

Sanctions Relaxation and Conflict Resolution

Lessons from Past Sanctions Regimes

Zuzana Hudáková, Thomas Biersteker, and Erica Moret

October 2021

THE
CARTER CENTER



THE
CARTER CENTER



Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes

Zuzana Hudáková, Thomas Biersteker, and Erica Moret

October 2021

The Carter Center
One Copenhill
453 John Lewis Freedom Parkway Atlanta, GA 30307

Tcccrp@cartercenter.org

www.cartercenter.org

© 2021 by The Carter Center. All rights reserved.

Acknowledgements

Much of the report draws on research conducted within the scope of UNSanctionsApp, an interactive database of information on sanctions imposed by the United Nations since 1991 that is available for free as a phone application and at <https://unsanctionsapp.com>, and the United Nations University's "UN Sanctions and Mediation" project. Some of the material on Syria is drawn from the Swiss Network of International Studies (SNIS)-funded project, "When Money Can't Buy Food and Medicine: Banking Challenges in the International Trade of Vital Goods and their Humanitarian Impact in Sanctioned Jurisdictions." The authors would like to thank Stacia George, Hrair Balian, and Nancy Azar for their helpful comments and suggestions.

About the Authors

Zuzana Hudáková is Visiting Lecturer at Sciences Po and the Catholic University of Lille and Research Associate at the Graduate Institute in Geneva, where she obtained her M.A. and Ph.D. in international relations/political science. Her research focuses on the politics of contestation and everyday resistance in authoritarian regimes in a cross-regional perspective. Since 2013, she has also been working on a project analyzing the use and effectiveness of U.N. targeted sanctions, whose results are available through the internet and phone-based platform UNSanctionsApp. She is a co-author of several U.N. sanctions-related publications, including "UN Targeted Sanctions Datasets (1991-2013)," which appeared in the Journal of Peace Research. She has previously conducted research stays at the Center for International Research (CERI), Institute for Human Sciences (IWM), and Yale University. Her recent activities include U.N. sanctions-related trainings and consultancies.

Thomas Biersteker is the Gasteyer Professor Honoraire at the Graduate Institute of International and Development Studies, Geneva, and a Wilson Center Global Fellow at the Woodrow Wilson International Center for Scholars. He previously taught at Yale University, the University of Southern California, and Brown University, where he directed the Watson Institute for International Studies. Author/editor of eleven books, including "Targeted Sanctions: The Impacts and Effectiveness of United Nations Action" (2016), his research focuses primarily on international relations theory, global governance, and international sanctions. He is the principal developer of UNSanctionsApp, an interactive tool for the design of U.N. targeted sanctions and his recent activities include work with the U.N. and member states on the design, analysis, and reform of U.N. targeted sanctions. He received his Ph.D. and M.S. from the Massachusetts Institute of Technology and his B.A. from the University of Chicago.

Erica Moret is Senior Researcher at the Global Governance Centre and Centre for Humanitarian Studies at the Graduate Institute, Geneva, and coordinator of the Geneva International Sanctions Network (GISN). She is Associate Editor of the Journal of Global Security Studies (JoGSS) and Visiting Professor at the Graduate Institute and Sciences-Po. She holds a D.Phil. (Ph.D.) from the University of Oxford and is also a graduate of France's Ecole Nationale d'Administration (ENA). She has led policy research, high-level multi-stakeholder dialogues, and executive training on sanctions, humanitarian impacts, and financial sector de-risking for the EU and the U.N. and provided policy advice and evidence on sanctions to the U.S., the government of Canada, and both U.K. houses of Parliament. Her work on Syria includes the "Compliance Dialogue on Syria-Related Humanitarian Payments" for the Swiss government, European Commission (DG ECHO), and World Bank, and "Syrian Remittances: Dynamics, Volume and Future" for UN-ESCWA.

Table of contents

EXECUTIVE SUMMARY4

1. INTRODUCTION6

2. SANCTIONS AND CONFLICT RESOLUTION.....6

3. ELEMENTS OF SANCTIONS RELIEF7

 3.1 GESTURES OF GOODWILL8

 3.2. RELAXATION OF NATIONAL IMPLEMENTATION8

 3.3. EASING OF SANCTIONS EXEMPTIONS9

 3.4 ADJUSTMENTS TO SANCTIONS MEASURES9

 3.5 SANCTIONS SUSPENSIONS.....10

 3.6 FORMAL LIFTING OF SANCTIONS10

4. PAST EXAMPLES OF SANCTIONS RELAXATION.....11

 4.1 GOODWILL GESTURES, EASING OF IMPLEMENTATION, AND ADJUSTMENTS OF EXEMPTIONS13

Cuba (1960 – present): Easing of Exemptions and Implementation to Normalize Relations.....13

 4.2 SELECTIVE DELISTINGS15

Taliban (1999 – present): Selective Delistings to Facilitate a Negotiated Settlement.....15

Belarus (2004 – present): Selective Delistings to Reward Progress on Related and Unrelated Goals.....16

 4.3 SANCTIONS SUSPENSIONS.....18

Angola (1993 – 2002): Partial Time-limited Suspension to Reward Mediation Progress.....18

Former Yugoslavia (1991 – 1996): Selective Suspension to Achieve Mediation Progress.....19

Haiti (1993 – 1994): Full Indefinite Suspension to Reward Mediation Progress.....21

Libya (1992 – 2003): Full Conditional Suspension as Leverage to Ensure Compliance.....22

 4.4 PARTIAL LIFTINGS23

Myanmar (1990 – present): Partial Lifting to Incentivize Progress in Political Reforms.....24

Iraq (1990 – present): Partial Liftings and Selective Delistings to Wind Down Sanctions Regime.....25

Liberia (1992 – 2016): Repeated Re-starting of Sanctions to Adjust Sanctions Regime’s Goals.....27

Iran (2006 – present): Comprehensive, Negotiated Agreement for Phased Sanctions Termination.....29

5. LESSONS LEARNED FROM PAST SANCTIONS RELAXATIONS31

6. POTENTIAL APPLICATION TO SYRIA35

 6.1 TYPES OF SANCTIONS IN PLACE35

 6.2 GENERAL CONSIDERATIONS37

 6.3 LESSONS FOR SYRIA FROM PAST RELAXATIONS38

Executive Summary

Most sanctions research focuses on the design, threat, imposition, implementation, monitoring, or effectiveness of sanctions. Far less attention has been devoted to understanding how sanctions end or how sanctions relaxation can be utilized to pursue different policy objectives, including negotiated settlements of conflicts.

Focusing on the use of sanctions relaxation for conflict resolution, this report identifies elements of sanctions relief on a continuum from: (1) initial gestures of goodwill; through (2) relaxation of implementation at the national level; (3) easing of sanctions exemptions; (4) adjustments to sanctions measures; (5) suspensions; and (6) partial liftings to full termination of all imposed sanctions. Depending on the nature of the sanctions regime in place, a large variety of relief measures can be employed by policy practitioners to ease sanctions. The specific form of sanctions relaxation can vary in scope, timing, duration, and process, and different elements of sanctions relaxation can be variously combined and sequenced to incentivize, facilitate, or reward specific behavior by the target.

The report examines 11 cases of sanctions relaxation by the United Nations, the European Union, and the United States and groups them according to the core logics of different approaches to relaxation: (1) easing of sanctions' implementation and exemptions; (2) selective delistings of individuals and entities; (3) sanctions suspensions; and (4) partial lifting of sanctions measures. Each case is unique, and the pursuit of a particular policy objective is not linked to a specific type of sanctions relief. Rather, like sanctions themselves, sanctions relaxation can be used flexibly to address a range of different political situations. Individual sanctions delistings have been used in the past to incentivize changes in behavior (Taliban, Belarus), encourage adherence to an agreement (Iran), stigmatize military elites (Haiti, Myanmar), prevent spoilers from destabilizing a new regime (Iraq), drive a wedge between different factions (Taliban), or signal the winding down of a sanctions regime (Angola, Iraq). Goodwill gestures and easing of sanctions implementation and exemptions have been used as an attempt to normalize diplomatic relations (Cuba), while suspensions have been employed in an effort to get targets to stop their support for terrorism (Libya), sign a peace agreement (former Yugoslavia, Haiti), or continue with its implementation (Angola). Partial liftings, for their part, have been used to encourage further progress on domestic reforms (Myanmar), support peacebuilding efforts (Liberia) and political transitions (Iraq), or reach an agreement on nuclear proliferation through carefully calibrated concessions and counter-concessions by the sender and the target (Iran).

The success of different sanctions relaxation approaches varies. With the exception of the full indefinite sanctions suspension in Haiti, all cases examined exhibited some form of success. The relatively limited scope of sanctions relaxation through goodwill gestures and easing of national implementation and exemptions produced a tangible thaw in the diplomatic relations between the U.S. and Cuba for as long as the new policy was pursued. The relaxation of U.N. sanctions on the Taliban, as well as EU sanctions on Belarus and Myanmar, led to some progress in achieving interim policy goals, but in all three cases the success of selective delistings to incentivize and/or reward the limited progress was short-lived. Temporary success could also be observed with respect to the comprehensive, phased relaxation of nuclear-related sanctions on Iran until the U.S. withdrew from the agreement. All five cases show that sanctions relaxation requires continued political will on the part of the sender (such as in the cases of Cuba and Iran) or the target (Taliban, Belarus, Myanmar) to succeed in the long run. In contrast, the cases of U.N. sanctions relaxations in Angola, former Yugoslavia, Iraq, Liberia, and Libya were successful in achieving their broader objectives. The partial sanctions suspension in Angola encouraged further progress on national reconciliation, while selective suspensions in former Yugoslavia helped persuade all parties to sign and abide by the peace agreement. The full conditional suspension of sanctions in Libya led to compliance with the Security Council's demands regarding Libya's sponsorship of terrorism, and the partial sanctions liftings and adjustments to ongoing sanctions in Liberia helped reinforce the U.N.'s peacebuilding efforts. The successful cases employed modes of relaxation that were partial (Angola, Iraq), selective (former Yugoslavia), time-limited (Angola), incremental (Iraq), and conditional (Libya).

Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes

The effectiveness of sanctions relaxation depends also on the specific goals sought and the general context within which sanctions are deployed. For example, it is easier to get parties to the table than to reach a comprehensive peace agreement (Taliban). Settlement of a conflict is more likely to be achieved using sanctions relaxation when negotiating with a strong, unitary state (Libya, Iran) than in a complex environment with multiple nonstate armed groups (Angola, Liberia) or a weakening state facing growing internal legitimacy challenges (former Yugoslavia). Using sanctions relaxation to reward democratic progress in authoritarian states is prone to long-term failure because they are more likely to reverse democratic reforms (Belarus, Myanmar).

The report concludes with some general observations about sanctions relaxation and potential implications for the Syrian context, reflecting on some of the lessons learned from the analysis of the 11 sanctions relaxation cases, including:

- There is no fixed sequencing in successful sanctions relaxations; different combinations of relief measures can lead to progress in achieving varying policy objectives.
- Sanctions can be relaxed with a degree of success even in contexts where the original goals of the sanctions were not met and domestic support for relaxation is weak.
- When the original goals of sanctions regimes are no longer relevant or appropriate, sanctions can be restarted (that is, fully terminated and immediately replaced with new sanctions designed to achieve new goals) to accommodate the changed political context.
- To encourage compliance, relaxations should be calibrated to conform to concessions made by the sanctions target, and interim progress rewarded through incremental relaxation.
- Sanctions relaxation need not imply a loss of leverage over the target, as any form of sanctions relaxation can be reversed if the target resumes behavior deemed problematic by the sender.
- Sanctions relaxation can be coordinated among multiple sanctions senders to play different roles in relation to the target, including through sequenced relaxations to support negotiations.
- For best results, full termination of sanctions should be made conditional on the achievement of specific goals.

Sanctions relaxation can be a complex and time-consuming process. Sanctions regimes tend to be sticky; they can remain in place for many years, and it is far easier to impose sanctions than to terminate them. Nonetheless, as the report illustrates, the relaxation of sanctions offers many avenues for negotiation out of complex conflicts. Since the vast majority of sanctions regimes are put in place in situations with ongoing diplomatic efforts, it is important that policy makers understand the potential arsenal of measures at their disposal when it comes to resolving conflict and building sustainable peace. Sanctions relaxation can incentivize, facilitate, and reward change of behavior or mediation progress, but they should not be terminated without using them strategically to advance the larger goals of the sanctions regime (such as conflict resolution, nonproliferation, counterterrorism, or human rights protection).

1. Introduction

Most sanctions research and analysis focus on the design, threat, imposition, implementation, monitoring, and effectiveness of different types of sanctions. Relatively little attention has been devoted to understanding how sanctions end¹ or how sanctions relaxation can be utilized to pursue different policy objectives, including negotiated settlements to conflicts.² Those studies that do exist suggest that dynamics surrounding sanctions easing or lifting can play an important role in diplomacy and conflict resolution.³ Sanctions easing has been undertaken by the United Nations, the United States, the European Union, and other regional organizations in different contexts and for different purposes. The outcomes of past sanctions relaxation efforts range from no concessions on the part of the target through concessions made in unrelated fields to concrete changes in line with some of the original sanctions demands. It is rare that changes in target behavior match fully the original goals articulated by sanctions senders, and there is always some negotiation involved in terminating sanctions in full.

This report begins with a brief survey of the relationships between sanctions and conflict resolution. Next, elements of sanctions relief are identified in general terms, ranging on a continuum from initial confidence-building measures to full termination of all sanctions. An extensive list of different types of relief measures is identified, providing a range of policy options on easing existing sanctions measures, but multiple combinations of different relief measures are typically employed in practice. The report examines 11 cases of sanctions relaxation by the U.N., EU, and U.S. and groups them according to four different relaxation strategies: (1) goodwill gestures and easing of sanctions implementation and exemptions; (2) selective delistings of individuals and entities; (3) sanctions suspensions; and (4) sequenced partial lifting of sanctions measures. The resulting analysis highlights lessons learned from previous and ongoing sanctions relaxations, and the report concludes with their potential application to current sanctions imposed in reaction to the decade-long Syria conflict.

2. Sanctions and Conflict Resolution

Targeted sanctions have become a favored, yet contested, policy instrument in seeking to tackle global security challenges in recent decades. In the U.N. context, these include measures to address complex situations of armed conflict, counterterrorism, nuclear nonproliferation, in addition to measures intended to support transitional governance arrangements following nonconstitutional changes of government, judicial processes, responsibility to protect, humanitarian activities, and human rights protection more generally. The United Nations Security Council (UNSC) has been unable to reach consensus on a number of high-profile security and humanitarian challenges around the world in recent years, including in relation to the Syrian conflict, due to a breakdown of consensus among permanent (P5) members of the UNSC.⁴ This has led to a consequential rise in the use of autonomous (or unilateral) sanctions by other actors to address protracted and complex conflicts. These actors include a range of governments and regional organizations around the world, with the U.S. and EU as the globe's most prolific users of sanctions.

In addition to the sanctions objectives listed above, the U.S. uses sanctions to address issues such as corruption, drug trafficking, cyber-attacks, the illicit use of cryptocurrencies, actions of telecommunications companies (such as against the Chinese firm Huawei), and in relation to regional policy changes (such as on China in response to Hong Kong legislation or Russia with its annexation of parts of Ukraine). The EU also uses

¹ For a notable exception, see Attia, Hana, and Grauvogel, Julia, "Easier In Than Out: The Protracted Process of Ending Sanctions," GIGA Focus Global, No. 5, October 2019.

² For research on the links between sanctions relief and mediation, see Biersteker, Thomas, Brubaker, Rebecca, and Lanz, David, "UN Sanctions and Mediation: Establishing Evidence to Inform Practice," Centre for Policy Research, U.N. University, 2019.

³ See for example Biersteker, Thomas, Brubaker, Rebecca, and Lanz, David, "Exploring the Relationships between UN Sanctions and Mediation," Global Governance (forthcoming) and the other articles included in the special section.

⁴ Moret, Erica, "Unilateral and Extraterritorial Sanctions in Crisis: Implications of their Rising Use and Misuse in Contemporary World Politics" in Beaucillon, Charlotte (ed.) "The Research Handbook on Unilateral and Extraterritorial Sanctions," Edward Elgar Publishing, forthcoming.

sanctions to address respect for territorial integrity (Russia/Ukraine), misappropriation of state funds (Ukraine), protection against the effects of the extraterritorial application of certain legislation (U.S.), and unauthorized drilling activities (Turkey).⁵ Sanctions relating to the use of chemical weapons have also been adopted by the U.S., EU, and others, including in relation to the Syrian conflict.

Sanctions are often imposed in intractable and difficult-to-solve conflict settings around the world.⁶ Targeted individuals may face existential threats, making it difficult, if not impossible, to negotiate changes in their behavior. Asset freezes and travel bans may be of limited relevance to those who do not hold bank accounts overseas (or whose funds may be hidden in multiple foreign bank accounts in the case of a country's elite), do not travel, or are unable to leave their countries because of restrictive government policies. Arms embargoes can often be easily circumvented. As such, obtaining a degree of "success" is particularly challenging regarding sanctions imposed for conflict resolution and the cessation of hostilities. Indeed, earlier studies suggest that sanctions have a minimal impact on halting the onset of an intrastate war,⁷ and while they tend to be relatively ineffective in helping warring sides reach a cease-fire,⁸ they have sometimes been useful in moving forward from a stalemate.⁹ Arms embargoes, despite their popularity, are ineffective when used on their own (in the U.N. context, at least), particularly when applied to both sides of a conflict and when lacking support of third countries.¹⁰ In a study of 26 conflicts linked to natural resource access by insurgent groups between 1989 and 2006, a stronger correlation was found between the use of sanctions and durable peace over scenarios in which military interventions were used to settle conflicts.¹¹

To heighten chances for success, targeted sanctions should be integrated into wider strategies seeking to address global security challenges.¹² They should also be carefully tailored to address different motivations of warring sides.¹³ In general, sanctions are more likely to be successful in constraining the actions of targets and sending out norm-based signals, though less able to coerce change in the target's behavior.¹⁴ Targeted sanctions can be useful in peace-maintenance efforts, both directly and indirectly, and in a number of different ways, particularly through the selective lifting of restrictions.¹⁵ When it occurs, sanctions relief is frequently motivated by different goals and can take a variety of forms, as outlined in the next section.

