PART II

LEGALITY, LEGITIMACY, AND ACCOUNTABILITY

OVERVIEW

Chapter 13, "An Overview of Some Legal Issues Concerning Unilateral Sanctions," Pierre-Emmanuel Dupont
While states may generally choose with whom they wish to engage as trade partners, there are nonetheless limitations on whether and how states may exert economic pressure unilaterally. There may be limits where such measures violate the principle of nonintervention, or when they have extraterritorial reach engaging third countries. This chapter looks at these issues in the context of treaties and customary law. It also looks at judicial and other venues where unilateral coercive measures (UCMs) have been challenged.

Chapter 14, "Unilateral Sanctions and Emerging Issues of International Human Rights Law," Alena F. Douhan
This chapter addresses some of the many ways that UCMs run counter to international human rights law. Such measures may directly compromise the human rights to health, education, economic and social rights, and the right to development. Listings of individuals regularly run counter to the right to due process. Most recently these measures have compromised internet access, which in turn undermines access to many essential services. UCMs may also indirectly compromise human rights, and harm vulnerable populations, when these measures are extraterritorial or result in overcompliance.

Chapter 15, "A Global Analysis of Economic Sanctions and Civil Society Participation in Target Countries," Dursun Peksen
It is well known that economic sanctions do not have a high likelihood of success in regard to compliance in many situations, including where the stated purpose is to address repression and human rights violations on the part of the

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target state. But sanctions may also result in increased repression, and undermine civil society, dissent, and public accountability. This has implications not only for the effectiveness of sanctions but also for their legitimacy as a tool of global governance and foreign policy.

Chapter 16, "Hurting Your Own Allies: The Impact of US Sanctions on Venezuela and the Fracturing of the Wrong Coalition," Benedicte Bull and Antulio Rosales
There are also questions of legitimacy with regard to the US sanctions imposed on Venezuela. Although US sanctions were intended to put pressure on the Maduro government, they have contributed to both its economic and social crisis. While they were framed as measures to ensure human rights, and then later to support regime change, US sanctions have undermined the country's business sector, created political divisions among those opposing the government, and contributed indirectly to the Maduro government's consolidation of power.

Chapter 17, "Walking a Diplomatic Tightrope: The US and South Korea's Sanctions against Iran," Deokjun Ha
In the sanctions literature, it has often been said that multilateral sanctions have greater legitimacy than unilateral measures, based on the premise that multilateral sanctions reflect the views of the broader international community. However, as this chapter shows, joining a sanctions alliance does not necessarily reflect agreement. This chapter demonstrates how South Korea was pressured by the US, its major economic and political ally, to impose sanctions against Iran, despite the singular and longstanding friendship between South Korea and Iran.

Chapter 18, "A Private-Sector Perspective on the Sanctions-Industrial Complex," Nicholas W. Turner
While states and institutions of global governance are the entities that impose sanctions, to a large extent it falls to the private sector to implement them. Corporations, nonprofit organizations, and other private actors in turn are subject to legal and financial pressures, and may respond not only by complying with regulations but also by "overcomplying" and terminating even legal business relations. This has significant consequences for civilian populations, particularly in the Global South. Because sanctions implementation is, in a sense, outsourced to the private sector, it is difficult to show where responsibility lies; and the damage done can elude accountability.

Chapter 19, "US Treasury Department Blacklisting and the Barriers to Delisting," Erich Ferrari
Due process rights entail the right of an individual to know clearly what the law requires, to be informed of accusations against them, to have access to the evidence upon which the accusations are based, and to have the opportunity to

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respond to the allegations and the evidence. However, under US law, "Specially Designated Nationals" (SDNs) may be subjected to severe financial and other restrictions, imposed by the U.S. Treasury Department's OFAC, with few legal protections and little accountability.

Chapter 20, "Caught in the Crosshairs of Sanctions and Anti-money Laundering Measures: Informal Value Transfer Systems and Civil Asset Forfeiture," Rachel Barnes KC and Ryan Dowding
As banks increasingly withdraw services to those with ties to sanctioned countries, many of those in need of financial services – such as migrants seeking to send remittances to family members in their home country – turn to organizations that transfer value rather than funds. However, US and UK authorities consider these entities to be at higher risk of involvement with fraud or money laundering. The assets of customers as well as the IVTS may be seized in a civil process, with potentially devastating financial consequences, on the basis of scant evidence.

Chapter 21, "Economic Sanctions: Accountability, Legality, and Legitimacy," Joy Gordon
Sanctioners maintain that they are imposing coercive economic measures to protect international security, stop terrorism and human rights abuses, and so forth. However, sanctions themselves raise concerns of legality when they violate international law; as well as concerns of legitimacy when they run counter to human rights and humanitarian needs. At the same time, there are many means by which sanctioners elude responsibility, and few venues where sanctioners can be held accountable for their practices.

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