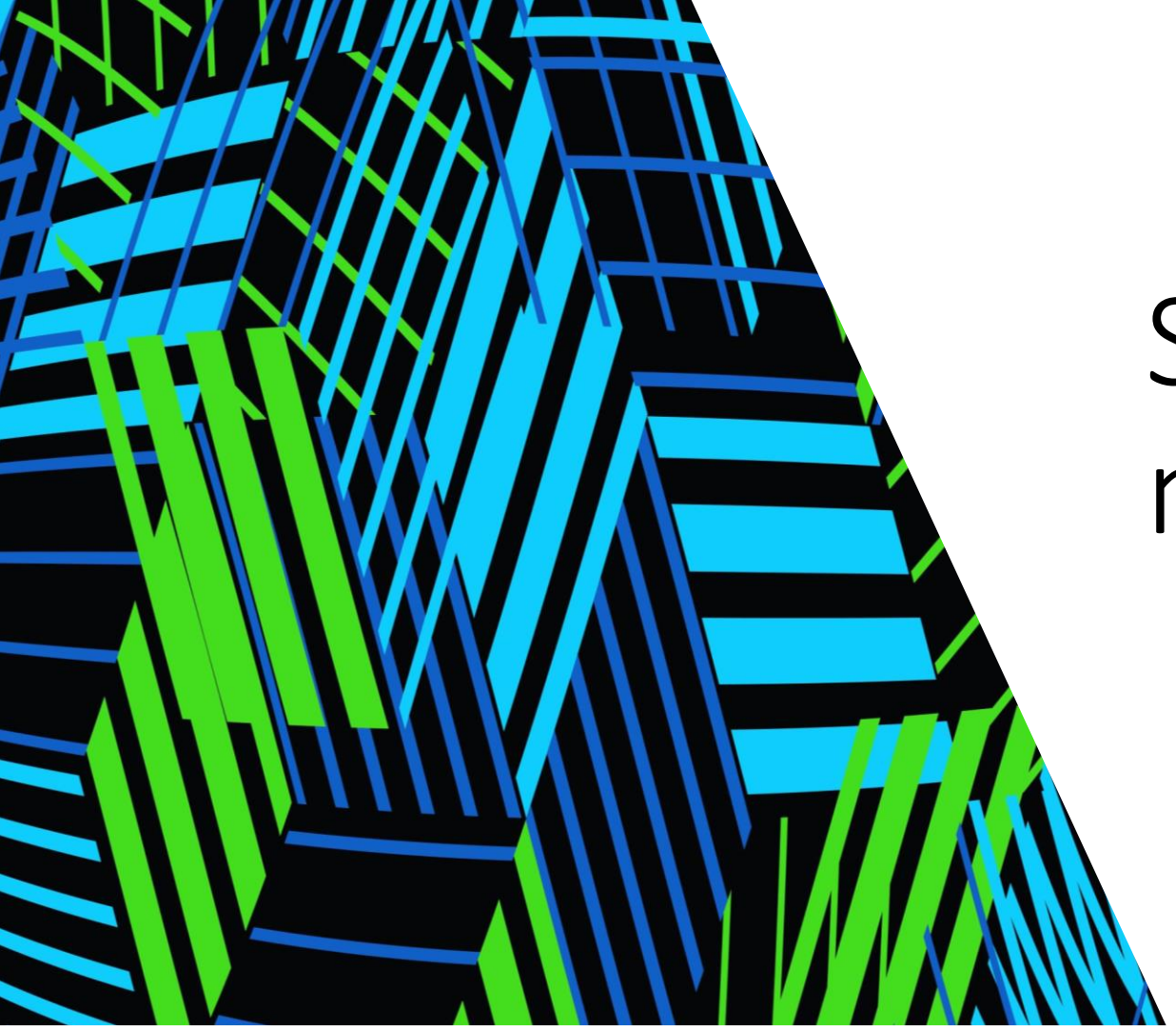


Sanctions and negotiation

dr. Martin Chovančík

Contents

- Sanctions as a push to negotiations
- Negotiation as the key goal of sanctions
- MHS, MEO, WO, and preparedness refresher
- Coerce, constrain, signal
- Leverage in negotiation and mediation
- Setting boundaries with sanctions
- Threat of sanctions

Departing debate

If you see this sign – it's your time to take over the conversation ☺

Do sanctions lead to negotiation/mediation?

