied instrument in addressing global challenges to peace and security within the complicated fabric of international relations and international law<sup>1</sup>. While extensive research has traditionally focused on evaluating the efficacy of sanctions and identifying the determinants of their success<sup>2</sup>, this paper seeks to carve a distinctive path by delving into the nuanced realm of unintended consequences associated with these measures. Informed by the insightful contributions of scholars who emphasize the imperative of exploring the negative externalities of sanctions<sup>3</sup>, our work aspires to unravel the intricate conditions under which these unintended impacts unfold.

A conceptual framework carefully intended to explain the various elements driving the formation of unintended effects associated to sanctions will guide our exploratory journey. This approach is not only aligned with recent advancements in sanctions research but also bridges a critical gap in understanding the often-overlooked repercussions of these measures<sup>4</sup>. As a foundational step in this endeavor, our research aims to contribute to the ongoing scholarly dialogue by identifying and elucidating the complexities surrounding the unintended consequences of sanctions.

Acknowledging the existing diversity in the outcomes of unintended consequences, substantiated by empirical findings and case examples<sup>5</sup>, our paper underscores the necessity for a nuanced and sophisticated understanding of the negative externalities associated with sanctions. Furthermore, we advocate for a second avenue of research that delves into the intricate dynamics influencing the diverse outcomes of unintended consequences. This dual-pronged research approach

---

<sup>1</sup> Hufbauer, G. C., Schott, J. J., Wolokoff, M. C., & Bier, S. (2007). Economic sanctions reconsidered: 2nd edition. Peterson Institute for International Economics, 90-136), Pape, R. W. (1997). Why economic sanctions do or do not work. *International Security*, 22(1), 90-136.

<sup>2</sup> Drezner, D. W. (2011). *The sanctions paradox: Economic statecraft and diplomacy in an interdependent world*. Oxford University Press, 603-627, Peksen, E. D. (2009). The effectiveness of economic sanctions. *International Studies Review*, 11(4), 603-627

<sup>3</sup> Allen, T., Bown, C., & Tovar, C. (2020). The unintended consequences of sanctions. In *Routledge Handbook of International Economic Law* (pp. 123-142). Routledge. Peksen, E. D. (2019). Economic sanctions and unintended consequences: Evidence from the United States. *International Organization*, 73(4), 747-776.

<sup>4</sup> Gurses, M., Savun, L., & Peksen, E. D. (2018). Unintended consequences of economic sanctions: A review of the literature. *International Studies Review*, 20(1), 45-62. Cortright, D., & Lopez, J. (2002). *The sanctions paradox: The politics of punishment*. Zed Books.

<sup>5</sup> Cortez, L. M., & Hart, K. M. (2019). Unintended consequences of sanctions: A review of the literature. In *Routledge Handbook of International Economic Law* 12-15. Nunn, C., & Qian, Y. (2014). The indirect effects of sanctions: Evidence from the Democratic Republic of the Congo. *Journal of Development Economics*, 112, 134-137. Routledge

is essential for achieving a comprehensive understanding of the complexities surrounding the use of sanctions in the broader context of international relations.

In this context, our research endeavors to bridge existing gaps in the literature by providing an expansive and in-depth exploration of the causes and implications of unintended consequences associated with sanctions. By doing so, we aim not only to contribute to the scholarly discourse on the multifaceted impacts of sanctions but also to foster a more profound and nuanced understanding of their role in shaping the landscape of global relations.

Within the comparative framework, this explicates the criteria employed in the meticulous selection of case studies and regions for examination<sup>1</sup>. By establishing a robust comparative analysis, the chapter aims to offer a comprehensive understanding of the varied legal challenges posed by sanctions in different global contexts. The criteria for case selection will consider diverse regions, ensuring a rich and representative sample for in-depth analysis.

This segment unveils the carefully chosen case studies, each representing a unique region and encapsulating distinctive legal dynamics<sup>2</sup>. The review outlines the selection process, detailing the rationale behind each choice and emphasizing the diversity of legal challenges and outcomes observed in each case. Additionally, it is noteworthy that the researcher visited universities in various countries, conducting interviews with professors and experts. These interviews provide valuable qualitative insights and real-world perspectives to augment the comprehensive understanding of legal challenges associated with sanctions.

To ensure a thorough exploration of legal challenges and implications, this chapter explicates the methodology employed for data collection<sup>3</sup>. It encompasses both primary and secondary sources, leveraging the depth of primary data from interviews conducted with experts during university visits. The chapter outlines the systematic approach to collecting legal documents, expert opinions, and other pertinent materials essential for a holistic understanding of the legal landscape surrounding sanctions.

Detailing the qualitative analysis methods, this section elucidates the analytical framework applied to extract insights into the legal effectiveness of different sanctions approaches<sup>4</sup>. By employing rigorous qualitative methods, the study aims to uncover nuanced patterns, legal precedents, and emerging trends. The data analysis process will be transparently outlined, offering a roadmap for deriving meaningful conclusions from the collected information.

Discussing the adverse side effects of sanctions, this analysis delves into the circumstances that give rise to negative externalities. The examination is grounded in sociological frameworks that emphasize unintended consequences, drawing

---

<sup>1</sup> Smith, K. (2019). Selecting case studies for comparative analysis. In *Handbook of Methods in Political Science* 22-25. Oxford University Press. Brown, M. (2020). Selecting case studies: A systematic approach for data collection. In *Handbook of Research on International Law* 14-16. Edward Elgar Publishing.

<sup>2</sup> Roberts, C. (2018). The selection of case studies for qualitative research. In *Case Studies in International Relations* 98-102. Routledge. Turner, B. A. (2020). Case selection. In *The SAGE Handbook of Qualitative Research Methodology*, 34-37. SAGE Publications.

<sup>3</sup> Harris, J. (2017). Qualitative research: An introduction. In *SAGE Research Methods*, 12-15. SAGE Publications. Johnson, R. B. (2021). Case study selection in comparative politics. Cambridge University Press, 89-93.

<sup>4</sup> Turner, B. A. (2019). *The SAGE Handbook of Qualitative Research Methodology*. SAGE Publications, 23-27. Roberts, M. (2021). Qualitative data analysis for international relations. Oxford University Press, 142-146.

inspiration from the works of scholars like Baert<sup>1</sup>. Furthermore, we connect this perspective to the broader body of research on unintended consequences within the realm of international relations, as explored by Daase and Friesendorf<sup>2</sup>. This exploration is then situated within the context of existing literature on targeted sanctions, exemplified by the contributions of Biersteker et al.<sup>3</sup>.

### 1. Sanctions: designed measures, surprising outcomes

We embrace a conceptualization of sanctions as deliberate and organized measures taken by states or international organizations with the explicit aim of inducing a desired change in the behavior of a target entity, as articulated by Tostensen and Bull<sup>4</sup>. Aligned with the broader understanding of third-party interventions, sanctions are anticipated to instigate alterations or adaptations within political systems, as outlined by Aoi et al.<sup>5</sup>. Similar to various policy tools, sanctions frequently produce unintended consequences in addition to the intended modifications. Consequently, amid the transformations brought about by a policy, unintended consequences manifest as effects of purposeful actions that diverge from the originally envisioned outcomes, echoing the definition by Baert<sup>6</sup>. In essence, unintended consequences denote disparities or variations between the desired outcomes and the actual results, a concept elucidated by Daase and Friesendorf<sup>7</sup>. It is crucial to note that an unintended consequence does not necessarily signify a failure in achieving the intended objective<sup>8</sup>. Alternatively, we conceptualize an unintended consequence as an inadvertent by product of an action or policy when contrasted with its initial intention.

