LJUBLJANA SANCTIONS CONFERENCE

25 - 26 SEPTEMBER 2025

Faculty of Law, University of Ljubljana

CONFERENCE PROCEEDINGS

Co - editors |

Maruša T. Veber

Peter Van Elsuwege

Celia Challet

Marko Svicevic

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Co-editors:
Maruša T. Veber
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Celia Challet
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ABOUT THE CONFERENCE*

States, as well as international organizations, have a longstanding sanctioning history. However, the recent unprecedented expansion of sanctioning practices following the Russian invasion of Ukraine in February 2022 brought to the fore (and resurrected) manifold legal and practical questions concerning the adoption of sanctions: sanctions are adopted by non-state actors, individual sanctions are increasingly litigated before the Court of Justice of the EU on account of their non-compliance with human rights standards; national authorities often struggle with the implementation of manifold sanctions regimes; states and international organizations are looking into options for improving the effectiveness of sanctions and tackling sanctions evasion; some States and the EU are developing new confiscation regimes, which include both confiscation of state-owned and private property, etc. This proliferation of sanctions regimes means that in practice, States, various international organizations and non-state actors (often simultaneously) adopt different sectoral, targeted and institutional sanctions, which brings to the fore the question of interactions between these sanctions regimes, their effectiveness and their effect on the civilian population. On the other hand, global actors fail to adopt sanctions in relation to other situations involving serious violations of peremptory norms of international law. All these developments touch upon the fundamental issue of the legality and legitimacy of sanctions and the type of world order such practice upholds. This raises difficult questions including (but not limited to) issues concerning the notion and purpose of sanctions in international law and politics, immunities of States, extraterritoriality of sanctions, intersections with international human rights law and investment law, geoeconomic implications of sanctions and their effectiveness, global injustices, their contribution to colonial projects, etc.

The Ljubljana Sanctions Conference is a unique international interdisciplinary event organised in cooperation with the Ministry of Foreign and European Affairs of the Republic of Slovenia, the Centre for International Humanitarian and Operational Law (Palacký University Olomouc) and the Multidisciplinary International Network on Sanctions (MINOS) (University of Ghent). Conference fostered interdisciplinary debate, bringing together practitioners from relevant state authorities (such as Ministries of Foreign Affairs) and the private sector, as well as experts and scholars, to discuss sanctions in the context of international and European law, politics and economics. Over 165 participants gathered in Ljubljana to discuss the theoretical, normative, conceptual and practical challenges of contemporary sanctions practices across 14 panels, two roundtables and two lectures. The conference provided a unique opportunity to exchange views, evaluate and analyse lessons learned.

* This conference is organized in the course of the post-doctoral research project 'Seizure of State owned and private Property under International Law: Mapping the Applicable Legal Rules and Identifying Conditions that Frame and Limit Seizure of Frozen Assets in the Context of the Situation in Ukraine' (Z5-50167) funded by the Slovenian Research Agency (ARIS).

CONFERENCE CHAIR

Maruša Tekavčič Veber, Director of the Institute for International Law and International Relations, University of Ljubljana, Assistant Professor, Department of International Law, Faculty of Law, University of Ljubljana

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WELCOME ADDRESS

Tanja Fajon *(Deputy Prime Minister and Minister of Foreign and European Affairs of the Republic of Slovenia)*

Dear organisers, panellists and participants,

It is an honour and privilege for me to address such a distinguished gathering of academics, practitioners and other professional participants at today's Ljubljana Sanctions Conference. Indeed, I feel quite humbled by the presence of such an expert-packed conference of sanctions specialists. As a Minister of Foreign and European affairs I began my term in office in spring 2022, when the Russian aggression on Ukraine started, so I had to familiarise myself more deeply with sanctions and I have to admit that it is a complex and challenging subject. Lately, sanctions are again at the forefront of our discussions in relation to the grave and deplorable situation in Gaza. That is why conferences such as this one are very much appreciated to provide further academic and practitioners' insight, which enables us States to deploy this very important foreign policy tool effectively and legitimately.

Strengthening the legitimacy of EU sanctions seems to be particularly important nowadays, when it is being questioned by narratives such as the one on the negative consequences of the so-called "unilateral coercive measures" that has unfortunately gained much support in the United Nations, and which is premised on an utter misrepresentation of causes and consequences of sanctions. Sanctions need to be seen as legitimate, not only by States and their authorities but also by private operators that are required to implement them, otherwise their effectiveness will inevitably suffer. That is why the EU has always been careful to use them in a targeted manner in accordance with legally sound objectives. Some of these measures could of course be taken at the UN level, however as we have experienced during our term as a non-permanent member of the UN Security Council, current circumstances prevent it from taking action where it would be most needed. But since principles and rules of international law cannot and must not be a hostage of global power plays, the EU took the initiative to adopt sanctions such as those against Russia to uphold those very principles and rules. Somewhat ironically, lately the EU itself faces such a challenge in relation to the situation in Gaza, and it is my sincere hope that it will be able to act appropriately as in the case of war in Ukraine, so that its Member States will not be forced to act unilaterally in the defence of international law.

And it's not only the legitimate goals that justify our sanctions, it is also the awareness that they may not always be perfect, and willingness to test their legality in courts. That is why the work of our courts is so important to review our actions and provide further guidance on what is legal and what is not. I would dare to say that this is a uniquely distinctive feature of our supranational system, which further strengthens the legitimacy of our sanctions measures.

On the other hand, these legitimate objectives remain only nice words if not followed by effective action. That has also been the subject of adverse narratives that seek to undermine

the viability of sanctions due to their ineffectiveness. Such narratives emphasize that sanctions are easily and massively circumvented, so there is no point in implementing them in the first place. In that regard, it is essential that we as States do everything in our power to ensure the effective implementation of sanctions, in cooperation with our economic operators and in a way that does not adversely affect them but rather those who are targeted by sanctions. If we are able to do that properly, we will prevent demotivation and fatigue, which inevitably set in eventually, especially when conflict situations such as the one in Ukraine continue for longer periods of time.

As I browsed through the conference programme, I was very pleased to see that you will address all these issues and challenges, and I hope that you reach conclusions that will provide further insight into sanctions and provide us as States with additional guidance for our existing and future measures. So to conclude, I wish you all an intellectually stimulating and results-oriented debate, as well as a pleasant stay in Ljubljana!

Marko Rakovec *(Director General of the Department for International Law and Protection of Interests at the Ministry of Foreign and European Affairs of the Republic of Slovenia)*

Dear organisers, panellists, participants, colleagues,

Let me first express my gratitude to the organisers for inviting me to present some introductory remarks today, in which I will follow up on what the minister just mentioned.

But before that, perhaps just a few words on my connection with sanctions. This is namely one of many issues that the Directorate for International Law and the Protection of Interests works on, more specifically within its International Law Department. The work incudes drafting national legislation and coordinating sanctions implementation through our sanctions coordinator dr. Svetličič who is also among the panellists at the conference tomorrow. And since the outbreak of war in Ukraine, this work has become even more important and consequently our workload in this respect increased considerably, as I am sure it has in most of the EU Member States, even those much bigger than ourselves. To add another layer of complexity to this, we have in the meantime also become a non-permanent member of the UN Security Council, so you can imagine that our schedule on sanctions has been quite busy in recent years. I am very glad to see so many internationally renown experts in this area gathering in Ljubljana to discuss this pertinent topic.

Turning now to the substance of sanctions that you will be discussing next two days, like the minister I would like to first emphasize the importance of sanctions legitimacy and legality, which underpin our measures. That has been questioned in the past and several improvements to sanction regimes have been introduced, i.e. targeted sanctions, humanitarian exemptions, focal points and complaint mechanisms. However, as the minister mentioned in her address, they continue to be questioned nowadays so that those who commit violations of international law question the impact of EU sanctions aimed at restoring respect of that law. We are aware of course that not all of that criticism is targeted primarily at EU sanctions but rather at unilateral and often extraterritorial US sanctions, which the EU has issues with as well, precisely due to their incompatibility with international law. A recent example of such illegal unilateral US sanctions are those against several judges and other officials of the International Criminal Court, including a judge from Slovenia, which on the basis of an absurdly inverse logic sanction those whose function is to hold violators of international law to account. One should therefore avoid throwing everything into the same basket, which unfortunately more often than not is the case. So these things need to be put into a relevant perspective and it is our task to explain the difference.

On the other hand, in order to achieve their legitimate and legal objectives, sanctions need to be effective, otherwise they remain a paper tiger. That has also been the subject of opposing narratives in the context of sanctions against Russia, as the minister also mentioned, we need to communicate our achievements in that regard to the public, where one gets the feeling sometimes that the opposing narrative is prevailing.

We must make clear that sanctions are legally sound and that they are having an effect. The EU has adopted 18 packages – at the moment we are just discussing the 19th – of

unprecedented sanctions related to the territorial integrity of Ukraine both by volume and substance, from traditional freezing measures and export/import bans to new measures such as the oil price cap, broadcasting prohibitions and shadow fleet, which has been a huge effort both in regulatory and implementation sense. And contrary to the opposite narratives, these efforts are paying off. The Russian economy is experiencing "great difficulties", as express recently by the EU Sanctions Envoy David O'Sullivan, which is the very reason why so much effort is being put into undermining them on the one hand, and why on the other hand – as expressed by the Commissioner Albuquerque competent for sanctions in the European Commission – "specific demands from the Kremlin to lift our measures prove that sanctions are achieving their objectives". As such, they are also one of the important cards in EU's hand in any potential peace discussions.

One of the aspects of sanctions that could feature quite prominently in such peace discussions are also the so-called "immobilized assets" of the Russian Central Bank, another novel aspect in our sanctions toolbox. This vast amount of assets has already seen an innovative approach being used in the EU, when it decided to use the extraordinary profits generated from those assets due to sanctions to assist Ukraine. This was of course not without legal challenges, which is probably even more the case for the current discussion on how to enable the use of the principal of those assets. But, as the minister mentioned, EU is not afraid of legal challenges, as this further strengthens their legitimacy and provides it with useful guidelines for legally sound tools.

At national level, EU Member States needed to adapt as well to the new and unprecedented situation that these sanctions against Russia created, by adopting new and often innovative national implementation regulations, strengthening coordination among relevant competent authorities and generally raising awareness of the importance of sanctions implementation both among the authorities and economic operators that implement them. In Slovenia, we have tried as one of the smaller Member States to keep up with the relentless pace of these sanctions, there have been and remain challenges in terms of national implementation, as I am sure there are in other Member States. We have amended our national legislation and guiding documents, as well as worked closely among competent authorities in resolving any challenges. In this respect, the assistance of the European Commission has been invaluable, both in terms of providing answers to most frequent questions and explaining in real time various regulatory provisions, and by providing tools like the Sanctions Helpdesk for the direct assistance to economic operators.

To conclude, sanctions are a foreign policy tool that aims to bring about a change in the behaviour of those who violate international law. This statement would be considered to be obvious just a few years ago, nowadays this is unfortunately not the case. And if there is a general message that conferences such as this one – where so many scholars, practitioners and other experts are gathered – are able to convey, it is that violations of international law should never be tolerated, let alone encouraged, and that a legitimate and legal use of sanctions can certainly assist in such endeavours. In particular, if they can prevent use of force or enable ceasefire arrangements in armed conflicts they are invaluable diplomatic tool to uphold international law and maintenance of international peace and stability.

OPENING PANEL:

Sanctions in a Shifting Geopolitical Landscape: Current Challenges and Emerging Complexities

CHAIR: Thomas Biersteker *(Professor, Geneva Graduate Institute)*

Thomas Biersteker is Gasteyger Professor Honoraire at the Geneva Graduate Institute and a Public Policy Fellow at the Woodrow Wilson International Center for Scholars in Washington, DC.

He has been working on sanctions issues for over 25 years, with a focus on the evaluation of United Nations sanctions. He previously taught at Yale University, the University of Southern California, and Brown University (all in the U.S.), and at Brown, he directed the Watson Institute for International Studies for 12 and a half years. His BA is from the University of Chicago, which awarded him its Distinguished Alumni Achievement Award in 2020, and his PhD is from the Massachusetts Institute of Technology. He lives in Switzerland, but spends part of the year in Washington, DC in the US.

SPEAKERS:

Frank Hoffmeister *(Head of the Legal Department, European External Action Service)*

Frank Hoffmeister holds a PhD from the University of Heidelberg (1998) and served as academic assistant at the Walter Hallstein-Institute for European Constitutional Law from 1998 until 2001. He then joined the European Commission where he worked first in the Cyprus Unit in DG Enlargement before becoming a member of the Commission Legal Service (external relations and institutional team). From 2010 to 2014 he acted as Deputy Head of Cabinet of the EU Trade Commissioner De Gucht, and as of 2015 he was Head of Unit dealing with anti-dumping at DG Trade. He joined the European External Action Service in November 2021 as Director of the Legal Department. He teaches EU external relations law at the Free University of Brussels and has written extensively on EU and international law matters. He edited (together with J Wouters, G Debaere and T Ramopoulos) The Law of EU External Relations - Cases, Materials and Commentary on the EU as an International Legal Actor (Oxford, OUP, third edition 2021).

Matej Marn *(Ministry of Foreign and European Affairs of the Republic of Slovenia)*

Matej Marn, born in 1977, has a university degree in law. He has been employed at the Ministry of Foreign Affairs since 2001. During Slovenia's first presidency of the Council of the EU in 2008, he was the head of the Department for the EU and the deputy head of the Subgroup responsible for the Programme of the Presidency. At the end of 2008, he was appointed as Political Director at the Ministry of Foreign Affairs and held the position until his departure to the Permanent Mission of Slovenia to the UN in New York in October 2012. There he served as charge d'affairés of the Mission until August 2013 and then as Deputy Permanent Representative until August 2016. Upon his return to the Ministry, he was

appointed Director-General of the Directorate for the Common Foreign and Security Policy and Political Director. From December 2019 to March 2020 he served as State Secretary – Deputy Minister of Foreign Affairs. From March 2020 to September 2022 he headed the Department for Security Policy and served as Director for Security Policy. From mid-September 2022, he led the Task Force for UN Security Council, coordinating campaign for Slovenia's non-permanent seat in the UN SC for 2024-2025.

Since September 2023 he leads the UNSC Task Force, which is responsible for all coordination related to our work in the UN Security Council.

Clara Portela *(University of Valencia)*

Dr Clara PORTELA teaches Political Science at the Law School of the University of Valencia, having previously served as a professor at Singapore Management University and as a research fellow with the European Union Institute for Security Studies (EUISS) in Paris. Her research focuses on multilateral sanctions, arms control and EU foreign policy. She holds a PhD from the European University Institute in Florence and an MA from the Free University of Berlin. She is the recipient of the THESEUS Award for Promising Research on European Integration. Clara Portela was the inaugural Konrad Adenauer Visiting Scholar at Carleton University's Centre for European Studies in Ottawa, Canada. Previously, she has been a Visiting Professor at the College of Europe, the OSCE Academy in Bishkek, SciencesPo Grenoble, SciencesPo Lyon, SciencesPo Paris, Hitotsubashi University in Tokyo and the University of Innsbruck. She has consulted for the European Commission, the Ministry of Foreign Affairs of Spain, the Ministry of International Trade and Industry of Japan, and civil society organisations like Transparency International, Democracy Reporting, Civil Forum for Asset Recovery and Small Arms Survey. Recently, she advised the European Economic and Social Committee (EESC) on the criminalisation of sanctions violations (SOC 739 procedure).

PANEL 1 - JUDICIAL LIMITS TO SANCTIONS AND THE COURT OF JUSTICE OF THE EUROPEAN UNION

CHAIR: Damjan Kukovec *(Judge, General Court of the European Union, Luxembourg)*

Damjan Kukovec is a Judge of the General Court of the European Union. He obtained a law degree at the University of Ljubljana, Slovenia and a master's (LL.M.) and a doctoral (S.J.D.) degree at Harvard Law School.

He has practiced at the Constitutional Court of Slovenia, the Special Court for Sierra Leone as well as at the Court of Justice of the European Union before joining the Legal Service of the European Commission, representing the Commission before the Court of Justice.

He has taught at Harvard Law School, the Fundação Getulio Vargas Law School in Rio de Janeiro, the Brussels School of International Studies, the European Union Institute in Florence, Middlesex School of Law in London, at the University of Ljubljana Faculty of Law, at City Law School, University of London and at University College London. He is the author of numerous publications and lectures worldwide.

SPEAKERS:

Sara Poli *(University of Pisa)*

Circumvention of Sector-related Measures in the Context of the Russia-Ukraine Conflict: An Assessment of the Judicial Trends

The EU has set the most comprehensive sector-related sanctions ever enacted in order to induce Russia to cease the aggression in Ukraine and has progressively intensified its fight against circumvention practices be them carried out natural legal persons or by third countries. These subjects have attempted to sidestep both individual or sectoral restrictive measures. The listing criteria of individual restrictive measures currently include persons who frustrate individual as well as sector-related sanctions. In case the legality of restrictive measures is contested before the Court, the expectation is that the Court interprets the relevant secondary law having in mind the principle of effectiveness of sanctions. The are a number of cases concerning the legality restrictive measures of general application in which the GC had to interpret the scope of the prohibitions and of the exception provisions of CFSP Decisions and Regulations instituting these measures (i.e. Case T-797/22, Ordre néerlandais des avocats du barreau de Bruxelles). The presentation aims at inquiring on: a) whether the admissibility of actions against sector-related measures was problematic, considering that these restrictions are not of individual nature; b) whether the scope of judicial review is different vis-à-vis restrictive measures of general application with respect to that of individual restrictive measures; c) what are the limits of the Council's discretion in defining the designation criteria of sector-related restrictive measures; d) whether there are cases in which the GC sacrifices the prevention of circumvention of measures in the name of the principle of proportionality, as protected by article 5(4) TEU. The rulings that will be

commented and discussed are the following ones: Case T-125/22, RT France, Case T-235/22, Russian Direct Investment Fund, Islentyeva (Case T-233/22, Ekaterina Islentyeva) and Jemerak (Case C-109/23 Jemerak).

Keywords:
Circumvention; third countries; Council's discretion; effective judicial protection; legal standing; restrictive measures of general application; effectiveness, proportionality.

Biography:
Sara Poli is Full Professor of European law at the University of Pisa since 2018 where she teaches EU law and the law of EU external relations. She has 17 years of working experience in the academia; she is a member of the EUDIPLO and of the EUCTER Jean Monnet networks; in 2013 she was awarded a Jean Monnet Chair. Her works have been published in leading EU law journals. She has carried out research in several areas of EU law. Her most recent book is L'azione esterna dell'Unione Europea (2021), co-edited with E. Bartoloni. She has also authored or authored or co-edited books on EU restrictive measures, the European Neighbourhood Policy and the EU Management of Global Emergencies and the external dimension of the area of freedom security and justice. She has published on restrictive measures (both on the case-law and the sanction regimes) since 2016.

Before working for the University of Pisa, she has worked in the law department of the University of Trieste, Rome Torn Vergata, University of Southampton (UK), and the College of Europe. She was awarded various fellowships, including the Robert Schuman -Fulbright fellowship, Marie Curie Fellowship at the EUI (Florence) and DAAD fellowship. She is currently visiting professor at the EUI (2023).

Peter Van Elsuwege *(Ghent University)*

Limits to the Adoption of Restrictive Measures Against Individuals: Lessons from the Case Law of the Court of Justice

The adoption of restrictive measures (sanctions) has emerged as a pivotal instrument of the EU's Common Foreign and Security Policy (CFSP), with individual listings playing a critical role in targeting actors deemed responsible for violations of international norms. However, the Council's discretionary power in adopting such measures raises questions about the balance between foreign policy objectives and adherence to legal principles, including proportionality, transparency, and fundamental rights. The paper examines the evolving judicial oversight of individual listings by the Court of Justice of the European Union (CJEU), focusing on the interplay between the Council's discretion, on the one hand, and legal safeguards provided to listed persons, on the other hand. Through a detailed analysis of the relevant case law of the CJEU, the study will focus on key constraints on the Council's discretionary power with respect to the adoption of restrictive measures. These include the requirement to provide sufficient evidence for listings, the duty to state reasons and, more broadly, the obligation to respect the EU Charter of Fundamental Rights. Furthermore, the paper will analyse the tension arising from political considerations, such as tackling

sanctions circumvention, and the legality of individual listings within a legal order based on respect for the rule of law. This tension will particularly be explored with respect to the evolving case law regarding so-called 'secondary targets', i.e. those individuals that are associated with individuals that are responsible for the violation of international norms. The concept of 'association' and its interpretation through the case law of the CJEU deserves specific attention in order to define the boundaries of the Council's individual listing practice.

Biography:

Peter Van Elsuwege is Professor of EU law and Jean Monnet Chair at Ghent University, where he is co-director of the Ghent European Law Institute (GELI). He is also visiting professor at the College of Europe and board member of the Centre for the Law of EU External Relations (CLEER) at the Asser Institute in The Hague. Since 2024, he coordinates the Multidisciplinary International Network on Sanctions (MINOS), which brings together scholars from multiple disciplines working on the study of sanctions. His research activities essentially focus on the law of EU external relations. Specific attention is devoted to the legal framework of the relations between the European Union and its East European neighbours and questions of judicial protection in relation to the EU's Common Foreign and Security Policy (CFSP). He published extensively on those topics in leading law journals such as Common Market Law Review, European Law Review, European Constitutional Law Review and others.

Francesca Finelli *(University of Luxembourg & University of Pisa)*

Effective v. Proportionate Sanctions: The Judicial Review of the CJEU

The Union relies on restrictive measures, sanctions, as one of its primary tools of foreign policy. These measures are intended to be targeted, effective, as well as proportionate decisions. The general principle of proportionality is, in fact, one of the constitutional pillars of the Union, which aims to limit the scope and intensity of EU action. It requires that any decision made, including the imposition of restrictive measures, shall not exceed what is necessary to achieve the objectives pursued by the Union itself. In addition, the EU Charter further enshrines the key role of proportionality in regulating any limitation on the exercise of fundamental rights. In this legal framework, the principle of proportionality becomes a methodological imperative for the imposition of EU sanctions. Although the effectiveness of these decisions is essential for the credibility of the Union as a global actor and the advancement of the Council's political agenda in the Common Foreign and Security Policy (CFSP), the pursuit of effectiveness is not unbound. The principle of proportionality represents a constitutional safeguard, limiting the Council's discretion to impose excessive restrictions, and unlawful interferences with the fundamental rights of targeted persons. By assessing the caselaw of Court of Justice of the European Union (CJEU), this paper intends to shed light on the principle of proportionality in the judicial review of EU sanctions. It focuses on alleged breaches of the principle of proportionality raised before the Luxembourg judges, and presents how they review the legality of sanctions, balancing effectiveness with fundamental rights.

Keywords:
EU sanctions; Proportionality; Effectiveness; CJEU; Judicial review

Biography:
In June 2025, Francesca concluded her PhD studies in International and EU Law at the University of Luxembourg, under joint supervision with the University of Pisa. She defended her PhD thesis, titled 'Countering Circumvention of Targeted Sanctions: Legal Challenges in the EU, US and UK'. In her thesis, Francesca deals with the phenomenon of sanctions evasion, conducting a comparative analysis of the EU, US, and UK legal systems, and examining their responses to circumvention. Francesca recently joined the Euroepan Court of Justice, working in the Cabinet of Judge Mastroianni at the General Court. There, she has the opportiunity further develop her expertise on EU law, as well as sanctions and litigation initiated by targeted persons.

Her academic interests include public international law, EU external relations law, the Common Foreign and Security Policy (CFSP), and sanctions.

Marie Terlinden *(KU Leuven)*

Sanctions and Proportionality: Judicial Perspectives from the UK and the EU

Since Brexit, the United Kingdom has adopted an autonomous legal framework for sanctions under the Sanctions and Anti-Money Laundering Act 2018. This regime has diverged significantly from the European Union's in both scope and safeguards: designation criteria are broader, evidentiary thresholds are lower, and unlike the EU, the UK framework no longer requires periodic review of individual listings. These structural changes have shaped how individual sanctions—particularly asset freezes—are contested before domestic courts.

This paper examines how UK and EU courts adjudicate fundamental rights challenges to individual sanctions, focusing on the role of the proportionality principle in judicial review. While formally central to both legal systems, proportionality has been applied unevenly, revealing tensions between rights protection and foreign policy discretion.

The Court of Justice of the European Union has generally confined itself to procedural and evidentiary review in sanctions cases, especially those involving asset freezes. Substantive proportionality assessments are rare, and the Court typically defers to the Council's discretion, relying on established precedent with minimal elaboration. By contrast, UK courts have signalled a more interventionist approach. In cases such as Dalston Projects Ltd and Shvidler (pending before the Supreme Court), the Court of Appeal emphasised the need for substantive proportionality analysis, though its reasoning—particularly its reliance on the cumulative effects of sanctions regimes rather than the measure under review—has provoked debate.

Against this backdrop, the paper considers how differences in legal frameworks influence the protective function of proportionality in practice. It examines the extent to which current approaches may be eroding proportionality's role as a substantive safeguard for

fundamental rights, and reflects on how courts engage with the broader challenge of balancing individual rights with foreign policy objectives.

Keywords:
Sanctions; judicial review; proportionality; UK; EU

Biography:
Marie Terlinden is a PhD candidate at the KU Leuven and a fellow of the Flanders Research Foundation (FWO). She holds a BA in Classics from the University of Cambridge and a Bachelor and Master in Law from the KU Leuven. Her doctoral research examines the regulation of EU unilateral sanctions under international and EU law, with a focus on proportionality.

