

Restrictive measures: a question of adequacy or a failure of targeted measures?

Failure of
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measures

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Abstract

Purpose – This paper aims to discuss the adequacy of restrictive measures. Providing a synopsis of a global movement toward the imposition of target restrictive measures. Questioning the success of targeted restrictive measures in obtaining behavioural change. Identifying a reversion to the implementation of wide ranging sectoral restrictive measures in an attempt to encourage immediate behavioural change. Accessing the success of using restrictive measures to encourage democratic regimes in Africa.

Design/methodology/approach – This study is a desktop research that examines European Parliament and Council issued Regulations for the jurisdictions of Iran, Russia and Belarus. Academic research is also used in identifying a pendulum swing by global legislatures with respect to the imposition of targeted measures to requiring the imposition of additional wide ranging sectoral measures.

Findings – Targeted measures can be circumvented using non-hostile third countries. Academic research identifies that wide reaching sectoral sanctions encourage regime change. Therefore, where targeted measures fail to give rise to their desired persuasive objectives. The legislator moves to introduce additional measures, also comprising of sectoral sanctions. Sectoral sanctions have been applied by the European Union in Iran, Russia and Belarus. The USA has taken measures to limit Russia ability to use Turkey as a transshipment hub. The African continent case study identifies the importance of creating an architecture founded on upholding positive governance and human rights standards. Failure to do so leads to a revolving system of authoritarian regimes, sanctioned by restrictive measures.

Originality/value – This paper is a desktop review composed by the author.

Keywords Restrictive measures, Financial sanctions, Targeted measures, Sectoral measures

Paper type General review

Introduction

Targeted measures can be impactful. US Department of State reported in 2017 that the “average sanctioned company or associated company loses about one-third of its operating revenue, over one-half of its asset value, and about one-third of its employees relative to their non-sanctioned peers.” (Ahn and Ludema, 2017, p. 3). Questions remain on the effectiveness of imposing any type of measures to encouraging regime change:

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Academic research has shown that sanctions are not only ineffective, but even counterproductive. It has been argued that authoritarian countries do not become more, but less democratic when targeted by sanctions. (Von Soest and Wahman, 2014).

The goal of the imposition of any type of restrictive measure ought to be encouraging behavioural change. To that end the previous finding should be considered alarming. Particularly as the imposition of measures regardless of the measure leads to oppression. Targeted measures will apply across the jurisdictions that implement the measures. Non-hostile countries may in certain circumstances provide shelter for regimes and indeed their government and national enterprise to trade and avoid certain negative effects of the measures imposed. Relatives and close known associated are frequently also targeted by measures. This results in “sham divestment,” i.e. unrelated individuals, used as title holders. This can result in extensions to the timeline of negative effects as a result of the imposition of the targeted measures.

Turkey provides a recent example for the aforementioned. Manolis Kefalogannis (MEP) recently outlined to the European Commission:

Turkey is refusing to participate and has become a ‘transit hub’ for Russia, enabling the economic blockade to be circumvented [...]. A large number of Russian companies have opened branches in Turkey and are cooperating with Turkish counterparts that provide a front for their import activities. The number of companies with Russian capital located in Turkey quadrupled in the first eight months of 2022, with exports to Russia up by 43% and imports from it by around 125%.

(Parliamentary question | Turkey’s refusal to go along with sanctions on Russia and its transformation into a Russian ‘transit hub’ | E-003495/2022 | European Parliament (europa.eu), accessed 10 November 2023).

Encouraging behavioural change in such circumstances can be difficult. Questions such as “will imposing additional restrictive measures on perceived on hostile countries result in additional trading between both countries?” were posed. Potentially creating difficulties in encouraging diplomatic resolution to the ending of trade between these countries or encouraging enhanced cooperation to identify circumvention measures used by the regime leader and their subordinates. The alternative view is perhaps extensive diplomatic efforts have failed to provide the required agreements to provide enhanced cooperation. Recently, the USA has moved to impose sanctions on non-hostile trading partners of Russia. Turkey remains a testament to the previous. [Executive Order 14024 \(2021\)](#) of April 15 (Federal Register Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation accessed 10 November 2023) provided a platform for sanctioning third party individuals, entities and regimes thought to have:

Materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of any activity or to be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following for or on behalf of, or for the benefit of, directly or indirectly, the Government of the Russian Federation.

