

UKRAINE OPTIONS PAPER

Sanctions Relief and Security Guarantees in the Ukraine Conflict

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Summary

This paper lays out potential options available to the conflict parties involved in the war in Ukraine on the triggers, conditions and modalities for the relaxation of sanctions as part of an eventual peace agreement, and for their reimposition in connection with the verification and monitoring of the implementation of the settlement. It also explores sanctions relief in relation to a possible security guarantee for Ukraine that could be linked to a wider negotiated peace agreement, whereby some sanctions could be reimposed through snap-back provisions in the case of breaches of the peace agreement. In reviewing earlier cases of sanctions easing across a number of jurisdictions, it finds that sanctions relaxation does not form a strategic part of most sanctions planning or execution. Instead, protracted autonomous (or unilateral) sanctions regimes – imposed outside the UN framework – that are reinforced and broadened over time and imposed by a coalition of states and organisations are becoming the norm rather than the exception. At the same time, there is some useful precedent for sanctions suspensions that policymakers can draw on in the Russia context, should the need arise. The United States (US), European Union (EU) and United Nations Security Council (UNSC) have all used sanctions relaxation with some degree of success (albeit often temporary in nature) in recent years. This has taken a wide range of forms and sequences and has been used to fulfil a variety of objectives, including supporting various stages of conflict resolution and peace agreements. Sanctions easing remains unlikely in the Russian context in the immediate future, however, due to the severity of the security threat, lack of political will and absence of trust. This article concludes that sanctions flexibility could nevertheless play a central role in all phases of an eventual peace agreement as well as in relation to a security guarantee for Ukraine, while outlining a number of key challenges and considerations surrounding implementation and coordination across relevant actors. Factors such as timing, duration, coordination, communications, sequencing, reversibility, scope and strategic combination with other policy processes are all factors that will play an important role at such a point.

Key words: Sanctions, Russia, Ukraine, peace agreement, security guarantee, political leverage, conflict resolution

Introduction

A. What role for sanctions relief in the Ukraine conflict?

A sweeping set of overlapping sanctions regimes have been imposed against Russian and Belarusian targets in response to Russia's 2022 invasion of Ukraine. Those imposing measures include the US, EU, United Kingdom (UK), Canada, Australia, New Zealand, Australia, Japan, Switzerland and South Korea. In addition, a number of other non-EU European countries have also opted to align with some EU restrictive measures against Russian targets, in line with wider patterns of sanctions collaboration that mark recent decades.¹ Representing some of the broadest sanctions adopted against targets under country-based regimes in recent times, the combined set of measures include a broad range of targeted and sectoral restrictions and builds on earlier measures adopted since Russia's 2014 invasion of Ukraine.²

Most of the focus on sanctions imposed against Russian targets in relation to its 2022 invasion of Ukraine centres on their more punitive economic impacts and how further pressure can be added through additional rounds of new measures. Focus on how they may be used as a tool of leverage, including through a more flexible use of sanctions imposition and easing, is currently absent from most debates on the crisis. This reflects wider views on sanctions practice, which typically places a great deal of emphasis on sanctions adoption and enforcement, but little on how they might be used flexibly to achieve a range of policy objectives, including a political settlement linked to conflict resolution. This paper draws on earlier research into the role of sanctions relief in ceasing conflicts (and in relation to other international security challenges) and outlines a number of modalities for how sanctions easing can take place as part of a negotiated settlement. It also explores the easing or lifting of sanctions in relation to a security guarantee for Ukraine that could be linked to a negotiated peace agreement.

B. Understanding the strategic role played by sanctions easing

The use of sanctions relief as leverage to reach negotiated settlements of conflicts and other diplomatic crises appears to represent a useful tool, though it remains one that is poorly understood by academic and policy communities.³ This is in spite of the fact that sanctions (both multilateral and autonomous) have become a favoured instrument of foreign and security policy for a range of actors around the world in tackling a growing number of challenges.⁴ Their effectiveness remains a contested field, with some studies showing low success rates of around 10-25% against criteria such as coercing a change of behaviour, constraining access to vital resources and signalling disapproval of certain actions.⁵ Challenges in demonstrating direct causal pathways

¹ Paul James Cardwell and Erica Moret, 'The EU, Sanctions and Regional Leadership', *European Security*, June 2022.