PANEL 2 - SANCTIONS IN INTERNATIONAL RELATIONS

CHAIR: Thomas Biersteker *(Professor, Geneva Graduate Institute)*

Thomas Biersteker is Gasteyger Professor Honoraire at the Geneva Graduate Institute and a Public Policy Fellow at the Woodrow Wilson International Center for Scholars in Washington, DC.

He has been working on sanctions issues for over 25 years, with a focus on the evaluation of United Nations sanctions. He previously taught at Yale University, the University of Southern California, and Brown University (all in the U.S.), and at Brown, he directed the Watson Institute for International Studies for 12 and a half years. His BA is from the University of Chicago, which awarded him its Distinguished Alumni Achievement Award in 2020, and his PhD is from the Massachusetts Institute of Technology. He lives in Switzerland, but spends part of the year in Washington, DC in the US.

SPEAKERS:

Weiyi Zhang *(Geneva Graduate Institute)*

From Paris to San Francisco: The Origins and Legal Legacies of Sanctions in the League of Nations Covenant

This paper aims to trace the evolution of sanctions from the League of Nations to the United Nations (UN) by comparing Article 16 of the Covenant with Article 41 of the Charter, examining how and why the concept and practice of sanctions changed across these foundational documents and what these changes reveal about the role of international law in shaping global governance. Building on Nijman's view that "doing history" means actively engaging with the past to understand the present, the study investigates how early experiences with sanctions - such as the Swiss Amendment, the Chaco arms embargo, and drafting debates influenced by Washington and London - shaped the UN's redesign of sanctioning powers. While the League's decentralized, state-driven model proved ineffective, prompting a structural shift, the paper argues that the UN's move to centralize authority in its Security Council, though intended to enhance enforement, introduced new challenges of legitimacy and politicization. Through analysis of archival materials and legal texts, the article demonstrates that this institutional transition reflects deeper tensions in international law between continuity and innovation, and between broad-based participation and concentrated authority. It contends that although the UN framework sought to overcome the League's failures, its highly centralized sanctioning power risks narrowing decision-making and exacerbating power imbalances. By uncovering the legal legacies and institutional learning from the League era, this study contributes to contemporary debates on the legitimacy, effectiveness, and design of international sanctions. It ultimately shows that the historical development of sanctions is not just a matter of institutional change but

reveals broader shifts in the relationship between law, power, and governance in the international system.

Key Words:
League of Nations, UN Sanctions, International Legal History

Biography:
Weiyi Zhang is a recent graduate of the Geneva Graduate Institute (IHEID), where she earned a master's degree in International and Development Studies, under the supervision of Prof. Thomas Biersteker. She also holds a dual-Bachelor degrees in International Relations from the University of Liverpool and Xi'an Jiaotong-Liverpool University. Her research interests focus on international sanctions, Cold War-era covert operations in the Balkans, and the role of advanced technologies in peacebuilding. Weiyi has gained experience across various organizations, including the IHEID Global Governance Center, the Geneva Science and Diplomacy Anticipator, and the UN Department of Political and Peacebuilding Affairs in New York. She is currently working with the Inspectorate Division of the Organization for the Prohibition of Chemical Weapons in The Hague.

Paula Ritzmann Torres *(Badaró Falk e Máximo Advogados)*

Between the Cross and the Sword: An International Law Approach on BRICS' Actions in view of Secondary Economic Sanctions

The proposed article analyses the effects of unilateral economic sanctions applied by global powers in the rights of third countries. Expanded widely, this secondary sanctions regime significantly impacts global economic relations, including financial institutions that, even without direct economic or legal connections to the sanctioning countries, conduct or facilitate transactions with sanctioned countries or individuals. The proposal focuses on BRICS' legal strategies to react to these secondary sanctions, due to its increasing importance as a major economic power (with 3.3 billion people and 37% of global gross domestic product based on purchasing power parity). This phenomenon places the BRICS in a difficult position, as well as poses challenges to international law, because globalized economy is still regulated by national rules of certain States.

The central question is: how do unilateral economic sanctions, especially secondary sanctions, lead BRICS to adopt strategies to pursue social and economic development goals that are licit and legitimate under International Law? Three hypotheses are analysed: (1) if secondary sanctions negatively affect BRICS' economies, generating strategic changes in their foreign and economic policies; (2) if BRICS are developing innovative International Law strategies to circumvent the effects of secondary sanctions (e.g., trade in their own currency and new economic and commercial alliances that minimize dollar dependency); (3) if BRICS' International Law strategies impact on diplomacy and international relations with Western States and other economic trade blocs.

The methodology chosen is the qualitative analysis of data, including international reports, legislation and academic publications, as well as specific case studies that demonstrate BRICS' reaction to secondary sanctions. The article aims to contribute to academic debates on the legality and effectiveness of the sanctions' regimes under international law as well as its ethical and legal implications on global geopolitics. Special emphasis is placed on how the sanctions' regimes (especially secondary sanctions) affect Third States economies, particularly emphasizing the strategic responses from BRICS countries. This perspective is relevant to understand the broader impact of unilateral sanctions on global economic disparities and in the pursuit of equitable growth and development.

Biography:

Phd and MB in international Law (University of São Paulo Law School, Brazil). Visiting Fellow at Lauterpacht Centre for international law (University of Cambridge) and at Max Planck Institute for Comparative Public Law and International Law. Professor at Universidade São Judas Tadeu (Brazil). Criminal Lawyer, Partner at Badaró Falk Maximo Advogados Associados (Brazil).

Dawid Walentek *(Ghent University)*

Experience Open to Interpretation: US Presidents and Economic Coercion

Research offers a conflicting account of the effect of economic sanctions on the popularity of political leaders, suggesting that the public either rewards an active foreign policy or punishes the use of coercion. What is more, scholarship assumes that political leaders do not observe ambiguous signals from the public and read the changes of public opinion in an unbiased fashion. Yet, literature on beliefs formation and on difficulties of political leaders to recognise public preferences signal that policy leaders may be susceptible to confirmation bias in respect to audience effects of sanctions. In this article, I develop a formal model of the behaviour of political leaders in respect to sanctions in an environment where signals from the public are open to interpretation. I predict that US presidents are likely to anticipate a benefit resulting from sanctions imposition and engage in coercion when approval ratings are decreasing. I test the theory using an event study design and data on approval ratings of US presidents. The empirical analysis identifies an anticipation effect for US presidents, with lower approval ratings prior to imposition of economic sanctions. Additionally, I observe weak evidence in support of audience benefits following imposition of sanctions.

Keywords:

US; President; Opinion Poll; Approval; Event Study; Audience Cost; Audience Benefit

Biography:

Dawid Walentek is a postdoctoral researcher at the Ghent Institute of International and European Studies. His work focuses on conflict and cooperation in international relations, with a particular focus on economic sanctions. In his current project, Dawid studies the micro-dynamics of sanctions and investigates the relation between individual preferences

and economic coercion. Dawid's work appeared in journals such as Contemporrary Security Policy, West European Politics, International Interactions and Journal of European Public Policy. Prior to joining Ghent University, Dawid was a postdoctoral researcher at the University of Warsaw. Dawid completed his PhD in Political Economy at the University of Amsterdam in 2020. For his work on economic sanctions Dawid received the START Award in 2022 from the Polish Foundation for Science and the Best Graduate Paper Award in 2019 from the European International Studies Associations.

Rebecca Iotti *(LUISS Guido Carli University)*

A Relational Framework for Economic Statecraft: Analysing the Modes of Economic Influence of China on EU Member States and Beyond

The research examines the gap between China's extensive economic resources and its relatively limited influence achieved through economic statecraft. This gap calls for an alternative analytical framework that moves beyond the monolithic state-centric view, emphasizing instead the role of relational dynamics between China and its target states. Relational Theory redefines power not as a function of material resources but as the capacity to navigate and leverage interdependent relationships. This paper argues that relational, rather than transactional, concerns, in Chinese foreign policy uphold its exercise of economic statecraft. I set to investigate to what extent Chinese economic statecraft is guided by self- restraint, aimed at cultivating relationality, i.e. Balance of Relationships. To do so, I want to understand how do political, historical and economic relations with target states affect China's modes of economic influence. The research spans from 2010 to 2022. Since 2008 the global order has been shifting toward a 'multinodal' structure, where states are more interconnected, but larger powers find it increasingly difficult to dominate smaller ones. As a result, effectively managing asymmetric relationships has become particularly crucial. The analysis will be based on an original dataset on instances of incentives and sanctions to discern trends and differentiate between types of economic statecraft. I have retrieved the data for inducements from AidFlow - Global Chinese Development Finance – _and for sanctions from MERICS database. The study incorporates Qualitative Comparative Analysis (QCA) to identify conditions under which China exerts economic influence. This structural approach leverages relational theory, and balance of relations to explore how political relations shape China's economic statecraft.

Keywords:
Sanctions; Inducements; China; EU; Balance of Relations; QCA

Biography:
Rebecca Maria Perla Iotti is a PhD candidate in Politics at LUISS Guido Carli University, where she is conducting research on Chinese economic statecraft. Her doctoral thesis, provisionally titled "Balancing Relations: Exploring Relational Determinants of China's Economic Statecraft Against Target States" explores the mechanisms and impact of China's economic interactions within international relations. Rebecca actively engages in academic discourse, participating in international conferences such as the EISA, IPSA and SISP,

where she has presented on topics including weaponized interdependence and international contestation. Additionally, she contributes to academia as a Teaching Assistant in Political Sociology and International Relations of the EU.

PANEL 3 - SANCTIONS AS INFRASTRUCTURAL POWER

CHAIR: Grégoire Mallard (*Professor, Graduate Institute Geneva)*

Grégoire Mallard is Director of Research and Professor in the Department of Anthropology and Sociology at the Geneva Graduate Institute of International and Development Studies. After earning his PhD at Princeton University in 2008, Pr. Mallard was Assistant Professor of Sociology at Northwestern University until he joined the Institute. He is the author of Fallout: Nuclear Diplomacy in an Age of Global Fracture (University of Chicago Press, 2014) and Gift Exchange: The Transnational History of a Political Idea (Cambridge University Press 2019). From 2017 until 2022, he has lead an ERC project titled Bombs, Banks and Sanctions, which focused on the evolution of unilateral sanctions in the global context of the Iran nuclear negotiations and global banking reforms, from which he created the Geneva Sanctions Hub. He is also the co-editor of Contractual Knowledge: One Hundred Years of Legal Experimentation in Global Markets (Cambridge University Press 2016), and Global Science and National Sovereignty: Studies in Historical Sociology of Science (Routledge 2008). His other publications focus on prediction, the role of knowledge and ignorance in transnational lawmaking and the study of harmonization as a social process. In 2024, he has founded a new Center on digital humanities and multilateralism at the Institute with the goal of reviving the interest for the future of multilateralism through an innovative analysis of its past.

SPEAKERS:

Gavin Sullivan *(The University of Edinburgh)*

Disentangling the Infrastructural Web of Counterterrorism Sanctions in Syria

In December 2024 an armed insurgency spearheaded by the Islamist group Hayat Tahrir al -Sham (HTS) successfully overthrew the Assad dictatorship in Syria. These remarkable events abruptly ended years of brutal rule by the Assad regime, creating hope for what might come next. But the transformative possibilities of a post-Assad Syria are severely constrained by a complex web of interconnected global sanctions and their deleterious and far-reaching infrastructural effects. Both HTS and its leader, Abu Mohammed al-Jolani, remain on the UN1267 sanctions list for being 'associated with' with Al-Qaida (AQ) and these UN sanctions are implemented by the EU. The US sanctions HTS as a Foreign Terrorist Organisation and lists Jolani as a Specially Designated Global Terrorist. HTS is also proscribed as a terrorist organisation under the domestic counterterrorism (CT) listing regimes of the UK, Russia, Turkey, Canada and others. After Assad was toppled, states and the UN alluded to the possibility of delisting HTS. But a more cautious 'wait and see' approach has now taken root – with possible HTS delisting tied to implementation of an inclusive and pluralist transitional governance process in Syria that respects minority rights and the rule of law.

Both scenarios centre our attention on the political leaders of powerful states and reproduce familiar tropes of a Westphalian world order with HTS sanctions as tools of economic statecraft and political behavioural change via carrot and stick. In this paper I contend that this common view of CT sanctions is myopic and misleading. I argue that these sanctions can be better understood as forms of infrastructural power that enmesh techniques of statecraft and 'extrastatecraft' together in novel and distinctive ways (Easterling 2014). This argument is developed by empirically analysing three areas: (i) the risk governance infrastructures for countering terrorist financing; (ii) the translation of CT sanctions by platforms to moderate online terrorist content, and (iii) by examining global sanction redress mechanisms like the UN Office of the Ombudsperson and OFAC reconsideration processes. My key claim is that CT sanctions generate novel forms of risk governance, sociotechnical agency, financial warfare and deterritorialised post-colonial ordering that are shaped by sanctioning states and IOs and loosely tethered to their formal powers, but not under their control. Disentangling this global security infrastructure - and thus opening meaningful possibilities for transitional governance in Syria – will require more than sanctions delisting and meeting the growing shopping list of political demands by powerful states. It also requires processes of socio-legal assemblage mapping and developing forms of immanent infrastructural critique. That is, critical processes that can attend to how CT sanctions infrastructures enact and circulate risk, restrict and facilitate flows (of money, human mobility, communications etc), constrain political agency, and reconfigure racial divisions and distributional hierarchies in practice, whilst also finding potential points of strategic intervention and 'infrastructural inversion' where elements of this security architecture can be made visible, brought into tension, rearranged, or dismantled (Bowker and Star 1999). Rethinking sanctions through their relation to socio-material infrastructure involves analysing how law, regulation and infrastructures emerge and take shape together (Sullivan 2022). It also demands a different policy debate on CT sanctions, that grasps how conventional forms of economic statecraft and sociotechnical forms of extrastatecraft are co-produced through CT sanctions and the security governance and violence they put into effect.

Biography:

Gavin Sullivan is a Reader at Edinburgh Law School and interdisciplinary law, technology and critical security scholar leading the UKRI research project, Infra-Legalities: Global Security Infrastructures, AI and International Law. His research focuses on the politics of global security law and governance, using socio-legal and ethnographic methods to examine data-driven security infrastructures. His first book, The Law of the List: UN Counterterrorism Sanctions and the Politics of Global Security Law (CUP, 2020), won the 2021 ISA International Law and STAIR-ISA Book Awards for research bringing STS into dialogue with global politics. Gavin has provided pro bono representation to numerous individuals sanctioned for alleged 'association with' Al-Qaeda in delisting proceedings before the UN Office of the Ombudsperson and is currently challenging US counterterrorism sanctions on behalf of listed people.

Jessica Whyte *(University of New South Wales)*

Financial Infrastructures and the Power to Sanction

In March 2023, Trump's Secretary of State, Marco Rubio responded to news of a new trade deal between Brazil and China by warning: "They are creating a secondary economy in the world totally independent of the United States. We won't have to talk about sanctions in 5 years because there will be so many countries transacting in currencies other than the dollar that we won't have the ability to sanction them." This paper traces recent attempts to create alternative financial infrastructures that would circumvent the US's power to sanction and it examines US-attempts to forestall such developments. Among the latter are a bill sponsored by Rubio that would require the imposition of sanctions with respect to financial institutions of countries of concern that clear, verify, or settle transactions using China's CIPS, Russia's SPFS, or Iran's SEPAM payment systems. And Trump himself has recently threatened to impose 100% tariffs on any country that develops alternatives to "the mighty dollar". The paper argues that these initiatives make explicit the coercive nature of US financial power. It contrasts this explicit weaponisation of the dollar with the early neoliberal period, when Ronald Reagan's monetary policy team insisted that once US inflation was brought down, "the natural advantages of the dollar" would quickly reassert themselves. Today, we are reaching the end- point of the post-Cold War international order and the collapse of the United States' ability to present itself as the guardian of a universally-beneficial liberal international order. The broader demise of the universalism of the immediate post-Cold War period finds expression in an increasingly particularist conception of the behaviour required of those who wish to participate in the dollar-dominated financial system. This paper suggests that the future of sanctions, and of world order, will be deeply shaped by the battle over the constituent of alternative financial infrastructures.

Keywords:
Economic Sanctions; Infrastructure; Financial power; Economic Coercion

Biography:
She is an Associate Professor of Philosophy at the University of New South Wales, Australia, with a cross-appointment in the Faculty of Law. Her work integrates political philosophy, intellectual history and political economy to analyse contemporary forms of sovereignty, human rights, humanitarianism and militarism. She has a particular interest in the political stakes of mobilizing the category of the human, and in the way claims to protect humanity are bound up with rationalizations for abandoning certain lives and for state-sanctioned killing. She has published widely on human rights, humanitarianism, and neoliberalism, and contemporary European philosophy in a range of fora – including Humanity: An International Journal of Human Rights, Humanitarianism and Development; Law and Critique; Political Theory; South Atlantic Quarterly; The Journal of Genocide Research; and Theory and Event. She is the author of two published monographs: Catastrophe and Redemption: The Political Thought of Giorgio Agamben (SUNY, 2012), and The Morals of the Market: Human Rights and the Rise of Neoliberalism (Verso, 2019). She is currently working on an Australian Research Council Future Fellowship project on Economic Sanctions after the Cold War.

Lisa Bhungalia *(University of Wisconsin-Madison)*

Politics of the List: Sanctions, Finance, and Asphyxiatory Violence in Palestine

Terrorism lists, sanctions, and regulatory regimes to govern financial flows in accordance with counterterrorism laws have become a key feature of the contemporary politico-juridical order. Drawing on over a decade of research conducted in Palestine, this paper examines the regimes of violence terrorism financing regimes and the practices of sanction they activate produce when infused into humanitarian aid, an investigation undertaken in two parts. First it traces how the tethering of US counterterrorism laws and terrorism blacklists to humanitarian assistance earmarked for Palestinians in the West Bank and Gaza Strip produces expansive regimes of policing, surveillance, and punishment through the networks of aid on which Palestinians are largely reliant. Then drawing on research conducted in Palestine with six Palestinian human rights organizations designated as "terrorist organizations" by Israel's Ministry of Defence in October 2021, it analyzes how the terrorist designation enacts what I call "asphyxiatory violence," a modality of violence that progressively erodes conditions of livability through forced disconnection and isolation. Finally, it turns to the use of the terrorist designation by Israel to undermine and eventually collapse institutional bodies providing crucial, life-saving support to Palestinians, such as the United Nations Relief and Works Agency, and notably, in a time of genocide. Taken together, these snapshots of counterterrorism blacklisting practices and sanctions in action and the violences they produce at the granular scale of everyday life presents us with a different temporality of war – one wherein violence is stretched over time – and a different optics of violence – there is no bomb to condemn nor troops to demand come home. It is precisely because of the visual and temporal registers that slow, debilitating processes of asphyxiation evade that make blacklisting practices, sanctions regimes, and seemingly mundane financial restrictions an increasingly preferred method of warfare, most notably for liberal imperial and settler colonial powers that desire to manage the field of visibility for their crimes.

Keywords:
US Security State; Aid; Terrorism Law; Blacklists; Sanctions; Financial Warfare; Asphyxiatory; Violence; Palestine

Biography:
Lisa Bhungalia is an Assistant Professor in the Department of Geography at the University of Wisconsin- Madison researching late-modern war, law, empire, and transnational linkages between the US and Southwest Asian and North African region. Her first book, Elastic Empire: Refashioning War through Aid in Palestine (Stanford University Press, 2024) examines the entanglements of aid, law, and war in Palestine with attention to the surveillance and policing regimes produced through the embedding of counterterrorism laws and infrastructures into civilian aid flows. The book was awarded the Middle East Studies Association 2024 Albert Hourani Book Award, the Middle East Monitor 2024 Palestine Academic Book Award, and the American Association of Geographers Glenda Laws Award. Her research has been supported by the American Council of Learned Societies, National Science Foundation, and Palestinian American Research Center, and her published work

has appeared in Politics and Space, Political Geography, Geopolitics, Small Wars & Insurgencies, Society and Space, Environment and Planning A, Middle East Report, and Jadaliyya, among other venues.

Maryam Jamshidi *(University of Colorado)*

Sanctions as Government Non-Recognition

Many have long argued that sanctions—particularly U.S. unilateral sanctions—are a form of regime change. According to many critics, in places like Venezuela, Iran, and Cuba, U.S. sanctions aim to push domestic populations to overthrow ruling governments. Though less appreciated, sanctions can also work in tandem with another disfavored practice: government recognition. For example, the United States has refrained, so far, from recognizing the new interim Syrian government, which is led by Hay'at Tahrir al-Sham (HTS) and its leader, Ahmed al-Sharaa, based partly on their sanctioned status. It has also refrained, as of yet, from lifting sanctions on the Syrian state itself—justified, again, by the sanctions against its interim leadership. Similarly, after the Taliban came to power in Afghanistan in August 2021, the United States refused to recognize it as the legitimate government not only because of how it took control (via armed overthrow), but also because of U.S. and international sanctions against the group. The long-standing absence of diplomatic relations between the United States and the Iranian and Cuban governments—two of the countries most comprehensively sanctioned by the United States—further underscores the close relationship between sanctions and practices associated with government non-recognition. While U.S. practice on this issue is particularly salient, this relationship—between sanctions and government recognition—is not exclusive to the United States. The Taliban, which is also subject to UN sanctions, has not been recognized as the government of Afghanistan or allowed to assume the country's seat at the General Assembly since coming to power.

This paper will explore how sanctions, which have long been criticized for interfering with the sovereignty of sanctioned states, support and legitimize another long-decried sovereignty-eroding practice in international law, government recognition. As part of this inquiry, this paper will demonstrate how tying sanctions to questions of government recognition transform the former into an effective tool for disciplining current regimes, as well as those that follow. This paper will also examine how intersecting practices of sanctions and government non-recognition instantiate global hierarchies in ways that are not just material but also legal and structural, in part, by locking new governments out of the global community of states (the Taliban) and making the states they control vulnerable to grave and unlawful attacks on their sovereignty (HTS).

Biography:

Maryam Jamshidi is an Associate Professor of Law at the University of Colorado Law School. She teaches and writes in the areas of national security law, public international law, the law of foreign relations, and tort law. Her scholarship focuses on the relationship between the private sphere and national security, as well as the law of foreign relations. In

exploring these dynamics, Professor Jamshidi's work draws on political and critical theory, and sociology. Her work has appeared in the Cornell Law Review, the Washington University Law Review, and the Harvard National Security Journal, amongst others, and she regularly publishes in popular media outlets. Prior to joining Colorado Law, Professor Jamshidi was an Associate Professor of Law at the University of Florida, Levin College of Law (2019-2023) and an Acting Assistant Professor of Lawyering at NYU Law School (2016-2019). Professor Jamshidi was a visiting professor at UC Davis Law School (Fall 2022) and is currently a faculty affiliate at the Center for Security, Race, and Rights at Rutgers University. Prior to entering academia, Professor Jamshidi was an associate at several leading law firms in Washington D.C. and served as a clerk to the Honorable Judge Gladys Kessler of the U.S. District Court for the District of Columbia.

PANEL 4 - SANCTIONS EVASION AND ECONOMIC ASPECTS

CHAIR: Peter Van Elsuwege *(Professor, Ghent University)*

Peter Van Elsuwege is Professor of EU law and Jean Monnet Chair at Ghent University, where he is co-director of the Ghent European Law Institute (GELI). He is also visiting professor at the College of Europe and board member of the Centre for the Law of EU External Relations (CLEER) at the Asser Institute in The Hague. Since 2024, he coordinates the Multidisciplinary International Network on Sanctions (MINOS), which brings together scholars from multiple disciplines working on the study of sanctions. His research activities essentially focus on the law of EU external relations. Specific attention is devoted to the legal framework of the relations between the European Union and its East European neighbours and questions of judicial protection in relation to the EU's Common Foreign and Security Policy (CFSP). He published extensively on those topics in leading law journals such as Common Market Law Review, European Law Review, European Constitutional Law.

SPEAKERS:

Francesco Giumelli *(University of Groningen)*

A Typology of Sanctions Evasion: Lessons Learned from the Experience of the United Nations

Paper co-authored with Anna Maria Lokhorst

The effectiveness of sanctions has been rated variably in the past, but there is broad consensus that evasion significantly undermines their impact. Despite this shared concern, evasion has received limited attention in scholarly debate. This study aims to develop an analytical framework for examining sanctions evasion. By treating sanctions evasion as a form of illicit trade, we develop a typology based on four main sectors—goods, money, services, and others—using data from the United Nations sanctions database provided by the Targeted Sanctions Consortium (TSC).

Examples of sanctions evasion include the circumvention of arms embargoes in Somalia through clandestine trade routes, the evasion of financial sanctions by North Korea via complex networks of shell companies, and the breach of oil sanctions against Iran through ship-to-ship transfers in international waters. These cases highlight the various strategies used by actors to bypass sanctions. We argue that actors can choose from five distinct circumvention strategies: Ignore, Avoid, Hide/Obfuscate, Deceive, and Cope. This typology was applied to United Nations data, including 252 expert panel reports on sanctions imposed on targets in 16 countries over the past two decades.

This study advances knowledge on sanctions evasion, laying the foundation for further research and contributing to the debate on sanctions effectiveness. It also reflects on the

relevance of these findings for International Relations theories, particularly those related to enforcement mechanisms, state behavior, and international cooperation. By integrating empirical examples with theoretical insights, this study offers a comprehensive understanding of the challenges posed by sanctions evasion and its implications for global governance.