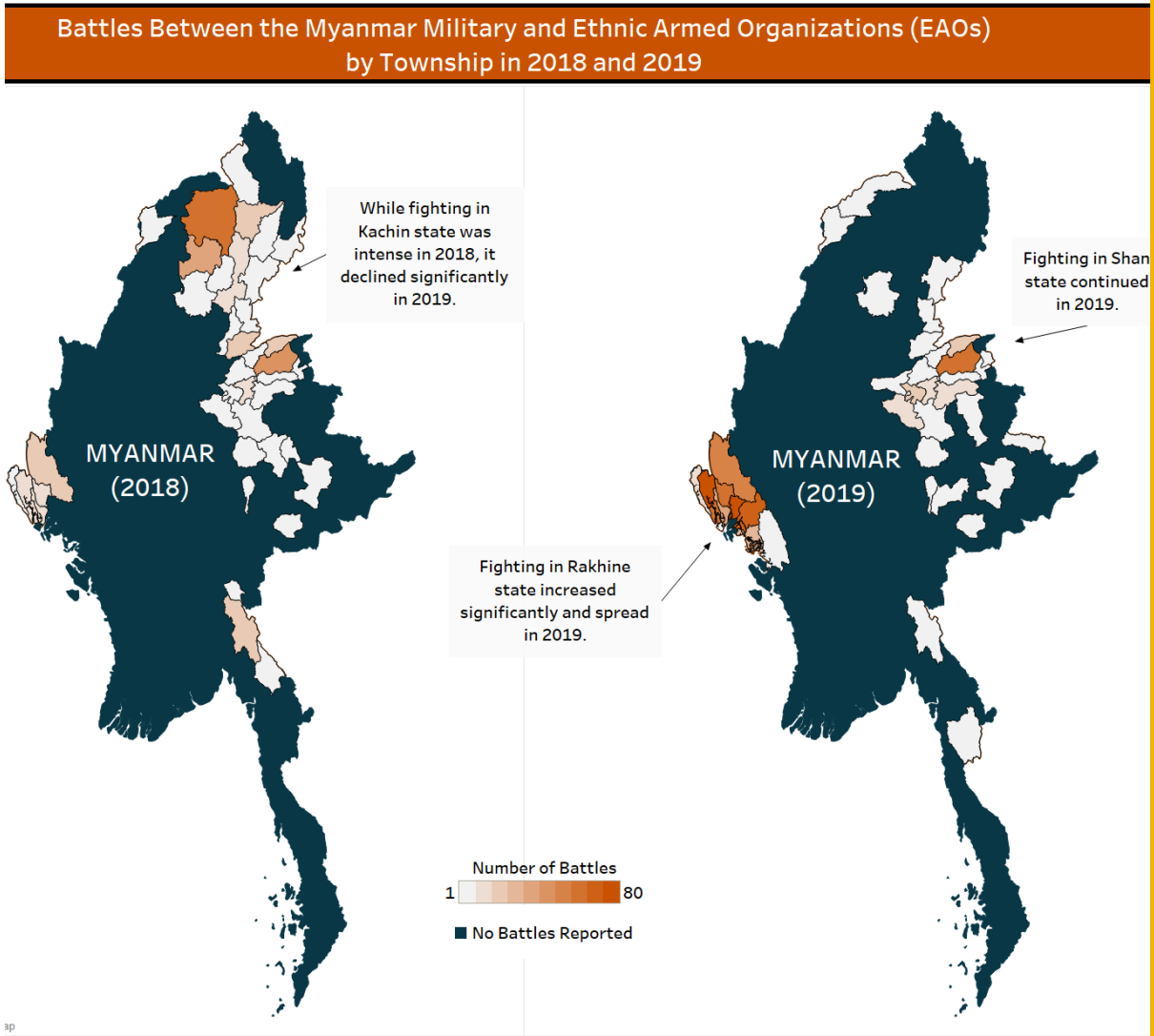
Threaten, apply, or amend? What happens to partiality?

What happens to main party constituencies? Think hardliners.

Is there really a balance with incentivization? What about durability?

