

The High Level Review of UN Sanctions: Implications for EU Non-proliferation Sanctions

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The importance of sanctions in EU non-proliferation policy

Sanctions have become the principal instrument of the CFSP, despite the fact that other tools such as CSDP missions have received more attention (Cardwell 2014; Portela 2016). Yet, there is a mismatch between the prominent role played by sanctions in EU foreign policy - specifically in non-proliferation - and the importance EU strategy documents ascribe to it.

The Global Strategy of June 2016 mentions sanctions three times, always in combination with diplomacy: “A stronger Union requires investing in all dimensions of foreign policy (...) from trade and sanctions to diplomacy and development” (p.47); “long-term work on pre-emptive peace, resilience and human rights must be tied to crisis response through (...) sanctions and diplomacy” (p.51). Sanctions are portrayed as instruments of peace: “Restrictive measures, coupled with diplomacy, are key tools to bring about peaceful change.” (p.32).

While the term “non-proliferation” appears as many as eight times in the document, we do not find any reference to sanctions in connection to proliferation – not even when mention is made of the Iranian nuclear file: “The proliferation of weapons of mass destruction and their delivery systems remains a growing threat to Europe (...) We will use every means at our disposal to assist in resolving proliferation crises, as we successfully did on the Iranian nuclear programme” (p.41-2).

This contrasts with the prominence of sanctions in EU non-proliferation policies. Thanks to the employment of sanctions, the EU is now recognised as a non-proliferation actor. In the diffusion of proliferation crises, it is the increasingly resolute use of sanctions that reflects the maturity of EU policy in the field (Portela 2015).

The use of sanctions by the EU is closely connected to that of the US as the main sender of sanctions worldwide and the leader of non-proliferation. Yet, despite US pressure, the EU was initially reluctant to employ sanctions to address both the Iranian and North Korean nuclear crises. Once the UN imposed mandatory measures, the EU gave up its reluctance: It did not only give effect to UN sanctions, but also it also implemented its own autonomous measures beyond the requirements of UN resolutions. Thus, the UN Security Council’s condemnation of the North Korean and Iranian proliferation efforts facilitated the EU’s employment of sanctions to address them. This facilitating effect is visible in the fact that the EU wielded sanctions to advance non-proliferation objectives for the first time in these two instances. Sanctions had not been part of its reaction to previous proliferation crises (Portela 2015).

While non-proliferation sanctions constitute only a small fraction of overall EU sanctions practice; they enjoy a great deal of visibility. We find ourselves in front of an instrument that has become key in addressing non-compliance with non-proliferation obligations. Yet, the EU currently lacks capacity for the planning, monitoring and assessment of its own sanctions regimes (Vries et al. 2014). Adequately **reflecting the importance of sanctions in EU non-proliferation efforts in key strategy documents** such as the Global Strategy would highlight the need to **better equip the EU with analytical capacity to design its sanctions policy.**

[The High Level Review on UN Sanctions: Implications for the EU](#)

In terms of sponsorship, there is a clear continuity with the Sanctions Reform Process that gave shape to the concept of smart sanctions (Biersteker et al. 2005). Two of the sponsors of the Sanctions Reform Process, Sweden and Germany, alongside two other European countries, Finland and Greece, joined forces with Australia to convene the High Level Review of UN Sanctions. The fact that four out of five sponsors of the review were EU members underlines the EU's interest in refining the instrument of sanctions and optimising their use. An important difference is that the High Level Review aimed at improving implementation by optimising UN internal co-ordination as well as co-operation with external actors. The review identifies agencies with which are ready to co-operate, like the Financial Action Task Force, or reluctant to do so, such as the International Atomic Energy Agency.

While the High Level Review mostly addresses issues of intra-agency co-ordination, it often makes reference to the role of regional organisations. Two implications of the High Level Review for the EU can be advanced:

Firstly, the EU could **share its know-how in implementing UN sanctions**. Given that the EU has a vast experience as an 'implementing agency' of UN sanctions at the regional level, it could consider helping other regional arrangements building up their capacity for sanctions implementation. Such policy would dovetail with the EU's external promotion of regional integration through regional integration assistance programmes.

Secondly, it could **explore potential or actual complementarities between UN and regional sanctions**. This discussion was omitted from the High Level Review despite the increasing importance of regional organisations as sanctions senders (Charron and Portela 2015; Borzyskowski and Portela 2016). The background to this omission is some UN members' condemnation of sanctions imposed outside the framework of the UN Security Council. As a result, the existence of these parallel practices, their interconnections, and the implications they have for each other remain largely unexplored. As a leading sanctions sender, the EU could consider producing - or commissioning - its own study on the relationship between UN and EU sanctions to address this knowledge gap.

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