As it relates to:

- (1) malicious cyber-enabled activities;
- (2) interference in a US Government or other foreign government election;
- (3) actions or policies that undermine democratic processes or institutions in the USA or abroad;
- (4) transnational corruption;
- (5) assassination, murder or other unlawful killing of, or infliction of other bodily harm against, a US person or a citizen or national of a US ally or partner;

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- (6) activities that undermine the peace, security, political stability or territorial integrity of the USA, its allies or its partners; and
 - (7) deceptive or structured transactions or dealings to circumvent any US sanctions, including through the use of digital currencies or assets or the use of physical assets:
 - (a) to be or have been a leader, official, senior executive officer or member of the board of directors of:
 - the Government of the Russian Federation;
 - an entity that has, or whose members have, engaged in materially assisting sponsoring, or providing financial, material or technological support for, or goods or services to:
 - Any person whose property and interests in property are blocked pursuant to Executive Order 14024.

As eluded to earlier, academic research identifies that regimes targeted by measures tend to engage in repressive behaviour against their subjects (Von Soest and Wahman, 2014). The difficulty for legislators remains encouraging behavioural change, while attempting to balance oppressive measures that will be implemented by regime leaders as a result of measures imposed; as against potential to create poverty and starvation as a result of implementation of wide-reaching sectoral measures. While attempting to balance the practical confinements of their operation. As targeted measures can be and are circumvented through utilisation of non-hostile third countries.

Implementing targeted measures against non-hostile third countries can be counterproductive. Economic considerations for the targeted regimes and their national enterprises; that is to say negative implications for the regime and their enterprises results in ideological shifts towards engaging in behaviour that results in the relaxation of measures imposed:

In authoritarian states targeted by democratic sanctions, authoritarian leaders are more likely to lose power and countries are more likely to change their basic political institutions. Such institutional changes do not necessarily lead to a fully-fledged liberal democracy, but often open up to increased civilian political control or multiparty elections. (Von Soest and Wahman, 2014).

This article will therefore engage in discourse relating to the adequacy of restrictive measures. Providing a synopsis of a global movement toward the imposition of target restrictive measures. Questioning the success of targeted restrictive measures in obtaining behavioural change. Identifying a reversion to the implementation of wide ranging sectoral restrictive measures in an attempt to encourage immediate behavioural change. Examining the success of restrictive measures in replacing an authoritarian regime for a democratic regime. Drawing on their success in the African context. While highlighting the expanding imposition of sectorial sanctions as they relate to Iran, Russia and Belarus.

Restrictive measures as a tool for encouraging democracy: the African synopsis

The creation of the African Union (“AU”) in 2002 provided the European Union with renewed vigour in their efforts to create a continent that would uphold human rights standards and democratic values. The AU is a pancontinental intergovernmental organisation, in which ultimate decision-making power belongs to its members, represented by the heads of state and government in the AU Assembly, the supreme body of the Union. The Assembly strives to be consensual, but in the absence of consensus decisions can be taken by a two-thirds majority of its members. [African Union instruments to protect human rights and democracy (europa.eu) accessed on 10 November 2023].

The AU and the African Charter on Human and Peoples' Rights, seeks to "promote democratic principles and institutions, popular participation and governance and to protect human and people's rights in accordance with Charters and their principles." (*African Union instruments to protect human rights and democracy (europa.eu)* accessed on 10 November 2023). It has been identified that while AU's Peace and Security Council "have good capacity to adopt targeted sanctions against unconstitutional changes of government but less so when it comes to responding to violent armed conflicts." (Eriksson, 2010, p. 4).

While the AU remains a positive step in attempts to secure the upholding of international standards relating to democracy and human rights. Education remains a key challenge in providing democratic leadership in Africa. Drawing on use cases of Sudan, Zimbabwe and Algeria autocratic leaders were the subject of regime changes. Identified as classic coupe, all incumbents were ousted by their internal regime apparatus. Previously loyal supporters of the regime (Carboni and Raleigh, 2021). The aforementioned use cases highlighted a reoccurring theme that the ousted regime leader was spurred by the process of fractionalisation in a political coalition preceding the crisis (Carboni and Raleigh, 2021). Identifying the need to educate leaders and senior elites as to regime composition, cooperation and crisis (Carboni and Raleigh, 2021).