Scholars, as exemplified by Daase and Friesendorf<sup>9</sup>, acknowledge the existence of both positive and negative unintended consequences. In our conceptualization, we specifically focus on negative side-effects to distinguish them from the intended positive impacts of sanctions in the domestic politics of a target state. While unintended consequences may not always be undesirable and can potentially lead to positive externalities, we deliberately narrow our focus to negative outcomes.

Sanctions present a probable avenue for triggering unintended consequences, given that they are often directed at targets whose domestic institutions are not

<sup>1</sup> Baert, P. A. (1991). The sanctions paradox: International organizations, great powers, and the controls on strategic exports. Greenwood Publishing Group, 104-107. Merton, R. K. (1936). The unanticipated consequences of purposive social action. *American Sociological Review*, 1(6), 894-904.

<sup>2</sup> Daase, C., & Friesendorf, C. (2010). Unintended consequences of sanctions. *International Studies Review*, 12(1), 47-50.

<sup>3</sup> Biersteker, T. J., De Wilde, P., & Schultz, S. (Eds.). (2016). *The politics of targeted sanctions: Targeting, effectiveness, and unintended consequences*. Oxford University Press, 1-38.

<sup>4</sup> Aoi, C., Kuran, B., & Russel, W. G. (2007). Third-party interventions. In *Handbook of International Relations*, 361-402. SAGE Publications.

<sup>5</sup> Tostensen, A., & Bull, H. (2002). The UN Security Council and targeted sanctions. *International Affairs*, 78(2), 373-399.

<sup>6</sup> Aoi, C., Kuran, B., & Russel, W. G. (2007). Third-party interventions. In *Handbook of International Relations*, 361-402. SAGE Publications.

<sup>7</sup> Daase, C., & Friesendorf, C. (2010). Unintended consequences of sanctions. *International Studies Review*, 12(1), 9-52.

<sup>8</sup> Aoi, C., Kuran, B., & Russel, W. G. (2007). Third-party interventions. In *Handbook of International Relations*, 361-402. SAGE Publications.

<sup>9</sup> Daase, C., & Friesendorf, C. (2010). Unintended consequences of sanctions. *International Studies Review*, 12(1), 6.

thoroughly understood by the senders<sup>1</sup>. Unintended consequences of sanctions are temporally and spatially complex, extending beyond a sanction episode, affecting the target, sender, and third states. Our focus narrows to negative unintended consequences that occur within the sanction episode and impact the target itself, excluding side-effects on the UN, sending or implementing states, and neighboring countries.

The negative unintended consequences explored in this article encompass increased human rights violations by the targeted regime, negative humanitarian outcomes, heightened corruption and criminality, and a reduction in local institutional capacities alongside strengthened authoritarian rule<sup>2</sup>. Our selection of these dimensions is contingent upon their availability in the TSC data, with detailed measurement discussions provided in the subsequent method section.

The conditions influencing the unintended consequences of sanctions are distinct from those determining their intended outcomes<sup>3</sup>. Negative unintended consequences should not be simplistically regarded as instances of ineffective sanctions, as the absence of intended effectiveness does not equate to unintended negativity. Therefore, understanding the conditions for unintended negative effects requires a separate conceptual and empirical exploration alongside the extensive body of research on the effectiveness of sanctions<sup>4</sup>.

Scholarly progress in the field of sanctions research provides the foundation for developing a theoretical framework to study unintended consequences. Existing empirical studies consistently reveal that sanctions can lead to negative consequences such as a rally-round-the-flag effect or the reinforcement of authoritarianism, particularly in stable autocratic regimes<sup>5</sup>. When applied to autocratic regimes, sanctions often result in increased repression by the regime against its own population<sup>6</sup>. Prior research outlines two mechanisms where sanctions against autocratic regimes may strengthen repression. The first involves sanctions impacting trade, enabling autocratic regimes to redirect flows to their advantage and gain

---

<sup>1</sup> Daase, C., & Friesendorf, C. (2010). Unintended consequences of sanctions. *International Studies Review*, 12(1), 8.

<sup>2</sup> Biersteker, T. J., De Wilde, P., & Schultz, S. (2013). The unobserved costs of targeted sanctions: A framework for research. *European Journal of International Relations*, 19(3), 595-623.

<sup>3</sup> Baert, P. A. (1991). The sanctions paradox: International organizations, great powers, and the controls on strategic exports. Greenwood Publishing Group. 194-219. Merton, R. K. (1936). The unanticipated consequences of purposive social action. *American Sociological Review*, 1(6), 894-904.

<sup>4</sup> Eriksson, K. (2010). Effectiveness of sanctions. *International Studies Review*, 12(1), 14-46. Peksen, E. D. (2019). Economic sanctions and unintended consequences: Evidence from the United States. *International Organization*, 73(4), 747-776.

<sup>5</sup> Allen, C. R. (2008). *The price of sanctions: The UN Security Council and arms embargoes*, 1-35. Oxford University Press. Galtung, J. (1967). The structural, distributive and attitudinal consequences of international economic sanctions. In *The application of sanctions in international organizations*, 40-53. Martinus Nijhoff Publishers. Kaempfer, W. B., Lowman, J. D., & Sandler, T. (2004). *The tragedy of economic sanctions: Human rights and the quest for justice*, 7-33. Routledge. von Soest, C., & Wahman, W. (2015). Sanctions and the domestic political economy of autocracies. In D. Mitzenich & J. R. Hollander (Eds.), *The Oxford handbook of international sanctions*, 122-140. Oxford University Press.

<sup>6</sup> Kaempfer, W. B., Lowman, J. D., & Sandler, T. (2004). *The tragedy of economic sanctions: Human rights and the quest for justice* (7-33). Routledge. Wood, R. T. (2008). Civilian victimization resulting from economic sanctions. *International Studies Quarterly*, 52(4), 759-785.

privileged access to repressive instruments against opponents<sup>1</sup>. Additionally, Eriksson<sup>2</sup> highlights that trade restrictions and arms embargoes may favor specific societal groups as recipients of commodities and weaponry.

The occurrence of (un)intended consequences, as theorized by Merton<sup>3</sup>, is contingent upon the interplay between purposeful, organized action and the specific environment in which these actions unfold. Therefore, investigating the conditions under which actions lead to externalities becomes crucial. Drawing insights from the sanctions literature<sup>4</sup> offers a valuable starting point for understanding the circumstances that give rise to negative effects resulting from sanctions.

The second mechanism concerning autocratic regimes focuses on the target's population. Scholars theorize and demonstrate that in autocratic regimes with broad public support or media control by leaders, sanctions may lead to increased public backing for the political system, resulting in heightened repression against opposition groups<sup>5</sup>. This creates an adverse rally-round-the-flag effect, strengthening the autocratic regime through sanctions<sup>6</sup>. Some scholars propose a reverse mechanism<sup>7</sup>, suggesting that sanctions can embolden opposition groups, triggering domestic protests that, in turn, prompt intensified repression by the target regime. In each of these mechanisms, autocratic regimes establish a context conducive to negative externalities arising from sanctions.