3. Elements of Sanctions Relief

The general move away from comprehensive sanctions to the imposition of targeted sanctions in the early 2000s increased the complexity of sanctions implementation for states, private sector firms, and nongovernmental organizations (NGOs) across the globe. Today, there is a significant variety of types of targeted sanctions imposed, ranging from sanctions on individuals (asset freezes and travel bans), corporate entities (asset freezes, transaction and investment restrictions), or vessels (port entry bans) to sectoral

⁵ For an overview of current EU sanctions, see EU Sanctions Map, <http://www.sanctionsmap.eu/#/main>.

⁶ Biersteker, Thomas, Brubaker, Rebecca, and Lanz, David, "UN Sanctions: Liability or Asset in Mediation Processes?" Oslo Forum: Background Paper, Centre for Humanitarian Dialogue, 2018.

⁷ Thyne, Clayton, "Cheap Signals with Costly Consequences: The Effect of Interstate Relations on Civil War," in *Journal of Conflict Resolution*, 50(6): 937-961, 2006; Strandow, Daniel, "Sanctions and Civil War: Targeted Measures for Conflict Resolution," Uppsala: Department of Peace and Conflict Research, Uppsala University, 2006.

⁸ Biersteker, Thomas, Eckert, Sue, Tourinho, Marcos, and Hudáková, Zuzana, "The Effectiveness of United Nations Targeted Sanctions: Findings from the Targeted Sanctions Consortium (TSC)," Graduate Institute, Geneva, November 2013.

⁹ Zartman, William, and de Soto, Alvaro, "Timing Mediation Initiatives," USIP Peacemakers Toolkit Series, 2010.

¹⁰ Biersteker, Thomas, Eckert, Sue, and Tourinho, Marcos, "Targeted Sanctions: The Impacts and Effectiveness of United Nations Action," Cambridge: Cambridge University Press, 2016, p. 265.

¹¹ Le Billon, Philippe, and Nicholls, Eric, "Ending 'Resource Wars': Revenue Sharing, Economic Sanction or Military Intervention?" *International Peacekeeping*, 14(5): 613-632, 2007.

¹² Biersteker et al., "UN Sanctions and Mediation," 2019 (see fn 2).

¹³ Barnes, Catherine, McKeon, Celia, and Griffiths, Aaron, "Introduction," *Accord*, no. 19 (Incentives, Sanctions, and Conditionality), February 2008.

¹⁴ Biersteker, Thomas, Eckert, Sue, Tourinho, Marcos, and Hudáková, Zuzana, "UN Targeted Sanctions Datasets (1991-2013)," *Journal of Peace Research*, 55(3): 404-412, 2018.

¹⁵ Biersteker et al., "UN Sanctions and Mediation," 2019 (see fn 2).

restrictions on arms, diplomatic activity, and entire economic sectors (including transportation and import and export bans on particular commodities).¹⁶ At the same time, the very complexity that has made it more difficult to implement targeted sanctions has provided policy practitioners with more options to link sanctions relief to negotiating concessions from targeted parties. For example, exemptions can be introduced, broadened, or made more accessible; selective delistings can be applied in cases when targeting individuals or entities; sectoral measures can be adjusted, suspended, or terminated; and different sequencing of sanctions relaxation can be applied by and coordinated among various sanctioning parties to achieve desired results. In the sections that follow, a continuum of potential sanctions relief measures will be described — from initial confidence building measures to formal lifting of all sanctions — in an effort to illustrate the variety of instruments available to policy makers.¹⁷

3.1 Gestures of Goodwill

Many sanctions relief efforts are preceded by gestures of goodwill, introduced to set the scene for active negotiations or subsequent mediation efforts. These measures tend to be specific to each conflict context and can include symbolic gestures of significance to the conflict parties. Gestures of goodwill can also include humanitarian assistance, such as the provision of supplementary aid, that is not formally part of subsequent negotiations, but employed as a general indication of good intentions, especially at times of particular need (such as during a health crisis). Humanitarian gestures should be applied independently of political negotiations, consistent with international humanitarian law (IHL) and the Humanitarian Principles, including those of impartiality and neutrality.¹⁸

In cases where autonomous sanctions have been applied to pursue so-called “maximum pressure” approaches (such as recent U.S. sanctions against Iran, Syria, DPRK/North Korea, Cuba, and Venezuela),¹⁹ public statements about undertaking a policy review can be used to signal potential policy change, setting the stage for pursuing subsequent sanctions relief. The development and introduction of protected humanitarian payment mechanisms, safe banking channels, or protected remittance processes for transferring funds into a heavily sanctioned country could also be considered gestures of goodwill, with practical implications for the target.²⁰ Efforts to ensure that the private sector re-engages with a given country after sanctions are lifted are also vital to ensure longer-term success of any such moves (as was demonstrated by the Iran case).

3.2. Relaxation of National Implementation

Many sanctions regimes contain recommended measures. For example, it is not uncommon for UNSC resolu-

¹⁶ Biersteker et al. identify more than 100 different types of U.N. sanctions imposed over the past three decades. See Biersteker, Thomas, Hudáková, Zuzana, and Tourinho, Marcos, “UNSanctionsApp: An Interactive Database of UN Sanctions,” August 2020, <https://unsanctionsapp.com>.

¹⁷ These categories are derived from Biersteker, Thomas, and Hudáková, Zuzana, “Sanctions Relief,” a paper prepared as part of the “UN Sanctions and Mediation” project, forthcoming with the Centre for Policy Research of the U.N. University, elements of which will be drawn upon and illustrated in the individual case studies analyzed in greater detail below.

¹⁸ Moret, Erica, “Humanitarian Impacts of Economic Sanctions on Iran and Syria,” *European Security*, 24(1): 120-140, 2015; Debarre, Alice, “Safeguarding Humanitarian Action in Sanctions Regimes,” *International Peace Institute*, New York, 2019; Gillard, Emanuela-Chiara, “Research Recommendations for Reducing Tensions in the Interplay Between Sanctions, Counterterrorism Measures and Humanitarian Action,” *Chatham House*, August 2017.

¹⁹ Moret, “Unilateral and Extraterritorial Sanctions in Crisis,” forthcoming (see fn 4).

²⁰ While examples are varied and have shown mixed levels of success, they include the Special Purpose Vehicle (SPV), the Instrument in Support of Trade Exchanges (INSTEX), the Swiss Humanitarian Trade Agreement (SHTA), specialized U.N. procurement offices that have full authority to access humanitarian goods and services (as in Sudan), and the U.K.-Somalia Safer Corridor Initiative. For further details, see Moret, Erica, “Time to Act: Harmonizing Global Initiatives and Technology-Based Innovations Addressing De-Risking at the Interfacing Sanctions-Counterterrorism-Humanitarian Nexus,” SWP, Berlin, forthcoming 2021; Moret, Erica, “A Lifeline under Threat? Syrian Household Remittances in Light of Sanctions and De-Risking, the COVID-19 Pandemic and Regional Economic and Legislative Developments,” UN-ESCWA, National Agenda for the Future of Syria (NAFS) Phase II, forthcoming 2021; United Nations, Report of the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights on His Mission to the Syrian Arab Republic, A/HRC/39/54/Add.2, Geneva, 2018; Batmanghelidj, Esfandyar, and Shah, Sahil, “Protecting Europe-Iran Trade to Prevent War: A Provisional Assessment of INSTEX,” *European Leadership Network*, 2019.

tions to “call upon” member states to take action with regard to particular transactions or activities. While they do not constitute legally binding decisions that all states must implement under Article 25 of the U.N. Charter, they often serve as the basis for the application and legitimation of additional measures applied unilaterally by states or regional organizations.

Delaying implementation of recommended measures or publicly announcing a delay in their implementation can be taken prior to the relaxation of existing multilateral sanctions regimes. In some contexts, the U.S. could announce its intention to relax the extraterritorial application of its secondary sanctions on third parties. Delaying the implementation of recommended measures or public declarations that no new autonomous sanctions will be applied for a specific or an open-ended time period (as was done prior to the signing of the Joint Comprehensive Plan of Action — the JCPOA — with Iran) can also pave the way for formal sanctions relief.

Other recommended measures pertain to enhanced sanctions implementation, such as urging cargo inspections to prevent sanctions violations or “vigilance” with respect to specific items or activities not subject to sanctions. Since their implementation depends on the discretion of the relevant implementing authorities, they can be temporarily eased or suspended without requiring changes to the existing sanctions. Similarly, the speed with which states process sanctions exemptions requests can be accelerated and their number increased. Such unilateral moves are relatively easy to implement and reverse, but they can serve as a precursor for future formal sanctions relaxations.

3.3. Easing of Sanctions Exemptions

Formal sanctions relief can begin gradually, with an easing of the procedures for obtaining exemptions or the extension of existing exemptions to additional actors or sectors. Following the onset of the COVID-19 crisis in 2020, the U.S. Treasury’s Office of Foreign Assets Control (OFAC) issued new guidelines explaining how exemptions could be obtained for medical equipment and supplies,²¹ and in 2021, it issued a new general license authorizing a greater range of humanitarian assistance activities and trade linked to the pandemic.²² In addition, procedures for obtaining exemptions can be eased with the introduction of general licenses or broader exemptions for the import/export of particular goods or an increase in the number of items subject to exemptions. These measures do not entail major changes of existing sanctions regimes, but they can build on prior goodwill gestures or voluntary relaxation of measures to create an improved environment and begin to establish a basis for the trust that is needed to facilitate formal negotiations.²³

3.4 Adjustments to Sanctions Measures

Sanctions listings entail the designation of individual persons, firms, vessels, or other forms of corporate entity (such as political parties or nonstate armed groups) for the application of restrictive measures. Previous research on U.N. sanctions and mediation identified a number of instances in which selective delistings could be used to facilitate negotiations.²⁴ Selective delistings can also be used to reward changes in individual behavior, divide ruling coalitions, or reflect the knowledge that individual family members are not engaged in circumvention of a given sanctions regime. Delistings can supplement initial confidence-building measures without offering wholesale sanctions relief at early stages of negotiations.

Many sanctions regimes also entail restrictions on specific sectors, such as arms embargoes, diplomatic activity, or economic transactions (like commodity bans). Sectoral sanctions can be adjusted prior to their subsequent

²¹ See <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20200420>.

²² “Authorizing Certain Activities to Respond to the Coronavirus Disease 2019 (COVID-19) Pandemic,” including Syria General License 21, Venezuela General License 39, and Iran General License N, issued on 17 June 2021.

²³ Brubaker, Rebecca (2020) “Paving Pathways to Peace Talks with Sanctions and Exemptions?” United Nations University, *Sanctions and Mediation Policy Memo Series*, no. 1, December 2020.

²⁴ Biersteker et al., “UN Sanctions and Mediation,” 2019 (see fn 2).

suspension or lifting. Arms embargoes, for example, are often imposed on all parties to a conflict at the outset of hostilities. After a negotiated settlement has been signed and entered into effect, it is not uncommon for an arms embargo to be lifted on signatories of the agreement or on government forces that have successfully completed security sector reform. Arms embargoes can also be selectively eased in other ways. Restrictions on the import of heavy arms may be continued after other arms restrictions are lifted, and there may be requirements that arms be imported through a limited number of depots, be registered, and their end uses documented.

Diplomatic sanctions can also be adjusted incrementally. Embassies may be allowed to increase the number of in-country personnel, consulates can be allowed to reopen, and restrictions on the travel of diplomats can be eased. Sanctions on economic sectors, which ban the export or import of particular goods or services, can also be eased gradually. For example, the U.N. has experimented with the introduction of caps in its DPRK sanctions regime, allowing specified amounts of oil into the country and coal exports out of the country. While caps have proven difficult to monitor and implement, they provide an illustration of how sectoral economic sanctions can be eased prior to the formal suspension or lifting of the measures.

3.5 Sanctions Suspensions

Sanctions can be suspended prior to their formal termination or lifting. Some suspensions are conditional; the suspension will only take place once certain actions specified in advance are undertaken by a target. Suspensions can be term-based (time-limited) or open-ended (indefinite). Term-based suspensions are the functional equivalent of the highly touted “snap-back” provisions of the JCPOA with Iran. Existing sanctions can be suspended for a specified time period, but the suspension will only be continued if there is a decision to do so on the part of the sanctioning state or organization. This ensures that the temporarily suspended sanctions measures are reimposed automatically if there is opposition to continuing the suspension. This obviates the need to rebuild a consensus for their reimposition. Open-ended suspensions can be maintained to build goodwill or encourage a target’s compliance, a move often taken prior to the formal lifting of the measures that can be subject to specific conditions such as an overall improvement in the political situation.

3.6 Formal Lifting of Sanctions

There are occasions when all sanctions are lifted at the same time, usually after a formal settlement of a conflict or after some specified conditions have been met, but sanctions can also be lifted partially. Since most sanctions regimes consist of multiple measures being applied simultaneously — individual financial sanctions, travel bans, arms embargoes, and/or sectoral restrictions — it is possible to lift some of the measures before terminating all of the sanctions.

At the U.N. level, formal sanctions termination, like suspensions, are usually undertaken with a new Security Council resolution. Some of the other forms of relaxation described above (such as the provision of exemptions and selective delistings) can be undertaken at the Sanctions Committee level, but formal adjustments to sanctions measures, including exemptions policy changes, must be adopted via a binding, Chapter VII Security Council resolution.

In the U.S. context, the conditions for waiving, suspending, or terminating sanctions are subject to different legal arrangements.²⁵ For sanctions that are based on Executive Orders (EOs) and authorized through presidential authority, the executive branch is able to decide whether to suspend and terminate the sanctions. Sanctions imposed by the president remain in place for 12 months, unless terminated or prolonged through renewal of the national emergency declaration on which EOs are based.²⁶ Sanctions imposed by the U.S.

²⁵ Wald, Charles, Robb, Charles, and Misztal, Blaise, “Conditional Sanctions and Repeal Authority: A Mechanism for Legislative-Executive Cooperation on Negotiations with Iran,” Bipartisan Policy Centre, 8 November 2013.

²⁶ Masters, Jonathan, “What Are Economic Sanctions?” Council on Foreign Relations, CFR Backgrounders, February 2017.

Congress contain waiver provisions that the executive branch can use to suspend or lift provisions (in part, or in full) if it can demonstrate that the target has met certain criteria laid out in a statute.²⁷ A level of flexibility also exists regarding the executive's ability to suspend congressional sanctions if doing so is deemed to be in the national interest,²⁸ albeit on a time-limited basis and with the requirement of renewal every six months.²⁹ Should the president wish to suspend or lift these types of sanctions, he or she must typically notify Congress of the intention to do so within 30 days.

In the EU case, decisions to adopt, suspend, or lift sanctions are taken by the EU Foreign Affairs Council (FAC) following examination in the relevant council working groups.³⁰ EU sanctions are governed by a complex set of procedures, drawing on EU and member state competencies and involving political decisions taken by the FAC. The EU's Common Foreign and Security Policy (CFSP) sanctions acts contain so-called "sunset clauses" which require sanctions to be reviewed (then either renewed, suspended, or lifted) once a year (or every six months in the case of Russia sanctions). In theory, any EU member state could veto the renewal of sanctions, though this does not occur as a general rule. The EU can also opt to suspend certain sanctions for shorter periods of time.

The significant variation in the types of targeted sanctions being applied today gives policy makers and negotiators a great variety of possibilities for employing sanctions relief to achieve a range of policy objectives. It is important to note that there is no strict sequence or hierarchy in the application of these measures. In practice, these different types of sanctions relief have been applied both alone and in many different sequences or creative combinations, as will be illustrated in the case studies detailed below.

4. Past examples of Sanctions Relaxation

Sanctions can and have been relaxed in a number of different ways in the past. Some relaxations, like the JCPOA for Iran, are the result of extensive prior planning, coordination, and detailed negotiations. Others are adopted in an *ad hoc* fashion in response to changes in the political situation or target's behavior. This was the case with U.N. sanctions on Angola, which were eased and subsequently terminated following the change in conflict dynamics triggered by the death of Angolan politician and military leader Jonas Savimbi. Occasionally, as in Haiti, the relaxation of sanctions is specifically included in the negotiated settlements signed by the conflict parties. More often than not, progress on negotiations presents only one of the considerations that senders of sanctions take into account when proposing or agreeing to relax sanctions, and the promise of relaxation is linked to actual implementation of core terms in the agreement rather than a mere signing of formal documents.

Sometimes, as in the case of sanctions imposed on Libya in the 1990s over its sponsorship of terrorism, sanctions relaxation is implemented only once the target complies with specific conditions set ahead of time. These conditions are sometimes specified at the time of sanctions' imposition. Such offers of conditional relaxations, and the formal maintenance of sanctions during the relaxation, can act as leverage over targets to encourage further progress on fulfilling the conditions or to maintain their compliance. At other times, sanctions relaxation is offered to targets as an incentive to adjust their behavior, rather than as a coercive measure. This was the case of the U.N. sanctions regime on the Taliban, where delisting offers were used to encourage progress in the peace process or in the case of the partial relaxation of the long-standing U.S. sanctions on Cuba to encourage a normalization of diplomatic relations.

The specific types of relaxations adopted (or offered) can be fairly simple – such as individual delistings or immediate suspension or lifting of specific types of sanctions – or more complex in terms of their duration, sequencing, or execution. For instance, sanctions relaxations can be authorized only for a specific period of

²⁷ The Carter Center, "U.S. and European Sanctions on Syria," September 2020.

