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AN ASSESSMENT OF THE UNITED STATES AND THE EUROPEAN UNION SANCTIONS ON RUSSIA

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Abstract

Three research questions are of great concern to this study. How can sanctions be made effective with respect to the United States and the European Union sanctions on Russia? What are the factors responsible for the noncompliance of some countries with the United States and the European Union sanctions on Russia? To what extent have the United States and the European Union sanctions modified the behaviour of Russia in the ongoing war in Ukraine? This study argues that the United States and the European Union sanctions can be made effective through collective enforcement by the UN member states. Besides, some western and non-western nations have failed to enforce the US-EU sanctions on Russian economy because of the economic benefits derived from Russian gas and the criticisms among western nations that sanctions violates human rights especially of vulnerable citizens. Again, the study further argues that sanctions have weakened the Russian economy but have not deterred Russian aggression. Lastly, the United Nations in collaboration with regional and sub-regional organisations should revisit the use of sanctions as a tool for foreign policy, bearing in mind the wellbeing of vulnerable groups such as children, women and people living with disabilities in Russia who are victims of these circumstances.

Key words

United States, European Union, Economy, War, United Nations, Gas, Sanctions.

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1. Introduction

Sanctions are restrictions imposed on a nation or a group of nations by another nation or nations in a bid to comply with certain decision or directives especially in a situation when all diplomatic means fail to ensure compliance and when a direct military intervention becomes a very risky or unacceptable option. The goal of sanctions is to ensure that the state or nations under sanctions are put under intense pressure in order to comply with generally acceptable global norms or standards of behaviour. Several reasons have been advanced in the literature of International

Relations and Strategic Studies, why sanctions are imposed on some nations. These include human rights violations, violation of international laws, breach of international peace and security and harmful policies, just to mention a few.

In the literature of international relations, sanctions have been used as a foreign policy tool for several centuries now. The first economic sanctions recorded in human history date back to the aftermath of the Peloponnesian War (431–404 BCE), when around 432 BCE, the Greek city state of Anthen imposed economic sanctions on Megara import for

their refusal to “join the Athenian-led League during the Peloponnesian War” (Alexander 2009:8).

In turn, Zurich led some Swiss protestant cantons in 1531 to impose embargo on the “sale of flour, salt, iron and wine to the catholic cantons because the catholic cantons had breached their obligations under the First Kappel Peace Treaty of 1529 to tolerate minority Protestants”. This embargo on trade in flour, salt, iron and wine led to the 1531 civil war which led to the Second Kappel Peace Treaty (1531) that brought peace and provided a platform for religious freedom between Swiss protestant cantons and Catholics cantons (Bader et al. 2001, p. 18–20).

Subsequently, during the religious reformation war in Europe, sanctions were used as trade strategies by states to ensure that other states comply with trade obligations in a bid to protect the rights and privileges of minority Christians. Moreover, the later part of the nineteenth century witnessed a use of sanctions during a war to regulate exports and supplies of trade with some countries (Medlicott, 1952, p. 9). The League of Nations imposed and threatened to use sanctions on countries such as Yugoslavia in 1921, Greece in 1925, Japan in 1931 and Italy in 1935. It is pertinent to note that the WWI and WWII era was characterized by the use of sanctions by mostly the United States and Great Britain against the Axis powers (Malloy, 2001, p. 33–38; Domke, 1943, p. 120–127). The aftermath of WWII saw the imposition of sanctions by the United States on Communist states (Malloy, 2001, p. 39–46; Fitzgerald, 1999, p. 88–89).

Today, sanctions exist in various forms, such as international sanctions, economic sanctions, diplomatic sanctions and embargo. Furthermore, sanctions may be full or partial. Under full sanctions, there is total restriction on every form of transaction/interaction with the state(s) under sanctions, while under partial sanctions, there is limited restriction on specific commodities imported or exported into the punished country(ies). Full or partial sanctions may include and are not limited to trade restrictions/embargoes, limited financial flows, frozen assets and reduced foreign aids/assistance, (loans and investments).