² As assessed in Erica Moret, Francesco Giumelli, and Dawid Bastiat-Jarosz, 'Sanctions on Russia: Impacts and Economic Costs on the United States', Russian Sanctions Report, Programme for the Study of International Governance, Graduate Institute of International and Development Studies, Geneva, 20 March 2017; and Erica Moret, Thomas Biersteker, Francesco Giumelli, Clara Portela, Maruša Veber, Dawid Jarosz, and Cristian Boboccea, 'The New Deterrent? International Sanctions against Russia over the Ukraine Crisis: Impacts, Costs and Further Action', Programme for the Study of International Governance, Graduate Institute, Geneva, 12 October 2016.

³ Exceptions include Zuzana Hudáková, Thomas Biersteker and Erica Moret, '[Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes](#)', Carter Center, October 2021; and Hana Attia and Julia Grauvogel, 'Easier In Than Out: The Protracted Process of Ending Sanctions', GIGA Focus Global, No. 5, October 2019.

⁴ Erica Moret, 'Unilateral and Extraterritorial Sanctions in Crisis: Implications of their Rising Use and Misuse in Contemporary World Politics' in Charlotte Beaucillon (ed.), *The Research Handbook on Unilateral and Extraterritorial Sanctions* (2021) (Edward Elgar Publishing, forthcoming).

⁵ Thomas J Biersteker, Sue E Eckert, Marcos Tourinho and Zuzana Hudáková, 'UN Targeted Sanctions Datasets (1991–2013)' (2018) 55(3) *Journal of Peace Research* 404–12.

between sanctions and political or economic change remain key constraints in allowing for a comprehensive assessment of the various ways that they can impart an effect on the target.

Trends in international sanctions practice suggest that protracted sanctions regimes – often spanning more than 10 years and sometimes many decades – are becoming the norm. Further, their punitive functions have become more prominent, while their role as an instrument of leverage can sometimes be overlooked or under-prioritised. Studies suggest that a balance should be found between the incentivising vs punitive functions of sanctions (“carrots” and “sticks”) and that these should be combined strategically for optimal impact.⁶ In practice, this can mean a more flexible and streamlined process of sanctions suspensions and tightening, which can be used to encourage change in the target in question.

Studies on the role that sanctions easing can play remain few and far between, representing a major gap in the academic and policy literature. Not much attention has so far been devoted to understanding how sanctions relaxation can be used to pursue different policy aims, including negotiated settlements of conflicts or the establishment of security guarantees. Similarly, policymakers acknowledge that sanctions are typically imposed without substantive consideration of how, and under what conditions, the measures will be eased.⁷ In parallel, it is rare for sanctioning actors to communicate to the target what they need to do in order for the sanctions to be lifted. A recent exception has been in relation to the South Sudan UN sanctions regime, which includes a set of 34 benchmarks for lifting sanctions, spanning political and governance issues, as well as disarmament and security sector reform (or SSR).⁸

C. Lessons learned on sanctions relaxation and conflict resolution

Earlier cases of sanctions easing provide a number of lessons that can be useful for those engaged in seeking solutions to the war in Ukraine. First, a number of leading sanctioning bodies have employed sanctions easing at various points in recent history relating to a wide variety of objectives. This includes the UNSC (multilateral sanctions), the EU and the US (autonomous or unilateral sanctions that can either supplement UN sanctions or be imposed independently). Earlier studies suggest heterogenous approaches to using sanctions as leverage, with the EU seemingly more willing to use sanctions relief in diplomatic processes and negotiated settlements as compared to the US.⁹ The UK and Canada – relatively new actors in using autonomous sanctions – have little precedent of using sanctions relief to date. Furthermore, none of the leading sanctioning powers (including the UN) communicate clearly how they use sanctions relief as political leverage or for specific objectives, such as ending armed conflict, in the majority of contexts.