Let’s look at a case – Myanmar today

- Should there be stricter sanctions on the Tatmadaw?
- What type?
- Who should be the sender and what should be the demand?
- What would stricter sanctions on Tatmadaw lead to?
  - Internationally (think China)
  - Internally (think internal conflicts, HR)
- https://youtu.be/p5DPpQjEAYE



Myanmar evolving regime

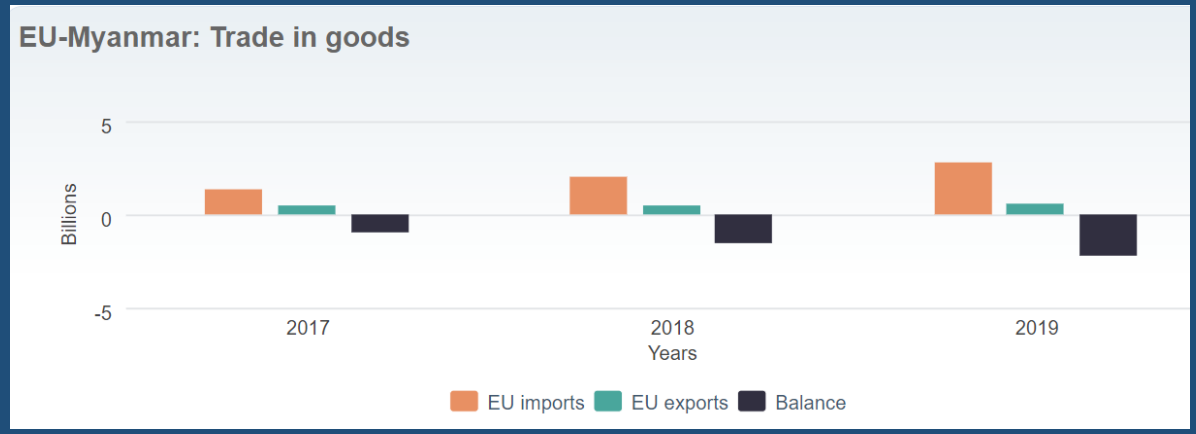
Myanmar is in GSP (Generalised Scheme of Preferences) under EBA

EBA preferences can be removed if beneficiary countries fail to respect core human rights and labour rights.
https://ec.europa.eu/trade

