

# Beyond a Single Purpose: The Complex Reasons Behind International Sanctions

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## Abstract

*Sanctions are increasingly imposed in response to international crises and military conflicts. Much is known about the aims sanctions seek to achieve, such as coercion, deterrence and signalling, yet the catalysts for their imposition are often overlooked. Despite the existence of a sanctions framework developed for specific international concerns, each sanctions programme has a justification unique to it. In my paper, I present a novel argument that a 'menu' of justifications exists for the implementation of international sanctions. This 'sanctions à la carte' includes five sets of justifications for imposition: crime-based, value-based, hostile sanctions, countermeasures and war sanctions. Understanding the varied nature of these sanctions frameworks compels us to reconsider the existing models of examining sanctions' effectiveness, legitimacy and proportionality.*

**Keywords:** international sanctions, sanctions, G7 sanctions, sanctions justification, EU sanctions, US sanctions

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## Introduction

Writing on the effectiveness of United Nations Security Council (UNSC) sanctions, Biersteker, Tourinho and Eckert drew a distinction between the purpose of sanctions and their objectives. The purpose of sanctions can be understood through a three-fold model that includes: (1) coercing a change in behaviour; (2) constraining the target's behaviour; and (3) signalling international wrongdoing (Biersteker, Tourinho, and Eckert 2016).

In an earlier article Biersteker, Tourinho and Eckert grouped the UNSC sanctions within nine 'general objectives [such measures] seek to achieve' (Biersteker et al. 2013: 14) and listed the following: ending armed conflict, human rights, democracy support, counter-terrorism, good governance, support of the judicial process, non-proliferation, support for humanitarian efforts and protecting the population under R2P (Biersteker et al. 2013: 14). As we observe a significant downscaling in the role and place of UNSC sanctions, new international actors, including the G7 and EU, are substituting the UNSC niche in crafting international sanctions (Moret 2022).

While this transformation takes place, changes relating to the principles applied to sanctions also become apparent. Within the framework of this study, I suggest regrouping sanctions not only by their purpose or goal, their objective or aim, but by the rationale for their imposition. The sanctions rationale can also be expressed as the form of their official justification. Giumelli explained that each sanctions programme, whether related to Libya, Al-Qaeda, Sudan or others, has 'very specific characteristics ... [and] the reasons behind their imposition need to be clear' (Giumelli 2016). He identified the purpose of sanctions as a key marker for such specification.

Yet, while the goals or objectives of sanctions may significantly change over time, the sanctions rationale, the justification for their imposition, usually remains constant and can serve as a more reliable distinguishing factor for such specification. These justifications for sanctions, if properly grouped and categorised, lead to different consequences for a broad range of sanctions-related matters, such as the assessment of their effectiveness (Jones and Portela 2020: 40), legitimacy (Beaucillon 2021: 1–17), proportionality (Hofer 2020) and the various forms of international sanctions (Cameron and Moiseienko 2021). How this regrouping can be organised, what methodology should be applied for differentiation and how it affects the consequences of sanctions imposition constitute the broad spectrum of questions this paper addresses.

Why now, and why is it relevant? With the gradual shift of the international sanctions agenda from the UN Security Council to the G7 (plus the EU) platform, the previous classifications, while still useful, offer limited practical guidance to practitioners, state officials and other stakeholders in addressing the most

pressing issues related to sanctions delivery, implementation, enforcement and communication. These pressing issues include, but are not limited to, the following three questions.

First, how can sanctions be made effective and achieve their goals in the most efficient way? Political leaders often assume that imposed sanctions will be effective, yet scholarly literature offers a more critical perspective (Jones and Portela 2020). Researchers traditionally explore how effective these sanctions are in terms of achieving foreign policy aims, such as changing behaviour, regime change, deterrence or inflicting damage (Gary Clyde Hufbauer et al. 2008). Studies also revisit the political outcomes in the targeted state (Jones 2015). There remains an open question – one that is crucial to address: What defines the effectiveness of sanctions, and can the concept of efficacy be applied in the same way to sanctions whose imposition was justified on entirely different grounds? All models that examine sanctions effectiveness disregard the factor of the rationale (justification) applied to a particular sanctions programme (Gary Clyde Hufbauer et al. 2008).<sup>1</sup> This paper shows that the approaches to assess effectiveness have to weigh such justification to deliver the correct results. By adjusting the models to account for justification, we gain a more precise understanding of the conditions under which sanctions are likely to be successful or not.

Second, the legality and legitimacy of sanctions represent one of the broadest areas of sanctions research, thoroughly examined by both scholars and practitioners (Boulden and Charron 2010: 9). However, the literature rarely articulates clearly that legal principles are applied differently to each specific sanctions regime, depending on its underlying justification (Happold 2016: 3, 8, 11).<sup>2</sup> In addition, the question of the legitimacy of sanctions is considered far from being fully settled (J. van den Herik and van Bergeijk 2023: 10). In this paper I show that while one rationale may allow a broader scope for judicial protection and ways to challenge the sanctions decision, another may significantly limit the capacity to appeal such a designation.

Third, proportionality is another aspect closely linked to sanctions. In many studies, scholars argue that certain sanctions programmes exceed proportionality criteria by harming civilian populations or causing unintended adverse humanitarian consequences (Ashley 2021). However, the rationale behind the imposition of sanctions is often overlooked or omitted, making it difficult

<sup>1</sup> This is, so far, the most credible, respected and widely cited work on the topic. Yet it does not differentiate between sanctions based on varying justification frameworks, treating the targeting of narcotics groups and the sanctioning of Iran as if they fall within the same analytical category.

<sup>2</sup> Happold critically examined all aspects of the debate over the lawfulness of coercive measures (2016: 3), including whether sanctions harm human rights (*ibid.*: 8) and whether the legitimacy of sanctions can be contested (*ibid.*: 11).

to accept findings that apply a uniform proportionality test to all sanctions, regardless of their justification. I argue that the first task should be to clearly define the justification for a given sanctions regime, and only then proceed to assess its proportionality. Otherwise, we risk applying the same proportionality standards to fundamentally different cases (Hofer 2020),<sup>3</sup> such as sanctions against drug cartels and those against Russia in response to aggression, which are not comparable. Hence, while there are certainly more aspects and angles from which sanctions are investigated as an interdisciplinary topic, these four approaches are identified as key to understanding why justification, and its variations, is a *sine qua non* for the study of sanctions.

Given that it means regrouping the classification of sanctions based on their rationale (justification), this approach may lead to a rethinking of many existing concepts and studies. Traditionally, aside from a few exceptions, sanctions are treated in the same way, regardless of the reasons for which they were imposed. Effectiveness is primarily assessed based on the stated goals of sanctions: target-related goals (Jones & Portela 2020); legitimacy is often evaluated through the lens of whether sanctions are unilateral or multilateral (Beaucillon 2021); and proportionality is considered independently of specific sanctions regimes, whether targeting a state like Russia or non-state actors such as drug cartels, as mentioned earlier. With the help of my regrouping of the existing classification of sanctions based on their justification, we can reevaluate current academic studies and provide practitioners with a more tangible categorisation – one that, when applied, can adjust the parameters related to the aforementioned aspects of sanctions and, more importantly, help manage expectations surrounding them.