²⁸ This is understood to heighten the U.S. domestic political costs of suspending or lifting sanctions (Ibid.).

²⁹ Ibid.

³⁰ See https://eeas.europa.eu/headquarters/headquarters-homepage_en/423/European%20Union%20sanctions.

Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes

time and then (repeatedly) renewed in case of a satisfactory situation, rather than imposed indefinitely, or sanctions can be relaxed in phases, with specific forms of relaxation linked to particular time periods. The comprehensive sanctions regime imposed by the U.N. on Yugoslavia in the 1990s included both examples. The progressive termination of a sanctions regime does not need to follow an *a priori* plan as different types of sanctions can be terminated at various times and prior relaxations can be reversed in case of a change of behavior. This was the case with the international sanctions on Haiti in the early 1990s, as well as EU sanctions on Myanmar and Belarus in the 2010s.

In general, different types of sanctions relaxations can be applied to all existing sanctions (full relaxation), only some of the measures (partial relaxation), or to some targets/aspects of sanctions but not others (selective relaxation). They can be left open-ended (indefinite relaxation) or adopted only for a specific period of time (time-limited relaxation), and can be formally proposed (relaxation offers), adopted right away (immediate relaxation), or adopted only after specific requirements have been met (conditional relaxation). Finally, the process of relaxation itself can be simple and consist of a one-time or repeated relaxation or can be more complex and sequenced in a more spontaneous (incremental relaxation) or planned (phased relaxation) manner. See Table 1 for an overview of the different types of sanctions relaxation.

Table 1: Different types of sanctions relaxation

SANCTIONS RELAXATION		
Elements	Type	Explanation
<i>Scope</i>	Selective	Concerns some elements of specific sanctions measures, but not the entire measure as a whole.
	Partial	Concerns some sanctions measures in full, but not others.
	Full	Concerns all sanctions measures in full.
<i>Timing</i>	Offered	Relaxation was proposed, but its implementation not authorized.
	Immediate	Relaxation in effect instantly, from the time of authorization.
	Conditional	Relaxation will come into effect only upon the fulfillment of specific conditions set ahead of time.
<i>Duration</i>	Time-limited	In place only for a specific time period.
	Open-ended	In place indefinitely.
<i>Process</i>	One-time	Relaxation is applied once.
	Repeated	Relaxation is extended or sanctions re-imposed.
	Incremental	Several relaxations follow each other in an <i>ad hoc</i> sequence.
	Phased	Several relaxations (of the same or different sanctions measures) applied in a sequence, determined ahead of time.

The 11 cases selected for detailed examination below illustrate approaches to sanctions relaxation that cluster into four broad categories: (1) goodwill gestures and easing of sanctions implementation and exemptions; (2) selective delistings of individuals and entities; (3) sanctions suspensions; and (4) sequenced partial lifting of sanctions measures. While every case is unique, and each has distinctive characteristics that may not be readily

transferable to other situations, the four categories outlined below are organized according to the central combinations of relief measures utilized in the cases. By reviewing how different elements of sanctions relief have been used and combined in past cases of sanctions relaxation, including by the U.N., the EU, and the U.S., we seek to illustrate the variety of approaches available to policy makers, some of which may be relevant in the Syrian context.

Each case will be described in terms of the main type of sanctions relaxation applied and its goal, with reference to (1) the larger context that motivated the imposition of sanctions; (2) the types of relaxation applied; (3) an assessment of the outcome of the relaxation; (4) the eventual sanctions termination (or current sanctions situation); and (5) an overview of the sequencing of different stages of sanctions relaxation (until termination, if applicable).

4.1 Goodwill Gestures, Easing of Implementation, and Adjustments of Exemptions

Cases involving goodwill gestures, easing of implementation, and adjustments of sanctions exemptions represent relatively minor types of sanctions relaxation. Neither gestures of goodwill, which are often highly symbolic, nor decisions by relevant authorities to (temporarily) engage in less strict application of certain aspects of sanction (for example, though an increase in the issuance of licenses), require formal modification of the sanctions legislation itself. The easing of exemptions entails only limited changes to the existing measures in terms of content or procedure. All are relatively easy to adopt, implement, and reverse.

Cuba (1960–present): Easing of Exemptions and Implementation to Normalize Relations

Context: Diplomatic relations, human rights, and democracy support

The U.S. imposed comprehensive sanctions on Cuba in 1960 in response to the Caribbean island’s revolution and subsequent land reform measures and expropriation of U.S.-owned sugar mills, oil refineries, banks, and manufacturing plants. They were strengthened in various rounds over the following six decades, including in relation to human rights and democracy support. They include primary and secondary (extraterritorial) sanctions, comprising sectoral commercial, economic, financial, and agricultural restrictions, as well as asset freezes, travel bans, and limits on the sending of remittances. The U.S. also placed Cuba on the State Sponsor of Terrorism list in 1982, which equates to curbs on U.S. foreign assistance, an embargo on U.S. arms exports and sales, controls on dual-use items, and withdrawal of U.S. support for loans from global financial institutions, such as the International Monetary Fund (IMF) and World Bank. The U.S. embargo on Cuba is considered the strictest and longest-standing sanctions regime in modern history, operating in contravention of numerous international treaties.³¹

An impetus for improved relations came in December 2014, when President Barack Obama stated that “[t]hese 50 years have shown that isolation has not worked. It’s time for a new approach,” adding, “I believe we can do more to support the Cuban people and our values through engagement.”³² In the same month, the U.S. and Cuban governments reciprocally released several political prisoners and intelligence operatives as gestures of goodwill. Aided by diplomatic involvement from the Vatican, Presidents Fidel Castro and Obama discussed areas of potential cooperation, including in the area of counterterrorism, and potential for establishing a U.S. Embassy in Havana. Obama also asked Secretary of State John Kerry to review Cuba’s state sponsor of terrorism designation.³³ On Jan. 21, 2015, Obama asked Congress to lift the U.S. embargo on Cuba.

³¹ Mainly enforced through EO 12854 Implementation of the Cuban Democracy Act and five statutes: Trade Sanctions Reform and Export Enhancement Act of 2000; Cuban Liberty and Democracy Solidarity Act of 1996; Cuban Democracy Act of 1992; Sections 5 and 16 of Trading with the Enemy Act of 1917; Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)-(a)(2)); and various regulations.

³² Condon, Stephanie, “Obama to Start Normalizing U.S. Relations with Cuba,” CBS News, 17 December 2014. An earlier effort to normalize relations with Cuba using sanctions relaxation was undertaken by former U.S. President Jimmy Carter in 1977. See, for example, <https://theconversation.com/jimmy-carter-in-cuba-46109>.

³³ Ibid.

Type of relaxation: Easing of national implementation, eased exemptions, and partial lifting

1. Eased exemptions

On Jan. 16, 2015, OFAC and Commerce Department's Bureau of Industry and Security (BIS) announced amendments to the Cuban Assets Control Regulations (CACR) and the Export Administration Regulations (EAR) leading to an easing on some sanctions on Cuba.³⁴ A number of activities previously authorized by specific license were authorized, instead, by general license, subject to certain conditions under the altered sanctions regulations.³⁵ However, Cuba remained subject to the comprehensive embargo³⁶ and a license was still required to export or reexport to Cuba any item subject to the EAR unless authorized by a license exception.³⁷

2. Partial lifting

On May 30, 2015, Cuba's designation as a State Sponsor of Terrorism was rescinded,³⁸ following an exhaustive investigation by the U.S. diplomatic and intelligence community under Kerry's lead. This required the Obama administration to certify to Congress that a fundamental change in leadership had occurred in Cuba and that the country's government was not supporting acts of international terrorism, had not for the previous six months, and would not do so in the future.³⁹

3. Easing of national implementation and further eased exemptions

On Sept. 21, 2015, the Departments of the Treasury and Commerce enacted additional regulatory changes to the CACR and EAR,⁴⁰ which further eased exemptions related to travel, telecommunications and internet-based services, business operations, and remittances.⁴¹ Additional amendments to CACR and EAR were made on Jan. 27, 2016, which authorized additional exports for areas such as "disaster preparedness; education; agricultural production; artistic endeavors; food processing; and public transportation."⁴² Financial restrictions on exports were also lifted in areas relating to civil society in Cuba and communications. The existing general license on travel-related transactions was also expanded. On March 16, 2016, further exemption easing occurred when amendments to the CACR and EAR were enacted by OFAC and BIS, which built on a non-legally binding arrangement to reestablish scheduled air services between Cuba and the U.S.⁴³ Additional exemption easing was adopted on Oct. 17, 2016 in the areas of scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth.⁴⁴

Outcome of the relaxation: Partial success

A normalization of diplomatic relations began between the governments of the U.S. and Cuba, with embassies reinstated in the respective capitals and over 20 agreements signed on areas of mutual interest. Some financial transactions were facilitated, and the sending of remittances could grow in volume. Regular commercial airline and cruise travel increased between the two countries, and some limited areas of travel and commerce could resume.⁴⁵

³⁴ See <https://www.treasury.gov/press-center/press-releases/Pages/jl9740.aspx>.

³⁵ Treasury regulations at 31 Code of Federal Regulations (CFR), part 515 and Commerce regulations at 15 CFR parts 730-774. This included travel to Cuba for authorized reasons; the provision of insurance for travel to Cuba; the facilitation of the provision by travel agents and airlines of authorized travel services; the sending of authorized remittances by certain entities and at an increased limit; the use of U.S. credit and debit cards in Cuba; permission for U.S. banks to open correspondent accounts at Cuban financial institutions; support for small business growth and re-established diplomatic relations; the authorization of certain transactions with Cuban nationals based outside Cuba, and allowing several other activities related to financial services, trade, telecommunications, and shipping.

³⁶As specified in Section 746.2(a) of the EAR.

³⁷ See <https://www.govinfo.gov/content/pkg/FR-2015-07-22/pdf/2015-17981.pdf>.

³⁸ See <https://www.state.gov/reports/country-reports-on-terrorism-2019/cuba/>.

³⁹ Ibid.

⁴⁰ See <https://www.treasury.gov/press-center/press-releases/Pages/jl0169.aspx>.

⁴¹ Treasury regulations at 31 CFR, part 515 and Commerce regulations at 15 CFR parts 740, 746, and 772.

⁴² See https://home.treasury.gov/system/files/126/fact_sheet_01262016.pdf.

⁴³ See <https://www.transportation.gov/briefing-room/united-states-cuba-sign-arrangement-restoring-scheduled-air-service>.

⁴⁴ Treasury regulations at 31 CFR, part 515 and Commerce regulations 15 CFR parts 730-774.

⁴⁵ See <https://obamawhitehouse.archives.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization>.

Sanctions termination: Not applicable (sanctions ongoing)

The U.S. sanctions on Cuban targets were strengthened once again under the Trump administration from Nov. 9, 2017, in the form of limitations on travel and financial transactions relating to the Cuban military, intelligence, or security services.⁴⁶ Also, in May 2020, Cuba was certified under the Arms Export Control Act as “not cooperating fully” with U.S. counterterrorism efforts in the previous year. Additional measures were taken on June 5 and Oct. 9, 2019,⁴⁷ to eliminate certain financial and remittance-related authorizations, described as “additional steps to financially isolate the Cuban regime,”⁴⁸ followed by additional regulatory amendments on Sept. 23⁴⁹ and Oct. 26, 2020.⁵⁰ Cuba was added back on the State Sponsor of Terrorism list on Jan. 11, 2021, nine days before President Trump left office.⁵¹

Sequencing: Easing of exemptions → Partial lifting → Easing of exemptions & national implementation → Re-imposition

Goodwill gestures were followed by easing of exemptions, easing of national implementation, and partial lifting in a partially successful effort to normalize diplomatic relations. Sanctions were re-imposed and broadened in 2017 for domestic political purposes and continue up to the present day.

4.2 Selective Delistings

Selective delistings refer to cases in which the principal focus is on the relaxation of individual sanctions measures (asset freezes and travel bans) through the removal of specific individuals and/or entities, rather than sectoral sanctions relief or the suspension or lifting of entire types of individual or sectoral sanctions.

Taliban (1999–present): Selective Delistings to Facilitate a Negotiated Settlement

Context: Counterterrorism and armed conflict

Following the bombings of the U.S. embassies in Dar es Salaam and Nairobi in August 1998 and the subsequent indictment of Osama bin Laden by the U.S. for his involvement in the attacks, the UNSC focused on coercing the Taliban regime to turn over bin Laden for prosecution. After the attacks of Sept. 11, 2001, the Taliban were interpreted to be a critical enabler of al-Qaida, and thus remained sanctioned alongside the designated terrorist group under the 1267 regime.⁵² An operational distinction between the two groups emerged gradually toward the end of the 2000s, with some elements of the Taliban being induced with delistings to facilitate peace talks with the government of Afghanistan. The UNSC formally divided the al-Qaida/Taliban sanctions regime into two in June 2011 with the passage of UNSC Resolutions 1988 (Taliban) and 1989 (al-Qaida and associates) in order to facilitate peace negotiations with the Taliban.⁵³

U.N. sanctions began in October 1999 with an aviation ban on aircraft owned, leased, or operated by the Taliban and an asset freeze on the Taliban regime. Following the continued refusal of the regime to turn over bin Laden for prosecution, its reluctance to engage in a broader peace process, and its threats to destroy part of Afghanistan’s cultural and historical heritage, the UNSC passed Resolution 1333 on Dec. 19, 2000, expanding the sanctions against the Taliban and broadening them to include bin Laden and al-Qaida. The aviation ban was expanded, individual and entity asset freezes were applied to 151 individuals and seven entities associated with the Taliban, an arms import

⁴⁶ Treasury regulations, at 31 CFR, part 515 and Commerce regulations at 15 CFR parts 730-774.

⁴⁷ See <https://www.federalregister.gov/documents/2019/09/09/2019-19411/cuban-assets-control-regulations>.

⁴⁸ See https://home.treasury.gov/system/files/126/cuba_fact_sheet_20190906.pdf.

⁴⁹ See https://home.treasury.gov/system/files/126/cuba_fact_sheet_20200923.pdf.

⁵⁰ See https://home.treasury.gov/system/files/126/cuba_fact_sheet_20201026.pdf.

⁵¹ See <https://www.state.gov/reports/country-reports-on-terrorism-2019/cuba/>.

⁵² S/RES/1267 of 15 October 1999.

⁵³ S/RES/1988 of 17 June 2011 and S/RES/1989 of 17 June 2011.

embargo was imposed on the Taliban (and areas of the country controlled by them), diplomatic restrictions were applied, and a ban was placed on imports of a substance used in the processing of heroin. After the attacks of Sept. 11, 2001, a travel ban was added to the asset freeze on individuals.

Type of relaxation: Selective delistings and eased exemptions

Ten senior Taliban officials were delisted in 2010 to facilitate peace talks, and other delistings were promised and subsequently delivered to individuals willing to break with the Taliban and recognize the authority of the government in Kabul. In December 2012, the UNSC allowed for temporary exemptions that would make it easier for listed Taliban individuals to travel to participate in peace and reconciliation talks.⁵⁴

Outcome of the relaxation: Partial short-term success

Although there were up to 12 indirect channels of communication between the U.S. and the Taliban at the peak of the negotiations in 2011 and 2012, the peace process with the Taliban did not advance. However, the national unity government reached an agreement with the Hezb-i-Islami militant group on May 18, 2016, whose leader Gulbuddin Hekmatyar had been designated for U.N. sanctions in 2003. The deal was formally signed in September 2016 and Hekmatyar, once called the “butcher of Kabul,” was delisted in February 2017.⁵⁵ On Feb. 29, 2020, a U.S.-Taliban agreement was signed, establishing a timeline for the reduction of U.S. troops in Afghanistan in exchange for a pledge by the Taliban not to enable groups targeting the U.S. or its allies in Afghanistan. That same day, the U.S. and Afghan governments issued a joint declaration laying out principles for a comprehensive peace agreement in the country. UNSC Resolution 2513 (March 10, 2020) endorsed the U.S.-Taliban agreement and the joint U.S.-Afghan declaration.⁵⁶ The text stated the Security Council’s readiness to review the status of designated individuals under the 1988 regime with a view to support the peace process once intra-Afghanistan negotiations had been initiated. The delisting of individuals designated on U.N. sanctions lists were expected to support the broader Afghan peace negotiations. In September 2020, the first round of intra-Afghan negotiations was held in Doha, Qatar, but with the withdrawal of U.S. and other external forces in 2021, the Taliban reneged on the intra-Afghan negotiations and pursued outright military victory against the Afghan government.

Sanctions termination: Not applicable (sanctions ongoing)

U.N. sanctions on the Taliban are still in place on 135 individuals and five entities. Only one individual was delisted since the Taliban sanctions regime was split from the al-Qaida and associates regime in June 2011.⁵⁷

Sequencing: Selective delistings → Eased exemptions → Delisting offers

Selective delistings and travel ban exemptions were used to facilitate early negotiations, while the promise of potential delisting was used to prompt defections from the Taliban.

Belarus (2004–present): Selective Delistings to Reward Progress on Related and Unrelated Goals

Context: Human rights and democracy support

The EU first imposed asset freezes and travel bans against some Belarusian security service officers on Sept. 24, 2004, in response to the unresolved disappearances (between 1999-2000) of two opposition politicians, one businessperson, and one journalist.⁵⁸ Additional asset freezes (and prohibitions to making funds available) and travel bans (including restrictions on flights, airports and aircrafts, and restrictions on admission) were adopted in subsequent years, including following the 2006 and 2011 presidential elections, in light of electoral irregularities and

⁵⁴ S/RES/2082 of 17 December 2012.

⁵⁵ Press release SC/12705 of 3 February 2017.

⁵⁶ S/RES/2513 of 10 March 2020.