Biography:

Francesco Giumelli is Associate Professor of International Relations at the Department of International Relations and International Organization (IRIO) of the University of Groningen. He is the Chair of the Cost Action Globalization, Illicit Trade, Security and Sustainability (GLITSS) and he is the Director of the research theme Development, Security and Justice under the Agricola School for Sustainable Development at the University of Groningen.

Francesco is member of the Editorial Board of the Journal of Illicit Economies and Development (JIED) and of the Central European Journal of International Security Studies (CEJISS). His research features in the Global Initiative against Transnational Organized Crime (GI-TOC). He also served as Deputy Head of Department in Groningen from 2017 to 2023 and he co-coordinated the BA programme in International Relations and International Organization from 2014 to 2017, as Jean Monnet Fellow at the European University Institute and as Fellow at the Kroc Institute of Notre Dame University.

He is the author of International Sanctions (Mulino 2023), The Success of Sanctions: Lessons Learned from the EU Experience (Routledge, 2013) and Coercing, Constraining and Signalling: Explaining UN and EU Sanctions After the Cold War (ECPR Press, 2011). He published on sanctions, private military, and security companies in the Journal of Common Market Studies, International Affairs, International Relations and International Peacekeeping. Beyond his work on sanctions, he studies issues concerning the role of private actors in security governance and illicit trade. He graduated in Political Science at the University of Bologna and holds a Ph.D in Political Science from the Institute for Humanities and the Social Sciences (formerly the Italian Institute of Human Sciences at the University of Florence). His doctoral thesis focused on international sanctions of international organizations.

Patricio Barbirotto *(Ca' Foscari University of Venice)*

The Digital Battlefield: Blockchain and Sanctions in Russia's war against Ukraine

The imposition of international sanctions on Russia, particularly following the 2014 annexation of Crimea and the subsequent conflict in Ukraine, has reshaped global economic dynamics. Targeting financial institutions, the energy sector, and key individuals, these measures aim to pressure the Russian government to cease its unlawful aggression. In turn, Russia has increasingly turned to emerging technologies—most notably blockchain and cryptocurrencies—as part of a broader strategy to mitigate the impact of these sanctions. This article explores the legal implications of Russia's use of decentralised technologies to circumvent restrictions. Cryptocurrencies such as Bitcoin and Ethereum allow value

transfers across borders without reliance on traditional financial institutions, thereby evading mechanisms susceptible to sanctions enforcement. The decentralised, pseudonymous nature of blockchain transactions complicates regulatory oversight and challenges the conventional tools used to police international financial flows. Further, the Russian state is reportedly pursuing alternative financial infrastructure in cooperation with nations like China and Iran, aiming to reduce dependence on Western-dominated systems such as SWIFT. Simultaneously, Russian firms are increasingly adopting cryptocurrencies to facilitate international trade and payment settlements. This technological shift presents serious challenges to the effectiveness of traditional sanctions regimes and raises pressing legal questions concerning governance, enforcement, and regulatory adaptation in a decentralised financial environment. The study considers potential responses by Western governments and international institutions, including the development of advanced monitoring tools, the tightening of regulatory regimes around digital assets, and enhanced multilateral cooperation to detect and disrupt illicit financial networks. Ultimately, while blockchain technologies complicate sanctions enforcement, they also prompt a necessary re-evaluation of global financial governance. This transition offers both a warning and an opportunity: to adapt legal frameworks to the realities of a digital economy and to reinforce the resilience of international regulatory systems in the face of evolving technological threats.

Keywords:
Sanctions; EU; Russia; Blockchain; Crypto

Biography:
Patricio Barbirotto, is a post-doctoral researcher in international law at Ca' Foscari University of Venice (Italy), holds a PhD in international law from the same university and a PhD in regional governance from Astrakhan State University (Russia). His research focuses on public international law, international law in the former Soviet space, international economic law—particularly the interaction between public and private actors—regional integration law, and the ways these areas intersect with the law of armed conflict and human rights law. A technology enthusiast, he has also expanded his interests to include artificial intelligence, blockchain, and space law, especially as they relate to armed conflicts and international tensions. He teaches international law at Ca' Foscari University and provides consultation and assistance to both public institutions and private enterprises. In addition to his native Italian, Patricio is fluent in English, Czech, Russian, and Spanish, and has a basic knowledge of Croatian.

Nashab Parvez, Alexander Potapov *(Rabobank)*

Against the Odds: The Challenges EU Financial Institutions Face in Complying with US and UK Non-Financial Sanctions

Russia's illegal invasion of Ukraine has resulted in a staggering proliferation of sanctions in a short period of time—ground-breaking in their scope, magnitude and impact when compared to other sanctions regimes historically. As a result of their complexity, novelty,

legal challenges and ambiguous regulatory expectations, they often create complex organisational puzzles for compliance professionals working in the private sector. A particular legal innovation that has caused financial institutions difficulties recently is the rise of trade controls as part of broader sanctions packages and the continued emphasis on their enforcement by regulatory authorities. This development has turned a rarely tread-path for financial institutions into what threatens to become a major highway in the years to come.

A notable example is the publication of the BIS (Bureau of Industry and Security) October 2024 Guidance, which clarifies that under General Prohibition 10, FIs and other persons (regardless of location, country in which they are headquartered or registered, or nationality) may not finance or otherwise service the trade of items subject to the Export Administration Regulations (EAR) with knowledge that a violation of the EAR has occurred, is about to occur or is intended to occur in connection with the item. Consequently, BIS seems to hold the view that foreign FIs should know (or be aware) if any of their products or services underlie breaches of the EAR. Likewise, the Guidance for Foreign Financial Institutions specify that, pursuant to Executive Order (EO) 14114, if foreign FIs conduct or facilitate any significant transaction or provide any service involving Russia's military industrial base or any person blocked pursuant to EO 14024, they risk being sanctioned by OFAC (Office of Foreign Asset Control).

The publication of these guidance papers, amongst others (including new laws and regulations), had a profound effect on the industry, sending ripples across compliance departments of financial institutions in allied and non-allied jurisdictions to the United States and the European Union. How do financial institutions respond to these developments? What are the risks of non-compliance? Is the existing apparatus of their internal compliance policies, procedures and measures adequate to comply with these new trade-related compliance obligations? Or will FIs need to re-imagine sanctions compliance entirely?

Biography:

Nashab Parvez. As a Global Sanctions Advisor at Rabobank, Nashab provides advice internally on transactions, deals, clients and products exposed to sanctions risks. Within Rabobank, he has also worked as a FEC Screening Expert: List Management – a role encompassing the drafting of sanctions policies (related to list-management), research into sanctioned individuals and entities, and broadly exploring how technology can be used to optimize sanctions screening. Prior to joining the banking industry, Nashab interned in the T.M.C. Asser Institute, where he contributed to multiple projects including International Crimes Database and the publication of the edited volume Returning Foreign Fighters: Responses, Legal Challenges and Ways Forward. He has a Master of Laws degree in public international law from the University of Amsterdam and a Bachelor of Arts degree in Liberal Arts and Sciences from Maastricht University and continues to engage with international legal academia in various capacities.

Alexander Potapov currently works at Rabobank as Strategic Design Expert - Sanctions, focusing on developing strategies and controls to mitigate risks associated with financial and economic sanctions. Prior to joining Rabobank in 2023 he was part of an international law firm, advising leading global companies on international sanctions regimes, in particular

Russia-related sanctions, and other matters, having worked in the legal industry for over ten years. His fields of interest include financial and economic sanctions, international public law and banking. He has a law degree from the Higher School of Economics, Moscow.

Caroline Glöckle *(University of Passau / Noerr LLP)*

The EU Commission's Interpretation of EU Sanctions Law through FAQs: More Curse than a Blessing?

The EU sanctions law regime faces quite a controversial situation: the Council is competent for the adoption of sanctions regulations while the EU Member States are responsible for their implementation and enforcement; however, the EU Commission has taken a very powerful position in-between, as it publishes its interpretation of EU sanctions law through non-binding FAQs – even though it is involved in EU sanctions law only to the extent that it has the right to make proposals for sanctions regulations and oversees their implementation and enforcement in its general function as the "guardian of the treaties". As a result, the EU Commission may use its FAQs to push certain interpretative approaches to EU sanctions. This is problematic whenever the EU Commission overstretches EU sanctions law as its FAQs have a signaling effect for both national competent authorities and EU operators.

The paper will discuss two recent instances where this problem has manifested: first, the so-called "best efforts"-clause (Art. 8a of Regulation 833/2014) which stipulates that EU operators "shall undertake their best efforts" to ensure that owned or controlled subsidiaries do not undermine EU sanctions legislation. The clause has been subject to intense discussions already prior to its introduction. At the outset, what turned into "best efforts" had been set in the EU Commission's legislative proposal as a presumption that EU parent companies should be liable for sanctions violations of their subsidiaries in third countries. Following a pushback by EU industry, the standard of the provision was eventually lowered as to merely require "best efforts" in preventing sanctions circumvention. Doubts and questions regarding the interpretation of the provision persisted. Many EU operators therefore eagerly awaited the EU Commission's FAQs on the interpretation of the "best efforts"-clause. Eventually, the EU Commission presented an interpretation that came close to its initial proposal of a "hard" liability for EU operators which the Council had explicitly not supported. Second, the case of Jemerak where the EU Commission had stated in its FAQs that notary services would be covered by the legal services ban. Therefore, notaries across the EU did not certify e.g.contracts involving Russian legal persons. However, the CJEU recently rejected this interpretation in Jemerak – a relief for notaries in the EU.

The paper discusses the controversial role of the EU Commission's FAQs in EU sanctions law. It first describes the legislative process and the division of powers for the enactment of EU sanctions law. As a second step, the paper retraces how the EU Commission's FAQs have become a highly relevant resource of interpretation in the sanctions realm. On this basis and, as a third step, the paper dives into the problematic nature of the EU Commission's FAQs by reference to examples such as its interpretation of the "best efforts"-

clause and the legal services ban. Last, it considers alternative ways for using and handling the EU Commission's FAQs in the future.

Biography:

Caroline Glöckle has conducted doctoral research in international economic law with a special focus on WTO law. She is lawyer at Noerr Brussels' "International Trade Law and Investment Controls" practice. Her work focuses on international trade law with a strong emphasis on EU sanctions law. She holds a German law degree and an LL.M. in International Legal Studies from Georgetown University (USA).

PANEL 5 - SANCTIONS LITIGATION

CHAIR: Petra Mahnič *(Legal Advisor at the Council of the European Union)*

Petra Mahnič is a member of the EU Council Legal Service (CLS) since 2004, where she acquired legal expertise in wide-ranging areas of EU law and policies, building on her undergraduate studies in law in Ljubljana and Amsterdam, post-graduate studies in EU law at the College of Europe in Bruges (LLM) and tenure as legal adviser in the Constitutional Court of Slovenia.

She is currently coordinator for Common Foreign and Security Policy and public international law within the External Relations Directorate of the CLS, responsible for the Foreign Relations Counsellors Council working party (RELEX), the European Peace Facility Committee (EPFC) and the Public International Law Working Party (COJUR). Since October 2015, while in the CLS Directorate on external relations, she has gathered considerable experience concerning EU restrictive measures and other CFSP activities, providing legal advice to the Council, assisting in the management of restrictive measures regimes, coordinating litigation in EU restrictive measures as well as defending their legality before EU Courts.

Since 2022 she has been a Lead Instructor within the Executive Program of the School of Transnational Governance of the European University Institute (Florence) on the course Making Sanctions Work: Political, Legal, and Economic Challenges of EU Restrictive Measures and a contributor to the Capacity-building Programme for Western Balkan diplomats. She is also visiting professor at the legal department of the College of Europe in Bruges.

SPEAKERS:

Iryna Bogdanova *(University of Luxembourg)*

Economic Sanctions before International and National Courts: Between Forum Shopping and Fairness of International law

In a world dominated by geopolitical confrontations and a race for technological dominance, economic coercion, as an instrument of foreign policy and potentially a tool of economic competition, gains more prominence than before. Yet, the legality of economic coercion that often takes the form of unilateral economic sanctions, i.e., non-UN sanctions, remains a point of contention, with the two unreconcilable views on the matter being supported by the states. This rift between the states roughly maps what is often labelled as the 'developed/developing divide' or alternatively 'the West versus the Rest'.

Unilateral economic sanctions have garnered much attention in recent years. Their sweeping application and potentially dreadful effect urge individuals and states to question their legality before international and national courts. Against this backdrop, the purpose of

this article is to analyse before what international and national courts states and individuals targeted by unilateral sanctions bring their legal claims, what substantial arguments they advance and what procedural hurdles prevent them from succeeding in their claims.

This paper is structured as follows. The paper begins with a discussion of the undefined legal status of unilateral economic sanctions in international law. Against this background, an analysis of the disputes, in which the legality of economic sanctions has been questioned, is conducted. Towards this end, I analyse the disputes over economic sanctions before the International Court of Justice (ICJ), the International Criminal Court (ICC), the World Trade Organization (WTO) dispute settlement mechanism, investor-state dispute settlement and the Court of Justice of the European Union. This analysis is pursued with an overarching idea to explore the role of international and national courts in providing states and individuals with a right to question economic sanctions' legality and to seek redress as well as in allowing states that imposed such measures to defend their right to do so.

Biography:

Dr Iryna Bogdanova is an international law scholar. Currently, she holds a position as a postdoctoral researcher and is based at the University of Luxembourg. Over the past years, Dr Bogdanova has published contributions analysing various aspects of economic statecraft, mostly focusing on economic sanctions, their effectiveness and legality under international law. Her recent book explores the legality of unilateral economic sanctions, i.e. those imposed by individual states without authorization of the United Nations Security Council, under international law. Iryna earned her PhD degree (Summa cum Laude) from the Faculty of Law of the University of Berne. Prior to this, she pursued legal studies in Ukraine, Switzerland, and the Netherlands. Dr Bogdanova's previous working experiences are diverse and range from private sector employment to work in international organizations.

Michal Karolak *(University of Warsaw)*

Prohibition on Legal Advisory Services: Between Weakening Commercial Activities and Meta-sanctions

Two cases decided by the CJEU in late 2024 (Jemerak and Ordre néerlandais) examined the prohibition on providing legal advisory services to all legal persons established in Russia. Paying closer attention to the prohibition of legal services goes beyond lawyers' self-interest. First, the weighing-up of the interests at stake is instructive of the analogous exercise in other contexts. The General Court in Ordre néerlandais confirmed the approach to the limitations on the exercise of the rights recognised by the Charter – and was prepared to accept that the consequences of restrictive measures for ostensibly non-culpable operators may be "negative, even significantly so".

A stimulatingly novel point was the effect that legal advice may have in facilitating the circumvention of sanctions. Failure to restrict such services may jeopardise the effectiveness of the entire sanctions regime. This concern is accentuated by the recent amendment to UK regulations, which created a carve-out to the prohibition on the provision

of legal advisory services where the advice concerns compliance with, or the consequences of non-compliance with, “any sanction, imposed by any jurisdiction”. This paper assesses this meta-function of prohibition of legal advisory services as it may reveal that it has a cardinal role which the passing remarks in case law do not do justice to.

A cross-reading of the decisions in Jemerak and Ordre néerlandais sheds new light on the definition of the provision of legal advisory services, and how it relates to the right to obtain legal advice, the independence of lawyers and the values of the rule of law. It may illuminate the boundaries of the prohibition. Finally, it may assist in clearing the murky waters of how the general circumvention regulations prevent a person intentionally providing legal advisory services where the object or effect of the legal advisory services directly or indirectly circumvents other restrictive measures.

Keywords:
Sanctions; restrictive measures; legal advisory services; sanctions circumvention; compliance; Common Foreign and Security Policy; Court of Justice of the European Union

Biography:
Michał Karolak is a doctoral candidate at the University of Warsaw researching foreign public laws in private international law. He studied law as an undergraduate and graduate at the University of Oxford and attended the course in private international law at the Hague Academy twice, including the Directed Studies. His research interests lie at the intersection of private and public international law. Currently, he investigates the place of regulatory interventions as well as human rights in cross-border situations. His work on evidentiary procedure has been cited with approval by the Polish Supreme Administrative Court.

Chloé Brière *(Université Libre de Bruxelles)*

Effective Judicial Protection till the end? Assessing the Effectiveness of Actions for Damages in EU Sanctions Regimes

Access to legal remedies may harm the effectiveness of EU sanctions, but also reflects the EU’s commitment to the rule of law and fundamental rights, including in sensitive and complex geopolitical situations. In that context, legal remedies can be considered as “the very thing that gives the European Union its added value, that distinguishes it from the authoritarian regimes it fights against” (AG Mengozzi, in Case C-376/10 P). As a consequence of such commitment, the EU treaties provide legal avenues allowing persons and entities targeted by sanctions to bring legal actions before the EU courts.

Yet, despite the abundant literature on the judicial review of EU sanctions, there has been limited work on the substantial outcomes of the actions for damages brought before EU courts. The proposed paper proposes to remedy this gap. Such an exploration presents an added value as these actions constitute an expression of the right to good administration (Article 41 Charter) and an expression of the judicial accountability of EU actors.

It will first seek to define the standards stemming from the case law of the EU courts and identify the condition(s) the applicants must meet to obtain compensation for damages resulting from EU sanctions. To that end, the paper will review the actions for damages undertaken in selected sanctions regimes (Iran, Syria, Russia and Belarus). The paper will then ascertain whether the actions for damages in the context of EU restrictive measures constitute an effective or a fictitious remedy for the violation(s) of fundamental rights caused by EU sanctions. It will to that end compare such actions with those undertaken in other fields of EU law, thus aiming to determine the reach of the normalization of the CFSP.

Keywords:
judicial protection; action for liability; damages; compensation

Biography:
Chloé Brière is an Associate Professor of EU law at the Centre for European Law and an affiliated member of the *Institut d'Études Européennes* (Université libre de Bruxelles). Since 2019, she has been holding the chair in European law, teaching, researching and supervising students in the Faculty of Law and Criminology. After being the Director of the Centre for European Law between 2020 and 2023, she is since 2023 Director of the *Institut d'Études Européennes*. Her doctoral research, published as a monograph in 2021, focused on the European Union's policy against trafficking in human beings and its promotion outside the EU's borders. Her research interests cover other aspects of European Union Law, such as EU criminal law, EU external relations law, or the protection of the EU's financial interests. The full list of her publications is available here: LINK.

Celia Challet *(Université Catholique de Lille)*

National Courts and the Effective Implementation of EU Restrictive measures

EU restrictive measures, or 'sanctions', adopted under the Common Foreign and Security Policy (CFSP), generate a growing litigation before Member States' courts. The implementation of EU sanctions rests on Member States' competent authorities, whose decisions are often challenged in national courts. Sanctions compliance also sparks contractual dispute, leading to civil litigation or arbitration. As ordinary judges of EU law, national judges play a key role in ensuring the uniform interpretation and application of sanctions. However, the growing complexity of sanctions and the surge in related litigation present significant challenges for national courts. Judges must navigate new EU sanctions, whose guiding interpretation by the Commission has been confirmed as non binding by the Court of Justice of the EU (CJEU).

This interpretative uncertainty is further complicated by the need for national courts to determine whether the national implementation of sanctions respects fundamental rights. How do national courts shape the effective implementation of EU sanctions? What role do requests for preliminary rulings to the Court of Justice (Article 267 TFEU) play in this respect? This contribution addresses these questions by analysing, firstly, the contribution of preliminary rulings to the interpretation of EU sanctions law. Increasingly, preliminary

questions invite the Court of Justice to clarify aspects such as scope of individual asset freezes, contractual claims affected by sanctions, and sectoral measures. Some national judges have enquired about the legal effects of restrictive measures, including Member States' obligation to impose 'effective, dissuasive and proportionate penalties' for the violations of restrictive measures. Others have interrogated the Court about national authorities' discretion in implementation, and the scope of their own judicial review in domestic sanctions litigation. These cases may offer the Court of Justice an opportunity to provide additional clarifications that have not yet been brought by direct action such as actions for annulment under Article 263 TFEU. A second section focuses on the challenges to the implementation and enforcement of sanctions that transpire from the requests for preliminary rulings. National judges have acknowledged the uncertainties generated by divergent national approaches and the Commission FAQs, and they have questioned the compatibility of certain EU sanctions (and their enforcement) with the Charter, if not their own constitution. To date, the Court of Justice has dismissed claims of fundamental rights violations and/or focused its response on the objective to ensure a uniform and effective implementation of sanctions. The requests for preliminary rulings nevertheless call for a broader reflection on the judicial scrutiny exercised on EU sanctions in the light of fundamental rights, on the judicial dialogue between domestic courts and the Court of justice in the field of sanctions, and on possible avenues to enhance the uniform and effective implementation of sanctions.

Biography:

Celia Challet is Assistant Professor in Law at the Université Catholique de Lille (France) and Research coordinator of the Multidisciplinary International Network on Sanctions (MINOS). Her research focuses on the institutional law of the European Union and the EU's external relations law. She has published on the sanctions adopted by the European Union in the framework of the Common Foreign and Security Policy and on their judicial review by the Court of Justice of the European Union. Celia holds a Ph.D. in Law from Ghent University (2025). She worked as an academic assistant in EU law and later as an assistant to the Director of Legal Studies at the College of Europe in Bruges (2019–2024). Celia holds an LL.M. in European Law from the College of Europe (2019), as well as a Master's degree in European Business Law from Paris Panthéon-Assas University (2018).

PANEL 6 - SANCTIONS IN INVESTMENT AND ARBITRATION PROCEEDINGS

CHAIR: August Reinisch (*Professor, University of Vienna)*

August Reinisch has been a professor of international and European law at the University of Vienna since 1998. He currently serves as Head of the Section of International Law and International Relations and as Director of the LL.M. Program in International Legal Studies. He is a member of the United Nations International Law Commission, membre of the Institut de droit international, member of the Permanent Court Arbitration and President of the Austrian Branch of the International Law Association.

August Reinisch has published widely in international law with a focus on international investment law, the law of international organizations, international responsibility, human rights and non-state actors. He has served as arbitrator in cases involving international organizations and in investment cases mostly under ICSID and UNCITRAL Rules.

August Reinisch holds Master's degrees in philosophy (1990) and in law (1988) as well as a doctorate in law (1991) from the University of Vienna and an LL.M. (1989) from NYU Law School. In 1994, he obtained the Diploma of the Hague Academy of International Law.

SPEAKERS:

Alexandros Bakos (*Hamad Bin Khalifa University)*

When State-Controlled Investors Challenge Sanctions in Investment Arbitration: Extreme Politicisation?

A survey of the eighteen investment arbitration proceedings initiated by foreign investors who challenged the imposition of sanctions by the host state shows that more than 70% of the claimants are connected to their home state beyond their nationality links (this number potentially rising to 83%, depending on how Huawei's relationship to the Chinese Communist Party is qualified). They are either state-controlled or their ties to their home government effectively means that any favourable outcome of the arbitral proceedings would also benefit the latter. In addition, sanctions affecting foreign investors are generally imposed as part of a broader geopolitical conflict – for instance, the 2017-2021 Blockade of Qatar by Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates, Russia's war against Ukraine and the annexation of parts of Ukrainian territory, or Iran's nuclear proliferation activities. Taken together, those considerations paint an arguably unprecedented challenge for investment arbitration – disputes arising from the imposition of sanctions on foreign investors, or affecting them, present unparalleled degrees of politicisation.
Considering the depoliticisation aims of investor-state dispute settlement (ISDS), this presentation addresses two aspects. Firstly, it assesses the systemic consequences of claims brought by investors that have deep ties to sanctioned governments against the imposition of such measures. While investment arbitration has never been completely

depoliticised (both impractical and undesirable since the body of international investment protection laws acts as a shield against political risk), there has always been an implicit limit to the extent to which ISDS can be politicised. Although this limit is not precisely ascertainable, disputes in which state-controlled investors challenge the imposition of sanctions have arguably come closer to this limit – if not having gone beyond it – than any other type of investor-state dispute before.

Secondly, while it is not possible to ascertain the precise extent to which ISDS has been depoliticised, it is arguably possible to identify specific red flags that make it increasingly likely that such limits have been crossed. For instance, the proximity between the investor and its home state's government represents such a red flag – extreme examples can be seen with central banks, which have even challenged the imposition of sanctions in investment arbitration. The risks are compounded by the fact that such disputes likely mask a state-state dispute and that any positive outcome for the investor will benefit its home government, ultimately turning ISDS into an arena for great power competition. Against this background, the presentation also focuses on the possibility to reject such claims for admissibility reasons (abuse of process). Although investment arbitration tribunals and other international courts, such as the International Court of Justice, have established a high threshold for rejecting a claim for abuse of process considerations, the unprecedented political implications of disputes such as the ones mentioned above arguably cross this threshold.

Biography:

Alexandros is a post-doctoral researcher in international law at Hamad Bin Khalifa University (HBKU), College of Law. He holds a PhD in international economic law from City, University of London. His doctoral research explored the extent to which international economic law protects foreign investors against economic sanctions. Before joining HBKU, he was a teaching assistant in public international law, European Union law, and public law and human rights at City and a research assistant in international economic law at the British Institute of International and Comparative Law.

Michael De Boeck *(ACQUIS)*

Execution of Judgments and Awards against Frozen or Immobilized assets

The proposed paper examines the prospects of enforcement of awards against frozen or immobilized assets in the EU by reference to CJEU case law and practical NCA guidance.

