

Targeted Sanctions and Organised Crime: Impact and Lessons for Future Use¹

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Summary

Sanctions are increasingly used to tackle a range of specific issues. These include sanctions to respond to human rights abuses, combat corruption and address malicious cyber activity. As sanctions use has broadened, the question of their application to organised criminal activity is increasingly raised. In the United Kingdom (UK), with serious and organised crime deemed a national security threat by the UK government,⁷ there is a case to add a sanctions regime to address this particular threat, alongside the existing thematic regimes covering human rights and corruption. The National Crime Agency itself has called for a legislative amendment to reference serious and organised crime as grounds for sanctions use.⁸ This project addresses that possibility.

- 1 For the full research paper, see Haenlein, C., Erskine, S., Glantz, E. and Keatinge, T. (2022). *Targeted sanctions and organised crime: Impact and lessons for future use*. SOC ACE Research Paper Number 1. Birmingham, UK: University of Birmingham.
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- 7 HM Government (2015), *Intelligence and Security Committee report*. UK Government.
- 8 HM Government (2015), *National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom* and HM Government (2021), *Intelligence and Security Committee report*. UK Government.

To do so, it explores the existing evidence base on the effectiveness of sanctions as a tool to disrupt serious and organised crime. However, little research or evaluation has been undertaken to assess the impact of sanctions against organised crime. Similarly, few past initiatives have sought to assess the lessons these experiences hold for future sanctions issuers in this space. With interest mounting in the potential use of organised crime-related sanctions, this represents a critical limitation.

The research reviews existing evidence on the use and impact of sanctions to disrupt organised crime in a range of forms and covers under-researched questions around effectiveness, unintended consequences and complementarity with other law enforcement responses. While the project focuses on jurisdictions, such as the United States (US), and international bodies, such as the United Nations (UN), with track records of using sanctions to disrupt organised crime, implications for the UK are also explored, with a view to informing UK policy thinking on the potential establishment of an organised crime-focused sanctions regime. It additionally considers two case studies previously exposed to organised crime-related sanctions: Colombia and Libya. While more in-depth research is required, this briefing note provides an assessment of the scope of past sanctions use in connection with organised crime and existing knowledge of its impacts and effectiveness, with reference to two case studies and drawing on 29 interviews and an extensive literature review. The central research question is therefore: how have sanctions been used to address organised crime and what lessons does this practice hold for other potential sanctions users in this area?

Background and contextualisation

The use of organised crime-related sanctions has remained limited to a specific set of issuers, notably the US and more recently, the UN. In the UK, the government has advanced its vision of an ambitious post-Brexit independent sanctions regime, with the Sanctions and Anti-Money Laundering Act 2018 allowing sanctions use ‘in the interests of national security’.⁹ New regimes addressing human rights and corruption have emerged. With serious and organised crime deemed a national security threat by the UK government, there is a case to add a sanctions regime to address this particular threat. The National Crime Agency itself has called for a

legislative amendment to reference serious and organised crime as grounds for sanctions use.¹⁰

Although extensive previous use has been made of targeted sanctions to address key aspects of organised criminality, either via specific organised crime-focused programmes, or as part of broader sanctions regimes covering countries or other thematic areas – albeit by a very narrow set of issuers – little research or evaluation has been undertaken to date to assess the record or impact of these efforts. With US-organised crime-related sanctions used over almost three decades to disrupt cross-border trafficking, the lack of a body of rigorous relevant research is a key shortcoming. Similarly, few past initiatives have sought to assess the lessons these experiences hold for future sanctions issuers in this space. With interest mounting in the potential use of organised crime-related sanctions, this represents a critical limitation.

⁹ [Sanctions and Anti-Money Laundering Act](#) (2018). UK Government.

¹⁰ HMG (2015), [National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom](#). UK Government and HMG (2021), [Intelligence and Security Committee report](#). UK Government.

The research identifies a number of factors that influence the effectiveness of organised crime-focused sanctions, including:

- The extent to which the host government of the sanction's target is willing to cooperate with the sanction's issuer.
- The extent to which the issuance of sanctions is embedded within a coherent broader strategic approach.
- The overarching focus of the regime within which relevant designations are made.
- The need for clear objectives when applying sanctions.
- Resourcing and engagement of key agencies in both the country of issuance and the target's host country.
- Divergent levels of vulnerability of key actors across the related illicit trade chain.

The two case studies,¹¹ Colombia and Libya, are in differing regions of the world and with different exposure to organised crime-focused sanctions. They were selected at a country level, rather than on the basis of single designations (which risk providing too narrow a picture) or the workings of entire sanctions programmes (which risk providing too broad an analysis). While Colombia tops the list of states globally for organised crime-focused sanctions on individuals and entities in its territory (with the third-highest number of

relevant listings since 2016),¹² Libya's exposure is more recent and limited. Libya nonetheless has experience of listings under the UN, and under US unilateral regimes, relating to fuel smuggling, people smuggling and human trafficking. This focus differs markedly from Colombia and the US focus on narcotics-related sanctions.