⁵⁷ S/RES/1988 of 17 June 2011.

⁵⁸ Common Position 2004/661/CFSP of 24 September 2004.

the arrest of peaceful pro-democracy demonstrators.⁵⁹ They were broadened to cover further asset freezes and travel bans on various persons and entities, representing one of the most significant autonomous EU sanctions regimes in place at the time.⁶⁰ The EU also imposed an arms embargo on Belarus in June 2011, including restrictions on equipment that could be used for internal repression.⁶¹ Autonomous sanctions were also imposed on Belarusian targets by the U.S., Canada, and Switzerland.⁶² On July 13, 2011, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Albania, Serbia, Liechtenstein, and Norway also aligned themselves with the EU's declaration by the High Representative on further sanctions against certain officials in Belarus.⁶³

Type of relaxation: Selective time-limited suspensions of listings followed by selective delistings

1. Selective time-limited suspensions of listings

The majority of the EU's asset freezes and travel bans were suspended by the Council of the EU on Oct. 29, 2015 (for four months, in light of the October 2015 elections passing without a violent crackdown against opposition forces). The suspended measures included asset freezes and travel bans on 170 individuals (including President Alexander Lukashenko) and an asset freeze on three entities. The situation was set to be reviewed in February 2016, allowing the EU to decide whether to reimpose the measures or lift them.⁶⁴

2. Selective delistings

On Feb. 25, 2016, the EU opted not to prolong restrictive measures on the aforementioned 170 individuals and three entities (including defense companies with close governmental ties)⁶⁵ in response to the Belarusian government's release of six political prisoners and "in the context of improving EU-Belarus relations."⁶⁶ It extended other existing measures for 12 months, including the arms embargo and asset freezes and travel bans on four individuals listed in connection with the unresolved disappearances.⁶⁷

Outcome of the relaxation: Partial short-term success

The Belarus government released some political prisoners and avoided using state-led violence against opposition groups at certain points of the electoral cycle. Belarus was also rewarded for the instrumental role it played in an unrelated field (in hosting the Normandy Format talks in Minsk between Russia, Ukraine, France, and Germany in relation to Russia's annexation of Crimea and Russian involvement in the conflict in southeast Ukraine),⁶⁸ whereby the EU stated that it valued "Belarus's constructive role in the region."⁶⁹ The delistings took place in spite of ongoing concerns, including those voiced by the Organization for Security and Co-operation in Europe (OSCE) and U.N., over political repression and human rights abuses in the country.⁷⁰

⁵⁹ Common Position 2006/276/CFSP of 10 April 2006 and Regulation (EC) No. 765/2006 of 18 May 2006.

⁶⁰ Council Decision 2011/357/CFSP of 20 June 2011.

⁶¹ Ibid.

⁶² U.S. Department of the Treasury, "Belarus Sanctions," 2011, <https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/belarus-sanctions>; Global Affairs Canada, "Export Controls to Belarus," 2006, <https://www.international.gc.ca/controls-controles/systems-systemes/excol-ceed/notices-avis/148.aspx?lang=eng>; Swiss Federal Department of Economic Affairs, Education and Research "Sanction measures against Belarus," 2006, <https://www.admin.ch/gov/en/start/dokumentation/medienmitteilungen.msg-id-5885.html>.

⁶³ See <https://data.consilium.europa.eu/doc/document/ST-12854-2011-INIT/en/pdf>.

⁶⁴ The U.S. started a process of exemption easing on Belarus also in October 2015 (OFAC Belarus Sanctions Regulations (BSR), 31 CFR Part 548, implementing EO 13405).

⁶⁵ Council Regulation (EU) 2016/277 of 25 February 2016.

⁶⁶ Ibid.

⁶⁷ European Council, "Belarus Sanctions: EU Delists 170 People, 3 Companies; Prolongs Arms Embargo," 25 February 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/02/25/belarus-sanctions/>.

⁶⁸ Moret, Erica, Biersteker, Thomas, Giumelli, Francesco, Portela, Clara, Veber, Maruša, Jarosz, Dawid, and Boboceca, Cristian, "The New Deterrent? International Sanctions against Russia over the Ukraine Crisis: Impacts, Costs and Further Action," Graduate Institute, Geneva, October 2016, <https://www.graduateinstitute.ch/library/publications-institute/new-deterrent-international-sanctions-against-russia-over-ukraine>.

⁶⁹ Rankin, Jennifer, "EU Lifts Most Sanctions against Belarus despite Human Rights Concerns," The Guardian, 15 February 2015.

⁷⁰ OSCE/ODIHR, "Republic of Belarus Presidential Election 11 October 2015 OSCE/ODIHR Election Observation Mission Final Report," 26 January 2015, <https://www.osce.org/files/f/documents/0/0/218981.pdf>; UN News, "Dismal' Human Rights Situation

Sanctions termination: Not applicable (sanctions ongoing)

Some sanctions remained in place and new asset freezes and travel bans (including on some of the same targets) were imposed by the EU in late 2020 and broadened in response to fraudulent presidential electoral processes and the violent crackdown by Belarusian security forces on peaceful protesters, democratic opposition groups, and journalists.⁷¹ On June 4, 2021, the Council also introduced an aircraft ban in response to the May 23, 2021, forced landing of Ryanair Flight FR4978 in Minsk and arrests of the prominent Belarusian opposition figure Roman Protasevich and his partner, Sofia Sapega.⁷² Heads of state attending the June 2021 G7 Summit committed to “work together” regarding sanctions on those deemed responsible for such actions.⁷³

Sequencing: Selective time-limited suspensions of listings → Selective delistings → Imposition of new measures

Selective delistings to reward some developments and incentivize further progress, followed by imposition of new measures in light of renewed concerns from 2020.

4.3 Sanctions Suspensions

Sanctions suspensions entail official, formal suspensions of the application and implementation of existing sanctions, not their lifting or formal termination. They can vary significantly in scope, from the suspension of one sanctions measure to the suspension of an entire sanctions regime and from the suspension of sanctions measures on one party to a general suspension applicable to the entire country.

Angola (1993 – 2002): Partial Time-limited Suspension to Reward Mediation Progress

Context: Armed conflict

After years of civil war, the May 1991 Bicesse Accords provided for a political settlement of the Angolan conflict and general elections were held under U.N. auspices in September 1992. However, fighting resumed after the National Union for the Total Independence of Angola (UNITA), a military group that played a major role in the anti-colonial struggle against Portugal and the subsequent civil war, refused to accept the result of an election in which both UNITA and its leader, Jonas Savimbi, lost.

The UNSC imposed an arms and petroleum imports embargo on UNITA⁷⁴ on Sept. 15, 1993, amidst the continuing deterioration of the political and military situation in the country.⁷⁵ The sanctions’ imposition was delayed for 10 days to encourage the establishment of a cease-fire and an agreement on the implementation of the Bicesse Accords. Additional U.N. sanctions, including a travel ban on senior UNITA officials and their adult family members, closure of all UNITA offices, and an aviation ban on UNITA, were authorized on Aug. 28, 1997.⁷⁶ Their imposition was repeatedly delayed by a month to encourage UNITA’s compliance with the Lusaka Protocol, adopted in October and November 1993.⁷⁷

UNITA became a legal political party in March 1998, but the organization failed to demilitarize, and its forces proceeded to seize large parts of the territory previously ceded to the government. The UNSC responded by

in Belarus Unchanged After Election, UN Expert Warns,” 9 February 2016, <https://news.un.org/en/story/2016/02/521832-dismal-human-rights-situation-belarus-unchanged-after-election-un-expert-warns#.VsIDYmThBdA>.

⁷¹ Council Implementing Decision (CFSP) 2020/1388 of 2 October 2020; Council Implementing Decision (CFSP) 2020/1650 of 6 November 2020.

⁷² Council Regulation (EU) 2021/907 of 4 June 2021; Council Decision (CFSP) 2021/908 of 4 June 2021.

⁷³ See the White House, “Carbis Bay G7 Summit Communiqué, Briefing Room, 13 June 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/13/carbis-bay-g7-summit-communicue/>

⁷⁴ Imports conducted through points of entry named and controlled by the government of Angola were exempted.

⁷⁵ S/RES/864 of 15 September 1993.

⁷⁶ S/RES/1127 of 28 August 1997.

⁷⁷ S/RES/1127 of 28 August 1997 and S/RES/1130 of 29 September 1997.

imposing additional restrictions in June 1998.⁷⁸ These included a financial asset freeze on UNITA, senior UNITA officials, and their adult family members, a prohibition of official contacts with UNITA leadership, a diamond exports ban, as well as mining and ground and waterborne transportation equipment and services import restrictions. The imposition of sanctions was repeatedly postponed to encourage UNITA compliance.⁷⁹

Although U.N. sanctions contributed to the shift in power balance away from the Savimbi-led faction of UNITA, Savimbi — who was publicly singled out as primarily responsible for the deteriorating situation in Angola⁸⁰ — continued to refuse to abide by the peace agreements or comply with U.N. demands. It was not until after his death in February 2002 that UNITA took steps toward implementing the Lusaka Protocol.

Type of relaxation: Repeated partial time-limited suspension

The U.N. travel ban and suspension or cancellation of travel documents of senior UNITA officials and their adult family members were temporarily suspended on May 17, 2002, to facilitate the advancement of the Angolan peace process and national reconciliation.⁸¹ The suspension of the select U.N. sanctions measures, initially imposed for 90 days, was renewed for a further 90 days following the dismantling of UNITA's armed wing.

Outcome of the relaxation: Success

The partial suspension of U.N. sanctions, authorized following the change in conflict dynamics precipitated by Savimbi's death and subsequent truce and negotiations, helped encourage further progress on the peace process and national reconciliation in Angola. The suspended sanctions were formally terminated at the end of the extension period in November 2002.⁸²

Sanctions termination: Following progress on the peace process

All remaining U.N. sanctions were terminated on Dec. 9, 2002.⁸³ The full sanctions termination was rushed to accommodate the fact that Angola was about to join the UNSC as an elected member.

Sequencing: Repeated partial time-limited suspension → Partial termination → Full termination

Repeated partial time-limited suspension of select sanctions as a result of mediation progress, followed by partial termination and full termination of all U.N. sanctions measures in response to the change in conflict dynamics.

Former Yugoslavia (1991–1996): Selective Suspension to Achieve Mediation Progress

Context: Armed conflict

In the early 1990s, the Socialist Federal Republic of Yugoslavia (SFRY) went through a rapid process of disintegration. The UNSC imposed an arms imports embargo on all areas formerly part of Yugoslavia on Sept. 25, 1991.⁸⁴ The federation was formally dissolved in April 1992, but hostilities were on the rise, especially in Bosnia and Herzegovina (BiH), where Bosnian Serbs, led by Radovan Karadžić, refused to recognize the republic's independence. The Bosnian Serb military offensive was supported, among others, by the Federal Republic of Yugoslavia (FRY), which claimed to be the sole legal successor state to SFRY.

On May 30, 1992, after a major escalation of violence, the U.N. imposed comprehensive sanctions on FRY (Serbia and Montenegro) over their interference in BiH.⁸⁵ These included not only a general ban on the import and export

⁷⁸ S/RES/1173 of 12 June 1998.

⁷⁹ S/RES/1173 of 12 June 1998 and S/RES/1176 of 24 June 1998.

⁸⁰ S/RES/1234 of 9 April 1999.

⁸¹ S/RES/1412 of 17 May 2002.

⁸² S/RES/1439 of 18 October 2002.

⁸³ S/RES/1448 of 9 December 2002.

⁸⁴ S/RES/713 of 25 September 1991.

⁸⁵ S/RES/757 of 30 May 1992.

of commodities and products to and from FRY and a general financial and economic resources ban, but also an aviation ban and a number of diplomatic and socio-cultural restrictions. Additional limitations on the transshipment of specific commodities (including crude oil, petroleum products, coal, iron, aircraft, and vehicles) were added in November 1992,⁸⁶ amidst military attacks and ethnic cleansing campaigns by Bosnian Serb forces. Further measures, including an asset freeze on FRY authorities, limits on riparian traffic, and a prohibition of commercial maritime traffic in FRY territorial sea, were added in April 1993, in the context of ongoing refusal of the Bosnian Serb party to sign the peace plan for BiH.⁸⁷ The imposition of these sanctions was delayed by nine days to encourage the Bosnian Serb party to cease hostilities and agree to the negotiated peace plan for BiH.

On Sept. 23, 1994, following the Bosnian Serb party's refusal to accept the territorial settlement for BiH, the UNSC imposed comprehensive sanctions on areas of BiH controlled by Bosnian Serb forces.⁸⁸ The sanctions included a general asset freeze, a ban on economic activities, commercial riverine traffic, and the provision of services, as well as a travel ban on members of the authorities administering Bosnian Serb forces-controlled areas.

Type of relaxation: Partial conditional suspension followed by partial lifting and selective suspension

1. Partial conditional time-limited suspension

On the same day as comprehensive sanctions were imposed on the Bosnian Serb party, a conditional suspension of specific restrictions related to transportation, sports, and culture was offered to FRY for an initial period of 100 days upon the implementation of the closure of its border with BiH.⁸⁹ Following the fulfillment of the condition, the time-limited suspension of the select measures was repeatedly extended.⁹⁰ The original resolution, as well as the subsequent provisions for extensions, explicitly specified that the suspension would be terminated if the condition for granting the suspension was no longer being met and outlined the related procedure. The suspension would be terminated five working days following the reception of a report by the Secretary-General on non-compliance.

2. Phased partial lifting

On Nov. 22, 1995, a day after the signing of the Dayton Agreement, the UNSC decided to terminate the arms imports embargo imposed on the former Yugoslavia in 1991 in three stages: (1) continuation of all measures for the first 90 days; (2) termination of all measures except for those subject to a forthcoming arms control agreement during the subsequent 90 days; and (3) the termination of all measures thereafter, following the implementation of the Agreement on Regional Stabilization.⁹¹

3. Selective indefinite suspension

In parallel with the authorization for a phasing-out of the arms embargo on Yugoslavia (and the ongoing time-limited suspensions), the UNSC indefinitely suspended all remaining sanctions on the parties to the Yugoslav conflict except for the Bosnian Serb party, which refused to sign the Dayton Agreement.⁹² The suspension, effective immediately, would be terminated if FRY failed to formally sign the Peace Agreement on the expected date or five working days following the reception of a report on noncompliance with the terms of the signed Peace Agreement. The suspension of the remaining sanctions on the Bosnian Serb party was conditioned upon the withdrawal of all Bosnian Serb forces behind the zones of separation established in the Peace Agreement.

4. Full conditional termination

All U.N. sanctions were set to be terminated 10 days following the first free and fair elections, provided the Bosnian Serb forces had fulfilled the conditions set for sanctions suspension.⁹³ The conditions for U.N. sanctions termination were specified at the time of the suspension.

⁸⁶ S/RES/787 of 16 November 1992.

⁸⁷ S/RES/820 of 17 April 1993.

⁸⁸ S/RES/942 of 23 September 1994.

⁸⁹ S/RES/943 of 23 September 1994.

⁹⁰ S/RES/970 of 12 January 1995, S/RES/988 of 21 April 1995, S/RES/1003 of 5 July 1995, and S/RES/1015 of 15 September 1995.

⁹¹ S/RES/1021 of 22 November 1995.

⁹² S/RES/1022 of 22 November 1995.

⁹³ Ibid.

Outcome of the relaxation: Success

FRY complied with the conditions for the partial time-limited suspension of select measures. Its continued compliance led to multiple extensions of the suspension, which were in place until the sanctions' final termination. FRY also participated in the Dayton Peace Conference and expressed readiness to sign the Peace Agreement, which led to the subsequent phasing out of the former Yugoslavia-wide arms imports embargo and suspension of the remaining U.N. sanctions.

The selective suspension of the remaining sanctions on all but the Bosnian Serb party encouraged compliance with the terms of the negotiated agreement and put both direct and indirect pressure on the Bosnian Serbs forces to comply with the condition for suspension (including through FRY). The remaining sanctions on Bosnian Serbs were suspended on Feb. 27, 1996, following NATO certification of the withdrawal of their forces behind the zones of separation.

Sanctions termination: Following achievement of their goals

All U.N. sanctions were terminated on Oct. 1, 1996, following reports about the democratic conduct of the elections held on Sept. 14, 1996.⁹⁴

Sequencing: Partial conditional time-limited suspension → Phased partial lifting + selective indefinite suspension → Full conditional termination

The suspension of select U.N. sanctions measures was imposed for a specified time period and repeatedly renewed, following the fulfillment of the conditions for suspension. The ongoing arms embargo was phased out and the remaining U.N. sanctions were suspended for all but one party, following progress on the peace agreement. Sanctions were suspended following the remaining party's acceptance of the peace agreement, and all sanctions were terminated following the fulfillment of conditions for termination.

Haiti (1993–1994): Full Indefinite Suspension to Reward Mediation Progress

Context: Nonconstitutional change of government

On Sept. 29-30, 1991, a military coup d'état led by Gen. Raoul Cédras deposed Jean-Bertrand Aristide, the first democratically elected president of Haiti. Aristide, a former Roman Catholic priest popular especially among poorer Haitians, was sent into exile and the newly installed military regime launched a campaign of widespread human rights violations.⁹⁵ Thousands of Haitians subsequently fled to neighboring countries or went into hiding.

The Organization of American States (OAS) condemned the coup and imposed a voluntary arms embargo, diplomatic isolation of the *de facto* authorities, and suspension of all economic, financial, and commercial relations with Haiti on Oct. 3, 1991.⁹⁶ Following a failure of OAS-led diplomatic efforts to resolve the crisis, the UNSC imposed a mandatory arms embargo, petroleum imports ban, and a freeze on government financial assets on June 16, 1993.⁹⁷ The imposition of U.N. sanctions was delayed until June 23, 1993, to encourage progress on the mediation efforts led by the joint OAS-U.N. Special Envoy Dante Caputo.