Over the years, various forms of sanctions have occurred with various goals, such as to ensure compliance with a signed treaty and to weaken perceived enemies. After WWI and WWII, sanctions were used as a tool by the League of Nations and the United Nations to ensure compliance by member states. Besides, during the Cold War era economic sanctions were used by the United States against the Soviet Union and its allies to ensure compliance with certain military and trade issues. After the collapse of the Soviet Union in 1991, the United Nations Security

Council has consistently used sanctions as a tool for ensuring compliance among member states of the United Nations. In addition, the September 11, 2009 terrorist attack on the United States further brought about a paradigm shift in the use of strategic sanctions by the United States against states sponsoring terrorism and other forms of human rights violations.

At present, there is a growing list of countries on which, at one time or the other, the United Nations and other regional international and sub-regional organisations around the world have levied sanctions, such as Cuba, Syria, Iran, Afghanistan, Libya, North Korea, Syria, Vietnam, Russia, Nigeria, Mali, Burkina Faso, Guinea, Niger and Chad, just to mention a few. However, the reasons for sanctions vary among these countries including human right violation, war crime, genocide, coup and terrorism, etc.

On the whole, there is debate among international relations scholars on the effectiveness of economic sanctions as a tool for influencing nations’ foreign policy, domestic politics and national security. This debate was re-awakened in recent years following Russia’s invasion of Ukraine, given that the sanctions imposed on Russia by the United States and the EU are expected to have weaken Russia after two years of Russia’s invasion of Ukraine. Given the forgoing postulations among scholars of international relations and strategic studies, this study seeks to investigate the effectiveness of the United States and the European Union sanctions on the Russian economy.

2. Conceptual Review: Sanctions

The concept of sanction is sometimes used interchangeably with “embargo”. However, both concepts do not mean the same thing. Sanction implies measures taken by a country to impact restrictions on another country for failing to comply with certain norms or acts, while embargo is often associated with trade restrictions imposed by a state on another state in order to comply with certain rules and regulations.

Elsisi (2017, p. 4) defined sanctions as

a punitive measure that the law imposes for the performance of an act that is proscribed or for the failure to perform a required act. Sanction has many purposes, one of them is deterrence. Sanction is the means by which individuals are forced to respect the law and to prevent committing the crimes.

This implies that one of the objectives of sanctions is to achieve deterrence. That means that sanctions are supposed to discourage or prevent states from carrying out their proposed acts or discourage other states from carrying out an action. Therefore, the

goal of a sanction is to ensure that states comply with international laws. Again, Elsis (2017, p. 5) defined deterrence as:

a tool for instilling an understanding of the expected adverse consequences – to the people - in case of committing the crimes. Deterrence has two key assumptions: First, specific sanction imposed on offenders will deter and prevent them from committing further crimes. Second, fear of punishment will deter and prevent others from committing similar crimes.

From the forgoing assertion, we observed that sanctions and deterrence work closely to discourage states from carrying out an action that undermines the interest of the international system. However, Wilson et al. (2018, p. 2) noted that:

International sanctions are measures taken collectively by states to ensure compliance with major international norms. They are measures taken in extremis when lesser means have failed to bring about the desired result. Hence, these measures are rarely isolated practices but form part of international society's toolkit to uphold and enforce norms. Sanctions can be diplomatic, social, cultural, economic and military. The logic of sanctions is simple: breach major international norms, and collectively imposed costs will follow. One main purpose of sanctions is instrumental: to ensure compliance with the breached norm.

The above assertion shows that international sanctions are enforced through collective actions by states. Moreover, sanctions have different objectives that can be diplomatic, social, cultural, economic and military. Thus, Master (2024) defined economic sanction as:

the withdrawal of customary trade and financial relations for foreign- and security-policy purposes. Sanctions may be comprehensive, prohibiting commercial activity with regard to an entire country, like the long-standing U.S. embargo of Cuba, or they may be targeted, blocking transactions by and with particular businesses, groups, or individuals.