Key findings

Abundant use has been made of organised crime-focused sanctions, albeit primarily by the US, under multiple regimes, yet knowledge of their implementation, impact and merits remains scant.

- When considering organised crime sanctions imposed by the US, the authors looked at the Specially Designated Narcotics Traffickers (SDNT), Specially Designated Narcotics Trafficking Kingpin (SDNTK), Transnational Criminal Organizations regulations (TCO) and Illicit Drugs Executive Order (Illicit-Drugs-EO) regimes. In total the authors identified 2,533 designations from the SDNTK, TCO and Illicit-Drugs-EO regimes, from 1995-2021.¹³ In addition, 1,362 SDNT listings were identified, although precise data and information on some designations, press releases and statements in the case of SDNT is challenging to access. This is due to removals from the OFAC website and conflicting press releases on designations, with accurate data access not available for this regime.

11 Case studies were chosen by listing all countries in which designations have been made with the primary goal of countering organised criminality, under both organised crime-focused and wider regimes. Locations were compiled using the [OFAC Sanctions Search List tool](#), federal registers and press releases (noting that one designation may have multiple associated locations). When not explicitly stated, locations were derived from information relating to nationality, passport details, addresses and countries of origin. Cases were excluded where listings were primarily for terrorist activity, for example, with only an indirect impact or parallel involvement in organised criminality, as this research aims to inform those considering sanctions use with the primary aim of countering organised crime. Researchers limited the timeline to activity since 2016 (the start of the second Obama term), to assess sanctions use in conditions of relevance to the current security climate. Researchers omitted countries that had *only* experienced organised crime-focused sanctions use in 2020 or 2021, given the lack of time for their effects to be felt. From the resultant list of countries, the authors sought to select two with diverse experience in terms of geography; history of sanctions exposure; crime types in question; and regime type. Based on these criteria, Colombia and Libya were selected – countries in both Western and non-Western hemispheres with different exposure to organised crime-focused sanctions. The aim was not to conduct a comparative analysis, but to review experience in two diverse cases and assess what can be learnt.

12 US Treasury. [OFAC Sanctions Search List tool](#). US Government.

13 Data compiled from the OFAC Sanctions Search List tool, US Treasury publications and press releases. See OFAC, 'Sanctions List Search', <https://sanctionssearch.ofac.treas.gov>.

- The question of effectiveness has long been grappled with as one of the most debated areas of the sanctions literature.¹⁴ Amid this literature, the authors could identify no directly relevant in-depth research in relation to organised crime-focused sanctions. This gap may be fuelled by the clear disciplinary divide between criminologists and sanctions experts. As noted by one interviewee, ‘Sanctions and organised crime are two different worlds. Sanctions people are not likely to focus on effectiveness as it relates to organised crime since this is not their domain’.¹⁵
- In the US, clearly defined sanctions regimes exist to target organised crime. The goals of the SDNT, SDNTK, TCO and Illicit-Drugs-EO regimes are to disrupt organised criminal networks by: prohibiting transactions with US individuals and entities (cutting off designees’ access to the US financial system); denying access to property in the US; and denying US visas, among other actions.¹⁶ In the case of the Kingpin Act, for example, the stated aim is to create a ‘pariah effect’, deterring legitimate business from engaging in illicit activity, thus complicating criminals’ efforts to launder proceeds and sustain offending behaviour.¹⁷
- In contrast, organised crime-focused designations at the UN level exist under regimes with wider goals. In the case of the Taliban, in 2001 the UN designated key individuals with narrative summaries citing both Taliban involvement and drug trafficking.¹⁸ These actions followed UN Security Council Resolutions 1267 (1999) and 1333 (2000), which recognised the links between drug trafficking and insurgent or terrorism financing.¹⁹ As such, while the regime’s core objective is not to stem drug flows from Afghanistan, organised crime is targeted as a means to disrupt terrorism financing. In Libya, human trafficking and people smuggling sanctions also exist under a broader sanctions regime designed to support peace, stability and national reconciliation. Multilateral listing criteria thus show a strong concern with human rights and protection of civilians, rather than specific criteria targeted towards addressing organised crime.²⁰
- Relatedly, the US has made abundant use of regimes that cover both organised criminals and their wider support network. The SDNTK (Kingpin Act), for example, allows the targeting of significant foreign narcotics traffickers and those providing support, owned or controlled by them or acting on their behalf.²¹ This complements the US’s broader approach to counternarcotics trafficking, where objectives to disrupt organised criminal networks are pursued by targeting not only the criminals but also their affiliates.
- The US has sought to use sanctions to address all forms of organised crime, whether they are directly related to narcotics trafficking

14 Peksen, D. (2019). [When Do Imposed Economic Sanctions Work? A Critical Review of the Sanctions Effectiveness Literature](#). *Defence and Peace Economics*, 30(6). Biersteker, T. J., Eckert, S. E., & Tourinho, M. (2016). [Targeted Sanctions: the impacts and effectiveness of United Nations action](#). Cambridge University Press.