Type of relaxation: Full indefinite suspension

All previously imposed U.N. sanctions were suspended for an indefinite period on Aug. 27, 1993, in response to positive developments in the negotiations (especially the signing of the Governor's Island Agreement [GIA] by Cédras and Aristide on July 3, 1993, and significant progress on its implementation).⁹⁸

⁹⁴ S/RES/1074 of 1 October 1996.

⁹⁵ Amnesty International, "Haiti: Shattered Hopes: Human Rights Violations and The Coup," 1992, AMR 36/03/92.

⁹⁶ MRE/RES. 1/91. Further voluntary restrictions by the OAS were added by MRE/RES. 2/91, MRE/RES. 3/92, MRE/RES. 4/92, and MRE/RES. 5/93.

⁹⁷ S/RES/841 of 16 June 1993.

⁹⁸ U.N. and OAS sanctions were suspended in accordance with Articles 3 and 4 of the Governor's Island Agreement.

Outcome of the relaxation: Failure

Neither party implemented the core elements of the GIA, which foresaw the return of President Aristide to Haiti on Oct. 30, 1993, and the agreement lost its legitimacy. Violence against civilians and Aristide's supporters escalated in September and October 1993, and there is evidence that the Cédras regime used the suspension to stockpile weapons. The U.N. suspended the termination of its sanctions on Oct. 13, 1993,⁹⁹ following the obstruction of the arrival of U.N. peacekeepers in Haiti on Oct. 11, 1993 (the so-called "Harlan County incident").¹⁰⁰ The reimposition of U.N. sanctions was delayed for five days to encourage the full implementation of the GIA and operation of the U.N. peacekeeping mission. Following continued refusal to implement the GIA and increases in human rights violations, including extrajudicial killings, arbitrary arrests, and forced disappearances, the U.N. imposed comprehensive sanctions on Haiti on May 6, 1994.¹⁰¹

Sanctions termination: Following achievement of their goals

On July 31, 1994, the U.N. authorized the use of force to "facilitate the departure from Haiti of the military leadership."¹⁰² In August 1994, following further escalation in extrajudicial killings of Aristide's supporters and a failure of an exploratory diplomatic mission, the U.N. secretary-general abandoned attempts to negotiate with the Cédras regime. On Sept. 18, 1994, three days after the U.S. announced the imminent deployment of the multinational force, former U.S. President Jimmy Carter reached an agreement on the departure of the *de facto* authorities in Haiti.¹⁰³ OAS sanctions were partially lifted on Oct. 11, 1994, and all OAS and U.N. sanctions were terminated following Aristide's return to Haiti on Oct. 15, 1994.¹⁰⁴

Sequencing: Full suspension → Reimposition → Scaling up of sanctions → Termination

Full indefinite suspension of sanctions as a result of the mediation progress, followed by a reimposition and eventually a scaling-up of sanctions beyond their full restoration due to lack of implementation of the mediated agreement. All sanctions terminated upon the achievement of the goals of the sanctions regime.

Libya (1992–2003): Full Conditional Suspension as Leverage to Ensure Compliance

Context: State support of terrorism

On Dec. 21, 1988, commercial flight Pan Am 103 from London to New York exploded over Lockerbie, Scotland, killing 270 people. In November 1991, after three years of joint investigations, Scotland and the U.S. indicted two Libyan intelligence operatives believed to be responsible for planting the bomb that caused the explosion, most likely in retaliation for U.S. actions against Libya.¹⁰⁵ In a separate incident on Sept. 19, 1989, the French commercial flight UTA 772 from Brazzaville, Congo, to Paris exploded over Niger, killing 170 people. The subsequent investigation led to the identification of six Libyan suspects, including four diplomats and Muammar Qadhafi's brother-in-law, a Libyan internal security deputy. The Libyan government denied any involvement in the two terrorist attacks.

On March 31, 1992, the UNSC imposed a mandatory aviation ban, arms imports embargo, and diplomatic sanctions (reductions in the number and level of Libyan diplomatic personnel, limits on the mobility of those remaining, and the denial of entry or expulsion of previously denied or expelled Libyan nationals suspected of involvement in

⁹⁹ S/RES/873 of 13 October 1993.

¹⁰⁰ U.N. Mission in Haiti (UNMIH), set to assess progress on the GIA, was authorized by S/RES/867 of 23 September 1993.

¹⁰¹ S/RES/917 of 6 May 1994. The resolution also imposed a mandatory aviation ban and travel restrictions on senior officials and their immediate families and urged a voluntary imposition of a freeze on their financial assets.

¹⁰² S/RES/940 of 31 July 1994.

¹⁰³ An amnesty law for high-ranking military officers and the lifting of U.N. sanctions were part of the agreement.

¹⁰⁴ S/RES/948 (1994), in accordance with S/RES/944 of 29 September 1994.

¹⁰⁵ FBI, "The Bombing of Pan Am Flight 103," 2018, <https://www.fbi.gov/news/stories/remembering-pan-am-flight-103-30-years-later-121418>.

terrorism) on Libya.¹⁰⁶ It also demanded that the Libyan government comply with requests from French, U.K., and U.S. authorities related to the Pan Am 103 and UTA 772 bombings and commit itself to stopping all forms of terrorism or assistance to terrorist groups.¹⁰⁷ The reimposition of U.N. sanctions was delayed for 15 days to encourage Libyan compliance with UNSC demands. U.N. sanctions were strengthened in November 1993 through the imposition of a partial government asset freeze, enhanced aviation ban measures, and a ban on the provision of oil equipment to Libya, after Libya expressed its intention to make progress on complying with French, U.K., and U.S. indictments and arrest warrants, but failed to take concrete steps in that direction.¹⁰⁸ The imposition of sanctions was delayed for 20 days to encourage compliance.

Type of relaxation: Full conditional suspension

In November 1993, the UNSC expressed its readiness to suspend all sanctions upon the meeting of specific conditions (arrival of the two accused in the Lockerbie bombing for trial and compliance with the request of the French authorities regarding the bombing of UTA 772).¹⁰⁹ Despite a general “sanctions fatigue”¹¹⁰ and frustration with ongoing U.K. and U.S. refusal of third-country trial options suggested by Libya that led the Organization of African Unity (OAU) to officially enable its members to ignore the U.N. aviation ban,¹¹¹ the conditional suspension offer was reiterated in August 1998¹¹² and U.N. sanctions were fully suspended on April 5, 1999, following the arrival of the Lockerbie bombing suspects for trial in the Netherlands.¹¹³

Outcome of the relaxation: Success

The government of Libya met the conditions for full suspension of U.N. sanctions measures and took further steps to ensure their full termination.

Sanctions termination: Following achievement of their goals

U.N. sanctions were fully terminated on Sept. 12, 2003, once compensation was provided and Libya accepted responsibility for actions of Libyan officers and renounced terrorism.¹¹⁴

Sequencing: Conditional suspension offer → Full suspension → Termination

Full suspension of U.N. sanctions imposed indefinitely, following the fulfillment of the conditions for suspension. All U.N. sanctions were terminated upon the successful achievement of the goals of the sanctions regime.

4.4 Partial liftings

Partial liftings refer to the full termination of some, but not all, types of sanctions imposed on the target. They are more complete than selective delistings or easing of exemptions, which adjust the scope of specific sanctions measures but keep the sanctions in place. Partial liftings can be sequenced in an incremental *ad hoc* manner or phased out according to a predetermined plan to increase the scope of the overall relaxation.

¹⁰⁶ S/RES/748 of 31 March 1992.

¹⁰⁷ Ibid.

¹⁰⁸ S/RES/883 of 11 November 1993.

¹⁰⁹ Ibid.

¹¹⁰ Andrews, David, “A Thorn on the Tulip — A Scottish Trial in the Netherlands: The Story behind the Lockerbie Trial,” *Case Western Reserve Journal of International Law*, 36(2): 307-318, 2004.

¹¹¹ AHG/Dec.127 (XXXIV).

¹¹² S/RES/1192 of 27 August 1998.

¹¹³ Press release SC/6662 of 5 April 1999.

¹¹⁴ S/RES/1506 of 12 September 2003.

Myanmar (1990–present): Partial Lifting to Incentivize Progress in Political Reforms

Context: Human rights, democracy support, and rule of law

The EU first imposed an arms embargo against Myanmar in 1990 to address a lack of respect for democratic processes in relation to the 1990 elections.¹¹⁵ Over the subsequent years, the measures were broadened in response to widespread violence and human rights violations by the Myanmar military and security forces against minority groups and pro-democracy forces and continued lack of respect for democratic processes. They included a continued arms embargo,¹¹⁶ in addition to asset freezes, travel bans, and investment bans relating to individuals and entities linked to the Myanmar government as well as some sectoral sanctions (including logging, timber processing, and the mining of precious metals and stones) and suspension of high-level bilateral governmental visits, trade preferences and certain aid and development programs.¹¹⁷ The sanctions regime represented one of the most comprehensive in the EU's history.¹¹⁸ Autonomous sanctions were also imposed by the U.S. (including trade and investment bans), as well as Norway, Switzerland, Australia, and Canada.

Myanmar began to enact a series of political reforms after Thein Sein took office as president as part of a new civilian government in March 2011. While falling short of meeting the demands put forward by the EU,¹¹⁹ this included the release of political prisoners,¹²⁰ the start of political talks between government forces, opposition, and ethnic groups, the legalization of trade unions, recognition of freedom of assembly,¹²¹ and liberalization of the press.¹²²

Type of relaxation: Partial, selective time-limited suspensions with incentives followed by partial time-limited suspension and partial lifting

1. Partial, selective time-limited suspension of listings

On Feb. 17, 2012, the Council of the European Union announced the easing of the sanctions.¹²³ The High Representative for Foreign Affairs and Security Policy, Catherine Ashton, stated, “We have seen historic changes in Burma/Myanmar and we strongly encourage the authorities to continue this process [...] today's decision to suspend certain restrictive measures is a reaction to the positive signs coming from the country.”¹²⁴ Travel bans on 87 individuals (including the president, the vice presidents, members of the cabinet and the speakers of the two houses of parliament and their family members) were suspended but asset freezes remained in place.¹²⁵

2. Partial time-limited suspension and gestures of goodwill

On April 23, 2012, the EU suspended all restrictive measures for 12 months¹²⁶ in response to Myanmar reforms, including asset freezes and visa bans, but excluding measures relating to arms and internal surveillance

¹¹⁵ Council Conclusion 8691/13 of 22 April 2013.

¹¹⁶ Common Position 96/635/CFSP of 28 October 1996 (supplemented by Council Regulation (EC) No. 1081/2000 of 22 May 2000). Extended and amended through the Common Position 757/2001/CFSP until 29 April 2002, which remained in force through regular motions until 30 April 2012.

¹¹⁷ Council Regulation (EC) No. 94/2008 of 25 February 2008.

¹¹⁸ Luengo-Cabrera, Jose, and Portela, Clara, “EU Sanctions: Exit Strategies,” EUISS, July 2015.

¹¹⁹ Ibid.

¹²⁰ Other moves included a distancing in relations with China, such as Myanmar's September 2011 suspension of the large-scale Myitsone dam in the north of the country (funded by China), reportedly in light of environmental and social concerns. See Gaens, Bart, “The European Sanctions Policy for Myanmar: Did It Work?” *Asia Peacebuilding Initiatives*, December 2014.

¹²¹ Ibid.

¹²² Bünte, Marco, and Portela, Clara, “Myanmar: The Beginning of Reforms and The End of Sanctions,” GIGA Focus International Edition, No. 3, 2012.

¹²³ Council of the European Union, “Burma/Myanmar: EU Sanctions Suspended,” 9626/12, Presse 195, 14 May 2012, https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/130188.pdf.

¹²⁴ Council of the European Union “Council Eases Restrictive Measures on Burma/Myanmar,” 6374/12, Presse 39, 17 February 2012, https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/128023.pdf.

¹²⁵ Ibid.

¹²⁶ Council Decision 2012/225/CFSP of 26 April 2012.

technologies.¹²⁷ Throughout 2012 and 2013, the EU offered additional incentives for change, such as a doubling of development aid¹²⁸ and reinstatement of trade preferences.¹²⁹

3. *Partial lifting*

In May 2012, EU financial sanctions were lifted. On April 22, 2013, all remaining EU sanctions, other than the arms embargo and restrictions on surveillance technologies, were lifted.¹³⁰ The U.S. lifted most Myanmar sanctions on Oct. 7, 2016.¹³¹

Outcome of the relaxation: Partial short-term success

The Myanmar government enacted domestic reforms, and a resumption of diplomatic and trade relations with the EU and allies ensued.

Sanctions termination: Not applicable (sanctions ongoing)

The arms embargo was extended and new asset freezes and travel bans against Myanmar military officials and companies with close military links were adopted by the EU in early 2018 in response to systematic human rights abuses carried out by the Myanmar military and security forces.¹³² As of June 21, 2021, broadened EU sanctions included asset freezes and a travel ban on 43 individuals (including ministers and deputy ministers, as well as the attorney general, deemed to be responsible for serious human rights violations and undermining democracy and the rule of law in Myanmar) and six companies (whose proceeds benefit the military, including those in the timber and gems sectors); restrictions on making funds available; an export ban on dual-use goods (used by the military and police); export restrictions on communications monitoring equipment (that could be used for internal repression) and a prohibition on military training and cooperation with the Myanmar Armed Forces (Tatmadaw).¹³³

Sequencing: Partial selective time-limited suspension → Partial suspension + Gestures of goodwill → Partial lifting → Reimposition

Partial selective time-limited suspensions of listings, followed (in light of the fulfillment of the conditions for suspension) by partial suspensions of listings combined with goodwill gestures, followed by the partial lifting of most EU sanctions, other than the arms embargo and bans on equipment used for repressive purposes. Sanctions were reimposed in 2018 and continue to the present day.

Iraq (1990–present): Partial Liftings and Selective Delistings to Wind Down Sanctions Regime

Context: Armed conflict → Political transition support

The UNSC imposed comprehensive sanctions on Iraq on August 6, 1990, over its invasion of Kuwait.¹³⁴ They included a ban on the import, export, sale, and transshipment of commodities and products to and from Iraq and a prohibition on the transfer of financial and economic resources to Iraq. An aviation ban was authorized in September 1990¹³⁵ and restrictions on the import and export of arms and weapons of mass destruction were added in April

¹²⁷ Council Regulation (EU) No. 409/2012 of 14 May 2012. See also Council Decision 2013/184/CFSP of 22 April 2013 and Council Regulation (EU) No. 401/2013 of 2 May 2013.

¹²⁸ Bunte and Portela, “Myanmar,” 2012 (see fn 122).

¹²⁹ Luengo-Cabrera and Portela, “EU Sanctions,” 2015 (see fn 118).

¹³⁰ Council Regulation (EU) No. 401/2013 of 2 May 2013 and Council Decision 2013/184/CFSP of 22 April 2013.

¹³¹ EO 13742 of 7 October 2016.

¹³² Council Implementing Regulation 2021/638 of 19 April 2021 and Council Decision 2021/639/CFSP of 19 April 2021.

¹³³ European Council, “Myanmar/Burma: Third Round of EU Sanctions over the Military Coup and Subsequent Repression,” 21 June 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/06/21/myanmar-burma-third-round-of-eu-sanctions-over-the-military-coup-and-subsequent-repression/>.

¹³⁴ S/RES/661 of 6 August 1990.

¹³⁵ S/RES/670 of 25 September 1990.

1991.¹³⁶ In May 1991, the U.N. created a fund collecting proceeds from Iraqi petroleum and petroleum products exports to pay compensation for claims arising from the Iraqi occupation of Kuwait.¹³⁷ An escrow account for funds to be used to meet the humanitarian needs of the Iraqi population, under the “Oil-for-Food” program, was authorized in April 1995.¹³⁸

In March 2003, coalition forces led by the U.S. invaded Iraq and overthrew the regime of Saddam Hussein. While the invasion had not been authorized by the UNSC, a formal occupation regime had subsequently been recognized by both states and the U.N.¹³⁹ The Coalition Provisional Authority initiated a radical reorganization of the Baathist Iraqi state, dismantling the army and core state institutions, and embarked upon a process of de-Baathification, which was particularly intensive at the end of 2003 and the beginning of 2004. It is estimated that, at the time of the 2003 invasion of Iraq, at least 400,000 Baath members were serving in the army and the total number of members and sympathizers ranged between 1 million and 2 million.

In May 2003, the comprehensive U.N. sanctions regime was replaced with targeted sanctions focused primarily on members of the Baathist party and corporate entities associated with the former regime, which were intended to support the country’s stability, security, and reconstruction under the occupation and subsequent political transition.¹⁴⁰

Type of relaxation: Sequential, incremental relaxation

1. Partial lifting of comprehensive sanctions + Addition of new targeted sanctions

On May 22, 2003, the UNSC lifted the petroleum exports ban and the comprehensive trade, financial, and economic sanctions imposed on Iraq in 1990, but retained a number of measures, including an arms imports embargo, ban on weapons of mass destruction, missile, and civil nuclear-related restrictions, and provisions for the return of all Kuwaiti property seized by Iraq.¹⁴¹ At the same time, a number of new, more targeted measures were added, including a ban on the trade or transfer of Iraqi cultural property, an individual asset freeze, and an authorization for all frozen assets to be transferred to the Development Fund for Iraq and mandatory depositions of proceeds from petroleum, petroleum products, and natural gas exports to the Kuwait Compensation Fund and the Development Fund for Iraq. The government of Iraq and a multilateral force operating in the country were exempted from the arms imports embargo in June 2004, following the transfer of authority to the transitional regime.¹⁴²

2. Incremental partial liftings

On Dec. 15, 2010, the UNSC lifted the requirements for mandatory depositions of proceeds from petroleum, petroleum products, and natural gas exports to the Development Fund for Iraq,¹⁴³ as well as all weapons of mass destruction-related measures¹⁴⁴ and residual “Oil-for-Food” activities.¹⁴⁵ Provisions for the repatriation or return of all Kuwaiti and third-party nationals (or their remains) and the return of all Kuwaiti property seized by Iraq was terminated on June 26, 2013.¹⁴⁶ Asset transfer to the Development Fund for Iraq was terminated on Dec. 8, 2017, following the transfer of the remaining funds into the escrow accounts.¹⁴⁷

3. Selective delistings

After a long period when the U.N. asset freeze on individuals and firms was largely dormant, with virtually no desig-

¹³⁶ S/RES/687 of 3 April 1991.