From the forgoing it is evident that economic sanctions are restricted to trade and financial matters. They can also be used to achieve diplomatic, social, cultural and military objectives. Again, Master (2024) also noted that:

National governments and international bodies such as the United Nations and European Union (EU) have imposed economic sanctions to coerce, deter, punish, or shame entities that endanger their interests or violate international norms of behavior. Sanctions have been used to advance a range of foreign policy goals, including counterterrorism, counternarcotics, nonproliferation, democracy and human rights promotion, conflict resolution, and cybersecurity... For example, the UN Security Council imposed comprehensive sanctions against Iraq just four days

after Saddam Hussein's invasion of Kuwait in August 1990.

The above statement shows that states and international organisations are the enforcers of sanctions. The target of sanctions includes, among others, issues such as terrorism, arms proliferation, conflict resolution, cybersecurity and counternarcotics/drug trafficking.

Lastly, sanctions are restrictions imposed by a state, group of states, international organisations on a state or group of states for failing to comply with international norms and standards. Sanctions can be full or partial depending on the gravity of the offence and may be diplomatic, social, cultural, economic and military.

3. Literature Review

One of the referenced empirical studies on the effectiveness of sanctions in international relations literature was conducted by Hufbauer et al. (1985, 1990a, 1990b). Hufbauer et al. (1990b) studied 116 sanction-related incidents dating back to WW I when Britain imposed sanctions on Germany. Again, Hufbauer et al. (1990b, p. 632-635) examined the effectiveness of the United States sanctions on Sudan in 1989 for violating the rights of religious and ethnic groups. To ascertain the effectiveness of specific sanction regime Hufbauer et al. (1990a, p. 42-62) developed an indexed system that highlighted a set of authorized policy objectives for every sanction measure, and a scale of 1 to 5 was ascribed to the index to know whether the sanction policy objectives were achieved by the sanctioning mechanism. "The objective 'policy goals' was divided into five categories: (1) modest changes in policy, (2) destabilizing a government, (3) disrupting military adventures, (4) impairing military potential, (5) other major policy changes (Hufbauer et al., 1990a, p. 49-55). According to the research by Hufbauer et al. (1985, 1990a, 1990b), a sanction is effective when the score is high, and it is low when the score is low. The model was applied to 115 cases of sanctions between 1914 and 1990. The outcome of the study shows that only 34% of the sanction incidents achieved one out of the four measured policy objectives (Hufbauer et al., 1990a, p. 91-93). The implication of the above study on the effectiveness of sanctions is that most sanctions between the periods under study did not achieve their objectives. Thus, very few sanctions achieve their objectives. It can be argued that nowadays it is possible for some sanctions to achieve their objectives, while not for due to lack of comprehensive legal frameworks for the implementation of sanctions.

However, the empirical research by Hufbauer et al. (1985, 1990a, 1990b) attracted some criticism from scholars and generated debate especially on the adopted methodology to measure the effectiveness of sanctions. For instance, Pape (1997) questioned the 40 incidents of sanctions which Hufbauer et al. (1990a, 1990b) considered to be successful in their study. In a similar study carried out by Pape (1997) to ascertain the validity of the 40 cases of sanctions considered to be successful by Hufbauer et al. (1990a, 1990b), Pape (1997) revealed that 35 cases of sanctions considered to be successful by Hufbauer et al. (1990a, 1990b) were bedevilled with measurement errors that did not take cognizance of other variables that were liable for attaining the objectives of sanctions. Pape (1997) further argues that in 18 of the cases of sanctions, the military was instrumental in attaining the objectives, in 8 cases the affected countries did not accept the sanctions, while 6 other incidents of sanctions concerned trade-related issues and not economic sanctions. According to Pape (1997), this affected the outcome of investigation by Hufbauer et al. (1990a, 1990b), as the study overestimated the effectiveness of sanctions in their study sample.