Targeted measures implemented by the AU's Peace and Security Council include, "travel bans, restriction of government-to government contacts, asset freezes, trade restrictions and denial of transport and communications links with other member states." (Eriksson, 2010, p. 67). The European Union continues to impose targeted measures in the Democratic Republic of Congo ("DRC"). Specifically, against legal persons, entities and bodies (Council Regulation (EC) No 1183/2005, 2005, p. 43), "obstructing a consensual and peaceful solution towards elections in the DRC, including by acts of violence, repression or inciting violence or by undermining the rule of law." (Council Regulation (EC) No 1183/2005, 2005, p. 4).

The Union also continues to impose targeted measures against certain individuals in Guinea. By means of prohibiting the making available of "funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities or bodies listed in Annex II." (Council Regulation (EC) No 1183/2005, 2005, p. 3). With a further example remaining Guinea-Bissau whereby, the Union imposed:

[...] restrictive measures against Guinea-Bissau were introduced on 3 May 2012. Travel restrictions and an asset freeze were imposed targeting those who sought to prevent or block a peaceful political process or who took action that undermined stability in the Republic of Guinea-Bissau. (EU Sanctions Map accessed 10 November 2023).

For general purposes the following definitions should be noted:

"Freezing of funds" means:

Preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management. (Council Regulation (EU) No 377/2012b, 2012b, p. 2).

"Economic Resources" means:

Assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services. (Council Regulation (EU) No 377/2012b, 2012b, p. 2).

"Freezing of Economic Resources" means:

Preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them. (Council Regulation (EU) No 377/2012b, 2012b, p. 2).

“Technical Assistance” means:

Means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; including verbal forms of assistance. (Council Regulation (EU) 267/2012a, 2012a, p. 6).

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The African synopsis: a success story?

Despite the creation of the AU, academic literature points to a current need to educate leaders and senior elites as to regime composition, cooperation and crisis (Carboni and Raleigh, 2021). This points to concerns in relation to the implementation of democratic regimes within the African continent. As to the question of whether target sanctions from the perspective of the AU and the Peace and Security Council have been successful Eriksson reported:

“Given the lack of infrastructure, targeted sanctions are not that easily enforced especially not so in the Africa setting [. . .]. there is a risk that the AU will fall into political blasé and react with instinct as opposed to well-planned and carefully thought-through goals and benchmarked policies. This type of laissez-faire attitude however, risks undermining the entire sanctions policy of the AU.” (Eriksson, 2010, pp. 67-68).

The European Union continue to impose targeted restrictive measures against legal persons, entities and bodies that attempt to undermine positive democratic and human rights standards in Africa. The use cases of the Democratic Republic of Congo, Guinea, Haiti and Guinea-Bissau remain testament to the previous. Specifically, through the imposition of trade embargos (weapons and technology) and restrictions on accessing economic resources for persons and bodies who seek to undermine positive democratic and human rights standards.

Despite perhaps applaudable efforts in creating democratic governance standards through the creation of the AU and the African Charter on Human and Peoples’ Rights. Extensive concerns remain as to the ability for individual African nations to root out corruption and authoritarian regimes. The United Nations Security Council meeting in 2022 negatively identified:

COVID-19 pandemic, corruption and non-inclusive planning and budgeting – that hinder African countries’ ability to provide effective, efficient public services [. . .] that a scorecard on Africa’s governance, peace and security performance has mixed results [. . .]. clear, objective, just planning and monitoring systems and policy frameworks are needed.” (Amid Mixed Results for Africa’s Effective Governance, Peace, Security, Speakers in Security Council Spotlight Ways to End Violence, Build Capacity for Growth | UN Press accessed 10 November 2023).