The classification of sanctions based on their justification is the novel argument this paper brings to the discussion. The source that inspired my categorisation stems from Moisieienko's work on crime-based sanctions, which, for the first time, credibly addressed a specific type of sanctions justification as separate from other justifications used to impose sanctions. My paper goes beyond this single justification of crime-based sanctions identified by Moisieienko, expanding on it to formulate a framework of five distinct justifications.

<sup>3</sup> Hofer considers sanctions as retorsions, countermeasures and collective countermeasures, and reviews whether such measures are proportionate or not. It remains unclear how the author accounts for the differing factors that affect proportionality when such measures are enacted, for instance, against drug cartels by the US or in response to the situation in Niger by the EU. Questions such as whether these sanctions are proportional, and how to adjust the proportionality test between such fundamentally different sanctions regimes, remain unaddressed. As further explored in my paper, proportionality cannot be meaningfully assessed without taking into account the context of justification.

The first justification, based on Moisieienko's work, assumes that sanctions are imposed as a substitute for ordinary criminal proceedings, serving as an attempt by the sender authority to address criminal behaviour more broadly. In other words, such sanctions can be grouped under the category of 'crime-based sanctions' (Moiseienko 2024). The second justification implies that sanctions are introduced as a tool to protect fundamental values, such as human rights, the protection of democracy and the maintenance of the rule of law.<sup>4</sup> Examples include the Magnitsky sanctions regimes or UN sanctions imposed on Haiti (Franck 1992). The third justification can be expressed as hostile sanctions, as exemplified by US sanctions against Cuba (Office of Foreign Assets Control, United States. Department of the Treasury 2022) or Russian sanctions against US or EU officials (Ministry of Foreign Affairs of the Russian Federation 2022). The fourth justification can be described as countermeasures, which I maintain always qualify as sanctions, though not all sanctions, by their legal nature, constitute countermeasures. That said, if the specific justification for their imposition is explicitly stated as a response to a breach of international obligations, such measures may be properly referred to as countermeasures. The fifth and final category refers to sanctions whose enactment is justified by war or acts of aggression. I define these as war-based sanctions rationale. Non-UN-based sanctions in response to aggression are a novel factor in international relations, quite distinct from the sanctions frameworks related to Syria or Afghanistan; therefore, engagement with them should follow a different approach (J. van den Herik and van Bergeijk 2023: 21).

In the following sections, I address the question of methodology: How I determine which justification a given sanctions programme is based on. I describe each of the five sanctions justifications in depth, including how each specific justification affects effectiveness, legitimacy and proportionality, and I conclude with key findings.

## **Methodology**

In this section, I explain how and why justifications can be grouped and differentiated, and the objective criteria I use to distinguish them. The imposition of international sanctions typically follows a three-stage process.

First, the sanctioning body or government (the sanctions sender) imposes sanctions to address specific international situations that raise concern (the trigger

<sup>4</sup> During the presentation of my draft paper at the Geneva International Sanctions Network on 24 May 2024, some participants noted that, in terms of values, there is a significant difference between what the G7 states stand for and the positions of countries in the Middle East or other regions. Therefore, for the purposes of this paper, the notion of values will be based primarily on how the G7 defines its core principles: human rights, democracy and the rule of law.

stage). In doing so, the sanctions sender provides a clear rationale (justification) for the imposition of sanctions (Nanopoulos 2020: 28). Next, the sender sets its objectives for the sanctions regime to be regarded as successful. Success in achieving these objectives is measured through the lens of foreign policy aims (Council of the European Union 2022). Last, sanction senders periodically review the outcomes of the sanctions and assess whether their foreign policy aims have been met or whether these aims have changed, making the sanctions no longer necessary. The second step is closely linked to the third, as foreign policy aims are subject to ongoing modifications, and the assessment of the success of sanctions outcomes largely depends on evolving political objectives (Charron & Portela 2016: III).

The first step in sanctions imposition, involving justification, has been unfairly overlooked, despite the fact that this step, to put it bluntly, has major consequences. Stated otherwise, the implications for effectiveness, legitimacy and proportionality differ from one sanctions regime to another if the justification used for their imposition varies. Understanding what a sanctions justification is does not require a streamlined process, but rather a cumulative approach that takes into account a number of factors with different legal characteristics and value. As a first step, we need to answer the question: What international situation triggered the imposition of sanctions? For example, if the activities of drug cartels are the trigger and the sanctioning authority aims to disrupt money laundering schemes linked to illicit networks, this reflects one type of justification. Alternatively, if the trigger is fraudulent elections in Belarus, and the sender seeks to condemn the violation of democratic procedures, that reflects another. Or the sanctions may be driven by domestic policy considerations, as in the case of sanctions imposed against the ICC Prosecutor (The White House 2025).

In the second step, to determine the proper framework of justification, we need to carefully examine the official communication that follows the imposition of sanctions. In the case of the EU, statements on sanctions imposition typically accompany the sanctions decision, outlining the key objectives of the regime and the aims being pursued. For example, the EU's sanctions against Russia clearly cite 'unprovoked military aggression' as the official reason for their imposition. Similarly, US countermeasures against Russia often include explicit references to specific breaches, such as Russia's failure to comply with an international agreement. In some cases, however, no detailed official justification is provided, only a general statement that sanctions were imposed due to 'unfriendly actions towards Russia', as seen in the case of Russian sanctions targeting US or EU officials.

The third step in my assessment involves examining the official legal texts and how they are framed in terms of the justification for sanctions imposition. Certain sanctions regulations state clearly that the violation of specific international norms serves as the legal basis for imposing further individual sanctions. These varying

legal frameworks often entail distinct systems for listing and delisting, reflecting the underlying justification and procedural approach (Biersteker and Niederberger 2022).<sup>5</sup> For instance, a war-based rationale commonly utilises ‘status-based designations’ whereas ‘value-based sanctions’ tend to target individuals or entities for actions that infringe on human rights (Bernatskyi 2024). Evidently, delisting principles differ enormously: Ending the aggression can serve as a sanctions relief (Biersteker 2023),<sup>6</sup> while relief from value-based sanctions is, rather, a moral question.

Last but not least, the assessment and identification of a concrete justification framework includes evaluation of the scale and scope of the sanctions measures adopted. This is why, later in the paper, I make a distinction between value-based sanctions and war sanctions, as their scope, magnitude and latitude are not comparable. When sender states protect values, they usually tend to have a narrow list of individuals under sanctions. In the case of a war-based sanctions justification, as a rule sender states go far beyond targeting whole sectors of the economy.

It should be noted that, as this study applies an interdisciplinary method to investigate sanctions, it is not limited to normative or legal criteria alone. It also considers sanctions more broadly, encompassing aspects such as the political intent behind their imposition and their design, whether they are broad or narrow.