In turn, Baldwin (1998) disapproved of Pape's (1997) methodology adopted to criticize Hufbauer et al. (1990a, 1990b). Baldwin (1998) criticized Pape's study (1997) as being 'binary', since its focus was on the success or failure of sanctions. Baldwin (1998) validated Hufbauer et al. (1990a, 1990b) study to have been enriched with a better methodology that adopted a four-point scale for measuring the success or failure of sanctions based on various policy objectives.

Subsequently, Cortright et al. (2000) studied 14 sanctioning incidents between 1990 and 1999 using a similar methodology as Hufbauer et al. (1990a, 1990b). The outcome of the research conducted by Cortright et al. (2000) shows that inclusive sanctions were somewhat successful in three out of four cases from the total samples used for the study, while sanctions targeted at specific areas were considerably less successful in achieving their objectives in only two out of ten incidences (Alexander, 2009). However, Alexander (2009) argued that studies by Cortright et al. (2000):

suffer from the same methodological flaws in evaluating sanctions by focusing too narrowly on whether sanctions achieve their stated objectives. These studies do not take into account that sanctions can still be effective, even if they do not achieve their stated objectives, by performing other functions, such as signaling disapproval to target states or communicating support to domestic opposition

groups within the target country, or warning other third country states not to engage in certain conduct with the target.

The forgoing assertion indicates that Cortright et al. (2000) study was criticized for relegating the effectiveness of sanctions to the background in their entire research. Alexander (2009) argued that the effectiveness of sanctions should be assessed against the background of the functions they perform, such as "communicating to other states and to supportive and opposing groups or merely imposing economic costs on the targets in retribution for particular acts or policies" (Alexander, 2009, p.35–36).

From the review of the above literature, it can be argued that some sanctions are effective while others may not, because the purposes of sanctions differ. Therefore, the effectiveness of sanctions largely depends on the purpose/objectives/functions of the sanctions and the legal frameworks for their implementation. It is against this background that this study seeks to make contribution to the research endeavour on the effectiveness of sanctions in the contemporary international system with reference to the sanctions imposed by the United States-EU on Russia following its invasion on the Ukrainian territory in February, 2022.

4. Sanctions as a tool for Political Control in the Russia-Ukraine War

The war between Russia and Ukraine has posed serious security threats to the Baltic region. Today countries such as Estonia, Latvia, Lithuania, Belarus and regions such as Białowieża (border between Poland and Belarus), the Suwałki gap (border between Lithuania, Belarus and Poland), and Russia's Kaliningrad have bolstered their defence. One of the consequences of the Russian-Ukrainian war is that nations that were united during the Cold War era or that were former members of the Soviet Union are now hostile to each other by forming an alliance with NATO and a counter-alliance with Russia. For instance, in 2023 leaders of a group of Eastern European nations popularly called the Bucharest Nine, namely Romania, Estonia, Latvia, Lithuania, Poland, Hungary, the Czech Republic, Slovakia and Bulgaria, had a meeting with NATO Secretary General Jens Stoltenberg in which they advocated for Ukraine to join the North Atlantic Treaty Organisation (NATO).

Since the Russian invasion of Ukraine on February 22, 2022, and the subsequent imposition of economic sanctions by the United States and European Union. There is the re-awakening of the long-standing debate among scholars in international relations and strategic

studies on the effectiveness of economic sanctions as a tool. One perspective holds the view that the imposition of sanctions has considerably impeded the Russia economy in effectively participating in International trade, which in turn, has affected the Russian domestic politics and foreign policy. This perspective argues that significant numbers of countries, especially Western European countries, the United States and its ally like Australia, South Korea, Japan and Israel will comply with the sanctions imposed on Russia and its allies, such as Belarus, Iran and North Korea.