¹³⁷ S/RES/692 of 20 May 1991, following S/RES/687 of 3 April 1991.

¹³⁸ S/RES/986 of 14 April 1995.

¹³⁹ S/RES/1483 of 22 May 2003.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² S/RES/1546 of 8 June 2004.

¹⁴³ S/RES/1956 of 15 December 2010.

¹⁴⁴ S/RES/1957 of 15 December 2010.

¹⁴⁵ S/RES/1958 of 15 December 2010.

¹⁴⁶ S/RES/2107 of 27 June 2013.

¹⁴⁷ S/RES/2390 of 8 December 2017.

nees added or deleted between 2006 and 2016,¹⁴⁸ a new wave of delistings began in an effort to progressively wind down the U.N. sanctions regime. Since August 2016, 163 entities and one individual have been delisted, with sanctions currently remaining on 83 individuals and 43 entities.

Outcome of the relaxation: Success

Sanctions measures terminated over time were lifted following the fulfillment of related conditions and/or political and security changes on the ground. Ex-Baath party members continue to be restricted in their access to public positions and face stigmatization. Baathists who have joined the Islamic State of Iraq and the Levant (ISIL/Da'esh) in their insurrection against the Iraqi government have been targeted under the U.N.'s al-Qaida and ISIL (Da'esh) sanctions regime, while the 1990/2003 Iraq sanctions regime has continued to be progressively scaled down through ongoing selective delistings.

Sanctions termination: Not applicable (sanctions ongoing)

U.N. sanctions on Iraq in the form of an arms imports embargo on nongovernmental entities and an asset freeze are ongoing, but efforts to wind down the sanctions regime continue.

Sequencing: Partial lifting of sanctions + Addition of new sanctions → Incremental partial liftings → Selective delistings

Following significant changes on the ground, the comprehensive sanctions regime imposed on Iraq in 1990 has been modified through partial lifting of sanctions and addition of new measures, followed by incremental liftings and selective delistings to enable the eventual termination of the sanctions regime.

Liberia (1992 – 2016): Repeated Re-starting of Sanctions to Adjust Sanctions Regime's Goals

Context: Armed conflict → Secondary sanctions → Peacebuilding

In December 1989, forces of the National Patriotic Front of Liberia (NPFL) led by Charles Taylor launched an uprising against the Liberian government from Côte d'Ivoire, taking over large parts of the territory and igniting a civil war. The Economic Community of West African States (ECOWAS) sent peacekeeping forces to Liberia in August 1990. A ceasefire and several peace agreements followed.¹⁴⁹

The UNSC imposed an arms embargo on Liberia on Nov. 19, 1992, amidst a deteriorating situation on the ground.¹⁵⁰ The civil war ended in 1996 and Taylor was elected president in July 1997. A second Liberian civil war began in April 1999, after Liberians United for Reconciliation and Democracy (LURD) forces attacked from Guinea.

On March 7, 2001, the UNSC terminated the 1992 arms embargo and imposed a new set of sanctions on Liberia over the financial and military support provided to the Revolutionary United Forces (RUF) in Sierra Leone.¹⁵¹ The secondary sanctions on Liberia included a new arms imports embargo, a rough diamonds exports ban, and a travel ban on senior members of the government of Liberia, its armed forces, and their spouses, and others providing support to armed rebel groups in neighboring countries. The imposition of the last two measures was delayed by two months to enable it to comply with the U.N. demand for a cessation of RUF support. All three U.N. sanctions measures, which were imposed for a specific period, were periodically renewed thereafter, including after the end of the conflict in Sierra Leone in January 2002.

¹⁴⁸ Three individuals were delisted in 2011.

¹⁴⁹ Including a November 1990 Bamako ceasefire agreement and the October 1991 Yamoussoukro IV Accord.

¹⁵⁰ S/RES/788 of 19 November 1992.

¹⁵¹ S/RES/1343 of 7 March 2001.

With the addition of a timber export ban on May 6, 2003, the focus of U.N. sanctions shifted to the continuing conflict in Liberia and the Liberian government's support for other rebel armed groups in the region.¹⁵² The imposition of new sanctions was delayed by two months to encourage the Liberian government to comply with U.N. demands.

Type of relaxation: Sequenced partial adjustments and liftings

1. Conditional termination offer

A conditional full termination offer was made in case of full compliance with U.N. demands at the same time as the timber exports ban was authorized.¹⁵³

2. Reimposition of sanctions under new conditions

Existing U.N. sanctions were terminated and reimposed with new exemptions and conditions for termination on Dec. 22, 2003, following the departure of Taylor from office, to signal a shift in the focus on peace enforcement.¹⁵⁴ The new arms embargo exempted international training and reform program for Liberian armed forces and police upon prior approval, while the diamonds embargo was set to be lifted following the establishment of a transparent, effective, and internationally verifiable Certificate of Origin regime.

3. Partial liftings and adjustments

Timber sanctions were not renewed on June 20, 2006, leading to their effective termination.¹⁵⁵ However, the decision was subject to potential reversal, if the condition for ongoing termination (adoption of forestry legislation) was not met within 90 days. Diamond sanctions were terminated on April 27, 2007.¹⁵⁶ As with the timber sanctions, the termination was subject to review with regard to Liberia's compliance with the Kimberley Process Certification Scheme. The ongoing arms imports embargo with conditional government exemptions was terminated on Dec. 17, 2009, and replaced with a new arms embargo on nongovernmental entities.¹⁵⁷ Individual travel bans and asset freezes were terminated on Sept. 2, 2015, after it was established that the conditions for termination were met.¹⁵⁸

Outcome of the relaxation: Success

President Taylor and LURD agreed on a cease-fire and signed a comprehensive peace agreement in Accra on Aug. 18, 2003. The domestic economic costs of the timber sanctions, indictment of Taylor by the Sierra Leone Tribunal, and loss of territory by LURD all played a role in the outcome.¹⁵⁹

Taylor resigned in August 2003 but continued to try to destabilize the situation in Liberia, which led to the imposition of an asset freeze on him and his family members on March 12, 2004.¹⁶⁰ U.N. sanctions, as well as international tribunals (including the International Criminal Court, played a major role in constraining Taylor and his supporters from derailing the peacebuilding efforts.

Following Taylor's extradition to the Hague in June 2006, U.N. sanctions reinforced the ongoing peacebuilding efforts and the Liberian government faced no major challenges from the remnants of Taylor's forces or other potential spoilers. The Kimberley Process Certification Scheme for diamonds was successfully established and there was progress on timber governance,¹⁶¹ which led to the termination of the respective sectoral U.N. sanctions.

¹⁵² S/RES/1478 of 6 May 2003.

¹⁵³ Ibid.

¹⁵⁴ Biersteker et al., "UNSanctionsApp," 2020 (see fn 16).

¹⁵⁵ S/RES/1689 of 20 June 2006.

¹⁵⁶ S/RES/1753 of 27 April 2007.

¹⁵⁷ S/RES/1903 of 17 December 2009.

¹⁵⁸ S/RES/2237 of 22 September 2015.

¹⁵⁹ Taylor, commenting on the loss of revenue caused by the sanctions, specified that "Something as simple as a toothpick cannot be exported from Liberia." See <http://news.bbc.co.uk/2/hi/africa/3140211.stm>.

¹⁶⁰ S/RES/1532 (2004).

¹⁶¹ Biersteker et al., "UNSanctionsApp," 2020 (see fn 16).

Sanctions termination: Following achievement of conditions for termination

The remaining sanctions (an arms imports embargo on nongovernmental entities) were terminated on May 25, 2016, upon meeting the conditions set for termination.¹⁶²

Sequencing: Conditional termination offer → Repeated reimpositions → Partial liftings → Full termination

Sanctions were repeatedly fully terminated and reimposed to adjust their focus and sequentially lifted upon the meeting of the conditions set for their termination.

Iran (2006–present): Comprehensive, Negotiated Agreement for Phased Sanctions Termination

Context: Nuclear proliferation

After Iran confirmed allegations that it had secretly developed two undeclared nuclear facilities, diplomatic negotiations, beginning with the E3 (U.K., France, and Germany) in 2003 and expanding to include the U.S., China, Russia and EU (E3/EU+3) in 2006,¹⁶³ intensified. The aim was to secure Iranian cooperation with the International Atomic Energy Agency (IAEA) in assuring that Iran's nuclear activities were in compliance with Nuclear Non-Proliferation treaty obligations, and for peaceful purposes only. After Iran rejected a coordinated EU-U.S. package of incentives for it to freeze nuclear enrichment activities in March 2005, the EU and U.S. pushed for IAEA referral of Iran to the UNSC. In June 2006, the E3/EU+3 offered a proposal for comprehensive negotiations which required, among other things, Iran's suspension of enrichment-related and reprocessing activities in exchange for suspension of UNSC discussion of Iran's nuclear program. On July 31, 2006, the UNSC threatened sanctions unless Iran suspended its nuclear activities and resolved outstanding issues with the IAEA.¹⁶⁴

Iran rejected the proposal, and the UNSC imposed nuclear proliferation-related sanctions, as well as an individual/entity asset freeze against those associated with, or providing support for, Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems, on Dec. 23, 2006.¹⁶⁵ With the IAEA report in February 2007 showing that Iran failed to comply with UNSC resolutions 1696 and 1737, new sanctions were adopted on March 24, 2007, including an expanded list of individuals and entities involved in nuclear and missile activities, and new sanctions were imposed banning arms exports from Iran.¹⁶⁶ On Sept. 21, 2009, Iran disclosed to the IAEA the existence of an underground uranium enrichment facility near the city of Qom, after the site became known to Western intelligence services. Iran argued its disclosure was consistent with its IAEA legal obligations, but the IAEA maintained it was required to declare the facility as soon as Iran made the decision to build it. The revelation deepened suspicion surrounding Iran's nuclear ambitions and resulted in unsuccessful E3/EU+3 talks in Geneva in October 2009, and a travel ban was added to the mix of U.N. sanctions. New sanctions were adopted on June 9, 2010, which significantly intensified focus on implementation and enforcement of U.N. sanctions against Iran by (1) establishing a panel of experts to monitor implementation; (2) providing authority for states to inspect, seize and dispose of suspicious cargo going to and from Iran; (3) prohibiting bunkering services, such as refueling, from Iranian-owned (or contracted) vessels, if illicit cargoes were suspected, and (4) expanding the list of targets by 40 entities and one individual linked to Iranian nuclear proliferation.¹⁶⁷ The resolution also imposed an investment ban on any foreign commercial activity involving uranium mining, production or use of nuclear material and technology by Iran, as well as an arms imports embargo on specific weapons.¹⁶⁸

After 2010, a number of countries, individually or on a regional basis, imposed additional restrictions on the Iranian economy more generally, including financial dealings with the Iranian Central Bank and on investments in Iran's oil

¹⁶² S/RES/2288 of 25 May 2016.

¹⁶³ See https://eeas.europa.eu/headquarters/headquarters-homepage_en/32286/Nuclear%20Agreement.

¹⁶⁴ S/RES/1696 of 31 July 2006.

¹⁶⁵ S/RES/1737 of 23 December 2006.

¹⁶⁶ S/RES/1747 of 24 March 2007.

¹⁶⁷ S/RES/1929 of 9 June 2010.

¹⁶⁸ Ibid.

and gas sectors. The U.S.¹⁶⁹ and EU¹⁷⁰ (but also Australia, Canada, Japan, Norway, and South Korea) imposed increasingly stringent and more comprehensive sanctions aimed at the Iranian economy. U.S. extraterritorial sanctions on foreign entities doing business with the Iranian oil sector (including refined petroleum products and providing shipping insurance) were adopted,¹⁷¹ leading to a growing number of international companies deciding not to make new investments in Iran. The U.S. government exempted countries continuing to import Iranian oil (India, China, etc.) in exchange for voluntary agreements to restrain the size of their purchases in 2012.¹⁷²

Additional U.S. measures were passed by Congress in 2012 to include any energy-related services (insurance, reinsurance, shipping) and other economic infrastructure, and to broaden the purpose of sanctions to human rights.¹⁷³ The EU also implemented new sanctions targeting Iranian oil, as well as the Iranian Central Bank to cut Iran off from international financial markets, with the July 1, 2012, ban on oil imports and financial activities (including insurance/reinsurance related to Iranian oil and gas imports) being particularly important.¹⁷⁴ In March 2012, SWIFT (Brussels-based Society of Worldwide Interbank Financial Telecommunications) was ordered to isolate Iran further with the cut-off of Iranian banks from the international electronic banking transfer system.¹⁷⁵

Moderate cleric Hassan Rouhani was unexpectedly elected in the first round of presidential elections in Iran in 2013, changing the negotiation dynamics. Within a year, on Nov. 24, 2013, a Joint Plan of Action was announced in Geneva, which provided guidance for the parties as they sought to achieve a comprehensive solution. Less than two years later, on 14 July 2015, Iran and the E3/EU+3 announced they reached a long-term agreement, the JCPOA. On July 20, 2015, the UNSC endorsed and incorporated the JCPOA through Resolution 2231, which reproduced it in its entirety as an annex.¹⁷⁶ The resolution determined to terminate the provisions of previous sanctions resolutions after receipt of an IAEA report confirming that Iran had taken the specified steps, replacing them with restrictive measures detailed in an annex to the agreement (Annex B). It set the termination of those measures for 10 years from the day of JCPOA implementation, but included a snap-back mechanism which would come into effect if dispute resolution mechanisms failed to resolve conflicts over noncompliance with the terms of the agreement by the parties. The agreement entered into force on Oct. 18, 2015 (JCPOA Adoption Day) and was implemented 90 days later on Jan. 16, 2016 (Implementation Day).

Between January 2016 and May 2019, the IAEA reported to the Security Council 15 times that Iran had been in compliance with its nuclear-related obligations under the JCPOA.¹⁷⁷ It repeatedly verified the absence of nondeclared nuclear material, the nondiversion of the materials declared, and the provisional application of the Non-Proliferation Treaty Additional Protocol, as well as other agreed-upon transparency measures.

Type of relaxation: Phased, negotiated lifting of sanctions in comprehensive agreement

At the outset, a significant number of sanctions were lifted. Many EU, U.S., and — technically speaking — all U.N. sanctions were lifted. In the case of the U.N., however, “sanctions” were replaced by “restrictive measures” that are the functional equivalent of sanctions, for specified periods of time. Some non-nuclear-related sanctions remained in place in both the EU and the U.S.. Despite the U.S. withdrawal from the agreement and despite U.S. attempts to invoke snap-back provisions, the arms embargo came to an end in October of 2020, as scheduled in the JCPOA. If the agreement remains in force, sanctions on individuals and corporate entities will be lifted by October 2023, and the remaining restrictions on Iran’s nuclear program will terminate in 2025. At present, Iran is no longer compliant with the terms of the agreement, citing the reimposition of U.S. sanctions. Many observers consider this to be a bargaining stance on Iran’s part, as the U.S. is currently negotiating its return to the agreement in an effort to roll back recent Iranian violations.

¹⁶⁹ For the full list of current U.S. sanctions on Iran, see <https://www.state.gov/iran-sanctions/>.

¹⁷⁰ For the full list of current EU sanctions on Iran, see <https://www.consilium.europa.eu/en/policies/sanctions/iran/>.

¹⁷¹ EO 13590 of 20 November 2011.

¹⁷² Under the National Defense Authorization Act (NDAA).

¹⁷³ For more information, see Katzman, Kenneth, “Iran Sanctions,” Congressional Research Service, October 2012.

¹⁷⁴ Council Decision 2012/35/CFSP of 23 January 2012.

¹⁷⁵ See https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/128959.pdf.

¹⁷⁶ S/RES/2231 of 20 July 2015.

¹⁷⁷ Biersteker et al., “UNSanctionsApp,” 2020 (see fn 16).

Outcome of the relaxation: Mostly a success

Before the U.S. unilaterally withdrew from the agreement in 2018, Iran complied fully with the terms of the agreement (according to the IAEA).

Sanctions termination: Not applicable (sanctions ongoing)

Sanctions on Iran are ongoing and currently in the second stage of the phased lifting outlined in the JCPOA. Iran has been removed from the U.N. sanctions architecture and U.N. sanctions are set to be fully terminated in 2025, assuming Iran returns to compliance with its part of the agreement and no new sanctions are approved. U.S. and EU sanctions applied over other (non-nuclear) issues remain in effect, as allowed for by the JCPOA. The U.S. withdrawal from the agreement does not affect this timetable in legal terms, and depending on whether and how the U.S. reenters the JCPOA, all U.N. (as well as EU) nuclear-related sanctions are scheduled to be lifted in October 2025.

Sequencing: Phased termination (Selective lifting → Partial liftings → Full termination)

The full sequence of termination — starting with immediate selective termination of some aspects of nuclear sanctions, followed by the lifting of arms embargo, the lifting of individual travel ban and asset freeze, and the termination of the remaining nuclear sanctions — was negotiated and outlined in an agreement, which was subsequently adopted by the UNSC.