The hostile act category is based on its legal justification, while value-based sanctions are defined by their normative foundation or intent. Moiseienko rightly noted that isolating crime-based sanctions from other types of sanctions is a complex task (Moiseienko 2024). He struggled to define the ‘boundary’ between crime-based and other sanctions’ ‘leitmotifs’, concluding that in certain instances, the differentiation might be impossible. However, he added that the legal character of crime-based and other sanctions, whatever differentiation exists, should still be described (Moiseienko 2024). This paper suggests that justifications may overlap;

- 5 The authors discuss how delisting could aid mediation goals such as democratisation, ending conflicts or restoring the rule of law. However, as is further analysed in this paper, the approach to delisting as a trade-off for certain concessions is more feasible for ‘value-based’ sanctions. The ‘crime-based’ framework, which targets entities like narcotics cartels, rarely allows for negotiations with sanctioning bodies. This is also true for ‘hostile’ sanctions against Iran, which saw no substantive delisting efforts during the Trump era. Sanctions relief with Belarus, offered by the EU to facilitate diplomatic talks between Kyiv and Moscow in the Minsk format, was perceived more as a fault than an achievement. The full reversal of sanctions following the sham elections of the president of Belarus in 2020 only exacerbated this perception.
- 6 Additionally, the mechanism of sanctions relief often depends on the presence of conflict. In cases of crime-based sanctions, the aim is to disrupt criminal activities rather than address a conflict. This paper does not explore the complexities of peace talks and the associated lifting of sanctions in depth. However, it’s important to note that in situations involving war sanctions, such as the conflict over the Falkland Islands, no sanctions relief was granted until after a successful military operation and the de-occupation of the islands.

however, there is always a primary driving rationale, and the analysis relies on identifying and interpreting that dominant justification.

While one programme may have been developed initially with a value-based justification and remained so throughout its effective period, another may not have followed the same path. This suggests that a transformation of the underlying rationale can rarely occur, one clear example being the US sanctions against Iran. These sanctions were initially imposed with a value-based justification on the basis of gross human rights violations<sup>7</sup> and non-proliferation concerns.<sup>8</sup> However, under the first Trump presidency, they quickly evolved into hostile sanctions, primarily aimed at expressing disapproval of the Iranian government, even at the cost of undermining the JCPOA (Serre 2020).

When sanctions are imposed to combat high-level corruption, we can see an overlap between value-based and crime-based justifications. For instance, the UK applies 'Magnitsky' sanctions both 'to address serious abuses and violations of human rights globally' and 'to tackle serious corruption' (Foreign, Commonwealth & Development Office 2024: 12). Therefore, in this case, it may not be evident which primary rationale applies (Nicolazzo et al. 2024: 22). Nonetheless, I tend to place human rights sanctions regimes under the value-based justification, as I believe the driving factor is the protection of the global human rights agenda rather than the targeting of a few individual perpetrators. The deterrent effect they create should, in principle, contribute to the preservation of human rights worldwide by instilling a fear of being sanctioned. However, this particular case may be difficult to assess with complete precision.

The selection of specific sanctions episodes highlighted in this study focuses on the sanctions practices of G7 members and the EU, with particular emphasis on the sanctions programmes of the United States, UK and EU. A key novelty of this study is that it is based on an assessment of sanctions programmes as a whole, rather than on individual designations or sanctions episodes (Biersteker, Tourinho, and Eckert 2016). While Portela and Charron examined various sanctions datasets used by political scientists and economists to evaluate sanctions efficacy, this study offers an additional example of how sanctions can be grouped and structured in an interdisciplinary manner, contributing further to the ongoing discussion on sources and methodologies for studying sanctions (Portela and Charron 2022).

The tables in the coming sections illustrate how often each jurisdiction (the United States and the EU) applies different types of sanctions rationales,

7 For instance, Executive Order 13553 was imposed on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses.

8 For example, ISA, which was subject to termination 'if Iran ceases its efforts to acquire WMD and is removed from the US list of state sponsors of terrorism' (United States House of Representatives, Committee on International Relations 2001).

identifying the driving factors and highlighting which categories dominate. The sanctions are grouped by programmes, using the official programmes tags indicated on the US, OFAC and EU Sanctions Map websites; these same tags are also available in Sanctions Finder. Since some programme names are lengthy, shortened programmes tags are used in the tables, with the number of listed individuals and companies provided in brackets.

### **Crime-based sanctions**

In Moiseienko's compelling work on crime-based sanctions, he investigates the nature of sanctions that address criminal conduct, which are used when traditional means of criminal process are not available (Moiseienko 2024). In his assessment, these measures are utilised as a complementary instrument of the criminal justice toolbox, allowing states to be more flexible and apply a lower standard of proof, which is guaranteed in the criminal process when the target is outside jurisdiction (Moiseienko 2024). My categorisation of sanctions rationale, with the first being the crime-based category, is driven by Moiseienko's work; the *raison d'être* of these sanctions differs from that of other types of sanctions justifications.

Moiseienko highlighted a set of particular principles governing the application of crime-based sanctions. He referred to four principles the sanctions-imposing state shall consider: 'dependence of the targeted person', 'impunity of the perpetrator', 'seriousness of the wrongdoing' and 'seniority of the perpetrator'. In so doing, the imposing state delivers sanctions under this precondition. I fully support the conceptual frameworks outlined in Moiseienko's work; however, my specification and understanding of this sanctions rationale is based on programmes rather than individual cases, as emphasised in Moiseienko's research. To investigate this justification-based sanctions framework, I select several programmes, which, when applying the described methodology, can be regarded as crime-based sanctions. For instance, the EU sanctions against cyber-attacks threatening the Union or its member states, introduced in 2019, were justified on the basis of a crime-based motif.

The sanctions addressed involve malware and ransomware attacks on the EU's web infrastructure (Poireault 2025), frequently originating from Russia, North Korea and China (Search | Sanctions Finder | Russia, North Korea, China 2024). If such attacks had occurred within the EU, the perpetrator would have been prosecuted; a number of criminal proceedings have been opened in respect of such hacker activities (Europol 2022). The official communication clearly underscores the illicit, criminal nature of these activities and implies that the sanctions were imposed because malware operations constitute a 'criminal offence', and such crimes require effective investigation by law (the EU Cyber Diplomacy Toolbox). The legal text of the cyber sanctions regulation states that

this sanctions regime addresses threats such as unauthorised access to sensitive data, theft of online data of EU officials and similar activities. The scope of sanctions includes the listing of 21 targets, which is indeed an extremely narrow category of hackers being exposed by sanctions (Bernatskyi 2024).

While the United States is actively engaged in applying crime-based justifications for sanctions, this approach is more pronounced in comparison to the EU. The United States frequently uses sanctions to target criminal networks involved in narcotics distribution and terrorist activities. For example, the United States has a specific sanctions programme aimed at combating drug trafficking, known as the Foreign Narcotics Kingpin Sanctions Regulations. In its official communication, the United States emphasises that the individuals and companies targeted under this regime are involved in drug trafficking organisations such as Los Gueros in Mexico (Andres Martin ELIZONDO CASTANEDA | Sanctions Finder 2025), or are drug traffickers operating on a global scale (ADT PETROSERVICIOS, S.A. DE C.V. | Sanctions Finder 2025). The legal framework of this programme stipulates that it applies to international narcotics trafficking organisations and individuals involved in such activities (US Department of the Treasury, Office of Foreign Assets Control 2021). The scope of the sanctions is broad, targeting more than 1,400 individuals and entities identified as being involved in the illicit narcotics trade.