However, the second perspective has it that the imposition of sanctions on Russian economy by the United States and the European Union has not affected the performance of the Russian economy since 2022 when it first invaded Ukraine. This perspective is anchored on the argument that countries such as China, Kazakhstan, Turkiye, the UAE, North Korea, Iran and Belarus, among others, will not comply with the United States and Western European countries sanctions (Firstpost March 30, 2023). Simply put, there are countries that will assist Russia to avert the US and the EU sanctions. According to an online Media outlet Firstpost report (August 24, 2023) entitled: "Russia's Ultra-rich Are Getting Richer: Sanctioned Billionaires", at least 46 out of 110 Russian billionaires are getting richer despite the economic sanctions imposed on Russia by the United States and the EU. The Firstpost report (2023) also added that Russia had 88 billionaires in 2022 and 110 in 2023 based on data obtained from the Billionaires on Forbes list. The Firstpost report (2023) further added that "many Russian billionaires criticise western sanctions as clumsy and racist". The average increase in wealth was estimated at USD 600 million. A total wealth in Russia increased from USD 353 billion in 2022 to USD 505 billion in 2023. Moreover, Russia was able to sell natural resources at the international market (Firstpost, 2023).

The third perspective has a mixed feelings. This perspective argues that though the imposition of sanctions on Russian economy has affected the performance of the Russian economy in international trade but not as widely as envisaged and speculated in western media outlets, as the Russian economy has made some gains despite the imposition of sanctions. It is pertinent to note that each perspective is elegant in its postulations on the effectiveness of economic sanctions on the Russian economy. This study situates its analysis of the effectiveness of the United States and European Union economic sanctions on Russia economy in contemporary times on the premise of the third perspective. The first question to ask is, how can sanction be made effective in the contemporary

era of globalisation? Why is it that some countries have refused to comply with the economic sanctions? Do we see sanctions as an effective tool for the modification of state behaviour in the international system?

In the international relations literature, a number of reasons have been advanced for the purpose of sanctions. According to Alexander (2009, p. 10):

The basic purpose of economic sanctions throughout history has essentially remained the same, namely, restricting foreign trade and finance or with-holding economic benefits such as state aid from targeted states or other targeted non-state actors to accomplish broader security or foreign policy objectives.

The import from the above assertion shows that every sanction has its objectives or purpose that it set to achieve. Some of the purposes of sanctions may be to achieve economic, social, political or strategic goals or multiplicities of goals. Therefore, the effectiveness of sanctions is closely linked with their objectives/purpose. Again, Alexander (2009, p. 10) rightly observed that:

in assessing the effectiveness or utility of a sanctions policy, it is necessary to define its objectives and to have measurable criteria for determining whether the objectives have been met. An effective sanctions regime also requires coherent legal principles and rules that allow sanctions to be implemented in a consistent and equitable manner. Legal doctrine and regulatory technique are important for achieving the public policy objectives of economic sanctions.

The forgoing assertion shows that in order to determine the effectiveness of Western nations sanctions on Russia, it must be situated within the context of the objectives of the sanctions was to achieve multiple goals. It is pertinent to note that Western sanctions on Russia were designed to achieve the following objectives such as behaviour modification, maintain peace, containment, dialogue, retribution/punishment and deter other states among others especially China from invading Taiwan, North Korea attack on South Korea, Arab nations attack on Israel among others.

Nevertheless, there are challenges with legal frameworks for the implementation of Western sanctions on Russia especially among EU member states especially among liberal parties that the sanctions on Russia tend to violate the rights of the vulnerable population. Outside the EU, the use of sanctions has been questioned for "lack of character". For instance, the Air Service Agreements Award (1978) arbitral tribunal posited that the reason for the United States "sanction was exemplary in character and directed at other countries and, if so, did it have to some degree the character of a sanction" (Alexander

2009: 10). In the same vein, sanctions are seen as punitive measure (Zoller, 1985, p. 37–38).

It can be argued that economic sanctions in the contemporary era of globalisation can be made effective when all the dominant players in the global economy are in agreement. For instance, one of the reasons why the United States and EU sanctions on Russia have arguably not been effective is attributed to the reliance of the EU member states on Russian gas to drive their domestic economy as shown in Table 1 below.