Although positive connotations were also provided at the security council meeting, such as:

“The Government of the Central African Republic has prioritized the fight against impunity, including convening criminal sessions and the creation of a rapid response unit to investigate sexual and gender-based violence [. . .]. Rwanda’s delegate cited Gacaca Jurisdiction handled over 1.6 million cases of genocide perpetrators in 10 years [. . .]. African regions have shown greater interest in working with the Commission to expand and strengthen their capacities for peacebuilding and sustaining peace. (Amid Mixed Results for Africa’s Effective Governance, Peace, Security, Speakers in Security Council Spotlight Ways to End Violence, Build Capacity for Growth | UN Press accessed 10 November 2023).

Restrictive measures act as tool of persuasion. Targeted measures require international cooperation to be effective. The European Union regards targeted measures as a legal means of providing disapproval at individuals and bodies engaged in efforts to undermine positive

democratic and human rights standards. As identified at the inception of this segment the challenge remains providing democratic solutions to authoritarian regimes. Whilst attempting not to potentially create an environment of poverty and starvation by targeting regimes with wide ranging sectoral sanctions. In instances whereby targeted measures fail to have their desired persuasive effects in encouraging behavioural change. African regimes historically result in one military authoritarian regime replaced by another (Carboni and Raleigh, 2021). Education on successor regimes in upholding positive democratic and human rights standards is the key challenge in avoiding future implementation of restrictive measures across the African continent.

Iran: imposition of measures and the adequacy of targeted measures

The most recent instance of the European Union using restrictive measures against Iran contains a mixture of sectoral and targeted measures. More specifically, the legislative mechanism prohibits the:

“sell or to sell, supply, transfer or export, directly or indirectly, goods and technology which might contribute to Iran’s capability to manufacture Unmanned Aerial Vehicles (“UAVs”) as listed in Annex II, whether or not originating in the Union, to any natural or legal person, entity or body in Iran or for use in Iran.” (Council Regulation (EU) 2023/1529b, 2023b, p. 3).

The measure also contains additional prohibitions which include providing technical assistance, brokering services or other goods and technologies as they relate to UAV’s; the provision of financing or financial assistance related to the goods and technologies of UAV’s, for any sale, supply, transfer or export of those goods and technologies, or the provision of related technical assistance, brokering services or any other services, directly or indirectly to any natural person, entity or body in Iran or for use in Iran; to sell, licence or transfer in any other way intellectual property rights or trade secrets as well as grant rights to access re-use any material or information protected by means of intellectual property rights of which constitute trade secrets related to the goods and technology as they apply to UAV’s and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Iran or for use in Iran. (Council Regulation (EU) 2023/1529b, 2023b, p. 3).

For European purposes trading with Iran for the purpose of export provisions relating to uranium mining and the productions of nuclear materials. A legislative obligation to apply and receive prior authorisation to engage in certain trading applies. This requirement capture is inclusive of the making loans or credit available to a person, entity or body for the purposes of purchase, import or transport from Iran of goods, technologies (Nuclear materials, facilities and equipment) whether originating from Iran. (Council Regulation (EU) 2023/1529b, 2023b p. 6). The sale supply, transfer or export of “technology” which is “required” for the “development”, “production” or “use” of goods the sale, supply, transfer or export of Nuclear materials, facilities and equipment whether originating in the Union, to any Iranian person, entity or body or for use in Iran (Council Regulation (EU) 2023/1529b, 2023b, p. 141). Inclusive of or for the provision of financing or financial assistance related to goods and technology aforementioned. Including in particular grants, loans and export credit insurance for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services, directly or indirectly, to any Iranian person, entity or body, or for use in Iran; requires prior authorisation on a case-by case basis (Council Regulation (EU) 2023/1529b, 2023b, p. 10).

Targeted measures against certain individuals, entities and bodies are also evident in measures implemented within the Union. An example being “All funds and economic

resources belonging to, owned, held or controlled by the persons, entities and bodies listed in Annex IX shall be frozen. Annex IX shall include the natural and legal persons, entities and bodies who, in accordance with Article 20(1)(b) and (c) of Council Decision 2010/413/CFSP, have been identified as;” ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 17):