Second, sanctions easing can be used to address a long list of criteria (that could be expanded further on a context-specific basis).¹⁰ It could be used to: incentivise behaviour change (e.g. cessation of hostilities); encourage adoption of a diplomatic agreement (and disincentivise spoilers); stigmatise individuals or entities for engaging in particular activities (e.g. those that could

⁶ Erica Moret, ‘When Should the United States use Hard-hitting Sectoral and Financial Sanctions?’, The Global, 5 November 2021.

⁷ Based on consultations with policymakers designing sanctions regimes in different jurisdictions over the past 10 years.

⁸ What’s in Blue, ‘Security Council Vote on South Sudan Sanctions’, Security Council Report, 28 May 2021: <https://www.securitycouncilreport.org/whatsinblue/2021/05/security-council-vote-on-south-sudan-sanctions-2.php>

⁹ Hudáková, Biersteker and Moret, ‘Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes?’.

¹⁰ See *ibid* for further details.

undermine a peace agreement); wear down support for certain organisations or groups (by lifting targeted sanctions against certain targets and not others); reward actions already taken (in recognition of positive steps taken by the target); signal the end of a given event (such as the end of a war); or improve diplomatic relations (e.g. in order to facilitate a return to negotiations in the absence of talks).

Third, according to one recent study,¹¹ a broad range of sanctions easing approaches can be used as described below in Box 1.

Box 1: Variation in past sanctions easing across the UN, US and EU

Sanctions easing can include one or more of the following techniques:

- i. Goodwill gestures.
- ii. Non-enforcement or relaxed enforcement of certain measures.
- iii. Expansion of exemptions (to allow for a broader range of permissible activities).
- iv. Selective delistings.
- v. Easing of sectoral measures.
- vi. Suspensions.
- vii. Partial liftings.
- viii. Full termination of all sanctions in place.

These moves can either be:

- i. Permanent, or be enacted temporarily (for a set period of time or in relation to specific actions taken by the target).
- ii. Conditional or unconditional.
- iii. Incremental or one-off.

A combination of the approaches listed above can be adopted in unison. They can also be coordinated among different sanctioning bodies, where multiple sanctions regimes overlap with one another in any given country or context. Furthermore, those employing sanctions on a regular basis do not show particularly marked patterns or preferences for particular sequencing in their past use of sanctions easing (suggesting it has been done on an ad-hoc basis). While further research is required to provide a greater understanding of this subject, there does not appear to be a successful formula of what has, or has not worked, in past instances. As such, sanctions imposed in relation to the war in Ukraine should be assessed on a case-by-case basis, including in relation to motivations and past behaviour of the target in adhering to agreed outcomes.

Some key conclusions can be drawn regarding sanctions easing:

- **Conditionality:** Sanctions lifting can be made conditional on the reaching of certain benchmarks or the cessation of certain behaviours by the target.
- **Coordination:** The easing of sanctions can be carried out via a coalition of interested parties (e.g. the US and EU) and this could be planned strategically to serve a variety of objectives, such as in support of peace negotiations or the implementation of a peace settlement.
- **Adaptability:** Sanctions can be imposed and suspended in a flexible manner to reflect a changing situation on the ground (even if this is not typically standard behaviour).
- **Calibration:** A menu of sanctions easing options is available to the country or organisation employing sanctions. Sanctions easing can be tailored according to any

¹¹ Ibid.

concessions made by the target, including interim progress (e.g. in the implementation of key commitments in a peace settlement).

