

SANCTIONS POLICY OF THE EUROPEAN UNION

RADKA DRULÁKOVÁ, ZUZANA TRÁVNÍČKOVÁ, ŠTĚPÁNKA ZEMANOVÁ

ALEXANDR ORT

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Nowadays the European Union (EU) uses sanctions as a tool of its common trade policy (usually as an exception from the rules of the single market) and as a tool of its Common foreign and security policy (CFSP). Both alternatives prove an advanced stage of the European integration process, as the application of sanctions is usually connected with the so-called hard powers rather than soft powers.

The Development of EU Sanctions Policy

The sanctions policy is present in the European Union since the Communities have been set up. By 1970s the organization had applied only measures authorized by the United Nations Security Council. Procedures for realizing autonomous restrictive measures appeared hand in hand with the European political cooperation in 1970. In fact, the autonomous sanctions were applied for the first time in 1981 (against the Soviet Union, in reaction to the events in Poland). After the Single European Act had been adopted in 1987, the Commission became responsible for sanctions policy and the use of restrictive measures grew up (especially the arms embargoes were used).

Next development of EU sanctions policy was enabled after the Maastricht Treaty, which entered into force in 1993. As a part of CFSP, the sanctions policy was included in the second pillar and particular measures were authorized in the form of a Common position, adopted unanimously by the Council. On the other hand, EU uses sanctions also outside the CFSP frame; such measures are covered by the first pillar and realized through Council regulations. In 2004, a special group RELEX/Sanctions was established by the Council for the member states to exchange information and experience relating to the application of sanctions and to evaluate the results and difficulties encountered in implementing sanctions.

EU applies restrictive measures on states, non-state actors and individuals. In accordance with general trends in international sanctions, EU uses smart sanctions in principle: assets freezing, arms embargoes, trade sanctions. Diplomatic measures (severance of diplomatic relations, expelling of diplomatic staff) are imposed rarely. The application of diplomatic sanctions is quite smart on one side, but on the other side their efficiency and importance is disputable. Very often we can meet travel restrictions (restrictions on admission). Their legal basis lays in a combination of regulation (listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement) and a Common position (listing persons who are not eligible to obtain the visa).

Human rights as a sanctions policy target

The protection of human rights is broadly supported not only in relations among member states but also in their common foreign policy. Violation of human rights in third countries may lead to imposition of European sanctions. By choosing suitable restrictive measures, we should take into account the fact that human rights violations appear very often in the Third World countries. These countries obtain usually financial support or other development aid from the EU. The suspension of financial or material aid may serve as effective restrictive instrument in these cases. Concurrently, other forms of sanctions - arms embargoes, trade sanctions (e.g. oil embargo), assets freezing, restrictions on admission and suspension of military cooperation – are applied.

Although the human rights support represents a frequent target of restrictive measures and the range of used instruments is quite wide, the Union is facing objections over inconsistency of sanctions. In 1992 the Community did not apply sanctions against Algeria after the elections had been cancelled. Restrictions on admission and suspension of military cooperation were authorized against Nigeria in 1993, but the expected arms embargo was not included. Long-lasting disobeying of human rights standards in China is another proof of immaturity of EU sanctions policy in human rights protection.

Conclusions

Sanction policy as an autonomous tool of the Common Foreign and Security Policy has been established since the 1990s and it includes a variety of tools at present. Economic sanctions serve primarily as an alternative of military intervention and at the same time as a response to pressures on incorporating ethical elements into foreign policy. They are frequently used to keep or restore peace and to influence human rights record of sanctioned subjects. Predominantly they are applied as smart measures allowing to avoid for example negative impact on civilians.

Since the beginning of 1990s autonomous application of sanction instruments has been contributing to the establishment of EU as an important security actor not only in the European region but also at a global level. Simultaneously it indicates the shift from the use of the so-called soft powers to hard powers connected with the effort to build and secure its position as one of the key members of the contemporary international system.

Contact – email:

drulakr@vse.cz, kalova@vse.cz, zemanova@vse.cz