In a first section, it aims to clarify the regulatory framework on the financial and economic sanctions imposed on specifically designated entities in annexes to the Regulations, and against assets of targeted states, including RCB assets in central securities depositories (CSDs). This section intends to introduce an analytical distinction between the concepts of 'asset freeze' and 'immobilisation' of Russian (Central Bank) assets in CSD's such as Euroclear and Clearstream.

In a second part the paper will set out the framework for execution of judgments and awards under the respective derogations for the enforcement of arbitral awards, thereby distinguishing between (a) enforcement against assets of non-sanctioned Russian individuals and companies, (b) a sanctioned entities, and finally, (c) against state assets of the Russian Federation which additionally entails limits imposed by foreign sovereign immunity from recognition and/or execution. (A tangential issue is whether enforcement and execution against assets of state-owned companies is also affected. A brief discussion of that issue may be included subject to relevance and word count limits).

The author will, in the third part, question specifically (i.) Whether immobilised assets should be treated similar to frozen assets, (ii) whether the scope of the notion of ‘asset freeze’ or ‘immobilisation’ (should) prevent enforcement or execution of judgments or awards against such assets, and (iii) whether the Council Decision in October 2024 to provide macro financial loan facility to Ukraine, impacts on the condition for an award execution release licence by a Member State’s NCA not to be 'contrary to public policy' and its relation public policy (V2b) of the New York Convention. Concluding considerations will look forward to the Trump administration’s envisaged peace talks and the prospects (or lack thereof) of economic compensation for private companies affected by the war.

Biography:

Michael is a founding partner at BOEX law firm in Brussels, a law firm specialized in commerce, sanctions and dispute resolution. His practice focusses on regulatory sanctions compliance and dispute resolution. He has broad experience advising clients across many sectors on all aspects of EU-US sanctions compliance and enforcement. His regulatory compliance practice advises among others on the auditing and development of internal compliance programmes, risk assessments, transactional due diligence and export controls, divestment operations and M&A’s, and derogation licensing under EU and US sanctions regimes.

Michael additionally has a particularly thorough expertise and academic background in handling international litigation and arbitration of commercial disputes, often involving a sanctions impact. He advises and represents clients on investment and commercial disputes before EU courts and in international arbitrations related to banking & finance, M&A's and corporate disputes, shipping and distribution, agency and franchising, international sale and purchase of goods (CISG), construction and steel, and energy, oil and gas sectors. He has a particular focus on banking and finance and distribution, having advised widely on sanctions for financial institutions and export controls.

Michael's practice is involved in cases at the forefront of sanctions developments. He regularly speaks at events and conferences on developments of EU sanctions and in arbitration. He is director of the Brussels Sanctions Institute (BSI) which regularly organises Brussels Sanctions Roundtables, and executive member of the European Dispute Resolution Society (EDRS) and he teaches sanctions compliance for financial institutions at Febelfin Academy in Brussels and is listed as arbitrator at several arbitral institutions across the globe.

Michael is a dual-qualified lawyer at the Bar of Brussels and New York. He holds a dual PhD from Ghent and Luxembourg University (2020) on ISDS and EU law, a Master of Laws from Ghent University (2013 – magna cum laude) and an LLM from Vanderbilt University (2014 – Dean's List honors). He is fluent in Dutch, French and English.

Abdullah Bora *(University of Vienna)*

A Spillover Effect of Sanctions in "Distant" fields: The case of Anti-suit Injunctions in the Shadow of sanctions

In its 15th sanctions package adopted on 16 December 2024 against Russian Federation, the European Union (EU) introduced a new measure to preclude recognition or enforcement of anti-suit injunctions issued by Russian courts.

The relevant Russian regulation which led to the introduction of such a restrictive measure in EU was promulgated in 2020. The main reason to introduce Articles 248.1 and 248.2 into the Russian Arbitration Procedure Code in 2020 was to enable sanctions-affected persons to seek satisfaction of their claims. According to the 2020 amendment of the Russian Arbitration Procedure Code, disputes involving Russian nationals or legal entities that are subject to restrictive measures must be exclusively heard before the Russian courts. It is also prohibited to initiate or continue such proceedings outside of Russian courts, otherwise the sanctioned party is entitled to seek an injunction from a Russian court with a possibility to receive a redress.

The complexities arising under the 2020 amendment are manifold. While the Russian courts are designated as exclusive forum for disputes involving sanctioned individuals or entities and thus leading these courts to issue anti-suit injunctions; foreign parties also sought to acquire anti-suit injunctions in foreign courts against proceedings instituted in Russian courts. Moreover, European energy companies have been recently fined by the Russian courts due to initiation or continuation of arbitration proceedings against Russian enterprises.

Granting Russian courts with exclusive jurisdiction may, at first glance, justify the need for the ban on recognition and enforcement of such orders in EU member states. However, considering the earlier restrictions regarding the satisfaction of claims coming from the sanctioned Russian individuals and entities, the question of access to justice remains unanswered. A recent inquiry by a Swedish court to the CJEU in regard of measures precluding claims coming from sanctioned persons may shed light on some of the unresolved issues in this respect.

Keywords:
anti-suit injunction; arbitration; sanctions; restrictive measures; Russian Federation; European Union (EU); access to justice

Biography:

Abdullah Bora is a graduate of the International Law LL.M. program at the University of Vienna. He is currently working as a Prae-Doc in the Public International Law Department at the University of Vienna. Before starting this position, he worked as a research and teaching assistant in several universities in Turkey, including Istanbul Kültür University, Istanbul University and Eskisehir Osmangazi University. He is a member of the Istanbul Bar Association.

PANEL 7 - SANCTIONS AND HUMAN RIGHTS

CHAIR: Larisa van den Herik *(Professor, Leiden University)*

Larissa van den Herik is Professor of Public International Law at the Grotius Centre for International Legal Studies at Leiden University.

She is a member of the Permanent Court of Arbitration. She is also General Editor of the Cambridge Studies in International and Comparative Law. And she is a part-time judge at the district court of The Hague, international crimes unit.

SPEAKERS:

Alena Douhan *(UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights)*

Humanitarian impact of unilateral sanctions and over-compliance

Presentations is focused on the difference between unilateral sanctions and unilateral coercive measures, identifies the specifics of the notion, reasons and characteristics of enforcement of unilateral sanctions and over-compliance. It evaluates on the humanitarian impact of unilateral sanctions, means of their enforcement and over-compliance on different categories of human rights, with special attention paid to the right to health, right to food and SDGs achievement.

Biography:
Alena Douhan is a professor of International Law, the Director of the Peace Research Center at the Belarusian State University (Belarus), UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights and Associated member of the Institute for International Law of Peace and Armed Conflict at Ruhr University Bochum. Her teaching and research interests are in the fields of international law, sanctions and human rights law, international security law, law of international organizations, international dispute settlement, and international environmental law, international cyber law, law of international treaties. She has authored over 190 publications on various aspects of international law.

Sara Moussavi *(Johns Hopkins University)*

Strengthening Sanctions Exemptions to Safeguard Food Security in Targeted Nations

Hunger remains a persistent global challenge, with over 9 percent of the world's population affected by undernourishment. Countries experiencing the highest levels of food insecurity share common characteristics, including prolonged exposure to economic sanctions. Evidence demonstrates that sanctions exacerbate food insecurity by impairing trade, disrupting agricultural and commercial systems, and limiting access to humanitarian

assistance. Nations reliant on international trade or food aid to meet a significant proportion of their food needs are particularly vulnerable to these effects.

Humanitarian exemptions, introduced alongside sanctions regimes to mitigate their unintended impact on civilian populations, often fail to achieve their intended purpose due to flaws in design and shortcomings in implementation.

This study examines the relationship between sanctions and food security, centering on two critical events: the 2011 famine in Somalia and the 2021 economic collapse in Afghanistan. Findings reveal that sanctions significantly worsened food insecurity outcomes by preventing access to critical, life-saving assistance, ultimately leading to the deaths of a quarter million people in Somalia and pushed 9 million people in Afghanistan to the brink of famine.

This research highlights that aid restrictions deployed alongside economic statecraft are de facto a form of sanction, often exacerbating humanitarian crises by impeding access to essential resources and services. Results indicate that the confluence of unilateral sanctions regimes leads to significant derisking and overcompliance behaviors by third-party actors which are key barriers to the operationalization of exemptions. Addressing these issues requires innovative solutions, such as incentivizing corporate social responsibility, tax benefits, and financing compliance frameworks for humanitarian actors. Senders should continue to streamline their respective sanctions policies and associated exemptions.

Keywords:
Food Security; Sanctions; Exemptions; Somalia; Afghanistan; Overcompliance; Derisking

Biography:
Dr. Sara Moussavi is an international development professional with over 20 years of experience working with the United Nations across humanitarian and development contexts. Her expertise includes food security analysis, policy formulation, operational research, and evidence-based decision support in fragile and conflict-affected settings. She holds a Doctorate in International Affairs from Johns Hopkins University SAIS, where her dissertation focused on strengthening sanctions exemptions to safeguard food security in vulnerable nations. Her research interests include promoting trade and self-reliance in food-insecure sanctioned countries, enhancing tax revenue generation to support development activities, and addressing youth unemployment as a pathway to improved food security.

Francesca Cerulli *(University of Florence)*

The Price of Violence: Targeted Sanctions Against Sexual Crimes

The United Nations Secretary-General's 2023 Report on Conflict-Related Sexual Violence called for sexual violence to be explicitly included as a stand-alone criterion for targeted sanctions. The threat or use of sanctions for crimes of sexual violence could serve as an important deterrent against its use as a strategy of war. Such measures would underscore

the international community's condemnation of these acts while challenging the perception that sexual violence is a "costless" weapon of war.

This paper examines the UN Security Council's use of targeted sanctions to address conflict-related sexual violence, focusing on their effectiveness and deterrent potential. Although Resolution 1820 (2008) marked the first recognition of targeted sanctions as a tool to protect women from sexual violence, their application in practice remains fragmented and inconsistent. Drawing on case studies from the Democratic Republic of the Congo (DRC), South Sudan, the Central African Republic (CAR), Haiti, and the ISIL/al-Qaida sanctions regime, the paper analyzes how sexual violence has been included – explicitly or implicitly – among the designation criteria. It finds that even in the presence of contexts that are similar in terms of the prevalence and intensity of the use of sexual violence in conflict, there are significant differences between the sanctions regimes currently in place. It also highlights the political and practical challenges that have limited the impact of these sanctions.

Finally, the paper offers recommendations for improving the effectiveness of sanctions regimes. From this perspective, two main areas of research will be addressed. First, it identifies "institutional" measures that could make sanctions a more robust tool for deterring conflict-related sexual violence. Secondly, the analysis identifies measures to promote a stronger gender presence and greater participation of women in the design and implementation of UN sanctions policy. Indeed, this environment still appears to be dominated by a masculinist perspective and culture that considers SGBV as peripheral and not on par with other violations of IHL or IHRL. Measures for gendering the UN sanctions system are therefore proposed.

Keywords:
conflict-related sexual violence; targeted sanctions; UNSC; gender perspective; Women, Peace and Security Agenda

Biography:
Francesca Cerulli is a Postdoctoral Researcher in International Law at the School of Legal Sciences, University of Florence. She obtained her PhD in Public International Law from the same university, with a dissertation on the protection of identity under international law. Her research interests primarily focus on international human rights law, international environmental law, and the protection of the interests of future generations. She has authored several publications in prestigious journals, including the Israel Law Review and the Netherlands Yearbook of International Law. Francesca has presented her work at numerous international conferences, including events organised by the European Society of International Law and the International Society of Public Law. She has carried out research stays at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg and at the Peace Palace Library in The Hague. She is an active member of various scholarly associations, such as ESIL, SIDI, ICON-S, and IAGS.

Andrej Lang *(Technical University Chemnitz)*

New Developments in UN Sanctions: From Intergovernmentalism to Independent Review?

One of the most remarkable institutional developments in the history of UN sanctions was the establishment of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee (OP), created by Security Council Resolution 1267. It empowered a single individual to review the listing decisions of arguably the most powerful international institution. The central problem was not that the OP fell short of being a court, but that the mechanism was never extended beyond the 1267 regime. Other sanction regimes rely on the insufficient Focal Point mechanism, creating a stark due process discrepancy. The establishment of the OP under exceptional circumstances suggests the Security Council only accepts independent review when absolutely necessary to avert a legitimacy crisis. The Kadi judgment of the Court of Justice of the EU created sustained pressure solely on the 1267 regime.

Recent developments, however, suggest a potential shift. Resolution 2653 (2022), establishing a new sanctions regime on Haiti, introduces several novel features, including the possible involvement of the OP in delisting—its first extension beyond the 1267 regime. Resolution 2744 (2024) further establishes an Informal Working Group on general sanctions issues, likely to explore extending the OP mechanism to regimes concerning the Democratic Republic of Congo, Central African Republic, South Sudan, and Sudan. It also strengthens the Focal Point's mandate, empowering it to gather information and produce fact-based reports for all Sanctions Committees.

These reforms are notable given the turbulent geopolitical context, which would typically hinder institutional change. The proposed paper will examine: What diplomatic processes enabled reform despite geopolitical tensions? How meaningful are these reforms in improving due process? How likely is an expansion of the OP's mandate? And what broader lessons emerge about incremental institutional change in the Security Council context?

Biography:

Andrej Lang is currently a Visiting Professor at Chemnitz University of Technology. He completed his PhD in Law (summa cum laude) at Freie Universität Berlin and his Habilitation at Martin-Luther-University Halle-Wittenberg in Germany. He has published in leading journals, including AJIL, EJIL, ICON and CMLRev and was awarded prestigious grants from the German Research Foundation (DFG) and the German Academic Exchange Service (DAAD).

GALA DINNER KEYNOTE SPEECH

Vasilka Sancin (*Judge, European Court of Human Rights (ECtHR))*

In Sanctions' Time: The European Convention on Human Rights

This keynote will offer reflections on the relationship between sanctions and the European Convention on Human Rights. It will situate sanctions within a global context, noting their widespread use by states and international organisations, and examining the principles of the Convention that continue to apply irrespective of political or economic pressures. It will outline the role of the European Court of Human Rights in ensuring compliance with the Convention, emphasising its case-by-case approach, independence, and impartiality. While considering the challenges posed by evolving sanction regimes, it will underscore the Convention's continued relevance as a framework for the protection of fundamental rights, without addressing any pending cases or hypothesising on future developments in the Court's case law.

Biography:

Vasilka Sancin, PhD, is a Full Professor of International Law at the University of Ljubljana, Faculty of Law (Slovenia) and a judge of the European Court of Human Rights (ECtHR) in Strasbourg (2025-2034). She previously served as a member of the United Nations Human Rights Council Advisory Committee (2022-2025); as a member (2019-2022) and Vice-Chair of the United Nations Human Rights Committee; an arbitrator and a Bureau member of the Court of Conciliation and Arbitration within OSCE; an expert of the OSCE Moscow mechanism on Human Rights; and a member of the UNODC Anti-Corruption Academic (ACAD) Initiative. She (co)authored and (co)edited numerous articles/books in the field of international law, and, among other professional affiliations, acts as a President of the Slovene Branch of the International Law Association (ILA).

PANEL 8 - TWAIL AND POSTCOLONIAL APPROACHES TO SANCTIONS

CHAIR: Jean d'Aspremont *(Sicences Po)*

Jean d'Aspremont is Professor of International Legal Theory and Legal Philosophy at Sciences Po School of Law. He also is Professor at the University of Manchester and at the Graduate Institute (IHEID) in Geneva. He is General Editor of the *Cambridge Studies in International and Comparative Law* and Director of *Oxford International Organizations* (OXIO). He is series editor of the *Melland Schill Studies in International Law*. He has published more than two dozens of books and 200 articles on questions of international law, legal theory, and the philosophy of law. His work has been translated in several languages including Spanish, Portuguese, Russian, Mandarin Chinese, Hindi, Japanese and Persian.

Before joining Sciences Po Law School, he was Professor of International Legal Theory at the University of Amsterdam. He used to be Editor-in-Chief of the Leiden Journal of International Law. He received his LL.M. from the University of Cambridge and his Ph.D. from the University of Louvain. He was a Global Research Fellow at New York University. He acted as counsel in proceedings before the International Court of Justice.

SPEAKERS:

Grégoire Mallard *(Geneva Graduate Institute)*

International Law, Security, and Sanctions: A Decolonial Perspective on the Transnational Legal Order of Sanctions

This article reviews recent literature on sanctions from international law, political science, sociology, anthropology, and history. It shows how the literature during the comprehensive sanctions decade (the 1990s), with a largely critical view on sanctions in the age of globalization, was co-opted by the targetization of sanctions in the sanctions miniaturization decade (the 2000s). It then reviews the sanctions literature in sociology and anthropology during the sanctions enforcement decade (the 2010s), addressing the transnational characteristics of sanctions, their infrastructural materiality in the digital economy, and the deputization of private actors to police their implementation. Last, the article reviews the literature in colonial governmentality to encourage sanctions specialists to take a longer-term view of transnational orders of sanctions. This section ends with a call to decolonize sanctions research—or rather, to question the colonial origins of sanctions as an instrument of world making so that a properly decolonial perspective on sanctions can be elaborated.

Biography:

Grégoire Mallard is Director of Research and Professor in the Department of Anthropology and Sociology at the Geneva Graduate Institute of International and Development Studies. After earning his PhD at Princeton University in 2008, Pr. Mallard was Assistant Professor

of Sociology at Northwestern University until he joined the Institute. He is the author of Fallout: Nuclear Diplomacy in an Age of Global Fracture (University of Chicago Press, 2014) and Gift Exchange: The Transnational History of a Political Idea (Cambridge University Press 2019). From 2017 until 2022, he has lead an ERC project titled Bombs, Banks and Sanctions, which focused on the evolution of unilateral sanctions in the global context of the Iran nuclear negotiations and global banking reforms, from which he created the Geneva Sanctions Hub. He is also the co-editor of Contractual Knowledge: One Hundred Years of Legal Experimentation in Global Markets (Cambridge University Press 2016), and Global Science and National Sovereignty: Studies in Historical Sociology of Science (Routledge 2008). His other publications focus on prediction, the role of knowledge and ignorance in transnational lawmaking and the study of harmonization as a social process. In 2024, he has founded a new Center on digital humanities and multilateralism at the Institute with the goal of reviving the interest for the future of multilateralism through an innovative analysis of its past.

Laura Marques de Oliveira, Tatiana Squeff (*Universidade de Brasília; Universidade Federal do Rio Grande do Sul)*

The Construction of the Sanction system and its Current application: a TWAIL Perspective

International Law has legitimized economic sanctions for a long-standing period as a self-help mechanism aimed to restore States' allegedly equal position in the international system after suffering from previous damage. What was first labeled as forcible "reprisals" within military conflicts was transformed in the 20th century into the doctrine of proportional, reversible and non forcible "countermeasures". Accordingly, the notion of sanctions was reshaped per Western liberal and multilateralist pillars of the United Nations Charter to promote their apparent peaceful character as an alternative to belligerent actions. Nevertheless, decolonized States have consistently led discussions to question the neutrality of countermeasures, having themselves experienced the destructive and continuous impacts of economic coercion since their colonization to this day, despite achieving de jure sovereignty. These constant efforts have always been countered by Global North Western States who impose their own interests to impede threats to the international liberal order's functioning. As a result, contradictions between such discourses and actions became evident in 2024: on the one hand, Russia, a publicly anti-liberal actor, became the most targeted country in sanctions' history after invading Ukraine since early 2022; and, on the other, Western ally Israel continue to be financially and militarily funded by the United States and some European states despite deploying an ongoing live-streamed genocide in the Gaza Strip and the rest of Palestinian Occupied Territory since 2023. Therefore, the article intends to analyze how sanctions employed by the United States and Europe continue to function as a colonial/imperial tool for the West in these two case studies to impede the ascension of antagonist powers and to guarantee financing allies. To promote this understanding, it delvesinto Third-World Approaches to International Law's scholars who interpret how doctrines of"reprisals" and "countermeasures" underline the means for Western economic coercion in the international system.

Keywords:
Economic sanctions; TWAIL; countermeasures; coercion; Russia; Israel.

Biography:
Laura Marques de Oliveira. She is currently pursuing a Master in International Law at the Geneva Graduate Institute of nternational and Development Studies (Switzerland). She holds a Bachelor of Arts' Degree in International Relations from the Federal University of Uberlândia (UFU - Brazil). Researcher member of the Critical International Law Study Group (DiCri/CNPq - Brazil). She has been doing research on the topic of sanctions since 2022. ORCID: 0000-0002-3661-6996; e-mail: lauram.oliv@outlook.com.

Tatiana Cardoso Squeff. Full Professor of International Law at the Federal University of Rio Grande do Sul (UFRGS - Brazil). She holds a PhD in International Law from UFRGS, with a study period at the University of Ottawa as a research fellow. ASADIP's Vice-President of International Relations. Brazilian appointed expert to the HCCH and to the Inter American Court of Human Rights. Director of the Critical International Law Research Group (DiCri/CNPq - Brazil). ORCID: 0000-0001-9912-9047; e-mail: tatiana.squeff@ufrgs.br.

Omar Kamel *(Sciences Po Paris)*

Sanction Narratives: Mass Media as the Shaper of Legal Effects & Perceptions of International Sanctions

The unprecedented expansion of sanctions following Russia's invasion of Ukraine has brought renewed attention to how these measures are understood, interpreted, and legitimized in public discourse. From "targeted measures" to "restrictive actions," and from "smart sanctions" to "economic deterrence" - the rhetorical transformation of sanctioning practices in media coverage reveals a systematic pattern of legal dilution, selective presentation, and double standards. This paper examines the critical role of mass media in this process through the lens of "legal muting" - a systematic process whereby media coverage subtly shapes, distorts, or silences crucial legal aspects of sanctioning practices, particularly in determining how sanctions are justified, which violations of international law warrant sanctions, and which are overlooked.

Adopting a TWAIL perspective, the paper explores how the media's legal muting reflects and reinforces existing power imbalances in the international legal order. The study analyzes media discourse surrounding three cases - the Iraq War sanctions (2003), post-2022 Russia sanctions, and Syrian sanctions - focusing particularly on instances where sanctions were selectively encouraged with legal justification, versus cases where similar violations went unsanctioned. Using comprehensive media databases, the methodology combines quantitative analysis of how legal terms are used in news coverage with qualitative examination of how sanctions are framed and discussed in major English-language newspapers to produce empirical findings.

The analysis suggests that Western media coverage aligns with hegemonic interpretations of international law, potentially undermining Global South perspectives on sanctions' implementation and effects. Special attention will be afforded to how media discourse shapes the practice of abstention from sanctions, examining the rhetorical strategies used to justify or obscure selective enforcement of international law through sanctioning practices.

By introducing the concept of legal muting to sanctions scholarship, this paper offers a novel and critical framework for understanding how media shapes public perception of sanctions' legitimacy and effectiveness. The analysis promises to further illuminate the complex relationship between media discourse, legal interpretation, and the selective application of sanctions in international law, contributing to broader discussions about reforming sanctioning practices and addressing systemic inequities in their implementation.

Biography:

Omar Kamel is a Doctor in Public International Law and Lecturer at Sciences Po Paris. His doctoral thesis, "Mass Media & the Laws of War: the Concept and Practice of Legal Muting," presented a comparative empirical inquiry, appraising how media shape the public's understanding of legality by selectively focusing on, or framing, issues with relevance to international law. By contrasting the coverage of wars in Iraq, Ukraine, and Gaza, his research reveals how the language of law and justice is selectively afforded to certain victims and violations, but denied to others. His writings on the intersection between mass media and international law have sought to highlight the normalizing effect of news coverage on legal discourse and have been published on legal outlets like Opinio Juris and Verfassungsblog.

Formerly a Visiting Scholar and Fellow at Cornell Law School and Johns Hopkins University, he has lectured courses and research seminars at universities in France, Japan, Turkey, and the United States, including Sciences Po Paris, École Normale Supérieure, Cornell University, Keio University, and Boğaziçi University. He was previously a Legal Officer at UNESCO and INTERPOL, and was consulted by the UN Team of Experts for Rule of Law on the model legislative provisions for victims of conflict-related sexual violence.

Presentations of his research have featured discussions with Professors Noam Chomsky, Richard Falk, and Chris Hedges. With Professor Mohsen Al-Attar, he is the co-founder and editor of the Opinio Juris Podcast.

PANEL 9 - ENFORCEMENT OF SANCTIONS

CHAIR: Pavel Šturma (*Professor, Charles University Prague)*

Pavel Šturma is professor of international law at Charles University in Prague. He served on the UN International Law Commission (ILC) from 2012 to 2022, chaired the Commission in 2019, and was the Special Rapporteur on "Succession of States in respect of State Responsibility."