- **Reversibility:** Sanctions relaxation need not imply a loss of leverage over the target as most forms of sanctions relaxation can be reversed if the target resumes behaviour deemed problematic by the sender. The degree of ease with which sanctions measures can be reimposed depends on the administrative and legislative frameworks in question, with some being more straightforward than others. The type of sanction that is being lifted can also vary in terms of ease of reimposition (diplomatic bans, travel bans and asset freezes could be more straightforward than some sectoral restrictions, for example).
- **Incentivisation:** In certain instances, it might be appropriate for sanctions easing to be used as a way to incentivise certain actions (such as reaching a ceasefire agreement) and at other times it can be used to reward particular behaviours (such as cooperatively implementing a peace agreement over a specified period of time).

Drawing on earlier cases of sanctions easing, Box 2 summarises ways in which it has been used against different targets in the pursuit of varied objectives, as shown in a recent study.¹²

Box 2: Examples of sanctions relaxation against diverse targets and in pursuit of various objectives

Sanctions easing has been used by the UN, US and EU for the following objectives in recent years:

- Individual sanctions delistings:
 - Incentivize changes in behaviour (Taliban, Belarus).
 - Encourage adherence to an agreement (Iran).
 - Stigmatise military elites (Haiti, Myanmar).
 - Prevent spoilers from destabilizing a new regime (Iraq).
 - Drive a wedge between different factions (Taliban).
 - Signal the winding down of a sanctions regime (Angola, Iraq).
- Goodwill gestures, easing of sanctions implementation and exemptions:
 - Normalize diplomatic relations (Cuba).
- Sanctions suspensions:
 - Disincentivize support for terrorism (Libya).
 - Sign a peace agreement (former Yugoslavia, Haiti).
 - Continue with implementation of a peace agreement (Angola).
- Partial liftings:
 - Encourage progress on domestic reforms (Myanmar).
 - Support peacebuilding efforts (Liberia).
 - Support political transitions (Iraq).
 - Reach political consensus on a contentious global security matter through a series of concessions made by both the adopter of sanctions and the target (Iran).

¹² Ibid.

D. Measuring success in sanctions relaxation in relation to conflict resolution

Success rates in earlier cases of sanctions easing warrants further research, but examination of some leading examples suggests a number of challenges regarding efficacy.¹³ First, success of sanctions easing can be easily reversed. Whereas earlier easing of UN sanctions against members of the Taliban, and the relaxation of EU restrictive measures in relation to targets in Myanmar and Belarus, could be deemed successful at the time (where positive change occurred at the time of the easing), later events led to a return to the behaviours that first sparked the sanctions.

Second, tentative success of sanctions suspensions can be undone by actions taken by the party imposing sanctions. An example is that of US sanctions against Cuba, where certain measures were relaxed under the Obama presidency, linked to a notable warming in diplomatic relations between Washington DC and Havana. These steps forward were later underdone by policies adopted under the so-called Maximum Pressure campaign of the Trump presidency.

Third, certain behaviours may be easier to incite via sanctions easing than others. For example, it may be more straightforward to encourage warring parties to return to peace talks, rather than to actually reach a comprehensive peace agreement.¹⁴ As argued in an earlier study: “Settlement of a conflict is more likely to be achieved using sanctions relaxation when negotiating with a strong, unitary state (Libya, Iran) than in a complex environment with multiple non-state armed groups (Angola, Liberia) or a weakening state facing growing internal legitimacy challenges (former Yugoslavia)”.¹⁵

These early findings suggest that policymakers should not place too much weight on the role that sanctions relaxation could play in ending the war itself (in isolation of other policy tools), but instead see sanctions flexibility as a strategy that might play a valuable role at particular stages of the conflict and its eventual resolution. This could take place at various points of the mediation and peace process,¹⁶ from:

- incentivising negotiations.
- reaching a ceasefire, which in turn could include phases such as:
 - cessation of hostilities
 - withdrawal of troops/ disengagement
 - assembling at a designated zone
 - down-sizing of military presence
 - disarming
 - decommissioning
- agreeing a peace agreement
- maintaining the peace agreement over time.

Sanctions easing could be linked to the accomplishment of these (and/ or other) phases of a settlement implementation, as well as the ‘performance’ in relation to particular actions. Equally it could be linked to decisions made by an implementation body, such as a commission or monitoring body.