- “Being engaged in, directly associated with, or providing support for Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems by Iran, including through involvement in the procurement of prohibited goods and technology, or being owned or controlled by such a person, entity or body, including through illicit means, or acting on their behalf or at their direction.” ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 17).
- “Being a natural or legal person, entity or body that has evaded or violated, or assisted a listed person, entity or body to evade or violate, the provisions of this Regulation, Council Decision 2010/413/CFSP or UNSCR 1737 (2006), UNSCR 1747 (2007), UNSCR 1803 (2008) and UNSCR 1929 (2010).” ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 17).
- “Being a member of the Islamic Revolutionary Guard Corps (“IRGC”) or a legal person, entity or body owned or controlled by the IRGC or by one or more of its members, or a natural or legal person, entity or body acting on their behalf, or a natural or legal person, entity or body providing insurance or other essential services to IRGC, or to entities owned or controlled by them or acting on their behalf.” ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 17).
- “Being other persons, entities or bodies that provide support, such as material, logistical or financial support, to the Government of Iran and entities owned or controlled by them, or persons and entities associated with them.” ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 17).
- “Being a legal person, entity or body owned or controlled by the Islamic Republic of Iran Shipping Lines (“IRISL”), or a natural or legal person, entity or body acting on its behalf, or a natural or legal person, entity or body providing insurance or other essential services to IRISL, or to entities owned or controlled by it or acting on its behalf.” ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 17).

The Iranian synopsis: a success story?

The European Union has chosen to embark on attempts to strengthen diplomatic ties with Iran. The relaxation of the complete prohibition on trading materials that lead to nuclear capabilities is apparent. ([Council Regulation \(EU\) 2023/1529b, 2023b](#)). That said the Union is not immune from imposing prohibitions on certain individuals and sectors for engaging in behaviours that undermine peace and security ([Council Regulation \(EU\) 2023/1529b, 2023b](#), p. 3), and the upholding of positive governance and human rights standards. ([Council Regulation \(EU\) 2023/1529b, 2023b](#)). Ukrainian security concerns may result in the reimposition of general prohibitions on trading with Iran, for the purposes of nuclear capability enhancement. European foreign policy in relation to the previous are likely develop as data in relation to trading between Iran and Russia becomes available. The Union were swift to impose restrictive measures against UAV’s due to Iranian transfer of military drones to Russia ([Eslami, 2022](#)). Iranian national domestic policies are unlikely to be the subject of a pendulum shift in the short-term ([Sorokin, 1937](#)). Accordingly European developments with respect to restrictive measures and their applicability to Iran are worth monitoring.

Russia: imposition of measures and the adequacy of targeted measures

Russia's fundamental breach of Ukrainian sovereignty has resulted in the imposition of restrictive measures by the European Union. The package includes both targeted and restrictive measures. Military materials, raw materials, materials and technologies that might be harvested for military purposes. Or might enhance technological capabilities, commonly referred to as "dual use goods" are prohibited:

"It shall be prohibited to sell, supply, transfer or export, directly or indirectly, dual-use goods and technology, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia." (Council Regulation (EU) No 833/2014a, 2014a; Council Regulation (EU) No 833/2014b, 2014b, p. 3.)

Technological restrictions also apply to the marine, aerospace and oil and gas commodity sectors. (Council Regulation (EU) No 833/2014b, 2014b).

Weapons and munitions restrictions also apply:

It shall be prohibited to sell, supply, transfer or export, directly or indirectly, firearms, their parts and essential components and ammunition [...]. The transit via the territory of Russia of firearms, their parts and essential components and ammunition. (Council Regulation (EU) No 833/2014b, 2014b, p. 13.)

Wide ranging sectoral economic trade embargos can also be evidenced: "It shall be prohibited to provide public financing or financial assistance for trade with, or investment in, Russia" (Council Regulation (EU) No 833/2014b, 2014b, p. 16).

Further economic embargos in the form of commodity trade embargos are currently *in situ*: "It shall be prohibited to purchase, import, or transfer, directly or indirectly, goods which generate significant revenues for Russia thereby enabling its actions destabilising the situation in Ukraine." (Council Regulation (EU) No 833/2014b, 2014b, p. 31). Although derogations to the previously mentioned are in place until 30 June 2024 for 752,475 metric tonnes for commodities falling under CN code 2803 and 562,973 metric tonnes for goods falling under CN code 4002. (Council Regulation (EU) No 833/2014b, 2014b, p. 32). Further evidence of wide-ranging sectoral sanctions can be evidenced in the legislative instruments prohibition on the:

[...] sell, supply, transfer or export, directly or indirectly, goods which could contribute in particular to the enhancement of Russian industrial capacities [...] to any natural or legal person, entity or body in Russia or for use in Russia. (Council Regulation (EU) No 833/2014b, 2014b, p. 33).