Can negotiation of the Tatmadaw and exile government be forced/encouraged by sanctions?

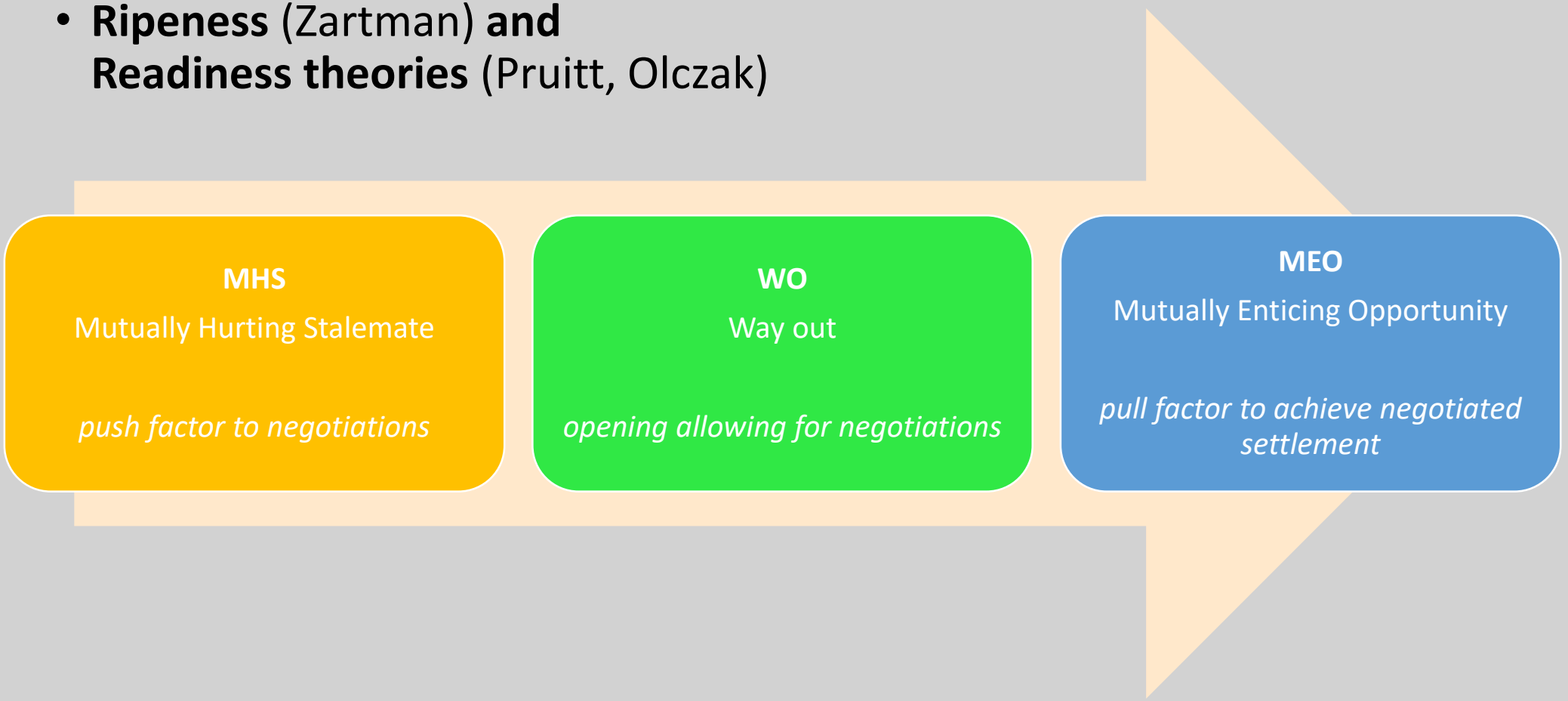
- Last week, the EU said it was **suspending development funds** to Myanmar, although it has so far **declined to freeze trade preferences** to one of Asia's poorest countries for fear of hitting mainly female workers in the textile sector.
- The EU's expected new sanctions, which are under preparation this week, **follow a U.S. decision** last month to **target the military and their business interests.**
- https://www.reuters.com/article/us-myanmar-politics-eu-idUSKBN2B01D1