¹³ As summarised in Hudáková, Biersteker and Moret, ‘[Sanctions Relaxation and Conflict Resolution: Lessons from Past Sanctions Regimes](#)’.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ This list of potentially distinct phases of a ceasefire agreement is abridged from Nicholas Haysom and Julian Hottinger ‘Do’s and Dont’s of Sustainable Ceasefire Agreements’: http://peacemaker.un.org/sites/DosAndDontofCeasefireAgreements_HaysomHottinger2010.pdf

E. Which sanctions could be lifted as part of a negotiated peace settlement?

For involved parties, calculations on sanctions easing should centre around a number of key areas:

1. *Under what conditions should (or could) some of the sanctions be lifted?*

For example, would piecemeal actions (like entering into talks on a political settlement) be enough to warrant some forms of sanctions lifting? Or would more substantive actions be required on the part of the Russian Federation, such as reaching and maintaining a ceasefire, the signing of a peace agreement, or the implementation of key settlement commitments? Similarly, would some forms of sanctions easing be used to show goodwill on the part of sender countries and encourage change, or should it only be enacted in response to changes in behaviour by the target?

2. *Which sanctions should be lifted and when?*

Lifting sanctions may be easier in some areas than others and also necessitate a careful cost-benefit assessment. In the Russian context, reversing some of the energy-related sanctions may be more challenging where moves are already underway to radically alter supply chains of petroleum supplies or where earlier commercial contracts have been severed. At the same time, lifting some energy-related measures may help to alleviate some of the worst impacts on domestic economies in countries imposing the sanctions. Similarly, financial-sector sanctions may be easier to lift in certain areas, in light of the likely appeal for Russia of resuming some normalised links to the international financial system. Others, like diplomatic bans and individual asset freezes or travel restrictions, could be used in certain instances for symbolic effect.

3. *Should sanctions easing be planned, coordinated and monitored across sanctioning powers via a common mechanism or be done by individual actors independently of one another?*

Outside the UN framework, the most common users of sanctions are the US, followed by the EU, along with the UK and Canada. This “sanctions quad” – representing 30 countries and covering the group of seven economies (the G7) – work together with increasing frequency to impose autonomous sanctions,¹⁷ as is the case in the Russian context. Russia sanctions have also been marked by some more formalised coordination, including through the EU and G7’s creation of the joint Russian Elites, Proxies, and Oligarchs (REPO) Task Force, to coordinate financial sanctions against kleptocrats’ assets. These developments signify that coordination on sanctions easing could be streamlined through existing structures and could include joint implementation of any reimposition of measures (through snap-back mechanisms).

4. *To what extent should the likelihood of sanctions easing be communicated to the target and how?*

Should a dialogue or other mechanisms (such as an independent or mixed settlement implementation commission or an information exchange facility between sanctions coordination bodies and settlement implementation bodies) be established to allow for talks with Russia that lay out what actions are required in order for certain sanctions to be suspended or lifted?

5. *Would some or all areas of sanctions lifting be done through close negotiation with the Russian Government, or would suspensions be carried out without consultation?*

¹⁷ Their approaches to sanctions differ on all angles, with some being more willing to impose harder hitting measures than others. They also approach sanctions design, adoption, enforcement and monitoring in distinct ways.

If the former, talks could form part of a wider bargaining strategy in reaching an eventual peace agreement. If the latter, they could factor into talks between parties in a mixed implementation body.

6. *Under which conditions would the sanctions be reapplied, under what time frame and under whose decision?*

For example, if they are lifted on the condition of a cessation of hostilities, who decides whether they are reimposed in the event of a return to conflict? Would any external, neutral observers be required to help advise on the lifting or reapplication of sanctions measures in light of alleged breaches or would this fall to the sender countries? Some form of ceasefire monitoring body could play a role in the decision-making process or at least feeding information to a specialised sanctions coordination mechanism (that sits across relevant sanctioning powers) to make the decision.