Tab. 1. Showing Percentages of European Nations importation of Russian Gas

S/NO	Countries	Percentage of Russia Gas Importation
1	North Macedonia	100
2	Latvia	92
3	Serbia	89
4	Austria	86
5	Bulgaria	79
6	Finland	75
7	Slovakia	68
8	Greece	64
9	Hungary	61
10	Slovenia	60
11	Czechia	55
12	Poland	50
13	Germany	49
14	Italy	38
15	Lithuania	27
16	Romania	24
17	Croatia	16
18	France	15
19	Belgium	14
20	Estonia	12
21	Georgia	6

Source: Statista (2021)

Table 1 above shows that among the 21 countries listed by Statista, 12 European countries obtained 50% of their Liquefied Natural Gas (LNG) supply from Russia. The implication of this finding is that an increase or decrease in the supply of Russian gas will have negative consequences on the domestic consumption of LNG in the affected European countries. Similarly, EU member states, namely Germany, Italy, Belarus, Turkey and the Netherlands, are on the top of the list of Russia pipeline gas importers, while the top five Liquefied Natural Gas (LNG) importers are Japan, China, France, Spain and Taiwan.

A critical assessment of the above finding shows that achieving effectiveness in economic sanctions against Russia by most EU member states will be problematic, as a significant number of EU countries that are expected to enforce the US and EU sanctions on Russia heavily depend on Russian pipeline and LNG for their domestic economy. Therefore, any enforcement of sanctions against Russia will lead to a cut or a decrease in gas supply to the EU member states. This also has implications for EU member states: if there is a cut or a decrease in gas supply from Russia during winter when the demand for gas tends to be high in most parts of Europe, the citizens in most of these countries will continue to suffer from intense cold, and most machines that rely on gas will not be able to function effectively due to shortage of gas to power the plant.

However, the nature of vote cast at the United Nations General Assembly for and against Russia invasion of Ukraine shows the level of compliance with sanctions imposed on Russia. This shows that states are driven more by national interest than by collective interest. For instance, the vote at the United Nations General Assembly in 2023 shows that 141 member states out of 193 member states, namely Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei, Bulgaria, Cabo Verde, Cambodia, Canada, Chad, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czechia, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Ecuador, Egypt, Estonia, Fiji, Finland, France, the Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Latvia, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, the Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Montenegro, Morocco, Myanmar, Nauru, Nepal, the Netherlands, New Zealand, Niger, Nigeria, North Macedonia, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea (South Korea), the Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome, Saudi Arabia, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, the Solomon Islands, Somalia, South Sudan, Spain, Suriname, Sweden, Switzerland, Thailand, East Timor, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Turkey, Ukraine, the United Arab Emirates, the United Kingdom, the United States,

Uruguay, Vanuatu, Yemen and Zambia, voted for “unconditional withdrawal” of Russia from the Ukrainian territory (United Nations, 2023).

From the forgoing, it is expected that the above listed countries are expected to support or back any sanctions imposed on Russia when it fails to comply with the United Nations General Assembly Resolution on its “unconditional withdrawal” from the territory of Ukraine. However, the present reality shows that countries such as North Macedonia, Lithuania, Moldova, Bosnia and Herzegovina, Italy, Germany and Latvia just to mention a few that voted for Russia’s “unconditional withdrawal” from the Ukrainian territory arguably voted without considering the implications of their vote on their relationship with Russia that is their largest supplier of LNG and pipeline gas. It can, therefore, be argued that countries that voted for Russia’s withdrawal acted based on the collective interests which the United Nations seek to promote as an international organisation. Therefore, it is argued that sanctions can be made effective in the contemporary era of globalisation when there is collective decision for their enforcement. Again, sanctions are very effective in weakening the economy of developing countries rather than the economy of developed countries.