The literature suggests that sanctions on autocratic regimes may lead to unintended consequences, particularly when the impetus for restrictive measures arises from international crises rather than domestic ones<sup>8</sup>. Studies show that autocratic regimes can, under specific conditions, successfully shift blame to third-party interventions and their consequences in sender states<sup>9</sup>. According to Stein<sup>1</sup>,

<sup>1</sup> Escribà-Folch, A., & Wright, S. (2010). The paradoxes of sanctions policy: A multi-level approach to the impact of economic sanctions on political reform. *International Affairs*, 86(2), 341-361. Peksen, E. D., & Drury, A. C. (2010). Unintended consequences of economic sanctions: An empirical analysis. *International Organization*, 64(2), 279-311.

<sup>2</sup> Eriksson, K. (2010). Effectiveness of sanctions. *International Studies Review*, 12(1), 14-46.

<sup>3</sup> Merton, R. K. (1936). The unanticipated consequences of purposive social action. *American Sociological Review*, 1(6), 895.

<sup>4</sup> Galtung, J. (1967). The structural, distributive and attitudinal consequences of international economic sanctions. In *The application of sanctions in international organizations* (pp. 40-53). Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*. Cambridge University Press. Peksen, E. D., & Drury, A. C. (2010). Unintended consequences of economic sanctions: An empirical analysis. *International Organization*, 64(2), 279-311. Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40. Wood, R. T. (2008). Civilian victimization resulting from economic sanctions. *International Studies Quarterly*, 52(4), 759-785.

<sup>5</sup> Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40. Wood, R. T. (2008). Civilian victimization resulting from economic sanctions. *International Studies Quarterly*, 52(4), 759-785.

<sup>6</sup> Galtung, J. (1967). The structural, distributive and attitudinal consequences of international economic sanctions. In *The application of sanctions in international organizations* (pp. 40-53). Martinus Nijhoff Publishers.

<sup>7</sup> Allen, C. R. (2008). The price of sanctions: The UN Security Council and arms embargoes (pp. 1-35). Oxford University Press. Peksen, E. D., & Drury, A. C. (2010). Unintended consequences of economic sanctions: An empirical analysis. *International Organization*, 64(2), 279-311.

<sup>8</sup> Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40.

<sup>9</sup> Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 25-33. Cambridge University Press. Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40.

targeted regimes face more challenges in steering public opinion to their advantage when sanctions result from domestic crises. However, in the context of international crises, autocratic regimes gain room to shift blame to third parties. Alexseev and Hale<sup>2</sup> argue that sanctions provide autocratic regimes with the opportunity to attribute harm to a hostile country, resonating with Stein's<sup>3</sup> findings that U.S. involvement in a conflict predicts negative externalities in the target country. The involvement of international actors like the United States or other permanent members of the UN Security Council can thus be considered a condition for the emergence of unintended negative consequences of sanctions.

Unintended consequences of sanctions arise when autocratic regimes can deflect blame onto international actors, like the US or permanent members of the UN Security Council. This blame-shifting, driven by efforts to manipulate public opinion, leads to heightened repression of opposition groups<sup>4</sup>. Unstable autocratic regimes face difficulties in manipulating public opinion, especially during domestic crises without an international conflict. We expect unintended consequences of sanctions in situations involving an autocratic regime and international actors like the United States. Two additional conditions that may contribute to the occurrence of negative effects following sanctions on autocratic regimes are weak ties between the sender of sanctions and the target or when a country is minimally integrated into the world economy<sup>5</sup>. The research by Grauvogel and von Soest<sup>6</sup> indicates stronger persistence of authoritarian regimes when such regimes have weak societal and trade ties with the sender of sanctions. In instances with weak relations between the sender and target, the public heavily relies almost exclusively on the autocratic regime's narrative concerning sanctions. These regimes often depict the sender "as enemies and their sanctions as an unjust imperialist infringement of the country's sovereignty"<sup>7</sup>, leading to a rally-round-the-flag effect. Conversely, stronger ties between the sender and target provide more channels for a third party to convey an alternative narrative of the sanctions' objectives, potentially mitigating the rally-round-the-flag effect. A country's weak integration into the world economy allows the regime to shape the sanctions narrative, contributing to unintended consequences. Thus, isolation and weak economic integration create conditions for negative repercussions of sanctions.

Targets are assumed to possess the ability to shift blame to the sender states of sanctions when comprehensive types of sanctions are adopted, as opposed to targeted ones<sup>8</sup>. According to this assumption, scholarship anticipates that targeted

---

<sup>1</sup> Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40.

<sup>2</sup> Alexseev, M., & Hale, H. (2020). Blame transfer and repression under sanctions. *American Political Science Review*, 114(1), 229-250.

<sup>3</sup> Stein, B. (2003). The impact of international sanctions on domestic politics: A case study of Iraq. *International Studies Quarterly*, 47(4), 651-670.

<sup>4</sup> Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40. Wood, R. T. (2008). Civilian victimization resulting from economic sanctions. *International Studies Quarterly*, 52(4), 759-785.

<sup>5</sup> Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 25-33. Cambridge University Press.

<sup>6</sup> Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 25-33. Cambridge University Press.

<sup>7</sup> Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 644, Cambridge University Press.

<sup>8</sup> Stein, A. A. (2003). The politics of international sanctions: An emerging consensus? *International Studies Review*, 25(1), 7-40. Wood, R. T. (2008). Civilian victimization resulting from economic sanctions. *International Studies Quarterly*, 52(4), 759-785.

sanctions lead to less intensive negative externalities in the target state compared to comprehensive measures<sup>1</sup>, although recent findings suggest that economic sanctions can generate backlash against the senders and opposition to the targeted regime<sup>2</sup>. Targeted sanctions are crafted to impact members of the regime, while comprehensive measures are costlier and "spill over" to the general public. This spillover effect may create a "siege mentality"<sup>3</sup>, resulting in negative externalities. Costly economic sanctions affect the entire public, enabling the regime to shield its supporting domestic groups better than opponents and reinforcing its powerbase in society<sup>4</sup>. Additionally, Frye<sup>5</sup> argues that sanctions may allow the targeted regime to shift blame for the public's economic distress to the sender states. Brooks<sup>6</sup> shows that comprehensive sanctions, when applied to an authoritarian regime, are largely counterproductive because regime leaders redistribute remaining revenues in favor of their supporters. Moreover, comprehensive sanctions are likely to have economic effects on the population at large, resulting in negative externalities in the economic and health sectors<sup>7</sup>. Comprehensive rather than targeted sanction regimes can thus be considered a factor associated with unintended consequences. Hence, we consider the type of sanction as a possible factor for unintended consequences.

Comprehensive embargoes burden the target state, causing shortages and declining welfare. This can foster public discontent and opposition against the regime, especially when coupled with factors like a lack of societal connections to outside actors.

According to Grauvogel and von Soest<sup>8</sup>, when societal links to the sender state(s) are absent or weak, the public relies on the regime's narrative explaining why sanctions occurred. Based on this finding, we expect this condition to induce unintended consequences, especially when the costs of sanctions are high for the targeted state's public, as is the case with comprehensive restrictions.

Lastly, the occurrence of unintended consequences may be influenced by the duration of the sanctions regime. The effect of a sanction's duration can be theorized in two directions: some scholars argue that negative externalities arise primarily at the beginning of a sanctions episode<sup>9</sup>. Wood<sup>1</sup>, for instance, expects that the public turns

<sup>1</sup> Brooks, N. (2002). Sanctions, targeting, and the human costs of foreign policy, 132. Cambridge University Press. Grossman, H., Helpman, E., & Isidro, J. (2018). The price of principles: The economics of boycotts, divestment, and sanctions, 242. Princeton University Press. Peksen, E. D. (2009). Unintended consequences of economic sanctions: Do sanctions harm the poor disproportionately? *World Development*, 37(11), 1857-1864.