7. *Would any legislative changes be required on the part of sender countries to ensure that sanctions lifting (and any eventual reapplication) could be done in a flexible and responsive manner to changes on the ground?*

In the US, for example, sanctions imposed via executive orders are easier to lift and reimpose than those adopted through congressional legislation. This signifies that some measures could be harder to lift than others. In other cases, some sanctions could be suspended simply by not renewing them, whereas others may require explicit authorisations to lift them.

F. Role of sanctions flexibility in a security guarantee for Ukraine

Sanctions could play a role in a future security guarantee for Ukraine, used for the purpose of protecting the country from future armed attack or acts of aggression by Russia. There is not much precedent to draw from, given that security guarantees (in the true legal sense of the word) have not been used extensively in recent decades, nor have sanctions played a central role in those that have been deployed.¹⁸ Additional layers of sanctions (that build on the already sweeping set of international measures in place) are unlikely in any notable sense as part of an eventual security guarantee. More feasible, however, is the possibility that some of the current sanctions in place could be suspended temporarily in relation to a larger peace agreement (encompassing multiple agreements and other instruments), with the condition that some measures would be reimposed (most likely through snap back provisions) as part of the security guarantee instrument, in instances of new attacks or aggression by Russia.

If sanctions are to play a role in a security guarantee, guarantor states should include at least some of those countries or organisations that would be in a position to raise the price (including through sanctions) for any further aggression employed by Russia against Ukraine. This could include the likes of the US, UK and Canada. While politically challenging, it could also be important to find a way for the EU to participate as a guarantor, otherwise EU member states would not be able to use their own flexibility in EU restrictive measures as part of the deal (given that member states adopt sanctions through consensus via the EU). Other Western countries that might be in a position to use sanctions flexibility as part of a security guarantee include Switzerland, Norway, Japan, South Korea and Australia (though some may be more reluctant to do so than others).

¹⁸ Marc Weller, 'Ukraine Settlement Options: Security Guarantees', University of Cambridge, Ukraine Peace Settlement Initiative, March 2022: https://www.lcil.cam.ac.uk/sites/www.law.cam.ac.uk/files/images/www.lcil.cam.ac.uk/ukraine/weller_security_guarantee_options_paper.pdf

The trigger event for any sanctions imposed (or re-imposed) in relation to the security guarantee should be clearly articulated and specific. In the words of one recent study, they should employ language that is well defined under international law, such as “armed attack” (Article 51 of the UN Charter) and “act of aggression” (GA Resolution 3314, XXIX).¹⁹ The guarantee would likely be brought into force through a mechanism that would require a request from Ukraine (possibly without need for confirmation from a third-party, though possibly through some form of collective determination, e.g. through consensus).²⁰ This could lead to the guarantor states responding through sanctions reimposition, alongside other political, economic or other measures.

Such a response using sanctions could take a number of forms, including re-imposition of a full (or partial) set of autonomous sanctions by some or all parties (e.g. the US, EU, UK, Canada, Switzerland etc.) that may have been lifted during a negotiated settlement. This could be graded according to a catalogue of potential sanctions-based responses.

Such an approach necessitates that some of the sanctions would need to have been lifted already by the time the security guarantee is in place. There is a risk that the sanctions that are eventually re-imposed could strongly resemble the original rounds of sanctions, however, which might raise questions over their likely effectiveness. In particular, Kremlin may not be concerned about the reimposition of sanctions measures that have already been in place, if they have already found ways to adapt to them (be it through circumvention, evasion or the creation of domestic alternatives of sanctioned goods or services). The alternative – the loading on of more sanctions over and above those already in place – risks reaching an unpalatably broad range of measures (with humanitarian and global economic ripple effects).²¹

Coordination between the various sanctioning powers – as would likely be required in the instance of a security guarantee – could also be a challenge due to lack of precedent and sovereignty concerns. Nevertheless, recent formalisation of sanctions collaboration between the US, EU, UK and Canada – and existing arrangements on intelligence sharing between the Five Eyes countries – could serve a useful role in such a mechanism. Questions over coordination might come into play if only some countries acting as guarantors could use sanctions flexibility as a tool, but not others. Furthermore, if one or more EU member states are security guarantors, they would not be in a position to instruct the EU to impose additional rounds of sanctions without unanimity from all member states. A further question would be whether the EU could serve as a security guarantor; international organizations (IOs) are generally permitted to fulfil such roles.

