

## Economic Sanctions and Chemical- Biological Weapons

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### Summary

To secure foreign and security policy ends, several Western states and international organizations have employed economic sanctions. Sanctions have been imposed to attain a range of objectives-including checking the spread of nuclear as well as chemical and biological weapons. Sanctions are often, a multilateral effort, however certain states have operative legal provisions to impose sanctions. This article, reviews some of the significant sanction laws and initiatives launched to check development and use of chemical and biological weapons, explaining the use of sanctions to achieve the same end.

To secure foreign and security policy ends, several Western states and international organisations have employed economic sanctions.<sup>1</sup> Through the years, sanctions have been imposed to attain a range of objectives—including checking the spread of nuclear as well as chemical and biological weapons. Sanctions have been used to coerce states, organisations or individuals to abstain from using, developing or aiding in the development of such weapons. Often, sanctions are a multilateral effort, however certain states have operative legal provisions to impose sanctions. The US, for instance possesses intricate laws with provisions for economic sanctions. Concurrently, states like France have led adept attempts to check the use of chemical and biological weapons—threatening sanctions on noncompliance. This article, reviews some of the significant sanction laws and initiatives concluded to check development and use of chemical and biological weapons. Further, it explains the use of sanctions in the recent Syrian case.

### US Sanctions Laws

Especially since the 1990s, the US has profusely used sanctions to check the proliferation of nuclear, biological, and chemical weapons as well as their delivery systems.<sup>2</sup> The US sanctions regime is intricate, conceptualised to not only discourage, but also penalise defection by involving supplementary economic restrictions, or secondary sanctions to amerce non-US citizens or companies for engaging with the primary target. Currently, several states including Iran, North Korea, and Syria are under US sanctions for activities involving proliferation of weapons of mass destruction.<sup>3</sup> There are provisions in several US laws that call for sanctions against individuals or businesses that help

foreign governments to develop or acquire chemical and biological weapons. The US maintains a detailed list of such sanctions, which is shared with the public for their perusal.<sup>4</sup>

Dianne E. Rennack (2010) offers a detailed list of laws dealing with the proliferation of weapons of mass destruction that contain provisions for economic sanctions. Few of the significant laws are — Arms Export Control Act (AECA), Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and Chemical Weapons Convention Implementation Act of 1998. Section 81 of the AECA concerns sanctions against foreign persons who knowingly aid foreign governments in developing, or acquiring chemical or biological weapons. Section 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, directs the US President to stop “foreign assistance, arms sales and licenses, credits, guarantees, and certain exports” to the governments of states that have, “used or made substantial preparation to use chemical or biological weapons.” The Chemical Weapons Convention Implementation Act of 1998 contains Section 103, on the US’ Civil Liability, that lists a number of sanctions on individual or organisations that assist or encourage proliferation of weapons of mass destruction.<sup>5</sup>

While the provisions deal with penalising states or entities, they also have a deterrent effect on rational states, as disclosing the often mandatory US measures place a disincentive on proliferation of chemical and biological weapons. Additionally, disclosing the sanctions imposed might also help the reigning government in appeasing domestic constituencies, as US’ foreign policy often has domestic underpinnings.

## **Sanctions and recent cases**

The 2013 chemical weapons attack in Syria, is regarded as the first major case of chemical weapons use since 1988— when Iraq used the weapons against Iran during the Iran-Iraq War. According to US reports, the Syrian government has used banned chemical weapons at least 50 times in the last seven years.<sup>6</sup> While it took longer for Western powers like the US, France and UK to build consensus on initiating military action against Syria, imposing sanctions on the other hand was relatively prompt. So far, the US, and France, among others, have imposed a number of sanctions against individuals and businesses suspected of aiding the Syrian government in developing and using weapons of mass destruction.<sup>7</sup> In the last few years, while the US has found the United Nations’ (UN) efforts to punish Syria wanting, France has led significant initiatives against the West Asian state — often involving sanctions.

On January 23, 2018 the French Foreign Ministry hosted an initiative titled the ‘International Partnership Against Impunity for the Use of Chemical Weapons’ securing the support of the European Union (EU), and several states including the US, UK, Australia, Canada, France, Germany, Japan, and Turkey. The measures agreed on included, using “relevant mechanisms to designate individuals, entities, groups and governments involved in the proliferation of chemical weapons for sanctions.”<sup>8</sup> The measure also urged states to use their domestic criminal law to penalise states that use chemical weapons.<sup>9</sup> Hence calling for unilateral sanctions.