- In 2019:
- Total trade between the two partners equalled €3.4 billion.
- The EU ranked as the third biggest trade partner of Myanmar (after China and Thailand), accounting for 11% of the country's total trade. Myanmar is the EU's 69th largest trading partner (accounting for 0.1% of the EU's total trade).
- The EU imported goods worth €2.8 billion from Myanmar. The key EU imports from Myanmar are dominated by textiles, footwear and agricultural products.
- The EU exported goods worth almost €609 million to Myanmar. The key EU exports to Myanmar are dominated by machinery, transport equipment and chemicals.



Sanctions and getting to negotiation

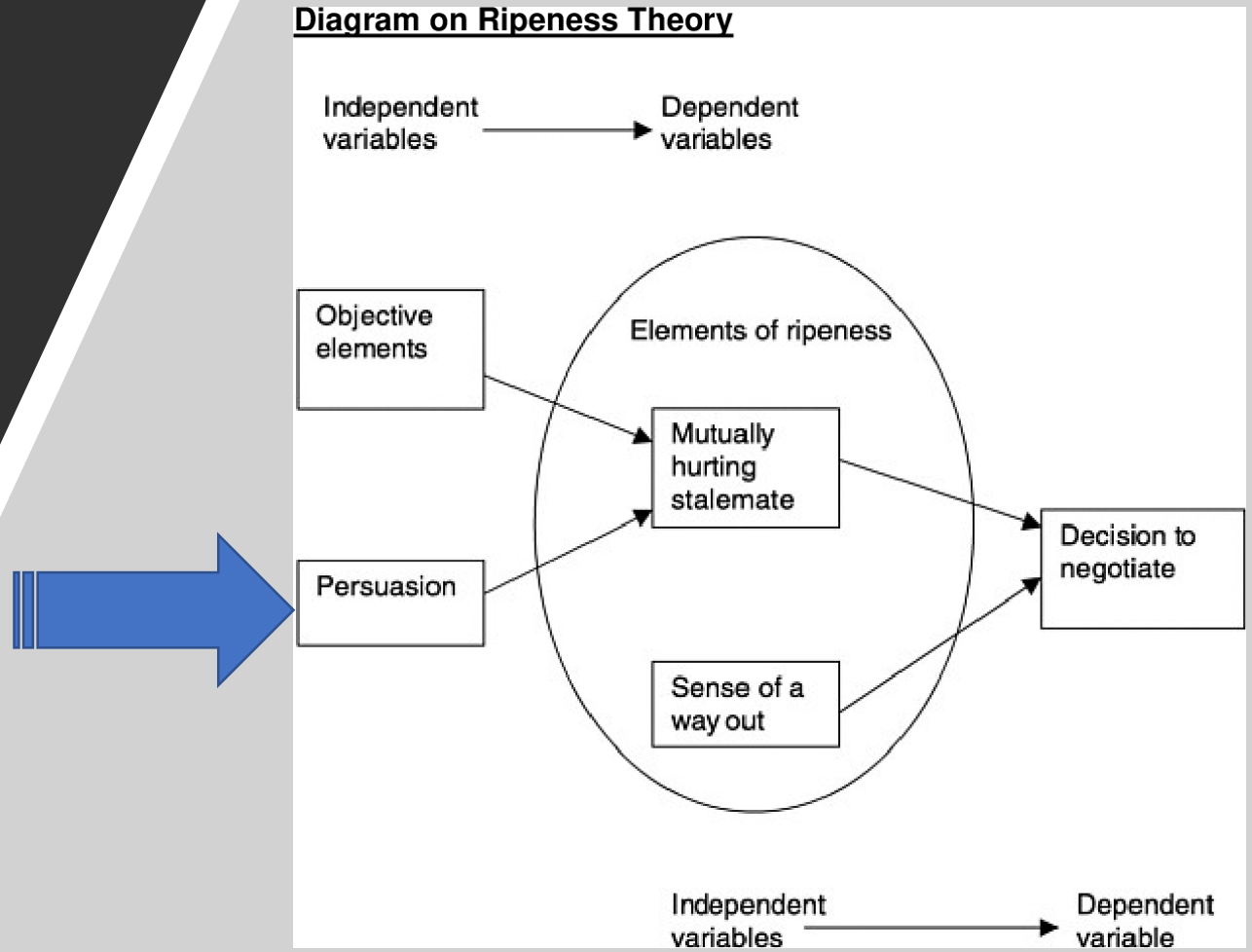
- **Ripeness** (Zartman) **and**
  Readiness theories (Pruitt, Olczak)



Sanctions and crises

- **economic factors influence** the incentive and payoff structure of parties and provide resources to finance armed conflict
- they contribute to the initiation, perpetuation or termination of negotiations

- amid negotiations/mediations economic instruments can serve to **<u>entice, constrain, or coerce actors</u>**
  - the capability of influence stems from third-party leverage in negotiations



Sanctions and negotiation

- **In negotiations sanctions serve especially:**
  - Threaten to punish non-cooperation
  - Prevent stalling the process
  - Prevent undermining talks
  - Lifting is an important instrument
  - Compliance checks and guarantees

- **Stated purpose?**
  - *"In view of the absence of progress towards democratization and of the violation of human rights in Myanmar/Burma"* (EU Myanmar sanctions)