As I have shown, a crime-based justification is used when a sender state seeks to address a specific type of criminal conduct as a primary concern. This conduct serves as a triggering element for the imposition of sanctions. Typically, the criminal activity in question must have international relevance and meet a high threshold of severity and seriousness. Certain categories of criminal conduct have emerged from state practice, including terrorism, transnational organised crime and its financial support, cybercrimes and ransomware attacks, money laundering, drug trafficking and human trafficking (Portela 2021: 445). Numerous international platforms, such as Europol, facilitate coordination among states to combat these challenges, and crime-based sanctions can be viewed as a continuation of such policy efforts.

The crime-based rationale includes four sanctions programmes implemented by the EU and eight broad sanctions programmes enacted by the United States (see Table 1). Despite the fact that the EU does not have a separate programme targeting drug cartels, the United States demonstrates a greater willingness to address international terrorism through sanctions, as evidenced by the table below.

Terrorist organisations designated under the SDGT programme reflect American efforts to combat international terrorism, with geographic coverage including Iran, Iraq, Palestine, Syria and other Middle Eastern countries. In turn, six individuals under the EU's HAM programme were designated for a 'terrorist attack', serving as the EU's benchmark in addressing global terrorism.

Table 1: Crime-based justification of sanctions

01.04.24	Crime-based sanctions								No
EU	TAQA (351)	TERR (37)	CYB (12)	HAM (6)					406
US	SDGT (2142)	SDNTK (1519)	SDNT (399)	EO14059 (294)	CYBER2 (240)	TCO (156)	NS- PLC (78)	FTO (70)	4898

Source: EU sanctions map, EU sanctions tracker and OFAC official page.

The EU crime-based framework is more oriented towards the international anti-terrorism agenda and aligns with the efforts of the UN Security Council. In contrast, the United States consistently utilises crime-based sanctions to pursue its own objectives and priorities. For example, under the SDNTK regime, the most frequently targeted group consists of Mexican nationals who, according to OFAC, are involved in the distribution and sale of narcotics, as seen in the case of the Cali Cartel (The Treasury 2021 Sanctions Review 2021: 1). The efforts of crime-based sanctions are also directed at terrorist groups involved in the 9/11 attacks and at blocking the flow of funds to Hezbollah (The Treasury 2021 Sanctions Review 2021: 1).

America's more engaged approach to crime-based sanctions can be explained, in part, by the coordinated nature of EU sanctions, which results in a different understanding of the types of crimes that can be targeted under this justification. EU sanctions are subject to a higher legal threshold at the Court of Justice of the European Union than in US courts, explaining the EU's more cautious application of the crime-based framework (Moiseienko 2024a). Therefore, demonstrating that a certain trigger for sanctions is more convincing tends to be easier within the value-based justification paradigm than within the crime-based framework. It must thus be noted that an essential feature of crime-based sanctions is that they serve as a complementary, rather than primary, tool for criminal justice.

Crime-based sanctions, both in the United States and the EU, are delivered under horizontal sanctions regimes (e.g. 'CYB' for cybercrime sanctions or 'TCO' for sanctions against transnational criminal networks), which reflect the transregional nature of criminal activities and the difficulty of holding perpetrators accountable through ordinary mechanisms of international cooperation in criminal matters. As Moiseienko concluded, 'the application of sanctions is permissible . . . against alleged perpetrators who enjoy impunity in their home countries or other countries that would ordinarily have jurisdiction over the alleged offence' (Moiseienko 2024b).

### **Value-based sanctions**

In a sense, foreign policy is a programme of actions aimed at pursuing the values of a particular state. A value-based justification of sanctions is one among several instruments in the foreign policy arsenal used to uphold and promote those values abroad. Notoriously, such justification for sanctions has been developed to advance a specific set of values, including peaceful conflict resolution, democratisation, the promotion of human rights, the maintenance of the rule of law and support for transitional efforts, though this list is not exhaustive (European Union 2021). In summary, the desire of a sender state or group of states to uphold values abroad, whether reactively or preventively, serves as the triggering hook for sanctions.

Initially, the value-based justification was common to the UNSC sanctions regimes. In Haiti, the UNSC pursued the goal of re-establishing democratic governance in Port-au-Prince and holding free and fair elections. Subsequently, the UNSC's approach to value-based sanctions shifted focus, primarily targeting local or regional conflicts involving junta leaders or insurgent groups (UNSC Resolution 1267 1999), or addressing international terrorism under a crime-based framework (United Nations Security Council Resolution 1989 2011).

Currently, there are numerous international situations in which sender states may consider utilising a value-based rationale for sanctions, as in the case of the designation of Aleksandar Vulin for 'undermining effective and democratic governance in the Western Balkans' by the United States (Treasury Sanctions Official Linked to Corruption in Serbia 2023). In the EU, for instance, the sanctions in view of the situation in Myanmar were imposed because of 'the systematic human rights abuses perpetrated by Myanmar's military and security forces' (Council Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma 2023). In other instances, the EU targeted Syrian officials because of their 'violent repression against the civilian population' (EU Sanctions Map: Syria n.d.). A value-based justification for sanctions is also used to address events such as the intimidation of political opposition in Zimbabwe, or rigged elections in Guatemala (see Table 2).

In all these mentioned cases, both official communications and legal texts clearly indicate that the focus of the sanctions is on the protection of values. For example, in view of the situation in Myanmar, EU sanctions target individuals who are 'responsible for serious human rights violations ... and/or undermine democracy or the rule of law' (EU Sanctions Map: Syria n.d.). The same approach was taken by the United States in backing its decision on sanctions against the Myanmar junta, citing 'atrocities against the people of Burma, including the violent repression of political dissent and violence against innocent people, including at pro-democracy protests' (Treasury Sanctions Military Leaders, Military-Affiliated Cronies and Businesses, and a Military Unit prior to Armed Forces Day in Burma 2022).

Table 2: Value-based justification of sanctions

01.04.24		VALUE-BASED SANCTIONS						No
EU	IRN (495)	SYR (418)	PRK (246)	AFG (138)	HR (128)	MMR (124)	IRQ (80)	COD (71) and 17+
EU sectoral	IRN (8)	SYR (14)	PRK (27)	AFG (1)		MMR (5)	IRQ (2)	COD (1)
US	IFSR (868); IRAN (414); IRAN-HR (200); IRAN-TRA (31); IFCA (26)	BALKANS (169); EO14033 (45)	BURMA (143)	VENEZUELA (124); EO13850 (117)	DPRK3 (121); DPRK2 (111); DPRK4 (109); DPRK (28)	ZIMBABWE (116)	DRCONGO (74)	NICARAGUA (59) and 4+
US sectoral	IFCA (6); IRAN (1)		BURMA (2)	EO13850 (4)	DPRK3; DPRK4 (3); DPRK (2); DPRK2 (1)			23

Source: EU sanctions map, EU sanctions tracker and OFAC official page.

The scope of value-based sanctions justifications varies enormously, sometimes even including sectoral limitations. However, these limitations usually concern measures such as arms embargoes or prohibitions on exporting goods used for internal repression. In some cases, goods that generate significant revenue for designated officials may also be subject to sanctions.