5. Lessons Learned from Past Sanctions Relaxations

Sanctions relaxations have been used to address a number of different situations, including armed conflict (Angola, Iraq, Liberia, former Yugoslavia), human rights abuses in authoritarian settings (Belarus, Myanmar, Cuba), terrorism (Libya, Taliban), non-constitutional changes of government (Haiti), strained diplomatic relations (Cuba), and nuclear proliferation (Iran).

However, the pursuit of a particular policy objective is not linked to a specific type of sanctions relief. Individual sanctions delistings have been used to incentivize changes in behavior (Taliban, Belarus), sustain adherence to an agreement (Iran), stigmatize military elites (Haiti, Myanmar), prevent spoilers from destabilizing a new regime (Haiti, Iraq), drive a wedge between different factions (Taliban), or signal the winding down of a sanctions regime (Angola, Iraq). Goodwill gestures and easing of sanctions implementation and exemptions have been used to try to normalize diplomatic relations (Cuba), while suspensions have been employed in an effort to get targets to stop their support for terrorism (Libya), sign a peace agreement (former Yugoslavia, Haiti), or continue with its implementation (Angola). Partial liftings have been used to encourage further progress on domestic reforms (Myanmar), support peacebuilding efforts (Liberia) and political transitions (Iraq), or resolve a situation through carefully calibrated concessions and counter-concessions by the target (Iran). For an overview of the different cases and their characteristics, see Table 2 below.

As past cases of sanctions relaxations have shown, sanctions can be relaxed not only when specific conditions are met (Libya, Liberia, former Yugoslavia) or some progress on key issues is made (Belarus, Haiti, Myanmar), but also when progress is the intended outcome of the relaxation (Cuba, Iran, Taliban).¹⁷⁸ This is encouraging, since relaxation of sanctions can be used both to incentivize change and to reward or try to maintain it, broadening relaxation's potential utility to a range of different contexts and policy objectives.

Some goals are easier to achieve with sanctions relaxation than others. In general, it is easier to get parties to the table (Taliban) than it is to get them to sign an agreement (former Yugoslavia) or to implement it (Haiti).

¹⁷⁸ Attia and Grauvogel, 2019 suggest that less than half of sanctions regimes end with some degree of compliance on the part of the target (see fn 1).

Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes

Similarly, achieving progress on desired democratic reforms (Myanmar) or unrelated issues (Belarus) is easier than achieving a lasting change in the target's treatment of its citizens. Making gestures to improve bilateral relations (Belarus, Cuba) and incrementally lifting sanctions in contexts where peacebuilding (Liberia) or political transition (Iraq) are underway are also easier to accomplish than achieving full compliance with the sender's demands (Libya) or resolving long-standing multidimensional conflicts (Iran).

The outcome in any specific case is also related to the nature of the conflict parties. Settlement of a conflict is easier to achieve through sanctions relaxation when negotiating with a strong, unitary state (Libya, Iran) than in a complex environment with multiple nonstate armed groups (Angola, Liberia) or a weakening state facing growing internal legitimacy challenges (former Yugoslavia). However, strong authoritarian states might revert to problematic behavior more easily, rendering successes relatively short-lived, especially when the goals of sanctions are linked to human rights and democracy support (Belarus, Myanmar). Transitional periods in weaker states (Iraq, Liberia) can be conducive to progressive lifting of sanctions following the meeting of specific benchmarks.

Overall, there is no fixed sequencing in past sanctions relaxations. While gestures of goodwill at one end of the spectrum typically precede full, formal terminations, some relaxations never get far beyond delisting offers (Taliban) or eased exemptions and national implementation (Cuba). When successful, suspensions can proceed from time-limited partial suspensions to partial lifting (Angola) or selective suspension (former Yugoslavia) to full termination, or from conditional suspension offers to full suspension and eventual termination (Libya). Partial liftings can incrementally terminate specific types of sanctions to progressively close down a sanctions regime (Liberia, Iraq). However, the different types of sanctions relaxations can also be reversed, if needed. The partial lifting of sanctions on Cuba was reversed for domestic political reasons unrelated to the outcome of the relaxation, while the sanctions suspended in Haiti were reimposed and subsequently scaled up following a lack of progress in implementing the agreed-upon political solution. A similar outcome can be observed also in Myanmar and Belarus, where new types of sanctions were imposed following a deterioration of the domestic situation despite earlier partial lifting of sanctions. The flexibility to respond to negative developments by reversing the relaxation in progress (Haiti) or imposing new sanctions measures (Belarus, Myanmar) is thus ensured for all types of sanctions relief, regardless of the scale of relaxation already adopted.

Different types of sanctions relief might vary in terms of utility, depending on the specific purpose for which they are employed. Offers of relaxation are particularly well suited as incentives, regardless of whether they involve easing of exemptions and sanctions implementation (Cuba), delistings (Taliban), suspensions (Libya, former Yugoslavia), or partial lifting (Iran). Time-limited suspensions (Angola, former Yugoslavia) and conditional suspensions and terminations (Libya, former Yugoslavia) help ensure compliance better than open-ended suspensions (Haiti) or partial liftings (Myanmar) and selective delistings (Belarus) to reward limited progress.

Table 2: Overview of selected cases of past sanctions relaxations

Case study	Primary sender of sanctions	Time period	Context	Type of relaxation	Goal of the relaxation	Outcome of the relaxation	Current sanctions situation	Sequencing
Goodwill gestures, easing of implementation, and adjustments of exemptions								
Cuba	U.S.	1960 - present	Diplomatic relations, human rights, & democracy support	Gestures of goodwill, easing of national implementation, & eased exemptions	Normalization of diplomatic relations & resumption of trade ties	Partially successful in normalizing diplomatic relations	Sanctions are ongoing (relaxation was reversed starting in 2017 for unrelated domestic political reasons)	<ol style="list-style-type: none"> Easing of exemptions Partial lifting Easing of exemptions & national implementation Reimposition
Selective delistings								
Taliban	U.N.	1999 - present	Counter-terrorism & armed conflict	Selective delistings & eased exemptions	Facilitate negotiations & incentivize break with regime	Successful in getting people to the table, but not in settling the conflict	Sanctions are ongoing (and have not been changed significantly since 2011)	<ol style="list-style-type: none"> Selective delistings Easing of exemptions Selective delisting offers
Belarus	EU	2004 - present	Human rights & democracy support	Selective, time-limited partial suspension of listings & selective delistings	Incentivize respect for democracy and human rights & reward regional diplomatic efforts	Partially successful in some areas of rule of law and respect of electoral process, but progress was short-lived	Sanctions are ongoing (relaxation was reversed since 2020 due to deterioration of human rights situation)	<ol style="list-style-type: none"> Selective, time-limited suspension of some listings Selective delistings Reimposition
Sanctions suspensions								
Angola	U.N.	1993 - 2002	Armed conflict	Repeated partial time-limited suspension	Reward mediation progress	Successful in encouraging further progress on national reconciliation	Sanctions were fully terminated following progress on the peace process	<ol style="list-style-type: none"> Repeated partial time-limited suspension Partial termination Full termination
Former Yugoslavia	U.N.	1991 - 1996	Armed conflict	Sequenced partial selective suspensions & terminations	Achieve mediation progress	Successful in getting parties to sign & abide by the peace agreement	Sanctions were fully terminated following the achievement of their goals	<ol style="list-style-type: none"> Partial conditional time-limited suspension Phased partial termination & selective indefinite suspension Full conditional termination

Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes

Haiti	U.N.	1993 - 1994	Non-constitutional change of government	Full indefinite suspension	Reward mediation progress	Unsuccessful in encouraging further progress on agreement implementation	Sanctions were fully terminated following the achievement of their goals	1. Full suspension 2. Reimposition 3. Scaling-up of sanctions 4. Termination
Libya	U.N.	1992 - 2003	State support of terrorism	Full conditional suspension	Maintain leverage to ensure compliance	Successful in achieving target compliance with U.N. demands	Sanctions were fully terminated following the achievement of their goals	1. Conditional suspension offer 2. Full suspension 3. Termination
<i>Partial liftings</i>								
Myanmar	EU	1990 - present	Human rights, democracy support, & rule of law	Partial time-limited suspension leading to partial lifting	Reward & incentivize progress in political reforms, respect for democratic processes, & human rights	Partially successful in domestic reforms	Sanctions are ongoing (relaxation was reversed in 2018 in response to human rights abuses by Myanmar military)	1. Partial selective time-limited suspension 2. Partial suspension + Gestures of goodwill 3. Partial lifting 3. Reimposition
Iraq	U.N.	1990 - present	Armed conflict → Political transition support	Incremental relaxation through partial liftings, selective delistings & exemptions	Wind down sanctions regime	Successful in reducing list by eliminating nonthreatening entities	Sanctions are ongoing (primarily on individuals)	1. Partial lifting of most sanctions + Addition of new sanctions (with new goal) 2. Incremental partial liftings 3. Selective delistings
Liberia	U.N.	1992 - 2016	Armed conflict → Secondary sanctions → Peacebuilding	Sequenced partial adjustments & liftings	Adjust the goals of the sanctions regime	Successful in reinforcing peacebuilding & strengthening the governance of natural resources	Sanctions were fully terminated following the achievement of their goals	1. Conditional termination offers 2. Repeated restarting (i.e. full termination with immediate re-imposition) 3. Partial liftings 4. Full termination
Iran	U.N.	2006 - present	Non-proliferation	Comprehensive, negotiated agreement for phased termination of sanctions	Certify full compliance with NPT obligations	Successful until U.S. withdrawal from the agreement in 2018	Sanctions are ongoing (measures continue to be relaxed in accordance with the JCPOA)	Phased termination: 1. Selective lifting 2. Partial lifting 3. Full termination

6. Potential Application to Syria

6.1 Types of Sanctions in Place

Syria is under one of the world's strictest and most complex multilayered international sanctions regimes, imposed for a range of objectives that include cessation of hostilities, human rights, counterterrorism, chemical weapons, breaches of IHL, and protecting Syria's cultural heritage.¹⁷⁹

The U.S. was the first to impose targeted sanctions on Syria in relation to the "Arab Spring" uprisings and subsequent armed conflict in April 2011,¹⁸⁰ which it has gone on to renew and broaden in subsequent years. They represent the implementation of multiple legal authorities, including sanctions adopted through executive orders issued by the president¹⁸¹ and public laws (statutes) passed by the U.S. Congress.¹⁸² U.S. sanctions on Syria include asset freezes and travel bans (against Syrian officials, other individuals, business and other entities, including designated terrorist groups), an arms embargo, and a wide range of sectoral measures (including a ban on U.S. foreign assistance to the Syrian government, support of Syria by international financial institutions, an oil ban, a ban on imports of other Syrian products, restrictions on both U.S. and non-U.S. companies supporting the country's energy, construction, and WMD programs, and other financial and investment restrictions). The broad range of export controls in place (including a prohibition on the export of U.S. services to Syria) amounts to a ban on almost all goods originating from the U.S. and equates to a *de facto* embargo on the entire country. Furthermore, the Patriot Act pertaining to counterterrorism measures provides oversight to U.S. regulators regarding all dollar transfers passing through U.S. correspondent banks.¹⁸³ This signifies that the use of U.S. dollars in relation to Syria-related payments can be subject to prosecution if found to be in breach of U.S. Anti-Money-Laundering (AML) or Combatting the Financing of Terrorism (CTF) regulations. The U.S. provides certain licensing exemptions (general licenses) and exceptions (specific licenses) relating to Syria, which authorizes certain types of humanitarian activities.¹⁸⁴

The Caesar Civilian Protection Act (or Caesar Act) was signed into law by the U.S. Congress on Dec. 21, 2019.¹⁸⁵ Largely composed of asset freezes and travel bans, the act significantly expands U.S. extraterritorial sanctions by prohibiting a range of third-country transactions by individuals, companies, and other entities engaging in specific areas of business with Syria, its government (including the Syrian Central Bank or CBS), and persons and companies under U.S. sanctions. While the new legislation generated considerable concern among humanitarian actors and the wider policy community, the impact is not thought to have been as large as originally feared, in light of the stringent sanctions already in place against many of the same targets.¹⁸⁶ However, the extraterritorial nature of the sanctions associated with the act is understood to have exerted

¹⁷⁹ For an overview of the sanctions imposed on Syria by the U.S. and the EU, see The Carter Center, 2020 (ftn 27). For an overview of sanctions imposed on Syria by the U.N. via the 1267/1989/2253 global counter-terrorism sanctions regime, see Biersteker et al., "UNSanctionsApp," 2020 (ftn 16).

¹⁸⁰ The U.S. has also imposed sanctions on Syrian targets since the 1970s in relation to its designation as a State Sponsor of Terrorism in 1979 and it also adopted a different range of measures in the 2000s, including in connection with terrorism and Lebanese-related activities: EO 13338 of 5 May 2004, EO 13399 of 26 April 2006, and EO 13460 of 15 February 2008.

¹⁸¹ EO 13572 of 29 April 2011; EO 13573 of 18 May 2011; EO 1382 of 18 August 2011; EO 13606 of 23 April 2012; and EO 13608 of 1 May 2012. The U.S. also imposes a range of "Syria-related" sanctions, including EO 13894 of 14 October 2019. For an overview of U.S. sanctions currently imposed on Syria, see The Carter Center, 2020 (ftn 27).

¹⁸² Statutes: Caesar Syria Civilian Protection Act of 2019 (Sections 7404-7438 of the National Defense Authorization Act for Fiscal Year 2020); Iran Threat Reduction and Syria Human Rights Act of 2012 H.R. 1905 (PL 112-158); Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 18 U.S.C. § 2332d; International Emergency Economic Powers Act (IEEPA), 50 U.S.C. §§ 1701-1706; National Emergencies Act (NEA), 50 U.S.C. §§ 1601-1651; § 5 of the United Nations Participation Act of 1945 (UNPA), 22 U.S.C. § 87c.

¹⁸³ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001.

¹⁸⁴ See <https://www.state.gov/syria-sanctions/>.

¹⁸⁵ Implemented under EO 13894 of 14 October 2019 (for further details see <https://www.state.gov/caesar-syria-civilian-protection-act/> and <https://www.federalregister.gov/documents/2019/10/17/2019-22849/blocking-property-and-suspending-entry-of-certain-persons-contributing-to-the-situation-in-syria>).

¹⁸⁶ The Carter Center, 2020 (ftn 27).

Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes

pressure on existing trade partners worldwide.¹⁸⁷ The act is set to expire in December 2024 and contains several waiver provisions that the executive branch could utilize to suspend it (in part, or in full) if the Syrian government meets certain criteria.¹⁸⁸

Overall, the various U.S. sanctions on Syria currently include asset freezes against 652 targets (433 individuals subject also to travel ban, 171 entities, 38 aircraft, and 10 vessels) under the Syria sanctions program, 15 targets (four individuals and 11 entities) under the Caesar Act, and 38 targets (31 individuals and seven entities) under Executive Order 13894.¹⁸⁹ Additional targeted sanctions have been imposed on two individuals and four entities together with Gulf countries on ISIS-related targets.¹⁹⁰

The EU's "comprehensive restrictive measures" on Syrian targets were first imposed in May 2011¹⁹¹ and have been renewed and broadened in subsequent years.¹⁹² They currently include asset freezes against 283 individuals (also subject to travel ban) and 70 entities,¹⁹³ an arms embargo (including materials and equipment employed in repression and monitoring of civilians) and sectoral measures that target (among other things) Syria's banking, financial, trade, telecommunications and energy sectors (including a ban on the import, transport and insurance of Syrian oil products). In 2018, the EU also adopted a thematic (or horizontal) chemical weapons sanctions regime that includes Syrian targets,¹⁹⁴ which was closely aligned with similar U.S. measures,¹⁹⁵ and some sanctions employed by the U.K.,¹⁹⁶ Australia, and Canada.¹⁹⁷ The EU issues humanitarian exemptions and derogations (exceptions) intended to allow for the delivery of humanitarian aid to Syria.

The UNSC discussed various resolutions proposing sanctions against Syrian targets in response to the conflict and breaches of international norms (including the use of chemical weapons against civilians), but was faced with repeated vetoes by Russia and China. As such, the U.N. has not adopted its own country-based sanctions regime on Syrian targets, but it does have a counter-terrorism sanctions regime on nonstate armed groups operating in Syria (including ISIS and Hayat Tahrir al-Sham or HTS).¹⁹⁸ This includes asset freezes, travel bans, and an arms embargo.¹⁹⁹ A number of other countries and regional organizations have also imposed autonomous sanctions on Syrian targets, including the League of Arab Nations, Turkey, Switzerland, Canada, Australia, Norway, and Japan. Since departing from the EU, the U.K. also imposes its own sanctions against Syrian targets, which are similar to those of the EU.²⁰⁰ Furthermore, the Financial Action Task Force (FATF) places Syria on its Grey List (or a Jurisdiction under Increased Monitoring).²⁰¹

¹⁸⁷ Aita, Samir, "The Unintended Consequences of U.S. and European Unilateral Measures on Syria's Economy and Its Small and Medium Enterprises," The Carter Center, December 2020.

¹⁸⁸ The Carter Center, 2020 (ftn 27).

¹⁸⁹ For up-to-date information on U.S. sanctions designees, see <https://sanctionssearch.ofac.treas.gov>.

¹⁹⁰ Imposed in July 2020 by the U.S. and Qatar, Bahrain, Kuwait, Oman, Saudi Arabia, and the United Arab Emirates through the Terrorist Financing Targeting Center (or TFTC, created in 2017) under EO 13224 of 23 September 2001 (as amended by EO 13886 of 9 September 2019).

¹⁹¹ Council Regulation (EU) No. 442/2011 of 9 May 2011.

¹⁹² For an overview of the relevant legal acts, see EU Sanctions Map (ftn 5).

¹⁹³ See <https://www.consilium.europa.eu/en/press/press-releases/2021/05/27/syria-council-extends-sanctions-against-the-regime-for-another-year/>.