It is highly unlikely that other non-Western powers could be persuaded to impose autonomous sanctions against Russia in connection with their involvement as guarantors in a security guarantee. However, they might agree to support the guarantee indirectly in other ways (such as by agreement not to fill certain commercial gaps). Securing wider support from other institutions, such as NATO,²² would be unlikely where member states, such as Turkey, would likely not agree;²³ but the involvement of the G7 could be more feasible.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Erica Moret, ‘[Sanctions and the Costs of Russia’s War in Ukraine](#)’, International Peace Institute, 12 May 2022.

²² As proposed in Weller (2022): “To add to the credibility of the automatic imposition, or re-imposition, of sanctions, beyond the guarantor states themselves, the relevant collective organizations of which they are members (EU, NATO, G-7, etc) could adopt decisions upon signature of the settlement by two sides, confirming that they will follow the decisions of the guarantors in imposing or reimposing sanctions if required”.

²³ Turkey has sometimes aligned with EU sanctions in the past, but this has decreased substantially in recent years as relations have become more tense; Turkey’s prospects of EU membership have become more remote and the EU has also enacted its own sanctions against Turkey for drilling in the eastern Mediterranean. Furthermore, Turkey has

There is an additional technical question concerning Ukrainian territories currently under Russian control. If, as proposed by the Ukrainian Government (as detailed in Weller 2022), the international security guarantees do not extend to Crimea, Sevastopol, or certain areas of the Donbas, what would this mean for current sanctions imposed by the US, EU etc. against targets in these areas? A decision would need to be made as to whether they should be subject to a different set of agreements regarding sanctions re-imposition.

While communications should be clear on what the target (Russia) needs to do in order for sanctions to be eased (and eventually terminated), the same is not true for any eventual reimposition of the measures in relation to a security guarantee.²⁴ This is because the exact nature of future sanctions packages is very rarely communicated (not publicly, at least) by those imposing sanctions. There are a number of reasons for this:

- The “surprise” nature of sanctions imposition is considered an important aspect in how successful they might be in: a.) restricting access to vital resources (by Russian targets); b.) compelling a change in behaviour (by Putin and wider Russian government/ military); c.) sending a strong message of opposition to a given behaviour (e.g. by Russia), or support of victims of breaches of international law (e.g. in Ukraine).
- Many sanctions measures (such as asset freezes, travel bans, diplomatic expulsions and some sectoral measures) would already be anticipated by the target and preparatory moves will be carried out in the run up to their imposition.
 - Communicating plans for *asset freezes* would result in capital flight and the removal of other assets (properties, yachts etc.) from relevant jurisdictions or concealing of assets in foreign bank accounts under different names and/ or accounts of family members.
 - Communicating plans for *diplomatic bans* or *travel restrictions* would allow the targets to leave jurisdictions where sanctions are applicable. Furthermore, it is unlikely that sanctioned individuals would risk travelling to the US, EU, UK and other relevant jurisdictions during the conflict, in any case, meaning they remain largely symbolic.
- In the case of *sectoral sanctions* and *import/ export controls*, announcing future measures could enable:
 - the rapid forging of new financial/ commercial ties (e.g. between Russia and China; the Black Knight effect);
 - the development of domestic alternatives (including in technology, financial platforms etc.) or other “coping” mechanisms (which all happen to an extent in sanctioned jurisdictions in any case, and particularly in the Russian context).²⁵
 - accelerated establishment of illicit sanctions evasion channels (sanctions busting), particularly with other sanctioned jurisdictions or groups. This may be the case regarding *arms embargos*, for example, which are easy to circumvent due to ease in purchasing illicit weapons.
 - preparation of pre-emptive legal challenges in the courts of law of relevant jurisdictions, particularly in relation to individual listings (e.g. *asset freezes*, *travel bans*).

served a brokerage role with Russia since the outset of the conflict, including in relation to getting Russia to halt its blockade of food supplies held in Ukrainian ports.