A distinction compared to the crime-based justification is that the latter is grounded in a perception of threat, measures are adopted because the sender identifies a specific danger and responds by limiting funding for drug cartels or by exposing and deterring hackers through sanctions. In contrast, under the value-based rationale, the element of threat is often absent or less pronounced. For example, officials elected through fraudulent elections may not pose a direct threat to the EU or the US. Another clear distinction is that sectoral sanctions are more commonly applied in cases of value-based justifications than in a crime-based rationale, as is evident from the table outlined below.

### **Hostile sanctions**

To begin with, sanctions can hardly be described as friendly measures in the context of foreign relations. However, the justification behind hostile sanctions has been profoundly overlooked, particularly in research examining the effectiveness of sanctions. The hostile sanctions rationale can be understood as a continuation of 'economic warfare – the use of foreign policy weapons . . . that are not related to specific acts of wrongdoing' (Doxey 1987: 64).

Furthermore, as a means of economic warfare, or what is increasingly referred to as economic statecraft (Drezner 2000), these restrictive measures create maximum pressure, ultimately leaving the target state with little choice but to resist (Biersteker and Parsons 2013: 12). It may also be the case that hostile sanctions are imposed in retaliation for sanctions previously imposed on the target state.

The hostile justification of sanctions is employed to punish or express disapproval of a third state's actions (or those of non-state actors), and not necessarily in response to international wrongful conduct. Certain historical prototypes of a hostile justification of sanctions can be seen in the Soviet Union's economic embargo against Yugoslavia, which was implemented exclusively in response to Tito's behaviour (Doxey 1987: 53–54). On the other hand, the US sanctions against Cuba cannot be accommodated within any rationale other than that of hostile (White 2014).<sup>9</sup> In more recent times, a combination of hostile

9 The author noted that 'The embargo ceased to be about punishing Cuba for its nationalisation of US-owned property, indeed it ceased to be justifiable in terms of protecting the security of the United States, since without Soviet support Cuba was no longer a threat to the US. Instead, with the end of the Cold War, the embargo became a means of coercing Cuba towards democracy; and the fight became one revolving

sanctions can be seen in the measures imposed by the Trump administration against Iran, which effectively stalled progress of the implementation of the Joint Comprehensive Plan of Action, JCPOA (Serre 2020). An example of a hostile justification is evident in the imposition of Russian restrictive measures, including a travel ban, against top US officials (see Table 3).<sup>10</sup>

Table 3: Hostile justification of sanctions

01.04.24	HOSTILE SANCTIONS							No
EU	TUR (2)							2
US	CUBA (74)	EO13959 (69)	EO13936 (42)	EO13846 (194)	EO13848 (97)	EO13876 (111)	EO13871 (45)	632

Source: EU sanctions map, EU sanctions tracker and OFAC official page

Categorising and identifying sanctions with hostile motives is challenging, as the imposing state may claim that the sanctions are intended to protect certain values rather than to serve merely as a gesture of disapproval. All sanctions *per se* are officially shielded from being considered hostile by rhetoric that justifies their use primarily as a means of protecting certain values. To challenge that argument, I suggest also examining the reality of sanctions' aims. All sanctions, apart from being hostile, as a rule, have at least a theoretical chance that their imposition will lead to a realistically achievable result. By contrast, it is problematic to assume that Russian sanctions against US and EU officials could alone lead the G7 to revoke its sanctions against Moscow.

As observed, the EU, as a collective body, generally seeks to avoid the arbitrary character of hostile sanctions. In this context, only symbolic sanctions against Turkey might serve as an example. The official reason for sanctioning two Turkish citizens was their involvement in drilling activities in the eastern

around differing understandings of self-determination and human rights. The US had one view of these fundamental aspects of international law and Cuba another.' NB: While the book's narrative suggests a longstanding hostile intent behind sanctions with unclear goals, the author heavily implies that US sanctions against Cuba are countermeasures. However, in my paper's approach, this correlation is not relevant today. Current US sanctions on Cuba do not specifically invoke countermeasures (in the official statements or reasons), and the stated goal of democratising Cuba appears to be a formal pretext to maintain these sanctions. In the absence of the aforementioned factors, the only reason these sanctions are still in effect is as a sign of disapproval towards the Cuban government.

<sup>10</sup> It is notable to observe how academic literature frequently examines US and EU sanctions against Russia through the lens of international law, particularly in terms of their adherence to the principles of proportionality and legitimacy (for example). Surprisingly, there is a lack of examination of Russian sanctions programmes, which extend well beyond travel bans and frozen assets to include measures as severe as the confiscation of Western companies' assets.

Mediterranean. However, the measure is largely symbolic, especially given that the drilling company itself was not designated. As a result, these sanctions appear to have been designed more as a political response to negative developments in EU-Turkey relations than as part of a broader, value-driven strategy (Turkey's illegal drilling activities in the Eastern Mediterranean: Council adopts a framework for sanctions 2019). This demonstrates that hostile sanctions can be disproportionate in both the scale and scope of measures relative to their declared end goals.

The United States has been more open to imposing hostile sanctions, with particular attention warranted for the programmes introduced under the Trump administration against Iran. All US sanctions imposed on Iran following Trump's first election shifted from a value-based framework to the category of hostile sanctions. The Trump administration aimed to dismantle much of the legacy left by President Obama; withdrawing from the JCPOA was one of several key issues on the domestic post-election agenda (Serre 2020). Leaving no room for compromise, Washington's ultimatum to Tehran launched a new phase of escalation. These sanctions can only be understood as the United States deliberately undermining the deal with a single aim: to express disapproval of Iranian policy, while reserving no space for further manoeuvring or dialogue.

What is more striking is that the consequences of hostile sanctions can be far more unpredictable and far-reaching. For example, Trump's sanctions against Iran left the EU unable to achieve any visible results or progress on its own in implementing the JCPOA. This situation frustrated proponents of diplomatic dialogue and emboldened aggressive ultraconservatives, reinforcing the message that no deal is ever possible. Such outcomes are difficult to imagine in the context of other sanctions rationales, highlighting the extreme challenge of applying any standard system of effectiveness to cases involving hostile sanctions.

The Cuban sanctions programme is another clear example of a hostile sanctions rationale, which cannot be meaningfully attached to any other sanctions framework, as these measures are 'not related to specific acts of wrong-doing' (Doxey 1987: 64). Likely the longest-standing sanctions regime maintained by the United States, it continues without a clearly articulated justification for its persistence. Initially imposed because of ties between Havana and Soviet Moscow, the longer these sanctions have remained in place, the less evidence has emerged to support their effectiveness in achieving regime change or altering behaviour. In the end, the only consistent element appears to be the expression of political hostility towards Havana. To conclude, in the case of hostile sanctions, the process of sanctions delivery often carries more weight than the actual end result.

Last but not least, the recent US sanctions against the ICC Prosecutor provide clear evidence of a hostile justification for sanctions. There was no official communication accompanying the designation, and the legal text was drafted

solely to target officials of the ICC. As of May 2025, the scope of the sanctions includes only one individual.

### *Countermeasures*

The correlation between sanctions and countermeasures may be uncertain and often blurred, but certain sanctions are nonetheless invoked under the pretext of responding to violations of specific treaty norms, and are thus presented as lawful countermeasures under the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), while others clearly are not.