Targeted measures relating to the prohibitions of the making available of economic resources, the provision of technical assistance and the freezing of funds and economic resources for individuals, entities and bodies can also be evidenced in measures implemented by the Union against Russian regime, close known associates and industries. (Council Regulation (EU) No 833/2014a, 2014a, Annex I, p. 17).

Individuals captured on this list include the following (Council Regulation (EU) No 833/2014a, 2014a):

- Russia's President, Vladimir Putin;
- Russia's Minister for Foreign Affairs, Sergey Lavrov;
- Former President of Ukraine, Viktor Yanukovich;
- Members of the Russian State Duma (the lower house of parliament);
- Members of the National Security Council;
- Members of the Federation Council of the Russian Federation;
- Ministers, governors and local politicians, such as the mayor of Moscow;

- High-ranking officials and military personnel;
- Yevgeny Prigozhin and commanders of the Wagner group;
- Prominent businesspeople and oligarchs; and
- Pro-Kremlin and anti-Ukrainian propagandists.

The list of entities includes as follows:

- Banks and financial institutions, examples include:
 - Sberbank;
 - Novikombank;
 - Promsvyazbank;
 - Sovcombank;
 - Bank Rossiya;
 - VTB Bank;
 - Bank Otkritie; and
 - Credit Bank of Moscow.
- Companies in the military and defence sectors.
- Companies in the aviation, shipbuilding and machine building sectors, examples include:
 - United Shipbuilding Corporation;
 - United Aircraft Corporation; and
 - OPK Oboronprom.
- Armed forces and paramilitary groups.
- Political parties.
- The movement ‘All-Russia People’s Front.
- Media organisations responsible for propaganda and disinformation, examples include:
 - Russia Today;
 - Rossiya RTR;
 - RTR Planeta;
 - Russia 24;
 - TV Centre International;
 - Pervyi Kanal;
 - Sputnik Arabic; and
 - RT Balkan.
- The Wagner Group, a Russia-based private military entity.
- RIA FAN, a Russian media organisation.
- Energy Sector examples include:
 - Gazprom NEFT; and
 - Rosneft.

According to the European Commission, since February 2022, the EU has banned over €43.9bn in exported goods to Russia and €91.2bn in imported goods. This means that 49% of exports and 58% of imports are currently sanctioned, compared to 2021 (EU sanctions against Russia explained – Consilium (europa.eu) accessed 10 November).

The Russian synopsis: a success story?

Geopolitical tensions with Russia will likely remain until such time as a resolution to their incursion into Ukraine is brought into fruition. European societal dependencies on Russian oil and gas supplies have created a situation whereby complete withdrawal from their consumption is yet to have been achieved. With a June 2024 deadline, the European Union will be aiming to ensure that its achievement will bring to an end the Union indirectly financing Russia's military efforts in Ukraine. Turkey remains a friendly economic trading partner for the Russian state. Allowing for potential relief from targeted measures applied to individuals, entities and bodies and their close known associated from measures implemented by the European Union and the USA. Although, as noted in the introduction the USA have implemented measures targeting the Turkish nexus. The Russian case study provides a timely reminder of the wide-ranging sectoral sanctions that can be applied by the Union in seeking to economically impact a nation their regime and industries in efforts to encourage behavioural change.

Belarus: imposition of measures and the adequacy of targeted measures

The European Union views Belarus and its regime as having and continuing to engage in efforts to undermine positive democratic and human rights standards. Accordingly targeted and sectoral measures have been implemented by the Union against this regime. Internal oppression remains a key concern. Also apparent in the measures implemented by the Union:

It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression whether or not originating in the Union, to any person, entity or body in Belarus or for use in Belarus. (Council Regulation (EC) No 765/2006a, 2006a, p. 8).

This extends to general prohibitions in engaging in military trade with Belarus:

It shall be prohibited to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List of the European Union (I) ('Common Military List'), or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in Belarus or for use in Belarus. (Council Regulation (EC) No 765/2006a, 2006a, p. 8).