²⁴ This is in contrast to the following suggestion in Weller (2022): “The nature and extent of these sanctions might be stipulated in advance, either in a separate document adopted only by the guarantors, or in the annex on the provisions on the lifting of sanctions that will likely accompany any settlement agreement”.

²⁵ Erica Moret et al, [‘The New Deterrent? International Sanctions against Russia over the Ukraine Crisis: Impacts, Costs and Further Action’](#).

On 13 September 2022, a proposal for future security guarantees for Ukraine was published by Office of the President of Ukraine together with the strategic consultancy firm, Rasmussen Global (the Kyiv Security Compact).²⁶ It proposes that international sanctions should remain in place until a full withdrawal by Russia has been carried out, in addition to the payment of reparations and the receipt of appropriate guarantees from the Kremlin that protects against repetition of aggression.²⁷

Conclusion

Sanctions easing in the context of the Ukraine crisis looks highly unlikely at the present time. First, as earlier case studies suggest, a protracted set of sanctions regimes – that increase in depth and breadth over time – remains the most likely scenario for the time being. Second, political appetite among sanctioning powers is currently geared towards a more punitive stance towards Russia in light of the severity of the situation and the unpredictability of President Putin’s decision-making. Third, earlier behaviour of the Putin Government has not suggested a positive response regarding the use of sanctions as leverage.²⁸ As such, mutual trust between relevant parties might not be strong enough to support sustained commitment to any concessions or changes in behaviour that might eventually be tied to sanctions relaxation through a negotiated peace agreement, so that they would not be undone at a later stage. Fourth, domestic support for sanctions lifting among key sanctioning countries is unlikely to support such moves at present. In spite of these considerations, some form of sanctions easing is likely to play a role in an eventual peace settlement, which might also include a security guarantee for Ukraine. Willingness to ease sanctions might also be eased through a coordinated approach across relevant governments and organisations as part of a wider peace agreement. At such a point, policymakers will have access to a menu of available options regarding the ways in which sanctions flexibility could be used in parallel with other diplomatic talks and wider policy instruments and processes. Factors such as timing, coordination, communications, sequencing, reversibility, scope and strategic combination with other policy processes are all factors that will play an important role at such time.

²⁶ For details, see Anders Foch Rasmussen and Andrii Yermak, ‘The Kyiv Compact: International Security Guarantees for Ukraine: Recommendations’, 13 September 2022: https://rasmussenglobal.com/wp-content/uploads/2022/09/UKR-security-220913-ENG_version.pdf²⁴. The report reflects consultations carried out by an international advisory group created to explore security guarantees for Ukraine. The author of this article provided input on the role that sanctions could play in such a process, as part of these consultations.

²⁷ In Article 7 of ‘An Indicative Drafting Suggestion for: The Kyiv Compact on Security Guarantees for Ukraine’ (2022), by Marc Weller, it states that “The Parties pledge not to relax existing sanctions adopted since 2014 until the present armed attack and act of aggression has ceased, or until Ukraine has freely agreed a settlement. If these conditions are fulfilled, sanction[s] should only be lifted gradually, commensurate with the need for the aggressor state to discharge its responsibilities in terms of accountability for crimes, compensation and guarantees of non-repetition of the act of aggression. That decision should be coordinated among the Parties to this *Compact*” and “In case of a further armed attack or act of aggression, determined to have taken place by the Conference of Parties ... the Parties agree that sanctions will be immediately re-imposed at the level applied during the present conflict (automatic sanctions snapback)”.

²⁸ In spite of a small number of arguable successes linked to earlier rounds of sanctions against Russian targets imposed since 2014, which did not survive the test of time: see *Ibid.*