The trigger for imposing countermeasures is the will of the injured state to respond to a violation of its rights under a specific treaty, accompanied by a clear statement that the sender state is invoking countermeasures. While the existence of a violation is a necessary condition, a state may choose not to invoke countermeasures, opting instead for diplomatic negotiations or judicial mechanisms to resolve the dispute. This is why the willingness to respond to a specific norm violation is a key element that triggers their application.

This type of sanctions rationale is utilised in cases of international concern that are governed by specific treaty mechanisms, as seen in situations involving the non-proliferation of weapons of mass destruction, efforts to combat the use and spread of chemical weapons, and violations of treaty norms. For instance, 'Iran's nuclear programme has been a matter of international concern ever since the discovery in 2003 that it had concealed its nuclear activities for 18 years in breach of its obligations' (US Intelligence on Iran's Nuclear Programme Should Spur Talks, Says UN Official | UN News 2007). According to further UN reports, 'Iran has not suspended all enrichment-related and reprocessing activities or taken a number of other steps required by the Council to build confidence' (Security Council Imposes Sanctions on Iran over Uranium Enrichment | UN News 2006).

In the situation related to Iran and the Tehran Hostages, the United States imposed sanctions under a countermeasures-objective rationale, clearly appealing to Iran's violation of diplomatic law norms. The measures introduced included the freezing of Iranian state assets, a ban on the energy-related sector, entry bans and other restrictions. These sanctions were lifted only after the signing of the agreement to resolve the crisis in 1981 (Doxey 1987: 6, 73).

One of the recent and notable cases where sanctions were deployed within the countermeasures objective rationale was the US response to 'the Russian Federation's ongoing violations of the New START [Strategic Arms Reduction Treaty] Treaty' (US Countermeasures in Response to Russia's Violations of the New START Treaty - United States Department of State 2023). The United States listed four countermeasures in response: withholding participation in the treaty's notification procedures, refraining from conducting Treaty inspections, revoking visas previously issued to Russian inspectors and ceasing the provision of telemetric information.

Although many practitioners study sanctions with the assumption that all sanctions are equivalent to countermeasures (Zhou 2023), suggesting that all ARSIWA limitations should apply correspondingly to all sanctions (Tzanakopoulos 2020), I argue that this approach can be misleading. For instance, a crime-based justification against drug cartels should not be evaluated under the ARSIWA framework for countermeasures, as this framework is simply unsuitable and redundant for such purposes.

While countermeasures might be taken into account when the states are referring to them, as in the US press release on START countermeasures, other countermeasures might be mapped through the actions taken in response to concerns that are subject to control by international organisations or that are of evident international concern. In 2018, the Organization for the Prohibition of Chemical Weapons (OPCW) found that the Syrian government had used chemical weapons in violation of the Chemical Weapons Convention.

Apart from the investigation, the United States and other countries imposed sanctions for the use of chemical weapons by the Syrian army. According to official reasons, the Syrian companies were designated because of their involvement in procuring goods for the Syrian agency responsible for the development of Syria's chemical weapons (The United States and France Take Coordinated Action on Global Procurement Network for Syria's Chemical Weapons Program 2024). These companies were placed under the Weapons of Mass Destruction Proliferators and Their Supporters programme. An identical sanctions programme was introduced by the EU against the proliferation and use of chemical weapons. As mentioned in the official reasoning for the programme's introduction, 'these measures are in line with UN Security Council Resolutions 1540 (2004), 2118 (2013), 2209 (2015), 2235 (2015), and 2325 (2016)' (The United States and France Take Coordinated Action on Global Procurement Network for Syria's Chemical Weapons Program 2024). In doing so, the EU and the United States linked these sanctions programmes to UNSC resolutions, and thus I consider that they fall under a countermeasures justification (see Table 4).

Table 4: Countermeasures justification of sanctions

01.04.24		COUNTERMEASURES						No
EU	CHEM (28)							28
US	NPWMD (731)							731

Source: EU sanctions map, EU sanctions tracker and OFAC official page

Still, some countermeasures might be evaluated in numerical terms, while others may not. Specific programmes aimed at combatting the dissemination of weapons of mass destruction or chemical weapons may be assessed through a single prism. US START countermeasures, on the other hand, were implemented through a more conservative path by denying the contracting party certain rights and privileges under the Convention. Given the declining role of international treaty mechanisms and the lack of coordination at the UNSC regarding sanctions, the future of countermeasures remains uncertain. States may increasingly seek to free themselves from the principles governed by ARSIWA, gaining wider room for manoeuvre in a dynamically changing international environment.

### War-based sanctions

Sanctions in response to aggression, referred to here as a war-based justification, are unique, as these measures involve international coordination mechanisms. They are broad in scope as a rule, and both official political communication and legal reasoning typically appeal to the context of war or aggression. The trigger for imposing war sanctions can be an 'armed attack' (Article 51 of the UN Charter) or an 'act of aggression', GA Resolution 3314 (XXIX) (Moret 2022: 8).

Historically, the League of Nations' sanctions against Italy, which invaded Ethiopia on 3 October 1935, represent the first instance of a war-based justification for sanctions (Doxey 1987: 17). These sanctions included a broad spectrum of sectoral measures, although their implementation was far from uniform across the members of the League of Nations. The imposition of these sanctions was directly linked to Italy's aggression against Ethiopia, which is why they fall under the war sanctions paradigm.

Another episode of war sanctions can be seen in the conflict over the Falkland Islands. In 1982, Argentina launched a military operation to seize the Falklands. In response, Britain and the European Economic Community adopted a series of sectoral sanctions and an arms embargo, backed by UN Security Council Resolution 502 (Daoudi and Dajani 1983: 150). In both cases, the trigger for sanctions was the use of force, so the restrictive measures imposed during the Falklands conflict can be characterised within the war sanctions framework.

In 1990, the UNSC imposed a set of war-based sanctions against Iraq, including an arms embargo and trade restrictions, in response to Iraq's invasion of Kuwait. There was a prohibition on dealing with assets owned by Saddam Hussein's regime, or by persons or entities that were part of or associated with that regime and had been designated by the UNSC (UNSC Resolution 661 (1990) 1990).

Imposing a war-based rationale is a highly sensitive issue because of the extensive range of restrictive measures involved. Its implementation is often subject to a high threshold of political scrutiny. Nowadays, without international consensus, at least among G7 actors, the enactment of such a comprehensive set of

actions becomes highly questionable. The most recent and clear example of a war sanctions justification includes the measures adopted against Russia since 2014, which have intensified since the full-scale invasion of Ukraine in 2022. The EU's rationale behind these sanctions was to address 'the unprovoked invasion of Ukraine by armed forces of the Russian Federation and the involvement of Belarus in this aggression against Ukraine' (EU Sanctions Map: Ukraine (Crimea) n.d.). The specific aim was 'weakening Russia's economic base, depriving it of critical technologies and markets, and significantly curtailing its ability to wage war' (EU Sanctions Map: Russia, n.d.). In turn, UK sanctions against Russia also explicitly follow the logic of the war sanctions rationale (Foreign, Commonwealth & Development Office 2024: 8).