SPEAKERS:

Lorenzo Bernardini *(University of Luxembourg)*

Critical Perspectives on the Enforcement of EU sanctions through Criminal law

The criminalization of violations of EU restrictive measures is a pivotal – and unprecedented – development in aligning the Union's legal framework with its Common Foreign and Security Policy (CFSP) objectives. By classifying sanctions violations as EU crimes under Article 83(1) TFEU, the EU seeks to harmonize enforcement mechanisms, enhance deterrence, and uphold the integrity of its sanctions regimes. Criminal law is therefore considered as a 'panacea' to the shortcomings within the enforcement of CFSP policies, namely, that of EU restrictive measures. However, this legislative shift raises legal, operational, and normative issues. This paper argues that, first, criminalizing sanctions violations may conflict with legal certainty, proportionality, and fundamental rights. Importantly, criminal law – as an ultima ratio tool – might not always align with subsidiarity and proportionality principles, especially when administrative or civil measures could suffice with less impact on individuals.Secondly, I will note that EU law mandates harmonized enforcement across Member States, yet significant disparities in national legal frameworks and institutional capacities persist. These disparities risk undermining the uniform application of sanctions, complicating cross-border investigations, and creating enforcement gaps that circumvention strategies can exploit. Moreover, defining the thresholds for criminal liability – particularly for complex activities such as indirect violations (i.e., 'circumvention' conducts) – remains a controversial issue, raising concerns, on the one hand, about overcriminalization phenomena and, on the other hand, about selective enforcement. Thirdly, the extraterritorial dimension of EU sanctions enforcement should not be underestimated – I will note how the 'extension' of criminal liability to activities beyond EU borders, including actions by third- country nationals or entities, risks conflict with international law and the sovereignty of non-EU states. Fourthly, restrictive measures often have unintended consequences for civilian populations, humanitarian activities particularly in conflict zones. The brand-new criminalization of EU sanctions violations must carefully consider this background, to avoid exacerbating humanitarian crises, discouraging humanitarian aid efforts or, finally, limiting the exercise of fundamental rights, triggering a sort of 'chilling effect'. Finally, the effectiveness of the criminalization process as a deterrent remains the very 'elephant in the room' of the whole discipline. While the employment of

criminal penalties can pinpoint the symbolical – and practical – importance of the EU restrictive measures regime, their impact on compliance depends on the robustness of 'supporting measures'. Enhanced administrative enforcement, improved asset recovery mechanisms under Directive 2024/1260, and closer coordination between EU institutions, Member States, and private sector actors might be more useful with the purpose of addressing circumvention and fostering a comprehensive, supranational and more integrated compliance.

Keywords:
EU sanctions enforcement; criminalization; restrictive measures; proportionality; effectiveness; circumvention; chilling effect; freezing and confiscation orders.

Biography:
Lorenzo Bernardini is a Postdoctoral Researcher in Criminal Law and Criminal Procedure at the University of Luxembourg. Currently, he is Visiting Scholar at Columbia University in the City of New York. He has taken part in multiple research initiatives financed by the European Commission, including, inter alia, projects relating to the cross- border enforcement of freezing confiscation orders, the digitalisation of defence rights, and the protection of professional privileges within financial crime investigations. His research interests lie primarily in European and comparative criminal law, with a particular focus to the enforcement strategies of economic sanctions via criminal law tools.

Christian Pelz *(Noerr Partnerschaftsgesellschaft /Augsburg University)*

Sanction Enforcement under the Anti-Money Laundering Regime

Pursuant to the 4th AML Directive, obliged entities have to file suspicious activity reports if there are indications that funds are proceeds of criminal activity. Certain sanction violations, e.g. the use of frozen funds, the making available of funds or economic resources or the proceeds of other prohibited or restricted activities, will constitute predicate offenses of money laundering and trigger reporting obligations. This reporting threshold und AML laws differs from the standard wording of the notification provision in restrictive measures. Further, general KYC requirements allow for the consideration of risks of sanction violations in customer rating and supervision. In certain industries like the financial sector, supervisors impose stricter preventative measures, in particular to avoid involvement in sanction violations.

The upcoming EU AML Regulation which will become effective 10 July 2027 will further enhance preventative compliance with regard to targeted financial restrictive measures. Obliged entities will face the obligation to regularly do a customer screening. In addition, obliged entities will also have screening mechanisms in place to check whether customers are hold, directly or indirectly, by sanctioned persons. The AML officer will then also have the responsibility to care for compliance with targeted financial restrictive measures. Although the EU AML Regulation does not explicitly mention sectoral restrictive measures processes for detection of violations need to be in place as well.

Biography:

Christian Pelz is attorney, certified specialist in criminal law and certified specialist in tax law of Noerr Partnerschaftsgesellschaft mbB, Munich, Germany, and is head of the firm's white-collar defence group. Christian defends corporations and managers in criminal and regulatory investigations and advises companies in compliance issues. Another area of his practice is internal investigations. A particular focus of his practice is export controls and sanctions. Christian is honorary professor for criminal law at Augsburg University. He is co-editor of one of the leading German commentaries and of a legal magazine on export controls and sanctions and author of a large number of publications.

Wannes Bellaert *(Ghent University)*

The End of the Beginning: Supranationalising EU Sanctions Enforcement?

The adoption, implementation and enforcement of European Union (EU) sanctions have, so far, remained an intergovernmental or national matter with little to no room for EU supranational involvement. Following the Russian invasion of Ukraine, some European politicians unsuccessfully advocated for moving from unanimity to qualified majority voting in the Council to adopt EU sanctions. Aside from the extension of the EU crimes list, the debate regarding the implementation and enforcement was quieter initially. Nevertheless, those have become more supranational. The European Commission not only developed a sanctions tracker, appointed a sanctions envoy, and established a 'freeze and seize' task force, but also proposed a directive to criminalise the circumvention of EU sanctions. The European Parliament and the Council adopted the proposal, resulting in the 2024 directive, which includes a provision for cooperation between the Member States, the European Commission, Europol, Eurojust and the EPPO within the respective mandate of these three latest entities. The listing of these three entities should not surprise, as even without an explicit mandate, Europol and Eurojust already played an active role in the enforcement of EU sanctions, and the EPPO's future role in the enforcement of EU sanctions remains an ongoing topic of discussion. In addition to these three entities, Frontex and the Anti-Money Laundering Authority (can) also contribute to enforcing EU sanctions. Aside from the 2024 directive incriminating, there has been a refraining from legislative changes. Nonetheless, an evolution is happening. The existing involvement of the European Commission, Europol, Eurojust, and Frontex cannot and will not be reversed. Consequently, the end of pure intergovernmentalism of EU sanctions has happened, but the following questions persist: When will further supranationalisation happen, and where will it end?

Keywords:

EU sanctions; supranationalism; intergovernmentalism; European Commission; Europol

Biography:

My name is Wannes Bellaert and I hold a master of Laws. At present, I am an assistant and PhD Researcher at the Faculty of Law and Criminology of Ghent University. My research concerns European and International Criminal Law, particularly the evolution of Europol,

which is the topic of my PhD. In addition, I have performed legal research on the following topics: data protection, cyber and sexual exploitation.

Tetiana Khutor *(Institute of Legislative Ideas / National University of Kyiv-Mohyla Academy /George Mason University)*

Development of Ukraine's Sanctions Policy: Achievements and Challenges in the EU Integration Process

In her presentation, Tetiana will focus on the prospects for strengthening Ukraine's sanctions policy in the context of EU integration commitments. Particular attention will be devoted to the draft law on the criminalization of sanctions violations as the first step towards systemic reform of Ukraine's sanctions system, with a comparative overview of EU member states' practices in prosecuting sanctions violators. In addition, we would be glad to share Ukraine's unique experience in applying sanctions in the form of asset confiscation from war collaborators.

Biography:

Tetiana Khutor is the Chairwoman of the Institute of Legislative Ideas, an independent Ukrainian legal think tank that provides anti-corruption and sanction policy analysis.

She is a Visiting Professor of Practice at the Schar School of Policy and Government at George Mason University in the United States, where she works on issues of non-conviction based forfeiture of illicit assets.

Currently, Khutor is involved in the development of legislation on the criminalization of sanction evasion and the management of seized assets. She serves as the Head of the Anticorruption Council of the National Agency of Ukraine for the Finding, Tracing, and Management of Assets Derived from Corruption and Other Crimes. Khutor is also a member of the Civil Council of the National Agency on Corruption Prevention of Ukraine.

In addition to her other roles, Tetiana Khutor is a senior lecturer on anti-corruption policy and asset recovery at the National University of "Kyiv-Mohyla Academy" and is currently working on her Ph.D. thesis, which focuses on the civil confiscation of unjustified assets. Prior to her current positions, Khutor was the legislative director for the Ukrainian Anticorruption Parliament Committee from 2015 till 2018.

PANEL 10 - SELECTED ASPECTS

CHAIR: Miša Zgonc Roželj *(Senior Legal Officer at the OPCW)*

Dr Miša Zgonec-Rožej is currently a Senior Legal Officer at the Organisation for the Prohibition of Chemical Weapons and a Slovenian member of the Permanent Court of Arbitration. She was formerly a Legal Officer in the Registry's Legal Office of the International Criminal Court, an Associate Fellow in international law at the Royal Institute of International Affairs - Chatham House in London, a Senior Counsellor in London based law firm Lindeborg – Counsellors at Law, a Legal Advisor in the international justice team at Amnesty International's Secretariat in London, an Associate Legal Officer in the Chambers of the International Criminal Tribunal for the Former Yugoslavia, a Legal Assistant to the Judges at the International Court of Justice, a Teaching Fellow at the School of Oriental and African Studies, University of London, and a Teaching Associate at the Faculty of Law, University of Ljubljana. She holds a PhD (2006) and a Master's Degree (2002) in international law from the Faculty of Law, University of Ljubljana, an LL.M. (2003) from Columbia University School of Law, New York, and a Graduate Diploma in Law from BPP Law School (2018). She is the author of several articles and manuals, including the International Bar Association's manual on international criminal law.

SPEAKERS:

Carmen Pérez *(Universidad Carlos III de Madrid)*

The Role of Sport Sanctions in Enforcing International law: A Re-evaluation of Political Neutrality in Times of Crisis

Traditionally, the international community has not fully recognized the potential of sport as an enforcement tool within the realm of international law. Although isolated instances of sports boycotts and sanctions have occurred, their broader capacity as a means of legal and political pressure has remained largely underutilized. However, the Russian invasion of Ukraine has fundamentally challenged the traditional notion of sport as an apolitical sphere. In response, both sports organizations and public authorities have implemented a variety of coercive measures, the legal basis of which is complex and often contested. This international reaction demonstrates that sport can function not only as a channel for diplomacy, peace, and the promotion of human rights, but also as an effective mechanism for compelling adherence to international obligations. Through an analysis of normative and institutional examples from both public authorities and sports organizations, this study explores the legitimacy, limits, and legal implications of sport sanctions in times of international crisis. The ultimate objective of this paper is to contribute to the ongoing debate on the redefinition of political neutrality in sport, suggesting that in certain circumstances the defense of the international legal order may necessitate explicit action by the sporting community. In doing so, it offers a critical reflection on the evolving relationship between

global sport and international law, particularly in contexts where inaction could have profound legal and ethical consequences.

Key words:
International law enforcement; peace through sports; sport sanctions; political neutrality in sports; autonomy of sport.

Biography:
Carmen Pérez is Full Professor of Public International Law at Universidad Carlos III de Madrid (Spain). She has written extensively in the area of International and EU sports law, anti-doping and the protection of athletes' fundamental rights. She has over 15 years of experience working with international and multidisciplinary teams. Between 2005 and 2014 Carmen Pérez served as Member of the Spanish Committee on Sport Discipline (Spanish Sports Council). Between 2018 and 2024, she's been the President of the Disciplinary Committee of the Royal Spanish Football Association. Between September 2015 and July 2016, she served as Member of the High-Level Group on Sport Diplomacy of the European Commission. She is the Chair Holder of the UNESCO Chair ELIS in Sport diplomacy and development of a human rights culture through sport established in 2021.

Isabell Burmester *(Stockholm Center on Global Governance, Stockholm University)*

How International Organizations Punish a Member State: A Typology of Membership Sanctions on Russia in Response to the War in Ukraine

The escalation of the war in Ukraine in 2022 prompted an unprecedented wave of international sanctions against Russia, not only from states but also from intergovernmental organizations (IGOs). While extensive research exists on economic sanctions imposed by states, the sanctions enacted by IGOs to address norm violations, particularly through membership restrictions, remain underexplored. This paper develops a comprehensive typology of IGO membership sanctions, distinguishing between formal and informal measures as well as their implementation by IGOs or member states. This typology offers a framework for understanding how IGOs navigate tensions between inclusivity and norm enforcement, providing valuable insights into the mechanisms they employ to maintain the rules-based international order in the face of geopolitical disruptions. Using this typology, the paper analyzes the diverse responses of IGOs to Russia's actions, ranging from expulsions and suspensions to informal boycotts and public condemnation. The findings contribute to the literature on multilateral diplomacy and sanctions by expanding the conceptual understanding of membership sanctions to include informal diplomatic practices.

Keywords:
International Organizations; Membership Sanctions; Russia; Ukraine War; Norm Enforcement

Biography:

Isabell Burmester is a Swiss National Science Foundation (SNSF) postdoctoral researcher and principal investigator of the IGO membership sanctions project. Currently, she is a visiting researcher at the Stockholm Center on Global Governance (SCGG) of Stockholm University. She holds a doctorate in political science from the University of Geneva (Switzerland) and has held visiting positions at Maastricht University (the Netherlands), MGIMO-University (Russia), and Tartu University (Estonia). Her work is situated at the intersection of international relations and area studies with a focus on mechanisms of hegemony and dynamics of norm contestation in Eastern Europe and Eurasia. Her current project explores the conditions under which International Governmental Organizations (IGOs) apply sanctions or other punitive measures in response to Russian norm violations.

Jonathan Hafetz *(Seton Hall Law School)*

U.S. Sanctions against the ICC: A Case Study of Double Standards and Human Rights

The United States is once again threatening sanctions against the International Criminal Court (ICC), mainly in response to the ICC's issuance of arrest warrants for Israel's Prime Minister Benjamin Netanyahu and former Defense Secretary Yoav Gallant. During the first Trump administration, the United States had sought to impose sanctions against former ICC chief prosecutor Fatou Bensouda and another senior prosecutor in response to the ICC's investigation into the Afghanistan Situation, which could have led to charges against U.S. officials for torture other war crimes. The current proposed sanctions are more sweeping in multiple respects: they not only target ICC officials for investigating Israeli officials but also extend to human rights advocates and others who assist investigations into crimes by Israel and nine other, mostly authoritarian leaning, countries that, like the United States, have refused to join the Court.

The paper examines the United States's threatened sanctions against the ICC from the perspective of unilateral sanctions and double standards in international law. It begins with an overview of the history and problems of selective application in the use of sanctions, including how it can limit their effectiveness and undermine the international legal order. It then places the threatened U.S. sanctions within the larger context of the United States's complicated relationship with the ICC. It describes, for example, how the sanctions will exacerbate the problem of double standards given the United States's recent support for the ICC in connection with its investigation into war crimes committed by Russia in Ukraine. As the paper explains, the threatened U.S. sanctions against the ICC represent an alarming development, illustrating how sanctions typically reserved for terrorists, dictators, and human rights abusers can be repurposed and turned against institutions and individuals that seek to protect human rights, advance international humanitarian law, and prevent impunity. Further, the sanctions are likely to exacerbate the problem of double standards because the United States can also be expected to continue supporting the enforcement of international criminal law where it views such enforcement as in its interests. The threatened sanctions could have significant implications for the ICC, signaling a larger assault on the Court by nations that have refused to recognize its jurisdiction. But they also carry broader

ramifications, illustrating the risks associated with unilateral sanctions (and countermeasures) and the way they can be misused to undermine, rather than advance, human rights and international humanitarian Law.

Biography:

Jonathan Hafetz is Professor of Law at Seton Hall Law School in the United States. He is the author of two award-winning books, Punishing Atrocities through a Fair Trial: International Criminal Law from Nuremberg to the Age of Global Terrorism (Cambridge Univ. Press 2018), and Habeas Corpus after 9/11: Confronting America's New Global Detention System (NYU Press 2011), as well as numerous scholarly articles and book chapters. His work has appeared in the Yale Law Journal, UCLA Law Review, Columbia Law Review Sidebar, Wisconsin Law Review, William & Mary Law Review, International Journal of Human Rights, and Cambridge Journal of Comparative & International Law, and has been cited by numerous courts, including the U.S. Supreme Court. Professor Hafetz has also written for mainstream publications, including the New York Times, Los Angeles Times, Slate, and The Nation, testified before Congress, and contributed frequently to Just Security and other legal blogs. Before joining the faculty at Seton Hall Law School, Professor Hafetz worked as an attorney at the American Civil Liberties Union, where he represented prisoners in locations across the globe to enforce human rights obligations and litigated landmark cases challenging arbitrary detention, secret rendition, and torture. During this time, he litigated cases in the U.S. Supreme Court and throughout the federal court system as well as in the European Court of Human Rights. Professor Hafetz was named to the List of Experts for the International Criminal Court and has served as a consultant to the Organization for Security, Cooperation in Europe, the Open Society Foundations, and other organizations. Professor Hafetz previously was a Fulbright scholar in Mexico and Japan. He also is the creator and host of Law on Film, a podcast that explores how legal issues are depicted in film, often tackling questions around international law and justice.

KEY-NOTE LECTURE:
The Type of World Order Promoted by the Practice of Sanctions

Alain Pellet *(University Paris Nanterre)*

Alain Pellet, born January 2, 1947 in Paris, taught Public International Law (in particular International Economic Law) at the University Paris Ouest Nanterre La Défense. Director of the Centre de Droit International (CEDIN) of the University between 1991 and 2001, he was the co-head of the Master 2 (research) Laws of International Relations and of the European Union. He is the author of numerous books and articles.

Between 1990 and 2011, he was a Member of the United Nations International Law Commission and acted as Chair in 1997. He has been Counsel for numerous governments (including the French Government) and for international organisations. He has been and is counsel and advocate in about fifty cases before the International Court of Justice, the International Tribunal for the Law of the Sea, as well as in several arbitrations cases, in particular investment cases. From 2021 to 2023, he presides over the Institute of International Law.

He has been nominated by the French Government to the List of arbitrators under Annex VII of the United Nations Convention on the Law of the Sea and to the Panel of Arbitrators of the ICSID by the Chairman of the Administrative Council, and has been appointed Arbitrator or President in several cases.

Alain Pellet also acted as expert to the Arbitration Commission of the Peace Conference on the former Yugoslavia (“Badinter Arbitration Committee”), and as Rapporteur of the French Committee of Jurists on the Creation of an International Criminal for Former Yugoslavia (“Truche Commission”) that is at the origin of the French project of creation of the International Criminal Tribunal for the former Yugoslavia. Furthermore, he is the Legal Adviser of the World Tourism Organisation (UNWTO) and he has been Independent Objector of the Internet Corporation for Assigned Names and Numbers (ICANN) for generic top level domain names (new gTLD) (2012-2015).

ROUNDTABLE:

Measuring the Impact of Sanctions (Against Russia): Effectiveness Across Disciplines

This multidisciplinary Elgar Encyclopedia on International Sanctions provides an authoritative reference on international sanctions in politics and law. Integrating diverse perspectives from the social sciences, it explores the growing importance of sanctions in global affairs and the practices of both established and emerging actors. Contributions from leading experts present a comprehensive account of the evolving sanctions landscape, highlighting the challenges of categorisation, implementation and effectiveness. Designed as a reliable and accessible resource, the volume serves researchers across disciplines while advancing broader understanding of sanctions as a central tool of international relations.

Key Features:

- Nearly 80 entries authored by scholars worldwide
- Analysis of implementation and enforcement in both UN and non-UN regimes
- Examination of key sanction episodes, sender profiles, types of measures, and objectives of sanctions

CHAIR: Celia Challet *(Université Catholique de Lille)*

Celia Challet is Assistant Professor in Law at the Université Catholique de Lille (France) and Research coordinator of the Multidisciplinary International Network on Sanctions (MINOS). Her research focuses on the institutional law of the European Union and the EU's external relations law. She has published on the sanctions adopted by the European Union in the framework of the Common Foreign and Security Policy and on their judicial review by the Court of Justice of the European Union. Celia holds a Ph.D. in Law from Ghent University (2025). She worked as an academic assistant in EU law and later as an assistant to the Director of Legal Studies at the College of Europe in Bruges (2019–2024). Celia holds an LL.M. in European Law from the College of Europe (2019), as well as a Master's degree in European Business Law from Paris Panthéon-Assas University (2018).

SPEAKERS:

Clara Portela (*University of Valencia)*

Dr Clara PORTELA teaches Political Science at the Law School of the University of Valencia, having previously served as a professor at Singapore Management University and as a research fellow with the European Union Institute for Security Studies (EUISS) in Paris. Her research focuses on multilateral sanctions, arms control and EU foreign policy. She holds a PhD from the European University Institute in Florence and an MA from the Free

University of Berlin. She is the recipient of the THESEUS Award for Promising Research on European Integration. Clara Portela was the inaugural Konrad Adenauer Visiting Scholar at Carleton University's Centre for European Studies in Ottawa, Canada. Previously, she has been a Visiting Professor at the College of Europe, the OSCE Academy in Bishkek, SciencesPo Grenoble, SciencesPo Lyon, SciencesPo Paris, Hitotsubashi University in Tokyo and the University of Innsbruck. She has consulted for the European Commission, the Ministry of Foreign Affairs of Spain, the Ministry of International Trade and Industry of Japan, and civil society organisations like Transparency International, Democracy Reporting, Civil Forum for Asset Recovery and Small Arms Survey. Recently, she advised the European Economic and Social Committee (EESC) on the criminalisation of sanctions violations (SOC 739 procedure).

Mirko Sossai *(Roma Tre University)*

Mirko Sossai is Full Professor of International Law at the Law Department of Roma Tre University, Italy, where he also teaches Law of International Organizations. He served as co-rapporteur of the Study Group of the International Law Association (ILA) on UN Sanctions and International Law. He is currently co-rapporteur of the ILA Committee on Urbanisation and International Law.

Thomas Biersteker *(Geneva Graduate Institute)*

Thomas Biersteker is Gasteyger Professor Honoraire at the Geneva Graduate Institute and a Public Policy Fellow at the Woodrow Wilson International Center for Scholars in Washington, DC.

He has been working on sanctions issues for over 25 years, with a focus on the evaluation of United Nations sanctions. He previously taught at Yale University, the University of Southern California, and Brown University (all in the U.S.), and at Brown, he directed the Watson Institute for International Studies for 12 and a half years. His BA is from the University of Chicago, which awarded him its Distinguished Alumni Achievement Award in 2020, and his PhD is from the Massachusetts Institute of Technology. He lives in Switzerland, but spends part of the year in Washington, DC in the US.

Gavin Sullivan *(The University of Edinburgh)*

Gavin Sullivan is a Reader at Edinburgh Law School and interdisciplinary law, technology and critical security scholar leading the UKRI research project, Infra-Legalities: Global Security Infrastructures, AI and International Law. His research focuses on the politics of global security law and governance, using socio-legal and ethnographic methods to examine data-driven security infrastructures. His first book, The Law of the List: UN Counterterrorism Sanctions and the Politics of Global Security Law (CUP, 2020), won the 2021 ISA International Law and STAIR-ISA Book Awards for research bringing STS into dialogue with

global politics. Gavin has provided pro bono representation to numerous individuals sanctioned for alleged ‘association with’ Al-Qaeda in delisting proceedings before the UN Office of the Ombudsperson and is currently challenging US counterterrorism sanctions on behalf of listed people.

PANEL 11 - GEOGRAPHICAL ASPECTS

CHAIR: Cedric Ryngaert *(Professor, Utrecht University)*

Prof. Dr. Cedric Ryngaert (PhD Leuven 2007) is Professor of Public International Law at Utrecht University (Netherlands). His research interests include the law of jurisdiction and extraterritoriality, immunities, sanctions, international security law, international criminal law, non-state actors, the role of international law before domestic courts, international responsibility, and international organizations. Cedric Ryngaert is the chair of the Dutch Advisory Council on International Law (CAVV) and the editor-in-chief of the Netherlands International Law Review and the Utrecht Law Review.

SPEAKERS:

Alexandr Svetlicinii *(University of Macau)*

Extraterritorial Sanctions and the Future of the European Union's Blocking Statute

The proliferation of unilateral economic sanctions, which was intensified by the Russia–Ukraine war, has revived the debate on the extraterritorial application of such restrictive measures, as the imposing countries have striven to avoid the circumvention, and enhance the effectiveness, of their sanctions. The European Union (EU) is, in principle, opposed to extraterritorial sanctions, and the EU Blocking Statute (EUBS) prohibits European companies from complying with certain extraterritorial sanctions applied by the United States. The European Commission, dissatisfied with the effectiveness of the EU blocking legislation and the negative effect of extraterritorial sanctions on EU strategic autonomy, pledged to recast the EUBS. The paper analyses how the EUBS is deficient in counteracting US extraterritorial sanctions, and maps the contours of its potential revision. In particular, the paper argues that the enforcement of the newly adopted EU Anti-Coercion Instrument could serve as a viable alternative to the blocking legislation, given the latter's overall ineffectiveness in discouraging third countries from adopting extraterritorial sanctions or protecting European companies from secondary sanctions. Furthermore, the emerging anti-circumvention measures aimed at supporting the EU's own sanctions appear to be inconsistent with the principles underlying the EUBS. Finally, the enhanced transatlantic cooperation on matters of economic sanctions and export controls renders the recasting of the EUBS counterproductive.

Keywords:
European Union; United States; blocking statute; extraterritorial sanctions; export controls; economic coercion; secondary sanctions.