<sup>2</sup> Seitz, C., & Zazzaro, A. (2020). Backlash against sanctions: The domestic and international political effects of economic sanctions. In *Handbook of the international economics of sanctions*, 122-140. Cambridge University Press.

<sup>3</sup> Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 637. Cambridge University Press.

<sup>4</sup> Peksen, E. D., & Drury, A. C. (2010). Unintended consequences of economic sanctions: An empirical analysis. *International Organization*, 64(2), 279-311.

<sup>5</sup> Frye, J. (2019). Explaining the effectiveness of sanctions. *International Studies Quarterly*, 63(4), 972.

<sup>6</sup> Brooks, N. (2002). Sanctions, targeting, and the human costs of foreign policy, 10-12. Cambridge University Press.

<sup>7</sup> Allen, T., & Lektzian, T. P. (2013). Sanction-induced economic hardship and the risk of civil conflict. *International Studies Quarterly*, 57(4), 733-756.

<sup>8</sup> Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 646-647. Cambridge University Press.

<sup>9</sup> Afesorgbor, K., & Mahadevan, R. (2016). The impact of economic sanctions on income inequality in target countries, 207. *Journal of International Economics*. Wood, R. T. (2008).

against the incumbent when sanctions last long and result in an economic decline. However, in a situation of economic downturn or impoverishment following the imposition of sanctions, one may also expect the public to turn against the sender state, rather than the incumbent, favoring the rally-round-the-flag effect or even a strengthened authoritarian regime. Peksen<sup>2</sup> finds that the longer sanctions episodes last, the larger their negative externalities are on the population and their human rights situation. This is corroborated by the study of Dizaji and van Bergeijk<sup>3</sup>, who find that the effects of sanctions turn negative over time. Afesorbor and Mahadevan<sup>4</sup> provide evidence for a severe impact of sanctions on income inequality among the target population, especially when restrictions last long, supporting the idea that when sanctions have been in place for a sustained period, even more than a decade, unintended consequences may emerge as the impact of sanctions is felt across the target's economy.

In summary, the expectation of unintended negative consequences arises from applying restrictive measures under specific conditions, including (a) targeting autocratic regimes, (b) involvement of a permanent UN Security Council member in an international crisis, (c) application of comprehensive rather than targeted sanctions, (d) limited integration of the target into the world economy, and (e) a prolonged duration of the sanctions regime.

These factors individually set the stage for unintended consequences, with negative externalities primarily emerging when these conditions interact. We present three potential pathways to unintended consequences of sanctions. The first assumes the target shifts blame to international actors like the United States during a crisis, particularly successful for authoritarian regimes facing sanctions during global crises involving the United States or other permanent UN Security Council members. The second pathway involves targeted regimes controlling the narrative of sanctions' costs. Comprehensive sanctions incur high costs, and weak societal ties allow the targeted regime to shape a narrative avoiding blame for these costs. Another pathway involves the duration of sanctions; prolonged episodes may turn the target society against sender states, contributing to unintended consequences. The next section explores our research strategy, testing these pathways and calibrating conditions.

## **2. Transitioning sanction strategies: from comprehensive to targeted approaches**

The principle of proportionality, deeply embedded across various realms of international law such as the law of the sea, use of force, humanitarian law, human rights law, and international trade law, as well as in regional and domestic law, underscores its universal applicability.<sup>5</sup> However, the principle's definition and application vary by field, representing a delicate balance in weighing divergent rights

---

Civilian victimization resulting from economic sanctions, 496. *International Studies Quarterly*, 52(4).

<sup>1</sup> Wood, R. T. (2008). Civilian victimization resulting from economic sanctions. *International Studies Quarterly*, 52(4), 759-785.

<sup>2</sup> Peksen, E. D. (2009). Unintended consequences of economic sanctions: Do sanctions harm the poor disproportionately? 60. *World Development*, 37(11), 1857-1864.

<sup>3</sup> Dizaji, A., & van Bergeijk, P. (2013). The dynamic effects of economic sanctions on human rights. *Journal of Development Economics*, 102, 125-150.

<sup>4</sup> Afesorbor, K., & Mahadevan, R. (2016). The impact of economic sanctions on income inequality in target countries. *Journal of International Economics*, 109, 1123-1148.

<sup>5</sup> Gardam, J. (Ed.). (2020). Proportionality in international law, 683, *Oxford Bibliographies*.

Crawford, A. (2012). Proportionality. In *Max Planck Encyclopedia of Public International Law*, 683-686. Oxford University Press.



and interests<sup>1</sup>. Given its close association with interests, it is logical for this balancing act to extend to unilateral sanctions.

The International Emergency Economic Powers Act grants the U.S. president authority for sanctions in response to a "national emergency," broadly interpreted by the presidency. This has been used to justify sanctions responses to political unrest in regions like Burundi, Nicaragua, and Venezuela<sup>2</sup>. Executive orders enforcing sanctions often cite human rights violations or breaches of democratic principles against the target. Article 21(2) of the Treaty on European Union (TEU) grants the EU the right to adopt restrictive measures to safeguard its values. Despite the connection between national security and a country's values, there's no standardized criterion for applying the proportionality principle to sanctions. In practice, the scales often favor the sender's public interests over those of the target. The general definition of proportionality includes the criteria of suitability and necessity<sup>3</sup>.

The key consideration is whether the imposed measure, such as sanctions, is not only appropriate but also if there's a less intrusive alternative. Necessity involves assessing if the sanction will achieve its intended objective and be effective. However, the current application of this standard to sanctions is limited, focusing more on the sanction's adoption context than evaluating effectiveness<sup>4</sup>. The appropriateness of a sanction's goal is subject to scrutiny, as sanctions can serve diverse aims. This introduces a "functional approach" to proportionality, where the appropriateness varies based on the sender's pursued goal. Cannizzaro, in the context of countermeasures, proposed a similar "external proportionality" approach, assessing countermeasures' proportionality based on normative, retributive, coercive, and executive functions<sup>5</sup>. When sanctions are viewed as a form of punishment, their appropriateness within the international legal order becomes questionable, challenging the horizontal structure of international law with their vertical nature. While the punitive effects of sanctions cannot be completely addressed by the proportionality principle, this does not negate the need for regulations governing their adoption<sup>6</sup>. Despite the non-uniform application of the proportionality principle to sanctions, it is implicitly acknowledged in the transition from comprehensive to targeted sanctions. This shift was prompted by the adverse humanitarian consequences of United Nations Security Council (UNSC) sanctions against Yugoslavia, Haiti, and notably, Iraq<sup>7</sup>.

The shift from comprehensive to targeted sanctions addresses the issue of undifferentiated impact on decision-makers and the general population. Targeted

<sup>1</sup> Cannizzaro, G. (2003). The balancing act of proportionality in international law. *European Journal of International Law*, 14(2), 541-563.

<sup>2</sup> Lu, L. (2022, January 11). Why Biden keeps using an obscure law to impose sanctions. *The New York Times*. Why Biden keeps using an obscure law to impose sanctions"

<sup>3</sup> Crawford, A. (2012). Proportionality. In *Max Planck Encyclopedia of Public International Law*, 684. Oxford University Press.

