Introduction

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It is hard to imagine a threat to international security or a tension within U.S. foreign policy that does not involve the imposition of economic sanctions. The United Nations Security Council has fourteen sanctions regimes currently in place, and all member states of the United Nations are obligated to participate in their enforcement. The United States has some thirty sanctions programs, which target a range of countries, companies, organizations, and individuals, and many of these are autonomous sanctions that are independent of the measures required by the United Nations. Australia, Canada, the European Union, Japan, South Korea, and others also have autonomous sanctions regimes, spanning a broad range of contexts and purpose. Most well-known are those concerning weapons proliferation, terrorism, and human rights violations; but sanctions are also imposed in such contexts as money laundering, corruption, and drug trafficking. States may also impose sanctions as a means to achieve foreign policy goals: to pressure a foreign state to bend to the sanctioner's will, to punish those who represent a threat to the sanctioner's economic or political interests, or to seek the end of a political regime toward which the sanctioner is hostile, to give but a few examples.

The types of sanctions currently in use are tremendously diverse both in how they operate and in their scopes. Sanctions compliance is a massively complicated endeavor that affects not only such areas as the global banking and shipping industries, the currency used in international trade, and transnational investments but also the work of international charitable organizations. And the risks of noncompliance are extremely high: the French bank BNP Paribas paid some $9 billion in penalties to U.S. banking regulators for processing transactions for countries that were subject to U.S. sanctions, and other banks and corporations have paid penalties in the hundreds of millions of dollars for similar violations. The scope

Ethics & International Affairs, 33, no. 3 (2019), pp. 275–277.

doi:10.1017/S0892679419000340

of sanctions is extensive. There are sanctions that target "bad actors," sanctions that target those who deal with the bad actors, and even sanctions that target those who deal with those *secondary* actors. For some decades, many have questioned the effectiveness of sanctions, as extensive case studies and collected data suggest that sanctions are not likely to succeed in bringing about the compliance of those on which they are imposed. Indeed, some argue that the likelihood of success in this regard is extremely low.

Though often *ineffective*, the sanctions themselves are not without *consequences,* and it is with those consequences that the contributions to this roundtable grapple. For example, sanctions that deal with shipping, banking, and fuel imports can have a profound impact on the economy and industrial capacity of a target country. And when sanctions are imposed by a foreign government without the imprimatur of global governance, the target state can gain legitimacy in the eyes of its population—and in the region. As Dursun Peksen notes in his contribution to this roundtable, the economic decline in a sanctioned country is often accompanied by rising inequality and the erosion of the middle class, and the state may respond to greater domestic tensions with increased repression of the media, political opposition, and civil society. As a targeted state finds ways to circumvent sanctions for its imports and exports, trade routes and financial arrangements may be set up that can then get taken over wholesale by criminal networks.

Even when sanctions seem "smart," such as imposing travel bans or asset freezes on individuals or specific companies, they may in fact operate very broadly. As I argue in my own contribution, when a national oil company, a minister of agriculture, or a central bank director is blacklisted, it is not only that company or individual that is affected but an entire sector of the economy as well. Furthermore, there have recently been increasing concerns about the ways in which the inclusion of individuals on financial blacklists may be arbitrary or politicized, lacking any sense of due process.

Sanctions imposed by the United Nations Security Council generally carry considerable legitimacy. Idriss Jazairy, the UN's special rapporteur for unilateral coercive measures, discusses some of the central concerns that arise when individual nations impose autonomous measures that are not part of the UN's sanctions regimes, extending beyond the countries' borders, and beyond their own trade partners. His contribution shows how these types of sanctions, even when they are ostensibly intended to support security or human rights, do not enjoy the legitimacy of multilateral actions. Measures that seek to interfere in a sanctioned country's trade with third parties, or to penalize or constrain third-party actors, may be subject to the criticism that they are "extraterritorial," raising questions of their legitimacy under international law.

While some, including former U.S. Treasury Secretary Jacob Lew, have recently suggested that sanctions have been and are being overused, they remain a set of tools that, however problematic, is seen as a very attractive middle route between diplomacy and military force. We can thus expect that the extensive use of sanctions will be with us for some time to come. For that reason alone, we must carefully consider their ethical and human consequences, and it is hoped that the following essays will help to provide such guidance.