Biography:
Alexandr Svetlicinii is Associate Professor of Global Legal Studies at the University of Macau, where he also serves as Programme Coordinator of the Master of International

Business Law in English Language. He holds PhD in Law from the European University Institute and LL.M in International Business Law from the Central European University. Svetlicinii has written extensively in the fields of competition law and international economic law. In addition to his academic work, he serves as Co-Director of the Academic Society for Competition Law in South-East Europe, member of the International Advisory Board of the Institute for Consumer Antitrust Studies at the Loyola University Chicago and Ambassador of the Value of Competition initiative at the University of Oxford, Centre for Competition Law and Policy.

Johannes Schäffer *(Berlin School of Economics and Law)*

Legal Dynamics of Economic Sanctions: Fragmentation, Cooperation, and Global Implications from an EU Perspective

The Russian full-scale invasion of Ukraine has led the EU to adopt unprecedented sanctions against a major economic power. These sanctions have transformed “legal dynamics”, reshaping the landscape of sanctioning practices. While centralized UN sanctions remain structurally limited in addressing urgent political needs, often favouring fragmented unilateral measures, the sanctions introduced since 2022 exhibit an extraordinary level of international coordination. This contrasts sharply with the low point reached in 2018 when the EU attempted to counteract US snapback Iran sanctions following the United States' withdrawal from the JCPOA, aiming to protect legitimate trade with Iran.

This proposed paper explores these developments in three steps.

First, the paper examines the evolution of international and EU sanctions practices. This includes (i) coordination among partners (e.g., within the G7 and the Trade and Technology Council), (ii) alignment by third countries (e.g., non-EU European nations adopting EU sanctions), fostering internationalization and regionalization, and (iii) both preventive as well as reactive measures by Russia and aligned states, creating block-building dynamics.

Second, the paper analyses the legal challenges arising from these developments, highlighting deficiencies and proposing adaptations. For EU regulators, proportionality requires considering the “sanctions of others”, while globally active EU businesses face the burden of navigating divergent and sometimes contradictory sanctions regimes. The introduction of support mechanisms or transnational legal tools could mitigate these complexities and may become indis-
pensable in the future.

Third, the paper situates these legal dynamics within the broader framework of EU initiatives, such as the Anti-Coercion Instrument, export controls, and measures under the Economic Security Strategy. These interrelated tools underscore the need for a more coherent approach to economic security.

Strategically, these developments have broader implications, particularly with China as the "dragon in the room". Russia-related sanctions provide critical lessons in harmonization, effectiveness, evasion prevention, and enforcement—potentially essential for addressing what likely is the defining geopolitical challenge of the 21st century, already dubbed "Cold War II". Simultaneously, the very nature of EU sanctions is undergoing significant transformations, notably in terms of extraterritorial reach, which now extends beyond the widely accepted principles of territoriality and personality. Furthermore, the delineation between the EU's competences in trade policy and foreign and security policy has grown increasingly ambiguous. These shifts call for the EU to define its legal position and further institutionalize its approach. This could involve formalized mechanisms for coordinating economic sanctions or even pursuing an international agreement to solidify and streamline these practices. In conclusion, the evolving legal frameworks of economic sanctions reflect a pivotal moment for the EU. They necessitate innovation not only in regulatory and enforcement frameworks but also in strategic positioning.

Biography:

Since April 2023, Johannes Schäffer has served as a full professor of Public Economic Law at the Berlin School of Economics and Law. His research centers on key areas of foreign trade law, EU sanctions in particular, and the security dimensions of international trade. Before transitioning to academia, Johannes Schäffer spent several years in the foreign trade practice of an international law firm, where he specialized in advising on economic sanctions since 2016. From 2020 onward, he was consistently recognized by The Legal 500 for his contributions to the field. Johannes Schäffer studied law in Bielefeld and Paris. His legal clerkship included assignments at the German Federal Ministry of Foreign Affairs—both at its Berlin headquarters and at the German Embassy in South Africa.

Filippo Marchetti *(University of Westminster)*

A Blockade on the Province of all Mankind: Compatibility of Existing Approaches to Sanctions with the International Law of Outer Space

Throughout their modern existence, sanctioning regimes have consistently prioritised targeting the development and movement of financial and technological assets connected to strategic military activities. Outer-space exploration has so-far been predominantly conducted by States, primarily through military personnel and technology and, more recently, though civilian contractors. Therefore, it is unsurprising that sanctions have, directly or indirectly, targeted goods and technology for the (aero)space industry – mostly for military use or for a military end-user.

International space law – alongside a very limited number of other specialised legal regimes (e.g., the Antarctic regime) – has traits that set it apart from its conceptual counterparts (especially air law and the law of the sea): in particular, the ever-reiterated non-appropriation principle and the strict limitations on the exercise of national jurisdiction. These features have facilitated a remarkable history of scientific and technological breakthroughs, grounded in both cooperative and non-belligerent competitive efforts among otherwise rival nations.

These peculiar traits stem from the corpus iuris spatialis and, more specifically, from the core principles of i) freedom of exploration, ii) peaceful-purposes, and iii) benefit. This paper will investigate a) whether the nature of the corpus iuris spatialis shields certain pace activities from certain sanctions, b) what limitations might arise from the abovementioned space-law principles, and c) whether the extreme nature of space activities may create additional obligations for sanctioning entities to support individuals and preserve in-space technology to ensure safety and to prevent any critical impact on the core objectives of this legal regime.

Keywords:
space law; sanctions; compatibility

Biography:
Dr Filippo Marchetti is a Senior Lecturer in Law and Technology at the University of Westminster (London) and an Adjunct Professor of International Law at Bocconi University (Milan). He teaches international space law, and his expertise lies at the crossroads of International Law, EU Law, and the substantive regimes regulating trade and new technologies, including the impact of economic sanctions on international contracts. He previously worked as a Research Fellow in International Law at the University of Milan. He holds a PhD from Bocconi University and authored and co-authored several articles, chapters, and reports on private international law and technology law.

Artak Mkrtichyan Minasyan *(University of A Coruña)*

The European Union Fight Against Shadow Fleets: The Development of Smarter Maritime Sanctions

Paper co-authored with Ana Maestro

Maritime sanctions are not new to EU law. Along with the United Nations, the EU is one of the most relevant international actors in the field of multilateral sanctions. Given the volume of maritime trade, the war over Ukraine has brought to the fore the issue of compliance with sanctions in global shipping, not only as a specific tool to implement International Law, but also as a mechanism to ensure the effectiveness of general sanction regimes. In this regard, shadow fleets, also known as dark fleets, are often used to circumvent sanctions. The existence of a Russian shadow fleet is widespread in the news and poses a risk for the implementation of EU sanctions as a whole and, in particular, of maritime sanctions.

This proposal aims at examining the progressive development of EU maritime sanctions against shadow fleets, in order to ascertain whether or not there are enough measures for the correct implementation of EU sanctions in the current state of EU law. For this purpose, the current use of shadow fleets and the mechanisms that enable sanctioned States to avoid and undermine the application of sanctions (flags of convenience, ports of convenience and new forms of manipulating the genuine link between the ship and its flag State, such as

fraudulent registration) will be defined. Given the importance of the Russian dark fleet in the ongoing aggression against Ukraine, an in-depth analysis of its activities and legal mechanisms used by the Russian authorities will be provided. As a context, the EU practice before the invasion of Ukraine will be analysed. Furthermore, this contribution will cover the development of smarter maritime sanctions as a consequence of the war in Ukraine, in order to establish the timeline, the origin and the key to the reform of extant sanctions. Finally, a short insight of the action brought before the CJEU in the case Russian Maritime Register of Shipping and Jūrų Laivybos Registras v Council will be included.

Keywords:
maritime sanctions; shadow fleets; European Union sanctions practice; flags of convenience; sanctions compliance

Biography:
Prof. Artak Mkrtichyan Minasyan is Assistant Professor in Public International Law and International Relations of the University of A Coruña (Spain). His research focuses on armed conflicts, maritime law and migrant and refugee law. He has earned a PhD in Public International Law from the University of A Coruña and has had research stays at the Armenian State Pedagogical University, Ivane Javakhishvili State University, Yerevan State University, Southern Connecticut State University and Yale University. He has authored dozens of publications on several topics of Public International Law and participated in more than 30 conferences.

PANEL 12 - NATIONAL IMPLEMENTATION

CHAIR: Clara Portela *(University of Valencia)*

Dr Clara PORTELA teaches Political Science at the Law School of the University of Valencia, having previously served as a professor at Singapore Management University and as a research fellow with the European Union Institute for Security Studies (EUISS) in Paris. Her research focuses on multilateral sanctions, arms control and EU foreign policy. She holds a PhD from the European University Institute in Florence and an MA from the Free University of Berlin. She is the recipient of the THESEUS Award for Promising Research on European Integration. Clara Portela was the inaugural Konrad Adenauer Visiting Scholar at Carleton University's Centre for European Studies in Ottawa, Canada. Previously, she has been a Visiting Professor at the College of Europe, the OSCE Academy in Bishkek, SciencesPo Grenoble, SciencesPo Lyon, SciencesPo Paris, Hitotsubashi University in Tokyo and the University of Innsbruck. She has consulted for the European Commission, the Ministry of Foreign Affairs of Spain, the Ministry of International Trade and Industry of Japan, and civil society organisations like Transparency International, Democracy Reporting, Civil Forum for Asset Recovery and Small Arms Survey. Recently, she advised the European Economic and Social Committee (EESC) on the criminalisation of sanctions violations (SOC 739 procedure).

SPEAKERS:

Thomas Biersteker *(Geneva Graduate Institute)*

The Meaning and Translations involved in Domestic-level Implementation of International Sanctions

Sanctions cannot be effective unless they are implemented. This applies even to the threat of sanctions, since to be effective, the threat of sanctions implementation has to be credible. But what does implementation mean? How would we know whether or how UN or EU sanctions are implemented?

We have a few, easily measurable indicators of implementation at the UN and EU level, including whether designations have been made (if targeted individual sanctions) and whether strategic communication has been delivered to inform members of the organizations. At the UN level, implementation is indicated by the creation of a sanctions committee and the appointment of experts (if monitoring mechanism created).

Implementation at the national level is more difficult to measure, however, and it inherently involves a number of different translations. In their classic work defining implementation, Implementation: How Great Expectations in Washington are Dashed in Oakland, Jeffrey Pressman and Aaron Wildavsky identified four different aspects to consider when assessing implementation: (1) is there a legal framework, (2) is there an administrative structure, (3)

have regulatory measures been identified, and (4) are there enforcement mechanisms in place?

If we apply this general framework to the implementation of international sanctions at the national level, we can unpack what it means to implement the measures. The process of implementation at the national level inherently involves a series of interpretations or translations of the text agreed upon and designed either in New York by the UN Security Council or in Brussels by the European Commission as enunciated in a Council decision. This in turn leads to at least five different points of translation, translations can lead to a change in the impact and effectiveness of the sanctions in different national jurisdictions.

Keywords:
Implementation; International sanctions; Indicators; Legal framework; Administrative structures; Regulatory measures; Enforcement mechanisms; Private sector role

Biography:
Thomas Biersteker is Gasteyger Professor Honoraire at the Geneva Graduate Institute and a Public Policy Fellow at the Woodrow Wilson International Center for Scholars in Washington, DC. He has been working on sanctions issues for over 25 years, with a focus on the evaluation of United Nations sanctions. He previously taught at Yale University, the University of Southern California, and Brown University (all in the U.S.), and at Brown, he directed the Watson Institute for International Studies for 12 and a half years. His BA is from the University of Chicago, which awarded him its Distinguished Alumni Achievement Award in 2020, and his PhD is from the Massachusetts Institute of Technology. He lives in Switzerland, but spends part of the year in Washington, DC in the US.

Simon Van Oort, Guus de Vries *(Dutch Ministry of Foreign Affairs)*

Equipped for a New Era: Innovations in EU Member States' National Sanctions Legislation in the Wake of the Russian Invasion of Ukraine

The Russian invasion of Ukraine on 24 February 2022 prompted the adoption of restrictive measures (or sanctions) by the European Union (EU) that were unprecedented in their severity and scope. The trend within the EU's Common Foreign and Security Policy (CFSP) is to respond to geopolitical events with sanctions. It is without doubt that sanctions are here to stay for the foreseeable future, especially considering the tumultuous situation in the world. Although sanctions are an instrument of the EU's CFSP, their effectiveness is heavily subjected to national implementation and enforcement. EU Member States thus play a key part in the effectuation of EU sanctions. This effectuation partially takes place through legislation. At the very least, EU Member States must designate national competent authorities (NCA's). In most cases however, Member States have more extensive national legal frameworks setup for the implementation of international sanctions writ large. These national frameworks are a relatively understudied side of sanctions and deserving of further attention.

The extensive and rapidly changing EU sanctions decisions and regulations over the past two years posed manifold challenges for Member States, and these challenges have been partially of a legislative nature. The legal frameworks in several Member States were to a certain degree not designed to implement restrictive measures of such a scale. Consequently, various Member States have decided to revise their national legislation to be sufficiently equipped for this new era. This paper seeks to take stock of the changes EU Member States' national sanctions legislation underwent after the Russian Invasion of Ukraine. This analysis is crucial, as the effectiveness of compliance across the EU depends on addressing vulnerabilities within the system as a whole. In taking stock of the different national legal frameworks, this paper surveys points of convergence in these innovations and explores the feasibility of formulating a 'common blueprint' that could guide other Member States in the years to come and/or perhaps even warrant further EU legislation. Possible points of convergence may include implementation models, procedures for designating NCA's, legal frameworks for firewalls and additional rules on data-sharing.

Keywords:
Restrictive measures; aggression; implementation; foreign policy; geopolitics

Biography:
Simon van Oort, MSt (Oxon), LLM, LLM.leg, is project leader on sanctions legislation at the Ministry of Foreign Affairs of the Netherlands and a PhD-candidate at Radboud University Nijmegen. Guus de Vries, LLM, is a senior policy officer on export control at the Ministry of Foreign Affairs of the Netherlands and a PhD-candidate at Radboud University Nijmegen.

Guus B.M. de Vries is a senior policy officer at the Export Control Department of the Netherlands Ministry of Foreign Affairs. In this role, he is responsible for coordinating the legal dimensions of Dutch export control policy, ensuring compliance with national and international regulatory frameworks. Previously, Guus served in the Ministry's Sanctions Division, where he contributed to the modernisation of the Dutch Sanctions Act, focusing on aligning domestic legislation with evolving global standards.In addition to his government work, Guus is pursuing a doctorate in law at Radboud University Nijmegen as an external PhD candidate. His research explores the legal theory and practical application of the European Union's supporting, coordinating, and supplementing competences.

Andrej Svetličič *(Ministry of Foreign and European Affairs of Slovenia)*

Implementation of Sanctions in Slovenia

Slovenia started implementing UN Security Council sanctions shortly after being admitted to the United Nations in 1992. In 2001, the first Restrictive Measures Act (RMA) was adopted, enabling the government to adopt national implementing measures and establishing the Sanctions Coordination Group chaired by the Ministry of Foreign Affairs.
After accession to the EU, an overhauled RMA was adopted in 2006, which was significantly more comprehensive to enable the government to implement EU legal acts effectively

through regulations that usually contained provisions on penalties for the violation of EU legal acts and provisions on competent authorities.

Due to the increase in sanctions regimes and thus an increasingly burdensome national implementation system, the RMA was amended in 2022, by which the provisions on penalties and competent authorities were transferred from regulations to the RMA itself, authorities' competences were more clearly defined, and consequently virtually all regulations were repealed. Although not directly linked to the war in Ukraine, the timing of this amendment aimed at streamlining implementation was very instrumental in that regard. The effectiveness of the amended RMA was tested immediately in view of the situation in Ukraine, and since the Government was not required to adopt national implementing legislation for each of the many sanctions packages, there was no regulatory delay, thus the competent authorities were able to implement EU legal acts as of their adoption, with significantly less competence issues due to clearer definitions. Due to enhanced coordination within the restructured Sanctions Coordination Group, competent authorities encountered several suspicious financial and trade transactions, also cases of attempted circumvention, resulting in several administrative infringement procedures, and even the first EU listings by Slovenia, which was a very useful exercise for the authorities to test the listing procedures and evidentiary standards.

Biography:

Dr Andrej Svetličič is the Head of the EU External Relations Law Section of the International Law Department at the Ministry of Foreign and European Affairs, where he has been working since 2006. He first encountered sanctions in 1999 when he worked at the Ministry of Economic Relations and Development, and has been working in this field more intensively ever since he joined the Ministry of Foreign Affairs. His work involves drafting sanctions legislation and coordinating sanctions implementation with other competent authorities. As a national sanctions coordinator, he is a member of the European Commission's high-level group on sanctions implementation and has chaired the sanctions formation of the EU Council Relex Working Party during both Slovenian Council Presidencies in 2008 and 2021. He is lecturing on sanctions at the Diplomatic Academy of the Ministry of Foreign and European Affairs.

Rok Bizjak *(Legal advisor for the Slovenian armed forces)*

Fragmenting Global Trade: The Rise of Extraterritorial Export Control Laws

Even though states have generally committed to free international trade they have kept some degree of reservation when it came to the national security concerns by maintaining the option of restrictions in trade. Domestic export controls prevailed in the past but due to developments in technology and changing security landscape extraterritorial controls have emerged. Large trading partners, the US, the EU, and China, have adopted divergent regulatory approaches. This paper provides a comparative legal analysis of how these three jurisdictions conceptualize and implement extraterritoriality in export control law, examining the underlying legal justifications, enforcement mechanisms, and global pushback against

such measures. The paper initially establishes the customary international law framework for extraterritorial jurisdiction and continues to study the principle of extraterritoriality and its relation to sanctions being unilateral versus them being multilateral (often based on UN Security Council resolution). Although unilateral sanctions are not unlawful under international law per se the paper raises questions of potential breach the principle of sovereign equality of states and the principle of non-intervention. The US has a long-standing record of resorting to unilateral controls to ensure national security justifying these controls under the protective principle. It also maintains the most expansive interpretation of the legality of its extraterritorial jurisdiction. However, this aggressive assertion of jurisdiction has led to WTO disputes, diplomatic pushback from allies, and foreign countermeasures. The latest expansion of US export control extraterritoriality aspect relates to the Foreign direct product rule and extended control over US persons rule both complemented by end-use/end-user rules to foil circumvention efforts. Because of the EU's constitutional values, it generally rejects extraterritoriality, especially in the case of unilateral sanctions. In the Council's 'Sanctions Guidelines' there are provisions that mandate a link between the EU and the sanctioned entity. In certain cases, the EU views the extraterritorial application of unilateral sanctions to be in violation of international law and has expressed concern that trade could be used as a weaponized instrument. China historically opposed extraterritoriality, though courts and administrative agencies might still be hesitant to support the application of domestic law extraterritorially, and is now developing its own countermeasures in response to US sanctions. Following the controversy of the Huawei case China has begun legislating reciprocal extraterritorial enforcement as seen in the 2020 Export Control Law and Unreliable Entity List punishing foreign entities that comply with US sanctions against China. Similarly to the EU China emphasizes an explicit link between the subject of jurisdiction and the state. More so, both aim to promote multilateralism. As a pushback against the US both the EU and China have responded with protective legislation (EU's Blocking Statute and China's Anti-Foreign Sanctions Law). The paper aims to critically assess the legality of extraterritorial jurisdiction in the case of export control under international law and compare the practice of some of the largest trading partners increasingly resorting to the use of unilateral extraterritorial measures that may undermine international legal stability and further fragment the global trade order.

Biography:

Rok Bizjak is a Legal advisor for the Slovenian armed forces where he mainly works on current IHL issues and provides general legal advise. Currently he is pursuing his PhD degree in Law and is a Fulbright scholar on a 10 month visit to Indiana University where he is researching how the US approach to export control of dual-use goods differs from the EU's. His research area focuses on dual-use goods export control and regulation of technology.

PANEL 13 - WAR AND CONFISCATION OF PROPERTY

CHAIR: Nicholas Tsagourias *(Professor, University of Sheffield)*

Nicholas Tsagourias is the Edward Bramley Professor of International Law at the University of Sheffield. He is Visiting Professor of International Law at the Paris School of International Affairs, Sciences Po and Senior Fellow at the West Point Military Academy. Nicholas is also Coeditor in chief of the Journal of Conflict and Security Law (OUP. His teaching and research interests are in the fields of international law and the use of force, international humanitarian law, international criminal law, and cybersecurity. He is widely published in these fields. Among his recent publications are the books The Peaceful Settlement of Inter-State Cyber Disputes; Research Handbook on International Law and Cyberspace, Regulating the Use of Force: Stability and Change.

SPEAKERS:

Maruša T. Veber *(University of Ljubljana)*

Confiscation of State Property: Interplay between Primary, Secondary and Procedural rules

This paper will demonstrate that historically, the confiscation of property has formed an integral part of the understanding of a sanction, which was limited to belligerent parties and projected war narratives. However, in the 20th century, the notion of sanctions was significantly reshaped to project peacetime narratives, thereby broadening the possibilities for the adoption of sanctions in various forms, also to non-belligerent actors. Building on the current discussions within the EU on the possible confiscation of Central Bank of Russia assets, this paper analyses the existing peacetime framework for the adoption of sanctions in the form of the confiscation of property, which revolves around discussions on countermeasures, immunities, and reparations in international law. This relationship includes the following dilemmas: do procedural rules on immunities apply to non-judicial, executive, measures such as sanctions; can countermeasures, as secondary rules of international law be applied to justify the violation of procedural rules on immunities; and how do the rules on countermeasures relate to the secondary rules of international law concerning the obligation to pay reparations? Discussions concerning the applicability of procedural rules on immunities are mainly based on the seminal pronouncement of the International Court of Justice (ICJ) in the Jurisdictional Immunities of the State (Germany v Italy: Greece intervening) case. In this case, a distinction was drawn between primary (jus cogens rules) and procedural rules (immunities), culminating in the conclusion that these two categories of rules do not interact with each other. This paper aims to showcase that this reasoning cannot be simply transposed to the existing debates on countermeasures, reparations, and immunities. Rather, the analysis of the relationship between these rules has to be grounded in the careful analysis of the interaction between primary, secondary, and procedural rules of international law.

Keywords:
Sanctions; confiscation of property; countermeasures; immunities; secondary rules of international law; procedural rules of international law

Biography:
Maruša T. Veber (PhD) is Assistant Professor and Director of the Institute for International Law and International Relations at the Faculty of Law of the University of Ljubljana. She is currently leading a post-doctoral project on 'Seizure of State-owned and Private Property under International Law: Mapping the Applicable Legal Rules and Identifying Conditions that Frame and Limit Seizure of Frozen Assets in the Context of the Situation in Ukraine (2023-2025)' funded by the Slovenian National Research Agency. Previously she was a visiting researcher at the University of Auckland Law School, a junior visiting fellow at the Graduate Institute of International and Development Studies in Geneva (Switzerland), a visiting scholar at the University of Hull Law School (United Kingdom) and a researcher at the United Nations University Institute on Comparative Regional Integration Studies (UNU-CRIS) in Bruges (Belgium). She is editor-in-chief of the Ljubljana Law Review (LLR), a rapporteur at the Oxford International Organizations database and a member of various associations, including Multidisciplinary International Network on Sanction (MINOS), the European Society of International Law and Slovene branch of the International Law Association. She is a recipient of various awards and scholarships including the Award for Young Jurist of the Year awarded by the Association of Slovenian Jurists' Societies and a Fulbright Visiting (Post-Doctoral) Scholar scholarship (George Washington University 2025). She regularly publishes her work with national and international publishers, is involved in various international and national projects and acts as a consultant on international law and European law matters.

Attila Novák *(Catholic University of Louvain)*

Confiscatory Measures Against the Property of an Aggressor State: SelfDefence instead of Sanctions?

The confiscation of the property belonging to the aggressor State could greatly hinder its capacity to continue its unlawful armed attack, and these assets could be further used to finance the efforts to repeal the aggression. However, irrespective of whether such confiscation occurs through judicial or non-judicial means, it may contravene several rules of international law. It could then only be justified based on one of the circumstances precluding wrongfulness in accordance with the law of international responsibility. Countermeasures are one of the most frequently invoked answers to this issue; however, individual or collective self-defence and the possibility to justify potential breaches in line with Article 21 ARSIWA are paid less attention. It is ambiguous whether the victim State is entitled to take any necessary actions, including confiscatory measures, to deter the armed attack, in combination with or even without resorting to forcible measures in the context of self-defence pursuant to customary international law or the UN Charter, and, subsequently, justify potential violations of international law in accordance with Article 21 ARSIWA. Likewise, it is uncertain whether third States and international organisations, when adopting

confiscatory measures against the property of the aggressor State, may invoke the doctrine of collective self-defence with a view to justifying such actions. This discussion necessarily goes back to the historical origins of the concept of self-defence and involves the controversies surrounding the scope and conditions attached to the application of the primary and secondary rules of international law governing it.

Biography:

Attila Novák is a PhD student in public international law at the Faculty of Law and Criminology of the Catholic University of Louvain. He earned an Advanced Master's Degree in International Law from UCLouvain and previously completed his bachelor's and master's studies at the Faculty of Law of the University of Novi Sad. His doctoral research focuses on non-judicial measures imposing a constraint on sovereign property, and the lawfulness and justification of such actions under international law. He has gained professional experience as a lawyer in the judiciary, local self-government, and the European Parliament.