Wide ranging sectoral prohibitions have also been necessary, "it shall be prohibited to provide public financing or financial assistance for trade with, or investment in, Belarus." (Council Regulation (EC) No 765/2006a, 2006a, p. 26; Council Regulation (EC) No 765/2006b, 2006b). Although, caveats to the aforementioned are in existence. Examples of which are the following:

The provision of public financing or financial assistance up to the total value of EUR 10 000 000 per project benefiting small and medium-sized enterprises established in the Union or the provision of public financing or financial assistance for trade in food, and for agricultural, medical or humanitarian purposes. (Council Regulation (EC) No 765/2006a, 2006a, p. 26).

For general purposes it is worth noting that these provisions do not apply to "binding financing or financial assistance commitments established prior to 10 March 2022."

Targeted measures relating to the prohibitions of the making available of economic resources, the provision of technical assistance and the freezing of funds and economic resources for individuals, entities and bodies can also be evidenced in measures

implemented by the Union against the Belarusian regime, close known associates and industries. For example:

[...] it is “prohibited to accept any deposits from Belarusian nationals or natural persons residing in Belarus, or legal persons, entities or bodies established in Belarus, if the total value of deposits of the natural or legal person, entity or body per credit institution exceeds EUR 100 000. (Council Regulation (EC) No 765/2006a, 2006a; Council Regulation (EC) No 765/2006b, 2006b, p. 27).

Although the previously mentioned does not apply in instances *whereby* “deposits which are necessary for non-prohibited cross-border trade in goods and services between the Union and Belarus.” (Council Regulation (EC) No 765/2006a, 2006a, p. 27).

There is also evidence of the Union targeting the Regime commander (Council Regulation (EC) No 765/2006b, 2006b, p. 1), its senior figure heads (Decision 2012), relatives and close known associates (Decision 2023). More generally the measures target prominent figures in the political leadership, judicial branch and economic actors, including [EU restrictive measures against Belarus – Consilium (europa.eu) accessed 10 November] the following:

- President Aleksandr Lukashenko;
- Viktor Lukashenko, National Security Advisor and son of President Lukashenko;
- Propaganda outlets;
- Senior officials of the ministry of the interior and its troops;
- The Chair of the Council of the Republic of the National Assembly of Belarus;
- The Prosecutor General; and
- The Chairman of the national state television and radio company.

The Belarusian synopsis: a success story?

The Union can evidence the implementation of measures against the Belarusian regime from as early as 2004. Despite a relaxation of measures in 2016, measures have been reimposed by the Union, largely due to the regime engaging in behaviours that undermine sovereignty, positive democratic principles and human rights standards [EU restrictive measures against Belarus – Consilium (europa.eu) accessed 10 November 2023]. The Union is reverting to a system whereby they impose ever increasing sectorial sanctions against this regime (Miadzvetskaya and Challet, 2022). Despite extensive diplomatic efforts the Regime continually engage in efforts deemed repugnant to generally accepted international standards. As earlier identified targeted measures may be circumvented by utilisation of non-hostile third country trading partners. The Belarusian case study provides a timely reminder of the wide-ranging sectoral sanctions that can be applied by the Union in disapproval of a regime, their industries and bodies.

Conclusion

Targeted measures are generally a first stage *modus operandi* used in attempts to not compound the suffering of regime subjects. These measures are frequently circumvented using non-hostile third countries. Which in turn requires legislators to impose sectoral sanctions in efforts to encourage internal disapproval at actions undertaken by the regime. Russia and Belarus remain a testament to the previous from a European prospective. Turkey providing untimely reminder of practical transshipping circumvention opportunities. International disapproval of negative governance and human rights standards is required.

War should remain a measure of last resort. Targeted measures in certain instances fail to give rise to desired behaviour change for the reasons previously mentioned. Restrictive measures are not inadequate. Economies are targeted widely targeted by sectoral sanctions. Their effects can be profound on the targeted regime and its subjects. Although, the African continent case study identifies the importance on creating an architecture founded on upholding positive governance and human rights standards. Failure to do so leads to a revolving system of authoritarian regimes, sanctioned by restrictive measures.

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