¹⁹⁴ Council Decision (CFSP) 2018/1544 of 15 October 2018.

¹⁹⁵ Imposed under the U.S.' Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

¹⁹⁶ Chemical Weapons (Sanctions) (EU Exit) Regulations 2019.

¹⁹⁷ Portela, Clara, and Moret, Erica, "The EU's Chemical Weapons Sanctions Regime: Upholding a Taboo under Attack," EUISS Brief, July 2020, <https://www.iss.europa.eu/content/eu's-chemical-weapons-sanctions-regime>.

¹⁹⁸ S/RES/1267 of 15 October 1999, S/RES/1989 of 17 June 2011, and S/RES/2253 of 17 December 2015.

¹⁹⁹ Ibid.

²⁰⁰ See <https://www.gov.uk/government/collections/uk-sanctions-on-syria>.

²⁰¹ See <https://www.fatf-gafi.org/countries/#Syria>.

6.2 General Considerations

Given the nature of the current international sanctions on Syria — coordinated autonomous sanctions applied by the U.S., EU, U.K., and other actors, along with the UN’s counter-terrorism sanctions and chemical weapons measures — a few general observations can be made about the prospects for relaxation before making specific recommendations drawn from other case experiences.

First, it should be easier to relax autonomous than multilateral sanctions. Agreeing to sanctions in multilateral organizations is more difficult than making a unilateral decision at the national level (despite the complexities of interagency processes in most states). Multilateral agreement typically entails both bargaining and negotiation. Compromises are often struck, and the language of resolutions or decisions can be ambiguous, subjecting implementation to multiple interpretations. This observation relates not only to the design and application of sanctions, but also to their potential relaxation. Given the composition of the current international sanctions on Syria, it might be easier for the U.S., Canada, and U.K. (and other states applying autonomous sanctions on the Assad regime) to initiate sanctions relaxation than it is for organizations like the EU and the U.N. The U.N.’s 1267 sanctions regime on al-Qaida and ISIS is not likely to introduce significant revisions to its designations list involving Syrian actors, while the EU often has difficulty in reaching consensus. If there were to be a breakthrough in negotiations, the U.S. might be more likely than the EU to be able to respond quickly.

Second, while the structural and institutional differences between different sanctions senders can create limitations, they can also create opportunities for bargaining and negotiation. For example, the U.S. and EU could coordinate their approaches to relaxation in Syria, as they did with regard to the imposition of sanctions on Russia after its annexation of Crimea in 2014. Given its lower vulnerability to Russian countermeasures,²⁰² the U.S. was able to play the role of “bad cop” in relation to the EU’s “good cop” to facilitate what eventually culminated in the Minsk Process with the EU in a mediating role.²⁰³ Close coordination between the U.S. and EU could similarly be converted into potential leverage in sanctions relief negotiations, for example, if sanctions relaxation measures taken by one sender were to be implicitly offered by the other at some point in the future, once further concessions were obtained.²⁰⁴ Such coordination might also be beneficial in pushing diplomatic efforts to achieve sanctions relief forward because the U.S. is generally more reluctant to relax sanctions in response to partial compliance than the EU.²⁰⁵

Third, as described in the discussion of lessons learned from the case studies in Section 5, the goals of sanctions relaxation matter. It is inherently easier to accomplish goals like getting parties to the table than it is to reach a comprehensive agreement. This is particularly the case when the conflict involves existential threats to one of the parties.²⁰⁶ The specificity of the goals also matters. It is easier to achieve agreement when a target of a sanction (or its relaxation) has a precise and potentially achievable goal. The more diffuse the demands, the harder it is to reach agreement (or find a publicly defensible basis for sanctions relaxation). If the overthrow of the regime is no longer the goal, either because it is not feasible or desirable, the goals could be adjusted.

Fourth and finally, the calibration of sanctions relaxation can be consequential. While too many concessions at the outset can remove the incentive for targets to modify their future behavior, failing to relax sufficiently can prevent further progress in complex negotiations. Policy makers need to determine in advance how much they are willing to relax in exchange for specific concessions from the target. It is important to think strategically

²⁰² Moret, Erica, Giumelli, Francesco, and Bastiat-Jarosz, Dawid, “Sanctions on Russia: Impacts and Economic Costs on the United States,” Graduate Institute, Geneva, March 2017, <https://www.graduateinstitute.ch/library/publications-institute/sanctions-russia-impacts-and-economic-costs-united-states>.

²⁰³ Moret et al., “The New Deterrent?” 2016 (see fn 68).

²⁰⁴ U.S.-EU collaboration on sanctions implementation has a long history, though it has been largely been informal in nature and lacking a formalized framework for bilateral coordination. See Moret, Erica, and Pothier, Fabrice, “Sanctions After Brexit,” *Survival: Global Politics and Strategy*, 60(2): 179-200, 2018.

²⁰⁵ Luengo-Cabrera and Portela, “EU Sanctions,” 2015 (see fn 118).

²⁰⁶ Stedman, Stephen, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-80*, Lynne Rienner Publisher, 1990.

about how to progress from initial steps to intermediate steps, through to acceptable final outcomes.²⁰⁷ Delistings can be employed to incentivize behavior, but as illustrated above, there is a rich variety of other potential sanctions relief measures from which to choose.

6.3 Lessons for Syria from Past Relaxations

A number of different lessons can be drawn from past relaxations, both more broadly and specifically for Syria. In what follows, we highlight 10 such takeaways, including for the larger policy objectives, different sanctions relief options, sanctions relaxation coordination, and sanctions termination.

1. Sanctions can be relaxed without meeting their stated policy objectives (Cuba)

Lack of progress on achieving the sanctions' policy objectives does not mean that sanctions relaxation cannot bring about beneficial results, such as reduction of tensions, migration pressures, or undue negative effects on the civilian population. However, less extensive sanctions relief options, such as easing of national implementation or addition and adjustment of exemptions, may be preferable in case of limited past progress. Certain parts of a secondary sanctions regime could also be suspended, while keeping other parts in place, which could help avoid opposition from Congress (in the U.S. context) or discontent among domestic audiences. Such relatively minor changes to existing sanctions could nonetheless have a positive impact on the Syrian population. The Cuba case also shows that the easing of restrictions on the sending of household remittances can be particularly important in that they not only contribute to the immediate economic wellbeing of the Syrian population, but also indirectly increase the stability of the country and thus reduce future migration pressures. Given the size of the Syrian diaspora and extreme economic hardships faced by the Syrian population after more than a decade of civil war, easing of restrictions on remittances and humanitarian activities might thus be particularly important, both as an immediate gesture of goodwill and as part of a long-term reconstruction of the country.²⁰⁸

2. Sanctions can be relaxed even if domestic support is weak (Cuba, Taliban, Iran)

Just like sanctions imposition, sanctions relaxation might not always have popular support in the sending countries. However, a strong preference for the continued application of sanctions among a significant segment of the population need not prevent sanctions relaxation altogether. Rather, the focus of any risky or potentially controversial relaxation could be (at least initially) limited to small steps, such as delisting offers in exchange for specific behavior (Taliban) or easing of sanctions implementation (Cuba). Large-scale relaxation should only be offered if the details of the relaxation and the related changes in target's policy and behavior have been specified and potential relaxation reversals in case of noncompliance are agreed upon and spelled out in advance (as in Iran).

3. Sanctions can be terminated and immediately reapplied with new objectives (Liberia)

Sanctions relaxation need not be the first step in situations where the sanctions' policy objectives have not been met. If the larger context of sanctions had changed as a result of developments on the ground or due to the target's behavior, sanctions can be restarted — that is, terminated and immediately reimposed for different purposes (as in Liberia). In the case of Syria, the current U.S. and EU sanctions imposed in response to the outbreak of the Syrian civil war could be reimposed with new objectives (more akin to EU human rights and democracy support sanctions on Belarus and Myanmar). The formal restarting of the Syrian sanctions regime

²⁰⁷ For an illustration of a multi-stage approach to utilizing sanctions relief for denuclearization on the Korean Peninsula, see Biersteker, Thomas, and Lanz, David, "Negotiated Settlement through Sanctions Relief: Options for the Korean Peninsula," Policy Brief No. 75, Asia-Pacific Leadership Network, December 2020.

²⁰⁸ Moret, "A Lifeline under Threat?," forthcoming (see fn 20).

would also enable senders to set new benchmarks for government behavior in the changed political context, which could then guide any potential future sanctions relaxations.

4. Sanctions relaxation can be tailored to the magnitude of concessions (former Yugoslavia)

Sanctions relaxation can take a number of different forms, from highly symbolic measures that do not require a formal change in the sanctions regime, such as delisting offers (Taliban) or unilateral decisions to ease sanctions' implementation (Cuba), to full sanctions suspensions (Haiti, Libya), large-scale partial terminations (Myanmar), or incremental lifting of different types of sanctions (Iraq, Liberia). In Syria, as elsewhere, the scale of sanctions relaxation can thus be tailored to the magnitude of the concessions offered by the target. This was done in former Yugoslavia, where the U.N. offered limited relaxation in the form of a time-limited suspension of some sanctions measures in exchange for meeting smaller, more immediate demands (closure of borders with Bosnia) and full indefinite suspension of sanctions on FRY after meeting the larger objective of the sanctions regime (signing and implementing a peace agreement to settle the Bosnian conflict).

5. Sanctions relaxation can be incremental (Iran, Iraq, Liberia, Myanmar)

Relaxation of sanctions need not take place all at once (as in Haiti or Libya), but sanctions measures can be relaxed incrementally, as the political situation on the ground changes or the conditions set for suspension or lifting are fulfilled. Such incremental scaling down of sanctions can be undertaken in an *ad hoc* manner (as in Iraq, Liberia, Myanmar) or follow a predetermined plan (as in the case of sanctions on Iran, or the phasing down of the arms embargo on former Yugoslavia). The relaxation itself can take the form of incremental lifting of different types of sanctions over longer periods of time (as in Iraq and Liberia), or measures can be subject to a time-limited suspension before being lifted (as in Myanmar). Delistings from travel bans and asset freezes can also take place incrementally. Measures on some individuals might be suspended for a specific time period before they are lifted (as in Myanmar), or the delistings can take place in several consecutive rounds (as in Iraq). Either one, or more, of the options listed above might be of interest in Syria. Delistings, suspensions, and liftings — whether temporary or indefinite, immediate or conditional, selective, partial, or full, one-time, incremental, or phased — can be combined in a number of ways to incentivize, reward, or ensure specific changes in the target's policy or behavior.

6. Sanctions relaxation need not imply a loss of leverage (Angola, Belarus, former Yugoslavia, Libya)

Sanctions relaxation can mean that (elements of) sanctions measures are not being implemented. However, this need not necessarily imply a loss of leverage over the target. In general, time-limited relaxations (as in Angola, Belarus, and former Yugoslavia) exert stronger pressure on the target to continue its compliance than indefinite relaxations. The same is true of conditional relaxations, which are set to be terminated only upon full compliance with specific conditions set ahead of time, even if these tend to be, by definition, indefinite (as in Libya). The clarity of the path toward relaxation, and eventual termination, of sanctions also has the added benefit that the target is clear on what concrete steps would need to be taken to achieve sanctions policy change. This can be particularly helpful as most goals of contemporary sanctions regimes tend to be relatively broad and abstract. Setting of specific goals, as well as the use of time-limited and conditional sanctions relaxations, could thus be particularly helpful in Syria, in light of concerns about the intention of the target to continue complying following initial relaxation and the need for verification to assuage mistrust.

7. Sanctions relaxation can be reversed (Belarus, Cuba, Haiti, Myanmar)

Sanctions relaxation is not irreversible. A voluntary easing of implementation can be stopped (Cuba), sanctions suspensions terminated (Haiti), terminated types of sanctions reimposed (Myanmar), or new types of sanctions imposed on the target in response to a deterioration in the situation (Belarus, Haiti). Relaxed sanctions can thus not only be reimposed but also scaled up, including to comprehensive measures (as in Haiti). In situations where the addition of sanctions is contemplated, the entry into force of new measures can be delayed to

encourage compliance and/or further progress on specific sanctions objectives (as in Angola, Haiti, or former Yugoslavia). While usually not successful (at least in the U.N. context), it can give the target additional time to rethink its strategy.²⁰⁹

The reversal of sanctions relaxation can be decided in an *ad hoc* manner (as in Belarus and Myanmar) or specified and agreed upon ahead of time (as in Iran). It can be taken as a new decision that is subject to all the usual institutional procedures, or take effect automatically if a certain action is (or is not) taken by the target or the sender. In general, temporary relaxations that require an explicit extension (which can be tied to specific conditions set for the target's behavior) are the most risk-averse option, as they "kick in" automatically in case of doubts about the desirability of granting further extensions, while full and/or indefinite relaxations that require a new action to reimpose measures are the most risky, since sufficient consensus might be difficult to obtain in case of disagreements. When sanctions relaxations are applied to Syria, or elsewhere, decision makers should be aware of the different reversal options and their strengths and weaknesses vis-à-vis the decision-making process and the anticipated context of what to do in instances of noncompliance.

8. Sanctions relaxation can be coordinated (Haiti, Iran)

When sanctions are imposed on the same target by a range of different autonomous and multilateral actors, sanctions relaxation can be coordinated among the different senders. This can be done either formally (as in Iran), by officially adopting a commonly negotiated document by all concerned parties, or informally (as in Haiti), with each sender of sanctions adopting sanctions relaxation in parallel. The former represents a more comprehensive approach, but it is significantly more difficult to achieve. Not only does any phased relaxation require a substantial degree of prior planning and negotiation over the specific details of the agreement, but the coordination of the different priorities and preferences of the various actors brings its own challenges. The informal approach might be easier and more flexible, but is generally less complete and subject to a potential breakdown at each stage of the relaxation. Either remains an option for Syria, but the final shape of the coordination (if any) will depend in large part on the degree of convergence between the U.S., EU, and other allies.

The particular form or scope of relaxation adopted by each sender can be the same (as in Haiti), but does not necessarily need to be (as in Iran). In general, the more diverse the responses of the different senders of sanctions can be, the easier it should be to coordinate sanctions relaxation, since each sender can adjust its particular form of relaxation to its own measures and policy preferences.

9. Sanctions can be relaxed by different actors at different times (Myanmar, Belarus)

While sanctions relaxation by different actors can take place at (approximately) the same time, for instance in response to specific breakthroughs on the ground (as in Haiti), this need not be the case.²¹⁰ Instead, different senders of sanctions may respond with sanctions relaxation at different points in time. For example, in the case of sanctions related to human rights and democracy support in Myanmar, the EU undertook several rounds of sanctions relaxation in 2012 and 2013 in response to the domestic reforms adopted by the government. Sanctions relaxation by the U.S. followed only in 2016. The discrepancy can reflect different preferences of the senders, as well as their respective policy objectives, propensity toward using sanctions relaxation, thresholds for sufficient progress in meeting the sanctions' goals, and procedures for sanctions relaxation. In general, the U.S. has shown greater reluctance to relax or lift sanctions before full compliance has been met as compared to the EU, on the assumption that progress will cease if pressure is removed.²¹¹ In contrast, the EU has been

²⁰⁹ Delays should not be used for sanctions whose effectiveness can be hurt by a lag in their imposition, such as in the case of asset freezes, since the announcement of the delay would give targets additional time to shield their assets.

²¹⁰ Attia and Grauvogel, 2019 found that less than one-third of analyzed cases of sanctions regimes involving multiple sanctioning actors lifted measures in the same year (see fn 1).

²¹¹ Luengo-Cabrera and Portela, "EU Sanctions," 2015 (see fn 118).

more willing to suspend or terminate sanctions in the face of some progress on the part of the target, even when full compliance has not been met, and pursue further policy goals using other tools, such as trade or aid.²¹² In the case of Syria, different timeframes of sanctions relaxation could be used as an opportunity to sequence relaxation in response to progress in meeting larger sanctions' objectives and maintain leverage over the Syrian government to ensure compliance.

10. Full termination can be conditioned upon compliance with specific conditions (former Yugoslavia, Libya, Iran)

The ultimate goal of sanctions relaxation is to create conditions for the eventual full termination of sanctions. This process may take a long time. The U.N. sanctions on Iraq, for example, have been in place for more than 30 years, despite efforts to progressively close down the regime at least since 2003, and the phased termination of sanctions on Iran has been planned to take place over 10 years. The full termination of sanctions can, of course, also take significantly less time from the moment sanctions relaxation is adopted. It can be undertaken all at once (as in Libya), come as a result of a more complex sequence or combination of different sanctions relief options (as in former Yugoslavia and Iran), proceed incrementally (as in Angola and Liberia), or experience reversals (as in Belarus, Cuba, Haiti, and Myanmar).

One way to ensure that sanctions have fulfilled their larger policy goals, whether original or adjusted ones (as in Iraq and Liberia), is to specify the conditions for sanctions termination. This can be done in a number of ways. The conditions for sanctions termination can be set ahead of time, with sanctions formally terminated only once all the conditions have been complied with (as in Libya) or a specific, related condition for sanctions termination can be established upon the achievement of the larger goal of the sanctions regime in order to ensure significant progress on resolving conflict has been achieved (as in former Yugoslavia). Alternatively, conditions for sanctions termination (and any prior relaxation) can be specified formally ahead of time in a detailed plan with benchmarks, relaxations, reversals, and related procedures (as in Iran's JCPOA agreement). While this is not done as a general rule, the setting of conditions for full termination of sanctions, in Syria and elsewhere, can serve both to clarify the path toward sanctions termination for the target and ensure senders that sanctions relaxation comes only upon the achievement of specific benchmarks. The identification of such details may be a thorny exercise, but it is also an opportunity to move forward with conflict resolution.

#

²¹² Ibid.

THE
CARTER CENTER



One Copenhill
453 John Lewis Freedom Parkway
Atlanta, GA 30307
(404) 420-5100

www.cartercenter.org