Gaia Zoboli *(Maastricht University)*

Law of Neutrality and Sanctions: Shedding Light on the Forgotten Relationship

The use of sanctions by third states against one of the parties to an international armed conflict has gained prominence following the Russian invasion of Ukraine. Unilateral sanctions are a grey area of international law, as they are considered instruments of foreign policy at a crossroads between diplomacy and military force, without clear rules governing their use in inter-state relations. Given the uncertainty surrounding the legal implications of this geoeconomic tool, the compatibility between the use of unilateral sanctions during armed conflict and the law of neutrality remains underexplored.

Neutrality law regulates the relationship between belligerents and third states during international armed conflicts, preventing the latter from becoming involved in hostilities. Neutrality requires third states to maintain a position of impartiality and non-participation in the conflict. The imposition of sanctions on a belligerent appears incompatible with these foundational principles.

Unilateral sanctions are a coercive foreign policy tool imposing economic pain on the target in exchange for the sender's political gain. Therefore, the adoption of these measures entails a condemnation of the target's behaviour. This creates a problematic situation as neutrality law can only function if the neutral state refrains from expressing a value judgement on which party to the conflict it considers to be in the wrong. Once a state imposes sanctions against a belligerent, it becomes difficult to reconcile that action with its claim of neutrality. The issue is further complicated by the ambiguous status of "qualified neutrality", a middle ground between neutrality and belligerency in which a state provides aid and assistance to one of the parties to the conflict while allegedly continuing to enjoy the protection afforded by neutrality law. This concept is not firmly established under international law, and its compatibility with the imposition of sanctions in conflict-related situations remains, at best, unsettled.

Keywords:
public international law; sanctions; neutrality; international armed conflict; jus ad bellum; jus in bello; state responsibility

Biography:
Gaia Zoboli is a PhD candidate and Lecturer in the Department of International Law at Maastricht University. Her doctoral research explores the legal implications of considering unilateral sectoral sanctions as a form of economic warfare under international law, framing these measures within jus ad bellum, jus in bello, and their normative intersection. Gaia holds an LL.M. in Public International Law with a specialisation in Conflict & Security from Utrecht University (cum laude). Prior to joining Maastricht University, she worked as a research intern at the T.M.C. Asser Instituut. Her academic interests include sanctions, the use of force, international humanitarian law and the law of neutrality.

Anne-Charlotte Baron *(Royal Military Academy of Belgium)*

The Boomerang Effect of the Use of Sanctions in Conflicts – From Lawfare to Counter-Lawfare

International sanctions are typically framed as legal responses to violations of international law. In the context of armed conflicts, lawfare can generally be described as the strategic use or misuse of legal instruments to achieve the same or similar effects as those that might otherwise be pursued through conventional military means. One specific form of lawfare involves the deployment of legal mechanisms to exert pressure on an adversary, with the aim of weakening its position without the use of force. In this regard, international sanctions serve as tools to apply such pressure, targeting the economic, diplomatic, and political infrastructure of a State engaged in unlawful or aggressive conduct. Following the annexation of Crimea by the Russian Federation in 2014, Ukraine did not respond through direct military engagement. Instead, it utilized international legal mechanisms, including investment law, as part of a lawfare strategy aimed at isolating Russia economically. These measures curtailed Russia's access to international financial markets and foreign investment. However, the imposition of sanctions can also trigger adaptive strategies by targeted States. Hence, a sanctioned State may respond by establishing alternative economic and diplomatic ties to the detriment of the sanctioning States. This adaptive strategy is described as counter- lawfare. In response to American and European sanctions, Russia has diminished imports from the European Union and has actively pursued new alliances and trade relations—particularly with countries such as Turkey, China, Kazakhstan, and India—to recalibrate its economic dependencies. While sanctions can function as substitutes for traditional military measures within a lawfare framework, their effectiveness depends on the extent to which the targeted State is able—or unable—to deploy counter-lawfare strategies. To maximize their impact, sanctioning States must anticipate and strategically counteract potential counter-lawfare adaptations.

Keywords:
Sanctions; Lawfare; Law; Warfare; Strategy

Biography:
Anne-Charlotte Baron: Researcher in international law at the Chair of law of the Royal Military Academy (Belgium).

CLOSING REMARKS ROUNDTABLE:

Navigating the Future of Sanctions: Insights, Challenges, and Opportunities

Jean d'Aspremont *(Sicences Po)*

Jean d'Aspremont is Professor of International Legal Theory and Legal Philosophy at Sciences Po School of Law. He also is Professor at the University of Manchester and at the Graduate Institute (IHEID) in Geneva. He is General Editor of the *Cambridge Studies in International and Comparative Law* and Director of *Oxford International Organizations* (OXIO). He is series editor of the *Melland Schill Studies in International Law*. He has published more than two dozens of books and 200 articles on questions of international law, legal theory, and the philosophy of law. His work has been translated in several languages including Spanish, Portuguese, Russian, Mandarin Chinese, Hindi, Japanese and Persian.

Before joining Sciences Po Law School, he was Professor of International Legal Theory at the University of Amsterdam. He used to be Editor-in-Chief of the Leiden Journal of International Law. He received his LL.M. from the University of Cambridge and his Ph.D. from the University of Louvain. He was a Global Research Fellow at New York University. He acted as counsel in proceedings before the International Court of Justice.

Larissa van den Herik *(Leiden University)*

Larissa van den Herik is Professor of Public International Law at the Grotius Centre for International Legal Studies at Leiden University.

She is a member of the Permanent Court of Arbitration. She is also General Editor of the Cambridge Studies in International and Comparative Law. And she is a part-time judge at the district court of The Hague, international crimes unit.

Petra Mahnič *(Legal Advisor at the Council of the European Union)*

Petra Mahnič is a member of the EU Council Legal Service (CLS) since 2004, where she acquired legal expertise in wide-ranging areas of EU law and policies, building on her undergraduate studies in law in Ljubljana and Amsterdam, post-graduate studies in EU law at the College of Europe in Bruges (LLM) and tenure as legal adviser in the Constitutional Court of Slovenia.

She is currently coordinator for Common Foreign and Security Policy and public international law within the External Relations Directorate of the CLS, responsible for the Foreign Relations Counsellors Council working party (RELEX), the European Peace Facility Committee (EPFC) and the Public International Law Working Party (COJUR). Since October

2015, while in the CLS Directorate on external relations, she has gathered considerable experience concerning EU restrictive measures and other CFSP activities, providing legal advice to the Council, assisting in the management of restrictive measures regimes, coordinating litigation in EU restrictive measures as well as defending their legality before EU Courts.

Since 2022 she has been a Lead Instructor within the Executive Program of the School of Transnational Governance of the European University Institute (Florence) on the course Making Sanctions Work: Political, Legal, and Economic Challenges of EU Restrictive Measures and a contributor to the Capacity-building Programme for Western Balkan diplomats. She is also visiting professor at the legal department of the College of Europe in Bruges.

Cedric Ryngaert *(Utrecht University)*

Prof. Dr. Cedric Ryngaert (PhD Leuven 2007) is Professor of Public International Law at Utrecht University (Netherlands). His research interests include the law of jurisdiction and extraterritoriality, immunities, sanctions, international security law, international criminal law, non-state actors, the role of international law before domestic courts, international responsibility, and international organizations. Cedric Ryngaert is the chair of the Dutch Advisory Council on International Law (CAVV) and the editor-in-chief of the Netherlands International Law Review and the Utrecht Law Review.

POSTER PRESENTATIONS

Ali Ghareh Daghi *(Maynooth University)*

Managing United States Sanctions: The Emergence of a "Resistance Model" in Iran and Venezuela?

Over the past few decades, sanctions have become a key foreign policy tool in international politics. The United States (US) has been the most frequent user of sanctions increasingly employing them to promote its foreign policy objectives by inflicting economic damage. US foreign policy, concerning sanctions, is shaped by five predominant theories: Liberalism, Realism, Public Choice Theory (PCT), Institutionalism, and neo-Weberianism. These theories, considered as problem-solving approaches, lie in the ability to fix limits of a problem rather than introducing novel models (Alan, 2013). As such, these theories aim to address the deficiencies of sanctions by approaching them from a sender-centred lens, drawing from Eurocentric and Atlantic-centric discourses, where the state is evaluated independently from the society in target countries.Despite their strategic popularity within policy circles, the problem-solving approaches on sanctions remain relatively insufficient as their primary emphasis lies in addressing the question of how to improve the effectiveness of sanctions. This, in turn, results in the exclusion of potential dynamics within the target state and its society, which could overlook an in-depth examination of sanctions. This article suggests examining sanctions through a critical theoretical perspective. It is critical in the sense that it stands apart from the prevailing sanctions theories, instead interrogating how these theories came about. This critical approach is also directed to the state/society complex as a whole rather than to the separate parts.By analysing Iran and Venezuela, two prominent petrostates under US-led sanctions, this article seeks to shift its focus from a sender-centred viewpoint to a target-centred lens to provide insights to the previously overlooked question of why sanctions succeed or fail. To conceptualise and measure target-centred lens, the article employs a three-stage interwoven approach. First, to define, characterise, and evaluate the nature and content of the target-centred lens, three theoretical frameworks are amalgamated: Max Weber's theory of Social and Economic Organisation; Michael Mann's theory of power, known as IEMP (ideological, economic, military, and political powers); and Robert Cox's theory of Historical Structures. I use these three approaches because of their critical nature considering social and political complex as a whole rather than separate parts. Second, the article concentrates on three key components, namely solidarity, production, and institutions, which are chosen according to the limitations in each of aforementioned theories and sanctions approaches. Finally, to clarify how a particular fit between solidarity, production, and institutions contributes to a "practical" target-centred lens, this article examines the sustainability of this approach in terms of assessing the origins and growth of mechanisms that emerge from the interaction among solidarity, production, and institutions to resist US-led sanctions. The study aims to identify to what extent resistance is sustainable in the long term. It seems that the effectiveness of sanctions resistance policy depends on the depth and strength of state/society relations in a target country. As such, I will propose a continuum model to explain outcomes of state/society complex in a sanctions context, measured like sanctions resistant; partially sanctions resistant; or sanctions non-resistant.

Biography:

Ali Ghareh Daghi, is an Irish Research Council (IRC) funded Government of Ireland PhD scholar at Maynooth University. The title of his thesis is 'Managing United States Sanctions: The emergence of a "resistance model" in Iran and Venezuela?' He aims to define and clarify state/society interactions in the context of sanctions, measured from the spectrum of no resistance to full and successful resistance.

Marita Gorgiladze *(Mykolas Romeris University)*

EU Sanctions vs. Member States' National Sanctions: Legal Challenges and Competence Clashes

National sanctions are critical in addressing urgent geopolitical challenges, especially when the EU as a whole is slow to act due to the unanimity requirement among member states. This raises two interconnected legal questions: first, how the legitimacy criteria for EU sanctions, as developed by the Court of Justice of the European Union (CJEU), compare to those applied to national sanctions; and second, whether national courts evaluate the legality of national sanctions using the same standards established by the CJEU.

The CJEU has addressed key aspects of sanctions law in landmark cases such as Kadi I and II, which emphasized procedural fairness and proportionality, and Rosneft, which explored the competence of the CJEU to review Common Foreign and Security Policy (CFSP) decisions. These cases provide a legal framework for evaluating the legitimacy and proportionality of EU sanctions. However, it remains unclear whether national courts consistently apply these principles to national sanctions, raising concerns about disparities in judicial protection and the alignment of enforcement mechanisms across member states.

A recent example is the Baltic nations—Latvia, Lithuania, and Estonia—which have independently imposed sanctions on specific Georgian officials over concerns about democratic decline and human rights abuses. These actions illustrate the challenges posed by the interplay between national and EU sanctions frameworks, particularly in ensuring consistency, proportionality, and judicial oversight.

This situation also raises important questions regarding the distribution of powers between the EU and its member states, the alignment of foreign policy goals, and the commitment to the rule of law within the Union. A key legal challenge lies in the conflict between the EU's authority to impose sanctions under Articles 21 and 29 of the Treaty on European Union (TEU) and the sovereignty that member states retain in foreign affairs. While the principle of primacy dictates that EU law takes precedence over conflicting national measures, this principle can become unclear when national sanctions are applied in areas not specifically addressed by EU regulations.

Legal disputes may emerge over whether a member state's actions support or undermine EU objectives, further complicated by differing interpretations of sanctions obligations among national courts and the CJEU. Moreover, individuals and entities targeted by

sanctions frequently contest their legality on grounds of procedural unfairness, insufficient evidence, or breaches of fundamental rights such as property and due process. The standards invoked by the CJEU to assess the legality of EU sanctions may not always align with those applied by national courts, potentially leading to disparities in legal protection and judicial remedies across member states.

This research aims to analyze these legal challenges, focusing on the correlation between EU and national sanctions frameworks, the consistency of judicial oversight, and the implications for the rule of law and policy coherence within the EU.

Biography:

I am Marita Gorgiladze a third-year PhD student at the International and European Law Institute of Mykolas Romeris University. Topic of the doctoral dissertation: “Legal Preconditions of freedom to conduct a business under the new EU sanctions regime “. I am currently employed as a Senior Specialist in AML (Anti-Money Laundering) Compliance at Western Union. During my PhD studies, I had the opportunity to spend a semester as an Erasmus student at Graz University in Austria.I hold master's degrees in European and International Business Law from both Savoie Mont Blanc University in France and Mykolas Romeris University in Lithuania. Additionally, I earned my Bachelor's degree in Law from Ivane Javakhishvili Tbilisi State University in Georgia.My academic journey has been complemented by participation in several scientific conferences and the publication of a research paper on sanctions. In recognition of my contributions, I was honored with the Dr. Karl A. Lamers Peace Prize in 2022.With approximately three years of experience in AML compliance, I have also gained extensive working experience in various legal fields, including human rights, civil law, and criminal law.

Elena Guido *(Leiden University)*

Sanctions as Catalysts for the "Axis of Upheaval": The Russia-DPRK Military Collaboration and Its Geopolitical Implications

The proliferation of sanctions regimes following Russia’s invasion of Ukraine has exposed the complex interplay between sanctions as tools of geopolitical influence and their unintended consequences. While sanctions aim to deter aggression and uphold international law, they often serve as accelerants for alliances between targeted authoritarian regimes. The expanding military collaboration between Russia and the Democratic People’s Republic of Korea (DPRK) exemplifies this phenomenon, signaling the emergence of what some have termed an Axis of Evil or Axis of Upheaval. This paper interrogates the role of sanctions in fostering this alliance, arguing that they inadvertently reinforce authoritarian networks while perpetuating neo-colonial practices under the guise of upholding a rules-based international order.

Drawing on an interdisciplinary approach, this study explores three key dimensions:

1. The role of sanctions in forging alliances: How comprehensive and targeted sanctions have driven Russia and the DPRK closer together, facilitating military exchanges that circumvent international legal frameworks.

2. Neo-colonial dimensions of sanctioning practices: How sanctions disproportionately affect the Global South, perpetuating economic dependencies and reinforcing a hierarchical world order that mirrors colonial power dynamics. In this context, the paper examines how Russia and the DPRK's collaboration challenges these dynamics by creating alternative networks of mutual support.

3. The future of sanctions against authoritarian states: What the Russia-DPRK partnership reveals about the limits of sanctions as a policy tool and their potential to provoke new geopolitical fault lines. This section evaluates the implications for global governance, international law, and the legitimacy of sanctions in addressing authoritarianism.

This analysis contributes to the growing discourse on the effectiveness and unintended consequences of sanctions in international politics. It situates the Russia-DPRK military collaboration within broader debates about the geoeconomic and geopolitical dimensions of sanctions, highlighting critical perspectives on their role in shaping a post-colonial world order.

Ultimately, this paper argues for a re-evaluation of sanctions as instruments of global justice, advocating for strategies that mitigate their role in exacerbating global inequities while ensuring accountability for authoritarian regimes.

Biography:
Elena Guido is a researcher specializing in East Asian geopolitics and authoritarian regimes, with a focus on North Korea's international relations and security dynamics. She has contributed to academic and policy-oriented publications, including analyses of sanctions, nuclear deterrence, and inter-Korean relations. Elena holds a Master's degree in International Relations and East Asian Studies from Leiden University and is currently affiliated with the LeidenAsiaCentre.

Yelyzaveta Karliuha *(Odesa I. I. Mechnikov National University; Cardinal Stefan Wyszyński University)*

From Imposition to Enforcement: Improving Sanctions Legislation in Ukraine

The effectiveness of sanctions is intrinsically linked to the quality of domestic legislation governing their implementation. The sanctions process typically involves three key stages: imposition, application, and enforcement, each presenting unique legal challenges. For instance, imposition and application must align with international, supranational (in the case of the EU), and national legal frameworks to prevent targets from successfully challenging sanctions in court, thereby safeguarding their legality and effectiveness.

However, enacting sanctions legislation alone does not ensure compliance. Enforcement is particularly critical, as most sanctions target economic activities involving private sector actors in a way that disrupts their previously profitable commercial relationships. Consequently, governments face the challenge of ensuring private sector compliance, which is an essential prerequisite for the intended impact – and, ultimately, the effectiveness – of sanctions.

Another vital aspect of sanctions implementation is coordination among targeting entities. Economic sanctions, by their very nature, incentivize both targets and third parties to undermine them. If third parties continue economic relations with targets while targeting entities' operators cannot, the former may fill this gap – a phenomenon known as "backfilling". Some third parties even engage in "sanctions busting", intentionally helping targets to bypass restrictions. Sanctions coalitions can curb such behaviour and enhance the overall impact of coercive measures. Recognising this, major targeting entities like the EU have emphasised the need for greater cooperation to address these shared challenges – a persistent gap in current sanctions policy.

Against this backdrop, and considering Ukraine's accession to the EU, this paper examines Ukrainian sanctions legislation to identify shortcomings and propose improvements. Drawing on international practices, the study offers insights for Ukrainian lawmakers to build a stronger legal framework that fosters multilateral cooperation and enhances the effectiveness of national sanctions policy.

Biography:

Yelyzaveta Karliuha is a doctoral candidate in Public International Law at both Cardinal Stefan Wyszyński University in Warsaw, where her research focuses on the principle of non-recognition of unlawful situations as a legal basis for resisting the extraterritorial application of unilateral sanctions, and Odesa I. I. Mechnikov National University, where her research examines the theory and practice of implementing economic sanctions in Public International Law. She holds a Master of Law from Odesa I. I. Mechnikov National University, where she completed her thesis titled "Soft Law as a Regulator of International Relations". Yelyzaveta has gained substantial experience in both legal practice and academia. She interned with the ECR Group of the European Parliament, where she conducted research and prepared briefing notes on the AFET, SEDE, ING2, DROI, and JURI agendas for Members of the European Parliament. She also interned with the Research Centre for International Law, preparing analytical notes on various Public International Law and International Human Rights issues.

Orfeas Koidis *(University of Groningen)*

Sanctions Evasion Through Cryptocurrencies: Exploring the Regulatory Discrepancies Among Sender and Target States

The emergence of cryptocurrencies has introduced both opportunities and challenges in the global financial system. Among those challenges, cryptocurrencies have emerged as tools

for circumventing sanctions due to their decentralized and pseudonymous nature and their fragmented regulatory landscape. The absence of a cohesive, multilateral approach to cryptocurrency regulation has led to significant discrepancies. These regulatory gaps create loopholes that can be exploited by sanctioned actors to bypass sanctions. This paper seeks to uncover the extent to which these regulatory frameworks enable or hinder cryptocurrency-facilitated sanctions evasion, by conducting a comparative case study of the regulatory frameworks of two sanctioned and two sanctioning states. The central research question driving this study is: How do regulatory environments in sanctioned states influence the use of cryptocurrencies for sanctions evasion? To address these questions, the paper develops a comparative framework focusing on several variables such as the strictness of the regulatory requirements in place, the levels of cryptocurrency adoption, documented cases of sanctions evasion, regulatory responses, and the overall effectiveness of the regulation. By analyzing these variables, the paper aims to shed light on the regulatory discrepancies that exist between sanctioning and sanctioned states. Preliminary findings suggest that sanctioned states often exploit regulatory gaps, while sanctioning states face challenges in enforcing their regulations extraterritorially. This study contributes to the broader understanding of the intersections between technology, international relations, and global governance, emphasizing the need for enhanced multilateral cooperation in regulating cryptocurrencies. Ultimately, the research seeks to inform policymakers, scholars, and practitioners about the complexities of cryptocurrency regulation and its impact on the effectiveness of international sanctions.

Biography:

Orfeas Anastasios Koidis is a third-year PhD candidate at the University of Groningen. He holds an International Relations BA and an LLM in International Trade and Investment Law. He is affiliated with the Sanctions Group of the Rudolf Agricola School of Sustainable Development of the University of Groningen and is also a member of the Multidisciplinary International Network on Sanctions (MINOS). His current research focuses on the intersection of cryptocurrencies and sanctions, specifically addressing how the emergence of cryptocurrencies influences the potential for sanctions evasion. His broader research interests include the role and impact of technology on traditional concepts of International Relations, technology governance, and the role of non-state actors in global regulation.

Jan Lepeu (*European University Institute)*

An International Practice Highjacked? The Repurposing of Targeted Sanctions under the War on Terror

By the end of the 1990s, a consensus emerged that comprehensive trade embargoes, as practised until then, constituted a rather inefficient and often inhuman form of international sanctioning. In the wake of the increasing contestation around the use of sanctions, notably focusing on the dramatic humanitarian effects they provoked in Iraq, a sanctions reform movement coalesced around a coalition of state and non-state actors, aiming to re-imagine and refine the economic coercion instruments dubbed as sanctions. This new form of

sanctioning, commonly referred to as ‘smart’ or ‘targeted’ sanctions, aimed to target specific individuals, sometimes economic sectors, rather than societies as a whole. Technically, targeted sanctions hinged largely around the emergence of financial instruments listing specific individuals and entities and denying them access to global financial networks. Strategically, such listings were imagined to focus sanctions’ coercive power primarily on a restricted number of actors closely connected to the centres of power, with the aim of pressuring a regime’s leadership to change course. Finally, such sanctions were imagined as multilateral sanctions to be imposed by the UN Security Council. Thus, at the turn of the millennium, targeted sanctions had a fairly well-defined raison d’être and playbook as well as a large buy-in among the international community and a certain ideational fit with internationalist visions of order in vogue in the early post-Cold War era.

Flashforward twenty-five years, international sanctioning has become largely ‘unilateralised’ and acrimoniously contested in most international fora. At the same time, ‘targeted sanctions’ listings have evolved from having a handful of entries to now often containing hundreds of them, if not thousands. Thus, targeted sanctions have largely evolved beyond the best practices imagined at the turn of the millennium, as has their international legitimacy. This paper argues that to understand this evolution, one has to pay attention to how 9/11 and the rise of counterterrorism as a dominant ideational background in foreign policymaking led to the repurposing of ‘targeted’ financial sanctions and changed their uses. Theoretically, it builds on Practice Theory (PT) to offer a study of how evolutions in the background knowledge surrounding an international practice enable practitioners to renegotiate what constitutes competent use of that practice. Empirically, building on primary sources and secondary literature, this paper traces how, after 9/11, ‘targeted’ financial sanctions morphed from ‘an alternative to war’ into a central instrument of the War on Terror. In doing so, I analyse how the translation of targeted sanctions from the repertoire of crisis management into the repertoire of counterterrorism has changed both how financial sanctions are used and perceived.

Matthijs Leusen (*University of Groningen)*

The Stock Market Effects of the 2022 Russia Sanctions on Sender States

Poster co-authored with Tristan Kohl, Francesco Giumelli and Harry Garretsen

On February 24, 2022, Russian President Vladimir Putin launched an invasion of Ukraine, following months of rising tensions and troop movements along the Ukrainian border. In the lead-up to the attack, Western leaders, including U.S. President Joe Biden, warned of severe sanctions should Russia proceed. After the invasion, the U.S. and EU responded with multiple waves of sanctions, initially targeting individuals and Russia’s central bank, before expanding to include companies and state-owned enterprises. These sanctions aimed to weaken Russia’s economic base.

While existing studies have examined stock market reactions to the Russia-Ukraine conflict, the effects of the Western sanctions themselves remain underexplored. This reflects a

broader gap in the literature on the financial market impacts of sanctions, particularly within sender states. Moreover, existing research often fails to disentangle the effects of sanctions from the broader geopolitical events that trigger them, a key endogeneity issue in sanctions research.

This paper provides the first comprehensive analysis of the firm-level stock market impacts of the 2022 sanctions imposed by the U.S. and EU on Russia. By compiling detailed product-level sanctions data from both the U.S. and EU and aggregating it to the sector level, we develop a novel measure linking sanctioned goods to the sectors producing them. We also construct a sector-level measure of dependence on Russia, and by interacting these variables, identify the likelihood of firms being directly affected by sanctions. This innovative approach allows us to isolate the impact of sanctions from the broader conflict, addressing the endogeneity problem and providing a more precise understanding of their costs.

Our sample consists of 14,420 firms operating in 972 sectors across the U.S. and EU. The analysis is structured around three phases: the pre-imposition phase, where we evaluate whether investors anticipated sanctions; the initial response phase, capturing immediate market reactions to both the conflict and sanctions; and the post-imposition phase, examining investor adjustments to the new economic environment. This phased approach provides a nuanced view of stock market dynamics at different stages of the sanctions regime. This work makes several key contributions. First, it is the first study to establish a direct connection between sanctioned prducts and the specific sectors producing them in the U.S. and EU. Second, it offers a disaggregated view of the costs of sanctions, shedding light on how these costs are distributed across sectors and firms. Third, by constructing a treatment group of directly affected firms and comparing them to firms exposed only to the broader conflict, we refine methodologies for isolating the effects of sanctions from their triggers.