However, 7 member states were against, namely Belarus, Democratic People’s Republic of Korea (North Korea), Eritrea, Mali, Nicaragua, Russia and Syria. Besides, 35 countries namely Algeria, Angola, Armenia, Bangladesh, Bolivia, Burundi, the Central African Republic, China, the Republic of Congo, Cuba, El Salvador, Ethiopia, Gabon, Guinea, India, Iran, Kazakhstan, Kyrgyzstan, Laos, Mongolia, Mozambique, Namibia, Pakistan, South Africa, Sri Lanka, Sudan, Tajikistan, Togo, Uganda, Uzbekistan, Vietnam and Zimbabwe abstained from the voting process (United Nations, 2023). The implication of the above listed countries’ decision is that they are not in support neither did they approve any sanction against Russia considering the bilateral relationship they have with Russia. It can equally be argued that nations that voted against Russia’s withdrawal from Ukraine acted in line with their national interest and not collective interest which the United Nations arguably stood for as an international organisation. It can equally be argued that in contemporary international relations nations seek to pursue more of their national interest than collective interest. This has posed a significant threat to the values and norms of United Nations. Therefore, some countries such as China, Kazakhstan, Turkiye, the UAE, North Korea, Iran, Belarus, and South Africa have refused to comply with the present United States and EU economic sanctions on Russia

because of their national interest. Thus, sanctions in most cases are wakened by non-compliance by some states who are the enforcers of sanctions.

This takes us to the third question. Do we see that sanctions are an effective tool for the modification of a state behaviour in the international system? It can be argued that sanctions have been used over the years by the League of Nations, the United Nations, the United States, Russia, Britain, France and China among others as their foreign policy tool to influence domestic politics and national security in many countries across the world, especially in Africa, Latin America and Asia. Over the years, sanctions have been an effective tool in the modification of states’ behaviour for many years now. For instance, the United States persuaded its western allies to impose sanctions on Communist states in Eastern Europe through the US Export Control Act of 1949 which prohibited or restricted all commercial exports to Communist states by introducing a licensing system to regulate exports. The act placed absolute restrictions on military equipment that would increase the military capabilities of the communist states.

Another adopted strategy was restriction. In 1951, at the height of the Korean war, the US imposed sanctions on the Soviet Union and its allies passing the Trade Agreements Extension Act withdrawing from all trade concession negotiations with the Soviet Union excluding Yugoslavia. While goods from the Soviet Union were subjected under the Smoot-Hawley tariffs, the United States used legislation to prevent private persons or organisations from accessing credit facilities from the Soviet Union and its allies (Spero et al., 2007). All these sanctions were targeted at restricting Soviet Union’s expansion beyond Eastern Europe, especially the Soviet Union invasion of Afghanistan in 1979. It can be said that the Cold War era was characterised by the use of various forms of sanctions as a tool to modify the behaviour of other states especially in the East-West relations. It was after the Cold War era that there was relaxation in the use of sanctions in the relationship between the East and the West. Nowadays, there is a growing criticism of the use of sanctions as a foreign policy tool. A leading opponent to the use of sanction is Michelle Bachelet, the UN High Commissioner for Human Rights. In her address to the 48th session of the United Nations Human Rights Council, on 16 September 2021, she noted that countries should re-visit the use of sanctions as a foreign policy tool in order to avoid the violation of human rights (Abughris, 2024). In this regard, the concern should be on vulnerable groups such as children, women and people living with disabilities. Michelle Bachelet argued that financial restrictions by banks block the

importation of some basic foods and medical supplies that are key for the sustenance of human lives. She further argued that organisations subject to sanctions in such situations have little or no access to judicial appeal for “liabilities or penalties that are applied against them” (Abughris, 2024).

It is against this background that there is a global call to end the Russian-Ukrainian war considering the negative impact of the war on the global economy and the losses incurred by both Russia and Ukraine from the war in terms of human, material and financial resources. For instance, a survey conducted by an online medium known as Firstpost survey on August 30, 2023, to ascertain the views of Indians on the Russian-Ukrainian war shows that 38% of the respondents are of the view that it was Russia’s fault, 26% of the respondents are of the view that it was America’s fault, 18% of the respondents are of the view that it was NATO’s fault and 10% of the respondents are of the view that it was Ukraine’s fault. The implication of this finding is that based on the responses, Russia was at fault for invading the territory of Ukraine. Similarly, Firstpost survey conducted on August 30, 2023, to find out whether Russians want the war to end shows that 48% of the respondents are of the view that they demand peace talk while 39% of the respondents are of the view that want to the invasion to continue. The import of this finding shows that more Russians support peace talks.

