



sanctions in europe

By WorldECR, the journal of export controls and sanctions

Foreword

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Economic sanctions are in vogue; they make the headlines most days. Sanctions have a long history. They are usually dated back to a decree of the ancient Athenian general Pericles in 432BC. But contemporary economic sanctions of the kind described in this book are a 21st century instrument.

Only in the past few decades have economic sanctions been imposed in peacetime rather than as wartime trade embargoes. Now sanctions are regarded as a preferable alternative to the kinetic use of force; a welcome tool between words and war. This book does not delve into the complex issue of whether sanctions are effective, and if so what kind of sanctions, what they can achieve, where, when and how. It is a practical guide as to how sanctions operate in different jurisdictions in Europe, written by experienced local experts.

Modern economic sanctions capitalise on the globalised world of international commerce. One of their aims is to inflict economic harm by restricting access to funds and economic resources, to financial and banking services. The United States of America in particular now actively enforces sanctions as a tool of worldwide economic and trade war, boldly harnessing the global power of the dollar. Foreign policy, national security, trade and economic policy and international relations are all in play in the fast-moving, controversial and unpredictable world of sanctions in 2020.

The innovation of list-based 'smart' sanctions was an attempt to make sanctions fairer and reduce their collateral damage by, in theory, targeting those said to be 'responsible' for a particular conduct or policy. This brings the fundamental rights of those targeted head to head with some noble policy goals. Law and politics have clashed in court in sanctions litigation around the world. The result has been some reform of what was rightly described as a Kafka-esque listing process, and some recognition that basic standards of fair process are appropriate if far-reaching restrictions are imposed on individuals. But the system of targeted sanctions is far from perfect, in particular at the United Nations which provides a review mechanism for only one of its sanctions regimes.

This book focuses on sanctions in Europe, where the European Union imposes sanctions as part of its Common Foreign and Security Policy. EU sanctions remain significant, including new chemical weapons and cyber sanctions regimes. But they sometimes lack clarity and effective enforcement and might benefit from a responsive European sanctions agency to engage with and assist those tasked with implementing them.

There is a chapter for each EU Member State, explaining how each implements EU sanctions in law and in practice; the responsible agencies, the conduct of investigations, the grant of licences, the domestic record of sanctions investigation and enforcement. There are chapters also on some non-EU states in

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Europe; some (like Norway) align themselves with EU sanctions, others sometimes diverge (Switzerland).

Contemporary international sanctions are a tangled web of multiple overlapping and sometimes divergent regimes. Some states even prohibit compliance with the sanctions of another, via blocking legislation and counter-sanctions. Sanctions are as volatile as politics. As this book goes to print, the future of the Iran nuclear deal is precarious. And the United Kingdom, once the lead in the pencil of European sanctions, is leaving the European Union and for the first time drawing up its own sanctions, whose direction and alignment are uncertain. Books gathering essential information across these different jurisdictions are very welcome.

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January 2020

Reprinted from **Sanctions in Europe**

Published by *WorldECR*, the journal of export controls and sanctions

www.worldecr.com