While the EU has imposed sanctions or ‘restrictive measures’<sup>10</sup> against Syria — as of March 2018, the count being 261 persons and 61 entities,<sup>11</sup> resolutions calling for

sanctions have been vetoed in the UN. Garnering support in the UN to impose sanctions against Syria has been tough for the Western powers as Russia and China have been uncooperative. In February 2017, Russia and China vetoed a resolution drafted by France, Britain and the United States. As Russia said that sanctions would harm the forthcoming peace talks between the sparring Syrian parties, China's UN Ambassador, Liu Jieyi believed that the time was not appropriate to initiate action.<sup>12</sup> Meanwhile, discussions at forums like BRICS were more layered, with two dissenting UN members in the group, its response to the Syrian case was dubbed as "balanced."<sup>13</sup>

As the recent cases elucidate, the use of sanctions to impede the spread and development of weapons of mass destruction has increased. However, the aversion of the non-Western states to use sanctions should also be acknowledged. While states like India, have taken a stance against the development and proliferation of chemical and biological weapons, they have been sceptical about the use of sanctions, particularly unilateral. Nevertheless, it seems unlikely that the West's use of sanctions would abate and in the future economic sanctions will be profusely, if not always effectively, be used to check development and proliferation of chemical and biological weapons.

## Endnotes:

<sup>1</sup> Sanctions are defined as actions initiated by one or more international actors against an entity in order to punish it by depriving it of something of value to make them comply with certain norms the senders deem important. The main purpose of imposing sanctions is to change the behaviour of the sanctioned entity.

<sup>2</sup> Dianne E. Rennack , "Nuclear, Biological, Chemical, and Missile Proliferation Sanctions: Selected Current Law", Congressional Research Service, November 30, 2010

<sup>3</sup> *ibid*

<sup>4</sup> US Department of State, "Security and Nonproliferation (ISN) Nonproliferation Sanctions Chemical and Biological Weapons Sanctions Laws Chemical and Biological Weapons Sanctions", URL: <https://2001-2009.state.gov/t/isn/c15236.htm>

<sup>5</sup> Dianne E. Rennack , "Nuclear, Biological, Chemical, and Missile Proliferation Sanctions: Selected Current Law", Congressional Research Service, November 30, 2010

<sup>6</sup> Rick Gladstone, "U.S. Says Syria Has Used Chemical Weapons at Least 50 Times During War" New York Times, April 13, 2018, URL : <https://www.nytimes.com/2018/04/13/world/middleeast/un-syria-haley-chemical-weapons.html>

<sup>7</sup> France 24, "France sanctions businesses, traders linked to Syria chemical weapons", January 23, 2018, URL: <http://www.france24.com/en/20180123-france-syria-chemical-attacks-sanctions-businesses>

<sup>8</sup> International Partnership Against Impunity for the Use of Chemical Weapons, January 23, 2018, URL: [https://www.diplomatie.gouv.fr/IMG/pdf/international\\_partnership\\_against\\_impunity\\_for\\_the\\_use\\_of\\_chemical\\_weapons\\_declaration\\_of\\_principles2\\_en\\_cle818838-1.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/international_partnership_against_impunity_for_the_use_of_chemical_weapons_declaration_of_principles2_en_cle818838-1.pdf)

<sup>9</sup> SIPRI, "Strengthening the ban on chemical weapons: The case of Syria" February 13, 2018, URL: <https://www.sipri.org/commentary/essay/2018/strengthening-ban-chemical-weapons-case-syria>

<sup>10</sup> EU often uses the term restrictive measures for sanctions. Both the terms are often used interchangeably in EU documents.

<sup>11</sup> European Council Council of the European Union, "Use of chemical weapons in Syria: EU adds 4 persons to sanctions list" March 19, 2018, URL: <http://www.consilium.europa.eu/en/press/press-releases/2018/03/19/use-of-chemical-weapons-in-syria-eu-adds-4-persons-to-sanctions-list/>

<sup>12</sup> Reuters, "Russia, China block U.N. sanctions on Syria over gas attacks" February 28, 2017, URL: <https://www.reuters.com/article/us-mideast-crisis-syria-chemicalweapons/russia-china-block-u-n-sanctions-on-syria-over-gas-attacks-idUSKBN167232>

<sup>13</sup> BRICS Post, "BRICS stand on Syria is "balanced": Syrian envoy", April 11, 2017, URL: <http://thebricspost.com/brics-stand-on-syria-is-balanced-syrian-envoy/#.WxgjIloFOCQ>