Moreover, it can be argued further that sanctions in itself are a clear violation of human rights and a denial of fair hearing for the affected organisations placed under sanctions. It is equally important to note that, during sanctions, citizens who are innocent of the decision taken by their leaders or who lack the capacity to influence arguably the wrong decisions taken by their leaders end up suffering for what they do not understand or have a fore knowledge of. One of the unintended consequences of sanctions is that it put the citizens under intense pressure on their government to act based on the prevailing external influence on their country, even when it is arguably that such pressure will have negative consequences on the sanctioned country or countries.

In a related work, Abughris (2024) noted that:

the European Court of Human Rights has questioned the legality of targeted UN sanctions and found them to be in breach of key procedural rights enshrined in the European Convention of Human Rights (ECHR) e.g. the right to fair trial (Article 6 of the ECHR) and the right to an effective remedy (Article 13 of the ECHR); see for example, the cases of *Nada v. Switzerland* (Application No. 10593/08, ECHR 2012) and *Al-Dulimi and Montana Management Inc v. Switzerland* (Application No. 5809/08).

From the forging assertion, it is pertinent to note that the use of sanctions as a tool for foreign policy has been opposed by liberal scholars in western societies because of their strong respect for human rights and human freedom. This has been evident in the various litigations before the European Court questioning the legality of the use of sanctions by members of the EU. The implication of the above arguably shows the extent to which sanctions imposed on Russia can be complied with by EU member states. This has arguably kept many EU member states in a state of dilemma, as there are divided opinion on the enforcement of sanctions on Russia, as significant numbers of EU will try to balance between their national interest, respect for human rights and economic benefits derived from Russia gas supply.

On the whole, the effectiveness of sanctions is based on the principle of collective security. In this regard, in the contemporary era of globalisation, especially where global resources are unevenly distributed, nations that are economically endowed, such as China and Russia, suffer less during sanctions than nations that are less economically endowed, such as Mozambique, Mali, Burkina Faso and Chad, just to mention a few. Therefore, considering the interrelatedness of the global economy, sanctions can be averted by some countries with strategic importance to many countries. This explains the relationship between Russia and many EU member countries that depend on Russia’s gas.

5. Conclusions

From the above analysis, it is pertinent to note that sanctions are an ancient foreign policy tool used to ensure that states comply with certain acceptable standards or regulations. It is pertinent to note that when diplomatic means fails and a direct military intervention becomes risky, then sanctions become a viable option. In recent years, sanctions have been used for variety of purposes with various outcome. It is true that sanctions have made a significant number of affected countries retrace their steps or modify their behaviour based on the prevailing norms or rules of engagement. But in recent years, the use of sanctions as a tool for foreign policy especially in influencing the domestic politics and national security of many nations have been subjected to criticisms by some liberal scholars mostly from EU member countries. This has further reopened a long-standing debate on the effectiveness of sanctions as foreign policy tool in the contemporary era of globalisation. It is against this background that this study investigated how sanctions can be made effective in

the contemporary era of globalisation, why it is that some countries have refused to enforce economic sanctions, and whether sanctions are an effective tool for the modification of state behaviour in the international system. Lastly, considering the fact that nations pursue more of their national interest than collective interest, making sanctions an effective tool for the modification of state behaviour is problematic because, no matter how undemocratic a nation can be in the international system, it has some sympathisers. Therefore, sanctions are useful in weakening state capacity in the long run.

6. Recommendations

The United Nations in collaboration with regional and sub-regional organisations should revisit the use of sanctions as a tool for foreign policy, bearing in mind the wellbeing of vulnerable groups such as children, women and people living with disabilities in countries such as North Korea, Syria, Russia.

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