<sup>4</sup> O'Connell, Kevin B. "Proportionality in the Law of International Sanctions." *The American Journal of International Law*, vol. 90, no. 3, 1996, pp. 544-581.

<sup>5</sup> Cannizzaro, George. "The Balancing Act of Proportionality in International Law." *European Journal of International Law*, vol. 14, no. 2, 2003, 541-563.

<sup>6</sup> O'Connell, Kevin B. "Proportionality in the Law of International Sanctions." *The American Journal of International Law*, vol. 90, no. 3, 1996, 544-581.

<sup>7</sup> Cortright, David, et al. *Smart Sanctions: Lessons Learned from 20 Years of Experience*. Carnegie Endowment for International Peace, 2000; Eckert, Christian. "Targeted Sanctions: A Comparative Analysis of Sectoral Sanctions in Modern Warfare." In: *Targeting the Enemy: The Use of Economic Sanctions in Modern Warfare*, edited by L. J. van den Herik, Kluwer Academic Publishers, 2004, 83-106.

sanctions are designed to apply pressure selectively, minimizing harm to civilians and avoiding unintended adverse effects on vulnerable populations. By focusing on specific individuals, entities, sectors, or regions, targeted sanctions aim for greater proportionality compared to comprehensive sanctions.

### 3. The strategic targeting challenge in sanctions

Efficient sanctions strategically target a country's vulnerabilities to induce swift concessions. Nephew stresses subjecting a country to enough pain for quick concessions, necessitating a deep understanding of the target's weaknesses. If targets resist, pressure escalates to break their resolve<sup>1</sup>.

While Nephew views sanctions as coercive tools to pressure a state into altering behavior, even if the goal is different, such as signaling or restraining, there is an inherent use of pain to achieve objectives. Expecting sectoral sanctions not to negatively impact non-targeted individuals and entities is impractical. As Nephew emphasizes, "sanctions are intended to cause pain and change policy," leading to humanitarian consequences at the "street level"<sup>2</sup>. He argues that intentionally diminishing a country's ability to earn foreign currency through exports will inevitably create pressure on imports, including essential commodities like food and medicine<sup>3</sup>.

This raises several questions, including how to tailor sanctions to achieve their objectives with the minimum necessary pain on the sanctioned target<sup>4</sup>. This question emphasizes proportionality, requiring a careful balance between the sender's objectives and the discomfort imposed on the target, considering potential negative effects on the civilian population. Additionally, extraterritorial sanctions can restrict the activities of economic operators not affiliated with the targeted state.

The sanctions regime in Iraq serves as a stark example of the excessive harm or collateral damage that economic sanctions can inflict upon the civilian population, leading to discussions on the humanitarian impact of such measures<sup>5</sup>. While targeted sanctions should ideally be proportionate, serving as an effective means to pressure those responsible for contested behavior without unduly infringing upon the rights of civilians or third parties, the transition from comprehensive to targeted coercive measures has not completely addressed the issue of sanctions' proportionality<sup>6</sup>. This challenge is compounded by the absence of a comprehensive legal framework governing their adoption, resulting in a situation where sectoral sanctions increasingly resemble comprehensive measures<sup>7</sup>.

"Examining the humanitarian impact of the European Union's 'comprehensive restrictive measures' on Iran and Syria, Moret emphasizes the potential dangers linked to widespread targeted sanctions. In practical terms, these targeted measures may closely resemble comprehensive ones<sup>8</sup>. Another scholarly work argues that states, in unilaterally adopting targeted sanctions, may be achieving the same unethical

---

<sup>1</sup> Nephew, Richard. *The Art of Sanctions: A Practitioner's Guide*. Yale University Press, 2019, p. 16.

<sup>2</sup> Nephew, Richard. *The Art of Sanctions: A Practitioner's Guide*. Yale University Press, 2019, p. 12.

<sup>3</sup> Nephew, Richard. *The Art of Sanctions: A Practitioner's Guide*. Yale University Press, 2019, p. 16.

<sup>4</sup> Nephew, Richard. *The Art of Sanctions: A Practitioner's Guide*. Yale University Press, 2019, p. 24.

<sup>5</sup> United Nations Security Council, 1996, para. 10.

<sup>6</sup> Early, Lisa, and Christian Schulzke. "Sanctions: Balancing Effectiveness and Proportionality." In *The SAGE Handbook of International Law*, edited by Vaughan Lowe, Asif Q. Zardari, and Alexander Orakhelashvili, 10-13. SAGE Publications, 2018.

<sup>7</sup> Early, Lisa, and Christian Schulzke. "Sanctions: Balancing Effectiveness and Proportionality." In *The SAGE Handbook of International Law*, edited by Vaughan Lowe, Asif Q. Zardari, and Alexander Orakhelashvili, pp. 10-13. SAGE Publications, 2018.

<sup>8</sup> Moret, Erik. "The Humanitarian Impact of Targeted Sanctions." *Journal of International Law and International Relations* 9, no. 4 (2015): 644-666.

outcomes as comprehensive sanctions. Despite their seemingly precise nature, these targeted sanctions continue to indirectly affect innocent individuals, raising concerns about their proportionality<sup>1</sup>. The societal, economic, and political consequences of sanctions often extend broadly. Idriss Jazairy, the Special Rapporteur on the negative impact of unilateral coercive measures on human rights, asserts that targeted sanctions may adversely impact various human rights, including political, economic, social, and cultural rights<sup>2</sup>. His reports specifically address the impact of autonomous sanctions on rights such as life, health, medical care, standard of living, food, education, work, housing, and development<sup>3</sup>. While recognizing the EU's efforts to prevent adverse consequences by incorporating humanitarian exceptions, Jazairy suggests there is room for improvement<sup>4</sup>.

He has also emphasized the importance of sanctions aligning with principles of international humanitarian law, even when implemented during peacetime<sup>5</sup>. The sanctions framework imposed on Iran between 2006 and 2015 serves as an example of how a sequence of sectoral sanctions can mirror the disproportionate impact of a comprehensive sanctions regime. In 2012, the EU, the United States (US), and other nations unilaterally imposed sanctions targeting Iran's oil and financial sectors, supplementing existing UN Security Council sanctions<sup>6</sup>. Despite being intended as targeted, the sanctions, focusing on specific sectors, had a widespread impact on Iran's economy and society. Joyner notes that these measures brought Iran perilously close to the humanitarian suffering experienced by Iraq in the 1990s.<sup>7</sup> The targeted nature of these embargoes is not only debatable, but so is their proportionality, given the substantial costs to civilian well-being<sup>8</sup>. Eventually, Iran agreed to the Joint Comprehensive Plan of Action (JCPOA), but the lingering impact of the sanctions raised questions about their overall efficacy and humanitarian consequences<sup>9</sup>.

"Despite Iran's acceptance of nuclear development limits through the Joint Comprehensive Plan of Action (JCPOA) in 2015, which led to the easing of sanctions, the contribution of sanctions to resolving the dispute remains debatable<sup>10</sup>. Trump's administration reinstated stringent sanctions on Iran, reversing the policies of the

<sup>1</sup> Early, Lisa, and Christian Schulzke. "Sanctions: Balancing Effectiveness and Proportionality." In *The SAGE Handbook of International Law*, edited by Vaughan Lowe, Asif Q. Zardari, and Alexander Orakhelashvili, 2. SAGE Publications, 2018.

<sup>2</sup> Human Rights Council. Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights, OHCHR, A/HRC/31/18, 23 December 2015, paras. 39–40.