Our findings contribute to the growing literature on the costs of sanctions to sender states and the short-term stock market effects of the Russia-Ukraine conflict. This study provides a framework for understanding how targeted sanctions ripple through financial markets and offers insights relevant to policymakers and academics alike.

Biography:

Matthijs Leusen is a third-year interdisciplinary PhD candidate at the University of Groningen. His research focuses on the political and economic effectiveness of sanctions, with a particular interest in how the economic impacts of sanctions affect their political success. He previously obtained a BSc in Public Administration and an MSc in Economics and Governance from Leiden University.

Ghulam Mujtaba *(University of Szeged)*

Examining the Influence of EU Anti-Money Laundering Directives on Money Laundering Risks with FATF Compliance in Non-EU Developing Countries

Money laundering (ML) and terrorist financing (TF) are two transnational threats that have complicated effects on developing countries. These vices erode the standards of financial governance, hamper the growth of the economy, encourage corruption and threaten stability at the national and regional levels. To mitigate these risks, there are international guidelines that have been set to help countries in the fight against money laundering, for instance the FATF recommendations and EU AML Directives. This paper seeks to investigate the link between EU AML Directives, FATF compliance and money laundering risks in non-EU developing countries and how these paradigms affect the AML/CTF environment in countries with relatively emerging institutions.

For this purpose, this paper compares the levels of AML compliance and the levels of FATF compliance to determine the effects of EU-driven regulatory regimes on money laundering risks in low-resource countries. The paper also examines the compliance variation across countries of different economic development and institutional capacity, explaining the possibilities of cross- jurisdictional cooperation, political stability and resource allocation to enhance compliance frameworks. The study established that despite the benefits of compliance with FATF recommendations and EU directives in the AML framework, important challenges persist in developing countries including political instability, funding constraints and issues of jurisdiction. The study recommends that future AML policy also consider the specificity of non-EU countries, while also underlining the value of cooperation and capacity development.

Biography:
Mr. Ghulam Mujtaba Malik is currently pursuing a PhD in Criminal Law at the University of Szeged, Hungary (2021-2025). He holds an LL.M. in International Law from the University of Sindh, specializing in Criminology and Human Rights. Serving as an Assistant Professor at SZAB University of Law since 2017, he has over a decade of experience in academia, previously lecturing at prominent institutions in Pakistan. A practicing lawyer since 2006, and has contributed to multiple research projects and publications in legal studies.

Lisa Neal *(University of Hamburg)*

The Gendered Consequences of Targeted Sanctions in the Case of Iran

Targeted sanctions were introduced to mitigate the humanitarian repercussions of comprehensive sanctions. However, mounting evidence suggests they fail to achieve this goal and continue to disproportionately impact women (Buck et al. 1998, Seekins 2005, Al-Jawaheri 2008, Drury/Peksen 2014, Perry 2022, Abdi 2024). Yet, there are gaps in the literature on the gendered consequences, due to:

1. A lack of differentiation between comprehensive and targeted measures, which obscures specific consequences (Charron/Portela 2023).

2. Gendered consequences are often attributed to economic factors, neglecting non-economic drivers.

3. Methodological challenges in sanctions research, especially disentangling direct from indirect consequences, are compounded by reliance on quantitative approaches. This overlooks qualitative dimensions, such as individual perceptions.

This paper addresses these gaps by centering the lived experiences of those affected by targeted sanctions (Brzoska 2013). It asks: How are sanctions perceived by individuals? It draws conclusions from that on the gendered distribution of consequences.

Iran serves as a case study due to its complex sanction regime and pronounced gendered societal dynamics. International actors frame sanctions as a tool to support women's resistance in Iran. However, the actual impact on women remains poorly understood, and feminist critiques are rarely integrated into discussions of sanctions, even within the framework of feminist foreign policy.

This research is based on two years of open-ended interviews. To uphold ethical standards for research with vulnerable populations, interviews were conducted primarily within the Iranian diaspora in Yerevan, Istanbul, Hamburg, and Online. Participants included females and males from different ethnic and socio-economic backgrounds and age groups.

My preliminary findings reveal that targeted sanctions exacerbate existing inequalities and reinforce Iran's gendered societal structures. This raises the question of whether these consequences arise directly from sanctions or from the regime's externalization of the costs onto civil society.

Women bear the burden of sanctions. They work low-paying and freelance jobs without insurance. Despite it being common practice to live with their parents for a long time, women are often compelled to stay with their parents beyond their choice, creating emotional and financial dependencies. The triple pressure of work, family responsibilities, and education leaves little time or mental space for civil society engagement, further marginalizing women's voices. Many women reported pervasive hopelessness and mental health challenges, citing societal instability, rising crime, deteriorating infrastructure, and limited opportunities as reasons for delaying or forgoing life plans, including having children. Import restrictions limit their access to essential items such as menstrual products. They must rely on low-quality domestic goods or black-market alternatives, further compromising their well-being.

The beneficiaries of the sanctions appear to be men who turn their circumvention into a business. They have better access to resources, such as the fixed currency rates, which are reserved for necessary goods only. Out of all my interviewees, only one woman openly admitted to being involved in "export-import," as she called it.

This paper concludes by highlighting the gendered consequences in this case and advocating for the inclusion of the civilian population's perspective at every step of the sanctions process to improve policy accuracy.

Biography:

Lisa Neal is a PhD student at the University of Hamburg, Germany, and a researcher at the

Institute for Theology and Peace. She teaches on sanctions and recently organized a workshop on sanctions through a feminist lens. Lisa holds a Master's degree in Peace and Security Studies from the University of Hamburg and a Bachelor's degree in Sociology, Politics, and Economics from Zeppelin University. She is also a trained journalist specializing in gender and Western Asia, particularly Iran.

Iana Ovsiannikova *(Ghent University; UNU-CRIS)*

The Role of Third Countries in Sanctions: Historical Overview

Since the start of the institutionalisation of sanctions under the Common Foreign and Security Policy (CFSP), human rights violations as a cause for the imposition of sanctions was enshrined in sanctions listing criteria often referred to ‘persons whose activities seriously undermine democracy, human rights and the rule of law’ (Council of the EU, 2012). Since then, human rights component of the EU sanctions received various assessments: while Clara Portela’s study estimates 2/3 of all EU sanctions regimes are employed in support of human rights and democracy objectives; Francesco Giumelli’s research-produced EU Sanctions Database covering all cases from 1994-2019, include sanctions under ‘democracy promotion’ listing criteria amounting to 44% of all designations. While the two studies vary in their assessments, they concur with the few 8.4% cases featuring human rights as the main objective of a sanctions regime (Portela, 2018).

The introduction of the EU Global Human Rights Sanctions Regime (EU GHRSR) marked a ‘paradigm shift’ (Universal Rights Group, 2019) in human rights accountability and challenged the positivist approach in international law, where individuals are often third-party beneficiaries. However, after six years, human rights sanctions remain a small minority within the EU’s sanctions, accounting for just 2.9% of all regimes. Despite its connection to international human rights law, which could support robust monitoring, no clear distinction exists between country-specific and horizontal sanctions application. This adds to criticism regarding the EU’s arbitrary listing of individuals under the sanctions regime.

In addition to the overarching human rights sanctions framework, the EU introduced one more Russia-specific human rights regimes: Council Decision 2024/1484 of March 2024 established restrictive measures against individuals facilitating the human rights violations and internal repressions.

At this juncture of human rights aspects incorporated in EU geographical sanctions regimes, stand-alone EU GHRSR and Russia-specific human rights sanctions-regime, the question arises how human rights violations as a cause for imposition of sanctions has spread across the sanctions regimes. The article therefore aims to provide a comprehensive analysis of the architecture of the EU human rights sanctions regimes.

By drawing on the literature of economic sanctions and global human rights promotion, this article will produce qualitative and quantitative assessment with specific attention to what type of human rights violations is prioritised and how it changed with the adoption of EU GHRSR. By scrutinising the patterns of the EU’s human rights application, the article will

contribute to the discussion of the coherence of EU's foreign policy zooming at sanctions as a heuristic example in these debates.

Biography:

Iana Ovsiannikova is a PhD student at the Department of Political Sciences at Ghent University. She has a MA in EU International Relations and Diplomacy Studies of the College of Europe. Following her MA thesis, she published an article in a peer-review journal titled "EU and UK Sanctions Policies After Brexit: Divergent Allies? The Case Study of Belarus". Her doctoral research focuses on the questions of norm selection in the EU's Global Human Rights Sanctions regime.

Maria Perfetto *(Charles University)*

Weaponization of Interdependence: Unpacking European Ontological Anxieties?

Traditional scholarship on economic interdependence assumes that economic ties primarily function as stabilizing mechanisms (Keohane & Nye, 1977) or strategic tools for leverage (Farrell & Newman, 2019). However, they neglect how identity and ontological concerns can securitize interdependence. This study addresses this critical gap by integrating Ontological Security Theory (Mitzen, 2006) to move beyond materialist explanations and offer a novel framework for understanding how economic ties are redefined in response to crises. Using an interpretative process-tracing approach, combined with Critical Discourse Analysis, the study examines how EU institutional narratives reconstructed interdependence with Russia from a cooperative mechanism into an existential security threat. Unlike conventional sanctions research focused on costs or strategic outcomes, this analysis spotlights the discursive mechanisms that enabled the EU's shift from managed interdependence (pre-2022) to economic coercion (post-2022). The findings identify a three-phase transformation: (1) Managed Interdependence, (2) Ontological Crisis and Reflexive Routinization, and (3) Weaponized Interdependence and Strategic Deterrence. The EU's move from "smart sanctions" to full-scale economic coercion was driven not solely by material interests, but by the need to reaffirm its normative identity amid ontological insecurity. This perspective offers new insights into economic statecraft, international political economy, and EU security policy.

Biography:

Maria Perfetto is a PhD candidate at Charles University. Genuinely curious, analytical, and detail-oriented, with a positive, empathetic, and philanthropic outlook. A PhD candidate at Charles University, specializing in the political and societal dimensions of sanctions regimes and their impact on global governance and public opinion. Her research focuses on the intersection of sanctions, corporate compliance, and normative communication models, with a particular emphasis on overcompliance and the role of non-state actors in implementing sanctions frameworks. Her current work examines how ideological alignment influences corporate responses to EU and U.S. sanctions against the Russian Federation, shedding light on the socio-economic and legal implications of these measures.

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Tina Pirnovar *(Senior Judicial Advisor, Ljubljana District Court, Criminal Division)*

The Human Rights Effect of Economic Sanctions: Comparison of Sanction Efficiency in Cases of Russian Invasion on Ukraine and War in Yugoslavia

This paper explores the human rights effects of economic sanctions by comparing the sanctions imposed on the Federal Republic of Yugoslavia (FRY) during the 1990s and Russia following its 2022 invasion of Ukraine. While sanctions aim to pressure governments to change policies, they often lead to increased political repression, particularly in authoritarian regimes.

The sanctions imposed on FRY (1991–1996), starting as an arms embargo and expanding to broad economic restrictions, aimed to halt military aggression but were criticized as inefficient and poorly targeted. Rather than weakening the regime, they arguably reinforced it by increasing repression and citizen dependency amid rising poverty. With limited democratic institutions, public influence was minimal. This case highlights that while sanctions are a key diplomatic tool, their effectiveness in promoting human rights is limited, especially in authoritarian contexts.

The unprecedented sanctions on Russia after its 2022 invasion—freezing assets, targeting individuals, and cutting off key sectors—aimed to curb aggression but have had unclear effects. Despite them, Russia's economy remains resilient, and political repression persists, casting doubt on the sanctions' impact.

This paper will critically analyse: (1) Sanctions on FRY (1991-1996), (2) Sanctions on Russia (2022-), (3) Differences in sanctions approaches and (4) Analyse humanitarian and human rights impact in both states. Through this analysis, the paper aims to draw conclusions about the effectiveness of economic sanctions as a tool for improving human rights protection and humanitarian situations in critical states. It will also explore the conditions under which sanctions might be more successful in achieving their objectives and the main factors that influence the efficiency of international sanctions.

Biography:

Tina Pirnovar holds a Bachelor's and Master's degree in Law (cum laude) from the University of Ljubljana. She excelled in moot court competitions and contributed to Transparency International's whistleblower protection project in Slovenia. Tina participated in the Srebrenica Youth Summer School, Nottingham Trent University's Global Summer School, and courses with the Oxford Climate Society and Earth Law Center. Her professional experience includes roles as an Associate and Legal Trainee at Wolf Theiss Attorneys at Law (Slovenian branch), Student Researcher at the University of Copenhagen, and legal support for Transparency International Slovenia. She has authored legal publications on justice and human rights and is currently completing a court traineeship at the Ljubljana Higher Court.

Meliha Ceyda Toparlak *(Balıkesir University)*

Sanctioning all the Wrongdoers?

The legality of unilateral economic sanctions is disputed in international law. Sometimes these sanctions target investors who are contributing to internationally wrongful acts. This can occur when a host state adopts sanctions against foreign investors operating in their territory. Once adopted against foreign investors, the debates regarding the legality of the unilateral economic sanctions are getting more complex since these sanctions now may constitute a breach of foreign investment protection standards under international investment law. However, should the legality of the adopted sanctions really be up to debate when the sanctions are adopted in order to put an end to an internationally wrongful act and to comply with the obligations arising out of international responsibility? At first glance, with the law of international responsibility in mind, instinctively, one might be tempted to answer in the negative. Nonetheless, since such sanctions cannot be understood to operate exclusively in a realm of law of responsibility, the international investment law perspective deserves appropriate consideration also. It has, first and foremost, to be given to the investors' right to resort to investment arbitration under the investor-state dispute settlement (ISDS) mechanism. During the arbitration process the respondent state may raise various defenses originating from customary international law in order to prove that the sanctions adopted shouldn't lead to a compensation requirement towards the investor. The customary law originated defenses of the respondent state will arise out of the ILC Articles on the Responsibility of States for Internationally Wrongful Acts (A/RES/56/83). Within the scope outlined above, this study intends to conduct an analysis of the legality of the 'countermeasures' argument that might be invoked by the host state in front of an investment tribunal. As will be explained further in the study, the possibility of the invocation and legality of the countermeasures argument can be proven by means of the ILC Articles themselves and the official commentary of the ILC Articles since these sources provide sufficient fertile ground for comprehensive and sound legal arguments for the respondent state. In doing so, the official commentary of the ILC Articles regarding countermeasures will be proven to be too narrow on the one end and too broad on the other. Therefore, it is suggested that the official commentary of the ILC Articles may be taken as a base of the respondent state's claims but should be read in a different light.

Biography:

Meliha Ceyda Toparlak is a research assistant at Public International Law department in Balıkesir University. She is a PhD student in Marmara University where she also completed her LLM in 2024 in Public Law, mainly focusing on public international law.

António Vaz de Castro, Miguel João Costa *(Faculty of Law, UCILeR, Univ Coimbra; Faculty of Law, UCILeR, Univ Coimbra)*

Confiscation in the Purgatory: Between Legality and Protection of Legitimate Expectations, Presumption of Innocence and Burden of Proof

While confiscation of assets related to criminal activity is an age-old legal institution, the question as to what its nature exactly is remains shrouded in doubt. Even today, multiple and rather diverging answers are provided to that question, which is an identification question that requires identifying what something is and is not. The question is highly consequential, for it is common sense that if one does not establish what something exactly is, then one can hardly utilise it conveniently. Thus, if one does not establish what confiscation exactly is, one will hardly be able to determine the legal regime – substantive as well as procedural – that should be attached thereto.

For decades has the European Court of Human Rights (ECtHR) been addressing this question through the well-known Engel criteria. An analysis of that case law suggests that the Court selects the criteria to be deployed on the basis of the legal consequence at issue in the case. Rather than adopting a 'view from nowhere' type of approach, it seemingly shuts itself to any conclusion that does not meet its (aprioristic) conviction of what the nature of a given type of confiscation is. The inevitable impression is that the ECtHR's process of identification of the legal nature of a certain offence or legal consequence is overly subjective; that it is opaque, incoherent, inconsistent.

Albeit with some deviations, the ECtHR has overall upheld that the different modalities of confiscation (classic and modern) are not penal in character, with the consequence that the exceptionally intense guarantees of substantive and procedural criminal law must not be observed. The implication question thus becomes visible: 'if (not) penal, then x'. However, Recital 18 of the Regulation (EU) 2018/1805, on the mutual recognition of freezing orders and confiscation orders runs in the opposite direction, for it suggests that the criminal safeguards set out in the Charter of Fundamental Rights of the EU should be applied. Recital 18 thus appears to conflict with prevailing law and practice, which is quite relevant, not least of all because it may impact the scope of the grounds for non-execution on fundamental rights enshrined in the Regulation.

This lack of definition, however, has not prevented the EU legislator from developing new modalities of confiscation that do not presuppose committing a conduct described as a criminal offence, such as the non-conviction-based confiscation provided for in Article 16 of the Directive (EU) 2024/1260. This evolution triggers the question as to whether these novel modalities of confiscation can even be classified as sanctions, which in turn casts strong doubts as to whether – in view of Articles 82 (2), 83 (1) and (2) and 87 (2) of the TFEU – the EU is even competent for enacting such legislation.

Biography

António Vaz de Castro is a Guest Assistant Professor at the Faculty of Law of the University of Coimbra (Portugal), where he teaches Criminal Law. He holds an LLB (2008 - University of Coimbra), an LLM in Criminal Law (2010 - University of Coimbra), as well as a PhD in Criminal Law (2022) from the University of Coimbra. António was a member of the Ministry of Justice working group responsible for transposing the EU's confiscation directive 2024/1260 into Portuguese law. He has been an attorney at law since 2012.

Miguel João Costa, LLB (2008) and LLM in Criminal Law (2011) from the University of Coimbra; PhD in Criminal Law (2019) from Maastricht University. Assistant Professor at the University of Coimbra, where he teaches of Criminal Law and European and International Criminal Law. Member of the European Commission Expert Group on the European Arrest Warrant. Secretary-General of the Portuguese Group of the International Association of Penal Law. In the past, *inter alia*, Advisor to the Portuguese Constitutional Court (2018-2023). Authored several scientific publications and participated in numerous international research projects since 2008. Director of the Portuguese Review of Constitutional Law and co-editor of the Elgar Encyclopedia of Crime and Criminal Justice. Latest monograph: Extradition Law: Reviewing Grounds for Refusal from the Classic Paradigm to Mutual Recognition and Beyond (Brill | Nijhoff, 2019, 654 pp.).

Metka Vodušek, Rok Šarić *(University of Ljubljana)*

Economic pressure, human cost: inequality and rights in sanctioned Russia

Sanctions as an often used geopolitical and legal tool are often imposed to pressure states into compliance with international law. However, human rights implications of such measures, for example their impact on economic inequalities and vulnerable groups, are widely overlooked. This poster examines the case of the Russian Federation, where a broad range of sanctions, imposed to respond to the war of aggression in Ukraine, have contributed to poorer economic conditions, exacerbating disparities and challenging the protection of economic and social rights.

This poster aims to investigate how the sanctions affected ordinary citizens instead of political elites through a multidisciplinary analysis combining international law, economics, and human rights aspects. Key focus areas of this presentation are inflation and unemployment, access to essential goods and intensifying economic inequalities. The poster also aims to address how sanctions interact with domestic policies that often try to impact the sanctions' consequences for civil and economic rights. It further evaluates the extent to which targeted sanctions can avoid broad humanitarian consequences, and whether current mechanisms of accountability are sufficient.

Finally, the poster calls for a more balanced approach to sanctions policy making: one that aligns with human rights principles, and especially their economic and social aspects, and incorporates safeguards to protect vulnerable populations. Without such considerations, sanctions risk undermining the very values they aim to uphold.

Biography:

Metka Vodušek obtained her Bachelor of Laws at the Faculty of Law, University of Ljubljana, and is now pursuing an LL.M in International Law at Leiden University, the Netherlands. During her studies, she primarily focused on European and international human rights law through participating in various competitions. Her current research also focuses on international environmental and investment law.

Rok Šarić is a law student at the Faculty of Law, University of Ljubljana. His primary focus areas are (international) human rights law, and migration and asylum law. Through various competitions at university and abroad, Rok has also worked widely on media law, the European Convention on Human Rights and the UN system.

Leonard Walden *(University of Freiburg)*

Legal Issues Concerning the Confiscation of Russian Central Bank Assets

The longstanding debate over whether Russian Central Bank Assets frozen in the EU should be repurposed to support Ukraine has intensified in recent weeks: Following Trump´s re-election as president and considering potential negotiations between Ukraine and Russia, the newly appointed EU High Representative for Foreign Affairs, Kaja Kallas, argued in favor of distributing the frozen Russian State assets to Ukraine.

As recognized by the International Court of Justice and the United Nations General Assembly in March of 2022, Russia´s invasion of Ukraine constitutes a violation of the prohibition of the use of force, which is a peremptory norm of international law (jus cogens), as well as an obligation owed to the international community as a whole (obligation erga omnes). Under customary international law, codified in the Articles 1, 31, 34 of the Draft articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), Russia is obliged to provide full reparation for the injuries caused to Ukraine.

If Ukraine´s claims are to be enforced by accessing the assets of the Russian Central Bank, it must first be established whether such enforcement would itself violate international law and thus require justification as a countermeasure.

By investing its export surpluses in foreign government bonds, the Russian central bank fulfils sovereign monetary policy functions and, consequently, enjoys the protection of sovereign immunity. Sovereign immunity, which is essential for stabilizing interstate relations, protects state assets from both executive and judicial actions by foreign states. Thus, the assets of the Russian Central Bank are protected under international law, and their seizure by either judicial or executive means would constitute a violation of international law.

States such as Germany, which are not directly injured by Russia´s aggression, lack the direct right to take countermeasures under Article 49 ARSIWA. However, pursuant to Article 48 (1)(b), any State other than an injured State may invoke the responsibility of another State if an obligation erga omnes has been breached, as in this case.

At the time ARSIWA was adopted, there was no explicit provision allowing such states to take countermeasures in the collective interest. Instead, Article 54´s saving clause left this matter to the further development of international law.

It is argued that such development has since occurred. Numerous examples of collective countermeasures by third states, particularly asset freezes, can be observed in state practice from 2001 onward. These include the immobilization of central bank assets of Syria, Iran, Afghanistan, and, most recently, Russia. This phenomenon is not limited to Western states; for instance, in 2011, the Arab League imposed severe sanctions on Syria to address escalating violence. Furthermore, the 2005 Resolution of the Institute of International Law on erga omnes rights and obligations affirms that, in the case of a serious and widely recognized breach of an erga omnes obligation, all states are entitled to take non-violent countermeasures. Such measures must then adhere to the conditions applicable to directly affected states, applied by analogy.

Biography:
Research Assistant: At the Chair for Public International Law, Comparative Law and Ethics of Law, University of Freiburg, Prof. Dr. Silja Voeneky.

Maryia Zharylouskaya *(Mykolas Romeris University)*

Exception of the Principle of State Immunity in relation to Assets belonging to Central and State-Owned Banks

The aggression of the Russian Federation and Belarus against Ukraine represents one of the most practice-forming cases in contemporary law and politics. Financial assets of Russia's Central and State-Owned Banks which are currently frozen are viewed as the main sources of possible reparations. The article would explore the interplay between the principle of state immunity and subjecting financial assets of Central and State-Owned Banks to sanctions. Its aim would be to analyse to what extent sovereign immunity of Central and State-Owned Banks assets may be invoked as a potential shield from sanctions (absolute immunity, a "sovereign purpose" or "central banking function" test, and commercial activity approach, etc.).

In Jurisdictional Immunities of the State case (Germany v. Italy: Greece intervening) and Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Rwanda) the ICJ has distinguished the principle of jurisdictional State immunity as a procedural norm, and jus cogens as a substantive one. In conjunction with absolute state immunity doctrine this distinction can become an effective barrier to the possibility of freezing and confiscation of financial assets in the form of sanctions.

Despite the absence of jus cogens exception in the U.N. Convention on Jurisdictional Immunities of States and Their Property (2004), most of the state practice cited in the commentaries to the convention relates back to the 1970s and early 1980s. Consequently, there are reasonable grounds for a critical re-evaluation of the Convention and earlier documents - the ILC Draft Articles on Jurisdictional Immunity of States and Their Property (1991), European Convention on State Immunity (1972).

Therefore, the article would seek to assess whether in view of the aggression of the Russian Federation and Belarus against Ukraine international customary law in respect of the defence of State immunity over the assets held by Central and State-Owned Banks has changed.

Drawing upon the recent ICJ case law, the works of leading scholars in the field (Ingrid Brunk, Philippa Webb, Michael Wood, Oliver Corten, Christian J. Tams, Tom Ruys, Oona A. Hathaway, Alexander Orakhelashvili, Sevrine Knuchel, etc.), the article would discuss the EU and U.S. sanctions regimes targeting Russia and Belarus in relation to the application state immunity principle to jus cogens norms violations by States (notably).

Biography:

Maryia Zharylouskaya is a PhD student at the Institute of International and European Union Law, Mykolas Romeris University (Lithuania) and practicing international human rights lawyer. Her main areas of research are State responsibility for jus cogens norms violations, third States' reactions under regime of aggravated State responsibility and erga omnes obligations in the case of jus cogens norms violations, legal basis for freezing and confiscation of financial assets of a responsible State and affiliated persons.

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