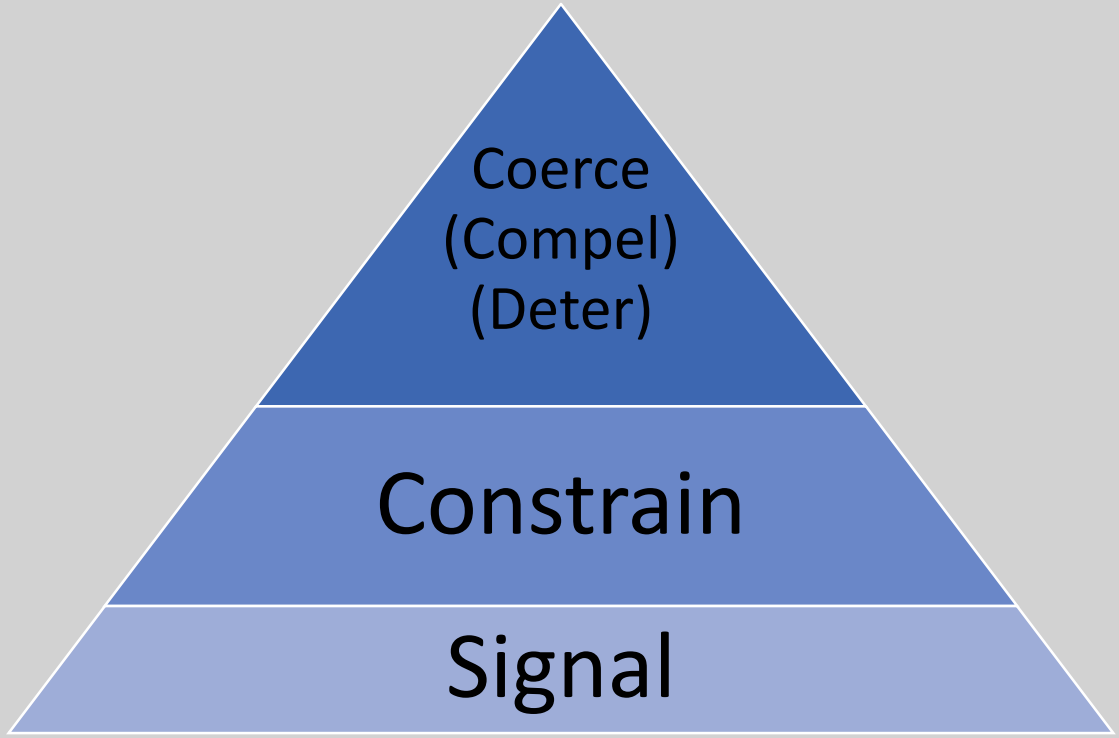
- *To entice the Taliban's participation in talks, in June 2011 the Security Council split the 1267 sanctions regime, creating a new regime specifically for Afghanistan and transferring listed Taliban representatives into this new regime. At the same time, the Security Council, at the initiative of the US and with the support of all its permanent members, began de-listing certain Taliban representatives based on specific criteria, including participation in reconciliation talks. As a result, between 2010 and 2014, 36 de-listings were made. The de-listings gave momentum to the talks, although they could not prevent their eventual collapse in 2014.* (Biersteker et. Al 2019)

How far? Coerce, constrain, signal

Differing effects on negotiation

- Based on the last lecture – sort the **impact** of each "level" on negotiations

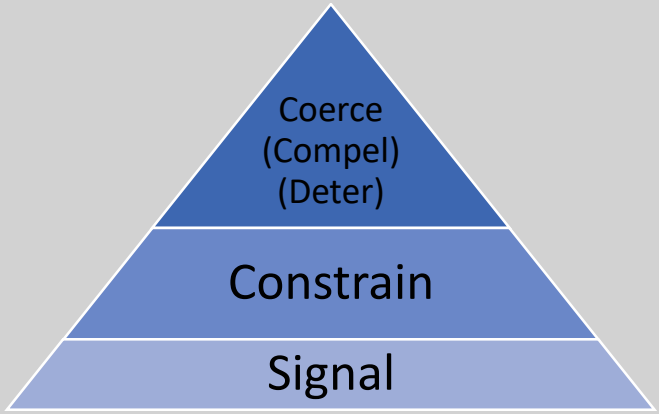
- Sanctions can move between the levels by virtue of enforcement and monitoring (not only design)
  - Example?



Giumelli 2013

Imposing sanctions and the process

NEGOTIATION / SANCTION	PRIOR	DURING	AFTER (Success)
COERCE	• Is it really a push for negotiations or acquiescence? • Typical: deadlining	• High relevance topic • Typical: immovable and immutable subject of talks	• Durable but contentious outcome • Typical: Staged lifting, snapback clauses
CONSTRAIN	• Creating WO and incentivization • Typical: resource limitation	• Modifying payoff structures • Typical: target alteration, leeway in modifying	• Conducive to cooperation • Typical: modular removal with some retention
SIGNAL	• Passive pressure and stigmatization • Typical: boundary setting	• Relevant signaling of sought direction • Typical: tool for exclusion and normalization	Changing landscape with horizontal sanctions Typical: easy lifting with non-automatic snapbacks



Non-negotiation?

- How do horizontal regimes (i.e. global regimes vs. terrorism support, HR violations, exploitation etc.) interact with negotiation?
- What if lifting sanctions is a condition to initiate negotiations?
  - Such as Iran-USA?
- What sort of sanction are the recent Chinese steps vs. Australia? How to discern a demand in retaliatory/**punishing** measures?