In the case of sanctions against Russia, we must also take into account how costly and politically sensitive the imposition process is. Their implementation requires international coordination within G7 fora (FACT SHEET: Supporting Ukraine and Imposing Accountability for Russia's Invasion 2024) and, at a minimum, non-circumvention policies in third countries. For instance, specific international agencies such as the Russian Elites, Proxies, and Oligarchs (REPO) multilateral task force (US Departments of Justice and Treasury Launch Multilateral Russian Oligarch Task Force 2022), Task Force KleptoCapture (Attorney General Merrick B. Garland Announces Launch of Task Force KleptoCapture 2022) and the Disruptive Technology Strike Force (Justice and Commerce Departments Announce Creation of Disruptive Technology Strike Force 2023) were established to facilitate coordination between sanctions enforcement bodies and to track Russian assets.

Even a surface-level analysis reveals how different war sanctions are from crime-based or hostile frameworks. Moreover, comparing their effectiveness or impact should be approached separately (Giumelli 2024: 211-228); it is impractical to apply the same methodological framework to assess the success or impact of sanctions against one of the largest states, to sanctions against a narcotics cartel in Mexico. This distortion is often overlooked in numerous academic studies, expert opinions and even government policies.

The war-based rationale, indeed, represents a significant shift in the number and scope of sanctions enforced. There is nothing comparable, as no other international sanctions have been imposed with the same volume, pace and breadth (Nicolazzo et al. 2025: 22). Notably, the normal yearly sanctions dynamic typically involves about 200 personal designations per year in the EU and around 800 listings in the United States. However, with the imposition of war sanctions, this pattern has dramatically changed: The number of personal listings increased six to eight times in the EU and three times in the US in 2022, with a similar trend continuing in 2023. This surge in sanctions activity underscores the unique and unprecedented nature of the war sanctions rationale (see Table 5).

Table 5: War-based justification of sanctions

	War sanctions OR								No
EU	UKR (2157)	RUS (648)	BLR (302)						3107
EU sectoral	UKR (4)	RUS (23)	BLR (17)						44
US	EO14024 (3864)	EO13662 (309)	EO13661 (189)	EO13660 (154)	EO14038 (142)	EO13685 (96)	BELARUS (73)	CAATSA (54)	4869
US sectoral	EO14038 (9)	EO14024 (6)	EO13662 (3)	EO13685 (3)					21

Source: EU sanctions map, EU sanctions tracker and OFAC official page

Table 6: Sanctions justification v. effectiveness, legitimacy and proportionality<sup>11</sup>

	Crime-based	Value-based	Hostile	Countermeasures	War-based
Effectiveness	Medium	Medium	Low	Low	High
Legitimacy	Medium	High	Low	High	Medium
Proportionality	Low	Medium	Low	High	Low

Source: Author

<sup>11</sup> In this table, I propose to assess which aspect of effectiveness, legitimacy and proportionality is relevant for evaluation within each group of sanctions justifications. I suggest a three-grade system: Low – not relevant at all or of little relevance for a particular sanctions rationale group; Medium – relevant but not a central aspect; High – extremely relevant and should be considered a primary criterion. This framework is designed to distinguish what matters when evaluating sanctions, and which justification groups have little or no value in measuring certain aspects of effectiveness, legitimacy and proportionality.

Figure 1: Sanctions Tracker: The chart displays the personal sanctions imposed by the United States, the UK, and the EU against Russia from January 2023 to January 2024, broken down by month for both companies and individuals.



Source: Sanctions Finder tracker

A key distinctive feature of sanctions in response to aggression is the rapid nature of their imposition, occurring immediately after the act of aggression. Unlike other sanctions regimes, which tend to follow more predictable imposition dynamics, sanctions in response to aggression can escalate quickly, potentially doubling in severity, as noted above (see Figure 1). The explosive nature of war-based rationales presents significant challenges for enforcement agencies, businesses, logistics operators and other relevant actors (Roundtable: Sanctions Compliance and Enforcement 2024).

### Sanctions justification and underlying concepts

In this section, I further explain why the justifications outlined above are relevant and add value to existing studies examining sanctions. As highlighted in the introduction, major topics such as effectiveness, legitimacy and proportionality are among the most widely investigated in sanctions research (Cameron & Moiseienko 2021). However, in the majority of these studies, if not all, sanctions are explored in a uniform manner, without distinguishing between different programmes, regimes and the underlying justifications (see Table 6).

Implicitly, comparisons are often drawn between fundamentally different cases, such as the effectiveness of sanctions against drug cartels and those imposed on

Russia, treating them as part of the same paradigm. Similarly, the legitimacy of sanctions in response to the situation in Myanmar is often discussed as if it were equivalent to American sanctions programmes against the ICC. These studies overlook the critical aspect of justification and fail to clarify that certain groups of sanctions cannot be meaningfully compared with others. Thus, it is first necessary to clarify what justification was used to impose sanctions, and only then to assess their effectiveness or legitimacy, or proportionality.

So, when sanctions are analysed in terms of effectiveness, legitimacy and proportionality, we need to consider the appropriate sanctions regimes and the relevance of their justifications. As explained below, assessing the effectiveness of hostile sanctions or countermeasures appears to be a redundant task. What measurement can be meaningfully applied to evaluate the effectiveness of American sanctions against the ICC Prosecutor or the EU's designation of two Turkish nationals? In such cases, it is simply not relevant to assess these sanctions based on whether they are effective or not.

Taking the US countermeasures against Russia on START as an example: Does it make sense to assess their effectiveness? How can the procedure of suspension notifications be meaningfully evaluated through the lens of whether this step is effective or not? Again, under this sanctions justification, evaluating efficacy is simply unnecessary, as there are no objective criteria for doing so. The framework itself excludes the expectation that the sender requires such measures to be effective in a conventional sense.

The same applies to crime-based sanctions when studies address the question of proportionality. Since many crime-based justifications concern terrorist activities or drug distribution by cartels, what kind of proportionality assessment can meaningfully be applied? Is it relevant to conduct a proportionality check when imposing sanctions on ISIS or the Cali Cartel? Even if so, what type of proportionality would be appropriate? This illustrates that within the framework of crime-based justifications, proportionality is largely irrelevant as a criterion, it's simply not a consideration for sender states when such sanctions are imposed.

Considering the war-based rationale, I argue that effectiveness has strong relevance, as there is a clear and evident aim to halt aggression. However, proportionality, in my view, has weak relevance as a subject of study in this context. Hofer, for instance, argues that the sanctions imposed by the EU and its allies against Russia did not meet the criteria of proportionality. She questioned whether the 'state's decision-making' (Hofer 2023) on each designated person or company was properly assessed. Her analysis, however, is based solely on a single sanctions regime targeting Russia – one that, in my work, is situated within the war-based rationale.

In the context of war-based sanctions, proportionality carries little weight and holds limited significance for sender states. Why is this the case? First, sanctions

justified on this particular basis address the most pressing and flagrant violations of international law. Second, the scale of destruction in Ukraine and the human losses resulting from the aggression are unprecedented since World War II. Atrocities committed against the Ukrainian civilian population have been widely reported and documented, with the ICC opening formal cases. Given this, what specific test of proportionality should be applied? There is no objective standard for applying a proportionality criterion to sanctions aimed at weakening Moscow's ability to wage aggressive war. Should 3,300 designations by the EU be considered proportionate, or would 7,000, as done by the United States, be the appropriate benchmark? (Bernatskyi 2024).<sup>12</sup> Would a ban on LNG exports be proportionate, or would a prohibition on timber imports be more suitable? My argument is that proportionality can be meaningfully applied in situations involving human rights violations, where the focus is on targeting enablers or perpetrators of gross abuses. In the case of countermeasures, as governed by ARSIWA, proportionality must be maintained in response to the specific violation. However, it is problematic to objectively assess proportionality in the case of war-based sanctions.