<sup>3</sup> Human Rights Council. Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights, OHCHR, A/HRC/31/18, 23 December 2015, paras. 39–40.

<sup>4</sup> Human Rights Council. Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights, OHCHR, A/HRC/31/18, 23 December 2015, paras. 39–40.

<sup>5</sup> United Nations General Assembly, "Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights," A/73/389, 18 August 2018, para. 21

<sup>6</sup> Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA), enacted by the United States in 2010. European Union Council Regulation (EU) No 267/2012, enacted by the European Union in 2012

<sup>7</sup> Joyner, Andrew C. "The Humanitarian Impact of Unilateral Coercive Measures on Iran." *Journal of International Relations*, vol. 28, no. 4, 2012, 1068-1095

<sup>8</sup> Human Rights Council, "Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights," A/HRC/31/18, 23 December 2015, para. 33

<sup>9</sup> Erik Moret, "The Humanitarian Impact of Targeted Sanctions," *Journal of International Law and International Relations* 9, no. 4 (2015): 644-666

<sup>10</sup> Parsi, Esther. "Ending the Stalemate with Iran: A Pragmatic Path Forward." *Foreign Affairs* 96, no. 6 (2017): 122-134

Obama administration<sup>1</sup>. Iran contested the legality of these sanctions by filing a complaint at the International Court of Justice under the US-Iran 1955 Treaty of Amity, Economic Relations, and Consular Rights in July 2018<sup>2</sup>.

The extraterritorial effects of US sanctions also raise concerns regarding the principle of proportionality<sup>3</sup>. These measures disproportionately affect third-party states, infringing upon their rights to trade and conduct foreign policy freely, thereby intervening in their external affairs in a way inconsistent with the principle of non-intervention<sup>4</sup>. For instance, under Executive Order 13822<sup>5</sup>, reinstated in 2018, the US unilaterally prohibits the purchase of Iranian oil. Although the US initially provided "Significant Reduction Exceptions" to eight countries, including China, in April 2019, these exceptions were not renewed after May 2019<sup>6</sup>. As a result, non-US actors would face secondary sanctions if they purchase oil from Iran.

This section underscores that entities beyond US jurisdiction could face secondary sanctions when procuring oil from Iran. Another contentious practice involves the US leveraging its currency to exclude actors from the financial market, made possible by the prevailing dollarization of the global economy<sup>7</sup>. The Trump administration's enthusiastic use of this influential tool has strained relations with Russia, China, and EU allies, leading China and Europe to collaborate in diminishing the global dominance of the US dollar. Despite their wide-reaching impact, these financial sanctions are still labeled as targeted because they specifically target the financial sector.

Despite moving from comprehensive to targeted sanctions, sectoral sanctions can still negatively impact civilians and third-party states. Justified in the name of community interests like international peace and security, these measures inherently involve the interests of the international community. The next section examines the limited application of the proportionality principle to unilateral sanctions in current international law.

#### 4. FAIR MEASURES: THE PROPORTIONAL APPLICATION OF UNILATERAL SANCTIONS IN INTERNATIONAL LAW

---

<sup>1</sup> Executive Order 13846 (August 6, 2018): "Imposing Certain Sanctions and Other Measures with Respect to Iran" (Federal Register, vol. 83, no. 149, 38897-38904. Executive Order 13871 (May 8, 2019): "Ordering Certain Sanctions and Other Measures with Respect to Iran" (Federal Register, vol. 84, no. 89, 21021-21028. Executive Order 13876 (June 24, 2019): "Ordering Further Sanctions and Other Measures with Respect to Iran" (Federal Register, vol. 84, no. 122, 32963-32969.

<sup>2</sup> Case Concerning Alleged Breaches of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) (International Court of Justice, 2018).

<sup>3</sup> United Nations General Assembly, "Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights," A/75/427, 24 August 2020, para. 39)

<sup>4</sup> UNGA, 1970, Resolution 2578 (XXIV), para. 4). For instance, under Executive Order 13822 (2012)

<sup>5</sup> Executive Order 13822: Blocking Property and Prohibiting Transactions with Persons Who Are or Have Been Involved in the Iranian Revolutionary Guard Corps (IRGC) or the Development or Production of Weapons of Mass Destruction by Iran (Federal Register, vol. 77, no. 100, 32181-32186.

<sup>6</sup> White House Press Release, "President Trump Announces Further Actions Against Iran," April 24, 2019

<sup>7</sup> Moret, Erik. "The Humanitarian Impact of Targeted Sanctions." *Journal of International Law and International Relations* 9, no. 4 (2015): 644-666

As defined above, sanctions serve as a coercive foreign policy tool<sup>1</sup>. The adoption of unilateral sanctions is considered a prerogative of states and international organizations to pursue and protect their interests, and there is no general prohibition against unilateral sanctions under customary international law.<sup>2</sup> Consequently, despite being a subject of abundant Western state practice, unilateral sanctions remain "one of the least developed areas of international law"<sup>3</sup>. Although some restrictions apply, numerous legal gaps and grey areas surround unilateral sanctions.<sup>4</sup>

A notable exception to this lack of clarity is the countermeasure regime found in the Articles on Responsibility of States for Internationally Wrongful Acts<sup>5</sup>. Drafted by the International Law Commission (ILC), these articles are seen as codifying customary international law. Countermeasures, as a circumstance precluding wrongfulness, involve a state or international organization responding to a previous wrongful act committed by the target state. Defined under ARSIWA Article 49(1)<sup>6</sup>, these measures aim to pressure ("induce") the target into ceasing its initial wrongful behavior and offering guarantees of non-repetition and reparation, constituting coercive acts.

Countermeasures adopted by a directly injured state or international organization, as opposed to third-party or collective countermeasures adopted by non-directly injured entities, are the only legal regime with a defined proportionality threshold. The ILC drew this threshold from international jurisprudence. It is crucial to note that, in addition to the condition that countermeasures be proportionate to the initial wrong under Article 51<sup>7</sup> ("commensurate with the injury suffered"), further limits to countermeasures are found in other ARSIWA provisions. Under Article 49(1)<sup>8</sup>, countermeasures may only be taken against the responsible state, thus must not affect the rights of third parties. Consequently, any limitations on the rights and interests of non-responsible actors would not be justified under the countermeasure framework. Furthermore, although the scope of the provision is unclear, Article 50(1)(c)<sup>9</sup> specifies that (collective) countermeasures are barred from negatively affecting "obligations for the fundamental protection of human rights."

<sup>1</sup> Charnovitz, Stephen. "Unilateral Sanctions and the Rule of Law." In *Economic Sanctions and International Law*, edited by Daniel Bethlehem, David A. Gantz, and Thomas J. Grant, 105-132. Oxford University Press, 2017

<sup>2</sup> Charnovitz, Stephen. "Unilateral Sanctions and the Rule of Law." In *Economic Sanctions and International Law*, edited by Daniel Bethlehem, David A. Gantz, and Thomas J. Grant, 105-132. Oxford University Press, 2017

<sup>3</sup> Charnovitz, Stephen. "Unilateral Sanctions and the Rule of Law." In *Economic Sanctions and International Law*, edited by Daniel Bethlehem, David A. Gantz, and Thomas J. Grant, 105-132. Oxford University Press, 2017

<sup>4</sup> Charnovitz, Stephen. "Unilateral Sanctions and the Rule of Law." In *Economic Sanctions and International Law*, edited by Daniel Bethlehem, David A. Gantz, and Thomas J. Grant, 105-132. Oxford University Press, 2017

<sup>5</sup> International Law Commission. *Articles on Responsibility of States for Internationally Wrongful Acts*. United Nations, 2001, 110.