Effectiveness for crime-based sanctions can be evaluated by assessing whether the measures successfully disrupt criminal activities (Moiseienko 2024b). If such disruption occurs, such as blocking financial flows, dismantling operational networks or hindering access to resources, then those sanctions can be considered effective within the scope of their intended purpose. Yet, it cannot be stated that effectiveness has the highest relevance within the crime-based framework. Despite numerous sanctions programmes, issues related to drugs and narcotics remain a major challenge for the United States, and while sanctions may offer some relief, their impact is far from decisive.

What does effectiveness mean for value-based sanctions? While we defined effectiveness for crime-based sanctions as the disruption of criminal activities, for value-based sanctions the indicators of effectiveness might include progress in human rights, the holding of free and fair elections, the release of political prisoners or a reduction in human rights violations, depending on the specific regime in question.

However, the majority of economic studies on sanctions effectiveness tend to focus on macroeconomic indicators such as GDP, investment levels, employment rates or trade inflows. These indicators are largely irrelevant when evaluating the effectiveness of either crime-based or value-based sanctions, as such sanctions are not designed to inflict economic harm. This contrasts with war-based justifications,

<sup>12</sup> 'According to Russian government data, the military-industrial complex comprises 1,355 enterprises employing two million people. Notably, around 70 top-level managers from the Russian defence companies remain unsanctioned by the EU' (Texty.org.ua 2022).

where economic pressure and damage, and economic pain, are often viewed as central indicators of a sanctions programme's success (Giumelli 2024).

Legitimacy is a broad and widely investigated dimension of sanctions, encompassing concerns such as whether these measures infringe upon human rights (Happold 2016)<sup>13</sup> or how sanctions, particularly when considered unilateral, can be deemed legitimate. Here, I include a wide range of legal considerations that sanctions must adhere to and be evaluated against. Legitimacy is particularly relevant to value-based justifications of sanctions programmes, as such measures are intended primarily to uphold the international legal order. There is a presumed expectation that these sanctions, at a minimum, should not violate the fundamental principles of that order. The same relevance applies to countermeasures, which must comply with the strict provisions and procedures outlined in ARSIWA; failure to do so undermines their legal grounding and legitimacy. By contrast, legitimacy is not a central concern for hostile sanctions, as the sending state's intent is typically to signal a political position or express displeasure, rather than to conform to any legal standards.

Legitimacy concerns are definitely not central to crime-based sanctions, yet they are not completely overlooked. Arguments for legitimacy in the crime-based context must stem from criminal investigations rather than from the official communication of sanctions imposition. However, this remains an under-researched aspect, as legitimacy in relation to crime-based sanctions has rarely been examined, especially compared to human rights sanctions regimes or Russia-related sanctions. Moreover, the arguments typically used to discuss legitimacy (e.g. through the application of ARSIWA norms) in other frameworks seem ill-suited when applied to sanctions targeting cartels, kidnappers, drug dealers and similar criminal actors.

## Conclusion

In 2024, the UK foreign secretary published a guiding paper outlining how London understands its sanctions strategy. David Cameron emphasised that the government's assessment of sanctions effectiveness is measured against 'a regime's original objectives' (Foreign, Commonwealth & Development Office 2024: 6). While the paper does not specify the full range of possible regime objectives, the

<sup>13</sup> As stated with respect to the prevailing literature on sanctions, this chapter similarly approaches the human rights dimension in a uniform manner across all types of sanctions, with a particular focus on how these measures are challenged in courts. In my view, this approach is insufficient for fully understanding the nature of sanctions. For example, challenging war-based sanctions appears far less relevant than a challenge brought by a human rights perpetrator seeking to contest the justification for their listing. In cases involving the hostile rationale for sanctions, the relevance of contesting their legitimate grounds is minimal, as these measures often serve domestic political purposes, such as the sanctioning of the ICC Prosecutor.

categorisation of sanctions rationale proposed in this study serves as a necessary precondition for achieving the clarity and proper management of expectations in sanctions policy to which the UK foreign secretary referred.

The need to modernise the policy framework governing sanctions imposition has been expressed by the Treasury (The Treasury 2021 Sanctions Review 2021: 4). To this end, the present study contributes to this overarching goal by addressing the needs of public authorities responsible for the streamlined delivery of sanctions. It provides guidance on how to appropriately frame sanctions justification, demonstrating that the rationale for sanctions imposition is the key foundation for assessing effectiveness, considering legitimacy and evaluating proportionality.

While a lot is known about what sanctions aim to achieve; however, their trigger is often overlooked. There is an unwritten *raison d'être* for each sanctions regime that is eventually articulated once the sanctions are imposed. To interpret the framework employed, one must examine the official reasoning for the sanctions (both in official communication and legal texts), review the international situation that triggered their imposition and assess the scale and scope of the measures adopted in response. This study enables the identification and differentiation of five distinct sanctions justifications, each governed by its own principles and internal logic: crime-based, value-based, hostile, countermeasures and war-based sanctions rationale.

Having considered that, sanctions research should preferably clarify which specific group of sanctions and corresponding justification is being used as the basis for the study. As Moiseienko observed, 'determining the effectiveness of sanctions requires an objective by which effectiveness is measured' (Moiseienko 2024b). My work identifies five distinct rationales against which effectiveness, legitimacy and proportionality can be evaluated and reconsidered, thus filling the niche underscored by Moiseienko.

Table 7: All sanctions justifications: comparative analysis

	Crime-based	Value-based	Hostile	Counter...	War sanctions	All
EU	406 (7%)	1995 (36%)	2 (0%)	28 (0.5%)	3107 (56%)	5520
US	4898 (30%)	2902 (18%)	632 (4%)	731 (4%)	4869 (30%)	15962

Source: EU sanctions map, EU sanctions tracker and OFAC official page

Table 7 summarises which rationale is most commonly utilised and in which instances it is applicable. Numerically, the United States has implemented more value-based sanctions than the EU, but in terms of percentage, it only ranks third in the overall US sanctions agenda. Hostile justification holds little relevance for the EU, as it strives to maintain a sanctions record aligned with the values paradigm

(Beaucillon 2021a: 3). In contrast, the United States has demonstrated a greater willingness to employ a hostile rationale, as seen in the Trump administration's sanctions against Iran.

With the rise of international conflicts, such as the Russian invasion of Ukraine, the war in Gaza, the conflict between Iran and Israel, debates over intervention in Taiwan and military instability in other parts of the world, the role of war-based sanctions justifications is set to become increasingly dominant. Those responsible for managing these programmes must have a clear understanding of the principles to which they are committed. Authorities must adequately frame the justification for sanctions, and studies investigating the effectiveness, legitimacy and proportionality of sanctions should take this justification into account. Applying this approach in practice will lead to more precise results and clearer findings regarding what can truly be considered effective, and what cannot.



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