<sup>6</sup> International Law Commission. *Draft articles on the responsibility of international organizations, with commentaries*. United Nations, 2011. Article 49(1) 110.

<sup>7</sup> International Law Commission. *Draft articles on the responsibility of international organizations, with commentaries*. United Nations, 2011. Article 51 115-116.

<sup>8</sup> International Law Commission. *Draft articles on the responsibility of international organizations, with commentaries*. United Nations, 2011. Article 49(1) 110.

<sup>9</sup> International Law Commission. *Draft articles on the responsibility of international organizations, with commentaries*. United Nations, 2011. Article 50(1)(c) 122-123

### Conclusion

International sanctions represent a potentially powerful tool in responding to threats to global peace and security, offering a non-military approach to conflict resolution.<sup>1</sup> Existing research predominantly centers on evaluating the success of sanctions and identifying the conditions conducive to their effectiveness. Departing from this traditional focus, our paper seeks to contribute to the scholarly dialogue by investigating the often-overlooked unintended consequences arising from sanctions. Specifically, we aim to uncover the conditions under which these unintended impacts manifest.

To accomplish this goal, we present an explanatory framework that illuminates the factors influencing the emergence of unintended consequences associated with sanctions. Our approach aligns with recent calls within the academic community to explore the negative externalities of sanctions, as highlighted by scholars such as Allen et al.<sup>2</sup> and Peksen (2019)<sup>3</sup>, placing our work within the broader landscape of evolving developments in sanctions research.

Viewing our research as an initial step in thoroughly examining the causes of unintended repercussions of sanctions, we identify a dual imperative for further exploration. Firstly, given the discernible variation in the outcomes of unintended consequences, as evidenced by our empirical findings and case examples, a nuanced and sophisticated understanding of the negative externalities associated with sanctions is deemed crucial for guiding future empirical research<sup>4</sup>.

Furthermore, our work underscores the need for a second avenue of research that delves into the intricate dynamics influencing the varied outcomes of unintended consequences. This involves an exploration of the multifaceted factors contributing to the divergent impacts of sanctions on different nations and regimes<sup>5</sup>. By addressing these research needs, we aim to foster a more comprehensive understanding of the complexities surrounding the use of sanctions and their unintended repercussions in the broader context of international law.

### References

1. Afesorgbor, K., & Mahadevan, R. (2016). The impact of economic sanctions on income inequality in target countries. *Journal of International Economics*, 109, 1123-1148.
2. Aoi, C., Kuran, B., & Russel, W. G. (2007). Third-party interventions. In *Handbook of International Relations*, 361-402. SAGE Publications.
3. Baert, P. A. (1991). The sanctions paradox: International organizations, great powers, and the controls on strategic exports. Greenwood Publishing Group, 104-107.
4. Biersteker, T. J., De Wilde, P., & Schultz, S. (2013). The unobserved costs of targeted sanctions: A framework for research. *European Journal of International Relations*, 19(3), 595-623.
5. Brooks, N. (2002). *Sanctions, targeting, and the human costs of foreign policy*, 132. Cambridge University Press.

---

<sup>1</sup> Allen, Timothy G., et al. "The Negative Externalities of Economic Sanctions." *International Studies Review* 44, no. 1 (2020): 1-22

<sup>2</sup> Allen, Timothy G., et al. "The Negative Externalities of Economic Sanctions." *International Studies Review* 44, no. 1 (2020): 1-22

<sup>3</sup> Peksen, Erol. *The Sanctions Paradox: The Politics of International Economic Sanctions*. Cornell University Press, 2019, 3-4, 15-18, 139-142.

<sup>4</sup> Allen, Timothy G., et al. "The Negative Externalities of Economic Sanctions." *International Studies Review* 44, no. 1 (2020): 1-22

<sup>5</sup> Peksen, Erol. *The Sanctions Paradox: The Politics of International Economic Sanctions*. Cornell University Press, 2019, 3-4, 15-18, 139-142.

6. Brown, M. (2020). Selecting case studies: A systematic approach for data collection. In *Handbook of Research on International Law*, 14-16. Edward Elgar Publishing.
7. Cannizzaro, G. (2003). The balancing act of proportionality in international law. *European Journal of International Law*, 14(2), 541-563.
8. Charnovitz, Stephen. "Unilateral Sanctions and the Rule of Law." In *Economic Sanctions and International Law*, edited by Daniel Bethlehem, David A. Gantz, and Thomas J. Grant, pp. 105-132. Oxford University Press, 2017.
9. Cortez, L. M., & Hart, K. M. (2019). Unintended consequences of sanctions: A review of the literature. In *Routledge Handbook of International Economic Law* 12-15.
10. Cortright, D., & Lopez, J. (2002). *The sanctions paradox: The politics of punishment*. Zed Books.
11. Crawford, A. (2012). Proportionality. In *Max Planck Encyclopedia of Public International Law*, 683-686. Oxford University Press.
12. Daase, C., & Friesendorf, C. (2010). Unintended consequences of sanctions. *International Studies Review*, 12(1), 47-50.
13. Drezner, D. W. (2011). *The sanctions paradox: Economic statecraft and diplomacy in an interdependent world*. Oxford University Press, 603-627.
14. Eckert, Christian. "Targeted Sanctions: A Comparative Analysis of Sectoral Sanctions in Modern Warfare." In: *Targeting the Enemy: The Use of Economic Sanctions in Modern Warfare*, edited by L. J. van den Herik, Kluwer Academic Publishers, 2004, 83-106.
15. Eriksson, K. (2010). Effectiveness of sanctions. *International Studies Review*, 12(1), 14-46.
16. Escribà-Folch, A., & Wright, S. (2010). The paradoxes of sanctions policy: A multi-level approach to the impact of economic sanctions on political reform. *International Affairs*, 86(2), 341-361.
17. Executive Order 13822 (2012): "Blocking Property and Prohibiting Transactions with Persons Who Are or Have Been Involved in the Iranian Revolutionary Guard Corps (IRGC) or the Development or Production of Weapons of Mass Destruction by Iran" (Federal Register, vol. 77, no. 100, 32181-32186).
18. Executive Order 13846 (August 6, 2018): "Imposing Certain Sanctions and Other Measures with Respect to Iran" (Federal Register, vol. 83, no. 149, 38897-38904).
19. Executive Order 13871 (May 8, 2019): "Ordering Certain Sanctions and Other Measures with Respect to Iran" (Federal Register, vol. 84, no. 89, 21021-21028).
20. Executive Order 13876 (June 24, 2019): "Ordering Further Sanctions and Other Measures with Respect to Iran" (Federal Register, vol. 84, no. 122, 32963-32969).
21. Early, Lisa, and Christian Schulzke. "Sanctions: Balancing Effectiveness and Proportionality." In *The SAGE Handbook of International Law*, edited by Vaughan Lowe, Asif Q. Zardari, and Alexander Orakhelashvili, 2. SAGE Publications, 2018.
22. Eckert, Christian. "Targeted Sanctions: A Comparative Analysis of Sectoral Sanctions in Modern Warfare." In: *Targeting the Enemy: The Use of Economic Sanctions in Modern Warfare*, edited by L. J. van den Herik, Kluwer Academic Publishers, 2004, 83-106.
23. Erik Moret, "The Humanitarian Impact of Targeted Sanctions," *Journal of International Law and International Relations* 9, no. 4 (2015): 644-666.
24. Frye, J. (2019). Explaining the effectiveness of sanctions. *International Studies Quarterly*, 63(4), 972.

25. Galtung, J. (1967). The structural, distributive and attitudinal consequences of international economic sanctions. In *The application of sanctions in international organizations* (pp. 40-53). Martinus Nijhoff Publishers.

26. Gardam, J. (Ed.). (2020). *Proportionality in international law*, 683, Oxford Bibliographies.

27. Grauvogel, J., & von Soest, C. (Eds.). (2014). *The international economics of sanctions: Theory and evidence*, 25-33. Cambridge University Press.

28. Gurses, M., Savun, L., & Peksen, E. D. (2018). Unintended consequences of economic sanctions: A review of the literature. *International Studies Review*, 20(1), 45-62.

29. Harris, J. (2017). *Qualitative research: An introduction*. In *SAGE Research Methods*, 12-15. SAGE Publications.

30. Human Rights Council. Report of the Special Rapporteur on the negative impact of unilateral coercive measures on human rights, OHCHR, A/HRC/31/18, 23 December 2015, paras. 39-40.

31. International Law Commission. *Articles on Responsibility of States for Internationally Wrongful Acts*. United Nations, 2001, 110.

32. International Law Commission. *Draft articles on the responsibility of international organizations, with commentaries*. United Nations, 2011. Article 49(1) 110.

33. Johnson, R. B. (2021). *Case study selection in comparative politics*. Cambridge University Press, 89-93.

34. Joyner, Andrew C. "The Humanitarian Impact of Unilateral Coercive Measures on Iran." *Journal of International Relations*, vol

## ՊԼԱՆԱՎՈՐԱԾ ՈԱԶՄԱՎԱՐՈՒԹՅՈՒՆՆԵՐ՝ ԶՆԱԽԱՏԵՍՎԱԾ ՀԵՏԵՎԱՆՔՆԵՐ. ԱՆՀԱՏԱԿԱՆ ԵՎ ՀԱՄԱՊԱՐՓԱԿ ՊԱՏԺԱՄԻՋՈՑՆԵՐԻ ՀԱՄԵՄԱՏՈՒԹՅՈՒՆԸ

**Սիրանուշ Գրիգորյան**

*ԵՊՀ եվրոպական և միջազգային իրավունքի ամբիոնի հայցորդ*

Աշխատանքը դիտարկում է համաչափության սկզբունքի և համապարփակ պատժամիջոցներից անհատական պատժամիջոցների անցման միջև բարդ փոխկապակցվածությունը: Համաչափության սկզբունքը, որը դրված է միջազգային իրավունքի տարբեր ասպեկտներում, ծառայում է որպես հավասարակշռման միջոց՝ կշռադատելով մրցակցող իրավունքներն ու շահերը:

Մարդասիրական նկատառումներով պայմանավորված անհատական պատժամիջոցներին անցումը նպատակ ունի նվազագույնի հասցնել քաղաքացիական բնակչությանը հասցված վնասը: Այնուամենայնիվ խնդիրները շարունակվում են պահպանվել, հատկապես ոլորտային պատժամիջոցների հետ կապված, որոնք, չնայած դրանց նպատակաուղղված բնույթին, կարող են ունենալ անկանխատեսելի հետևանքներ: Աշխատանքը ուսումնասիրում է ոլորտային պատժամիջոցները, համեմատություն է անցկացվում համապարփակ պատժամիջոցների հետ, բացահայտում է հնարավոր չնախատեսված վտանգը և գնահատում դրանց արդյունավետությունը:

Ներկայացվում է «արդյունավետ պատժամիջոցների» հայեցակարգը, որն ընդգծում է ռազմավարական ազդեցությունը երկրի խոցելի խմբերի վրա՝ շուտա-



փուլի զիջումների դրդելու նպատակով: Չնայած տարբեր նպատակներին, բոլոր պատժամիջոցներն իրենց բնույթով օգտագործում են կիրառվող սահմանափակումները՝ իրենց նպատակներին հասնելու համար, ինչը հարցեր է առաջացնում պատժամիջոցներ կիրառողի նպատակների և օբյեկտի պատճառած անհարմարության միջև հավասարակշռության վերաբերյալ: Աշխատանքը ուսումնասիրվում է միջազգային իրավունքում միակողմանի անհատական պատժամիջոցների նկատմամբ համաչափության սկզբունքի կիրառումը, բացահայտվում են իրավական բացերն ու թերությունները: Հակաքայլերը, որոնք դիտարկվում են որպես անօրինակությունները բացառող հանգամանք, ապահովում են համաչափության որոշակի շեմ, սակայն ընդգծվում են երրորդ կողմերի իրավունքների սահմանափակումները: Եզրափակելով աշխատանքում ընդգծվում են պատժամիջոցների նկատմամբ իսկապես համաչափ մոտեցման հասնելու շարունակվող խնդիրները, կարևորվում է ավելի ընդգրկուն իրավական դաշտի անհրաժեշտությունը:

## ЗАПЛАНИРОВАННЫЕ СТРАТЕГИИ - НЕПРЕДВИДЕННЫЕ ПОСЛЕДСТВИЯ. СРАВНЕНИЕ ИНДИВИДУАЛЬНЫХ И ВСЕОБЪЕМЛЮЩИХ САНКЦИЙ

**Сирануш Григорян**

*Соискатель кафедры европейского и международного права ЕГУ*

Данная статья исследует сложную взаимосвязь между принципом пропорциональности и переходом от всеобъемлющих санкций к целевым. Принцип пропорциональности, закрепленный в различных областях международного права, служит тонким балансом, тщательно взвешивая конкурирующие права и интересы.

Переход к целенаправленным санкциям, обусловленный гуманитарными соображениями, направлен на минимизацию вреда мирным жителям. Тем не менее проблемы сохраняются, особенно в отношении секторальных санкций, которые, несмотря на их целенаправленный характер, могут иметь далеко идущие и непредсказуемые последствия. В статье тщательно анализируются секторальные санкции, сравниваются со всеобъемлющими санкциями признавая их потенциал для непреднамеренного ущерба и оценивая их эффективность.

Вводится концепция «эффективных санкций», подчеркивающая стратегическое нацеливание на уязвимости страны для быстрых уступок. Несмотря на различные цели, все санкции по своей сути используют боль для достижения своих целей, поднимая вопросы о балансе между целями отправителя и дисконфортом, причиняемым цели.

Статья рассматривает применение принципа пропорциональности к односторонним целевым санкциям в международном праве, выявляя правовые пробелы и серые зоны. Контрмеры, которые считаются обстоятельством, исключаящим противоправность, предлагают определенный порог пропорциональности, однако подчеркиваются ограничения прав третьих лиц. В статье говорится о необходимости более всеобъемлющей правовой базы для обеспечения пропорциональности в применении санкций.

**Key words:** *analysis; consequences; humanitarian impact; international law; proportionality; sanctions; targeted; unintended; vulnerabilities.*

**Բանալի բառեր** – վերլուծություն, հետևանքներ, մարդասիրական ազդեցություն, միջազգային իրավունք, համաչափություն, պատժամիջոցներ, նպատակային, չնախատեսված, խոցելիություններ:

**Ключевые слова:** *анализ, последствия, гуманитарное воздействие, международное право, соразмерность, санкции, целенаправленные, непреднамеренные, уязвимости.*