15 Authors’ interview with academic C, 26 November 2021.

16 Government Accountability Office (GAO) (2019). ‘Treasury Reports Some Results from Designating Drug Kingpins, but Should Improve Information on Agencies’ Expenditures’ <https://www.gao.gov/products/gao-20-112>.

17 US Committee on Foreign Affairs (2017). ‘Examining the Effectiveness of the Kingpin Designation Act in the Western Hemisphere’.

18 UNSC, ‘The Consolidated List Established and Maintained by the 1267 Committee with Respect to Al-Qaida, Usama Bin Laden, and the Taliban and Other Individuals, Groups, Undertakings and Entities Associated with Them’, updated 3 January 2008, accessed 24 January 2022. 2001 listings citing drug trafficking include those of Abdul Ghafar Qurishi Abdul Ghani, Sayyed Ghiassouddine Agha, Abdul Razaq Akhund Lala Akhund, Zia-Ur-Rahman Madani and Abdul Salam Hanafi Ali Mardan Qul.

19 UNSC, ‘Resolution 1333 (2000)’, for example, calls for action to ‘halt ... illegal drugs activities ... the proceeds of which finance Taliban terrorist activities’.

20 UN Security Council (UNSC), ‘Security Council Committee Established Pursuant to Resolution 1970 (2011) Concerning Libya’.

21 Kingpin Act designations are categorised as Tier 1 and Tier 2. Tier 1 covers ‘significant foreign narcotics traffickers’ (B1 designees) and ‘those playing a significant role in international narcotics trafficking’ (B4 designees). Tier 2 covers the networks of B1 and B4 designees, namely individuals or entities ‘materially assisting in, or providing financial or technological support for or to, or providing goods and services in support’ of their activities (B2 designees) and those ‘owned, controlled, or directed by, or acting for or on the behalf of, a significant foreign narcotics trafficker’ (B3 designees).

or not. The TCO Executive Order declared a national emergency around the ‘growing threat of significant transnational criminal organizations’, whose entrenchment ‘in the operations of foreign governments and the international financial system’ was judged to threaten US national security.²² In this way, the Treasury’s sanctioning authority was extended beyond drugs to any type of organised criminality.

- In terms of crime types, three of the four US regimes focus primarily on drug trafficking. However, SDNT, SDNTK and Illicit-Drugs-EO press releases also point to listings for enabling corruption, money laundering, assassinations and militia-style ‘enforcement’ activity.²³ Yet despite the SDNTK (Kingpin Act) enabling OFAC to target foreign narcotics traffickers and associates worldwide, the regime has remained focused on Latin America. Almost 75% of listings relate to designees in Mexico (946 designations – 40% of all SDNTK listings), Colombia (637 designations – 27%) and Panama (167 designations – 7%).²⁴
- The TCO programme, by contrast, has been used more broadly, including against those engaged in money laundering, extortion, fraud, corruption, wildlife, weapons, human and drug trafficking. Relatedly, the 2016 Global Magnitsky Act allowed the US to target human rights abusers globally, with 418 relevant listings to date. Here, overlaps with organised crime are clear, with crimes from corruption to money laundering, arms and organ trafficking cited in press releases.
- Regimes elsewhere touch on organised crime as part of a wider focus. For example, listings under the UK’s Global Anti-Corruption Sanctions Regulations 2021 include designations in Latin America of those ‘facilitating bribes to support a major drug trafficking organisation’;²⁵ and the diversion of \$230 million through the fraudulent tax refund scheme uncovered by Sergei Magnitsky.²⁶
- Despite the US having multiple regimes targeting organised crime, the intention of these sanctions is not always clear and specificity of objective and purpose is often not a given. As noted by one interviewee, ‘it is hard to pin down exactly what the objectives of some sanctions programmes are in the first place’.²⁷ This calls into question exactly what organised crime-focused sanctions seek to achieve, in terms of objective (the policy goal issuers seek to achieve) and purpose of designations (how these seek to influence targets).²⁸
- The authors identified a total of 603 delistings when considering the SDNTK, TCO and Illicit-Drugs EO regimes (there is insufficient data to conduct a similar analysis for SDNT). Delistings vary by administration, peaking under Obama in 2014, before declining under Trump. Delistings have since risen under Biden, with 103 under the latter as of 31 December 2021. However, reasons for delistings are not clear with multiple interviewees registering doubts over the ability of delisting data to demonstrate the desired behavioural change. Indeed, other reasons for delistings exist, ranging from

22 US Treasury, ‘Transnational Criminal Organizations Sanctions Program’, updated 14 April 2015.

23 On narcotics-related violence, see, for example, US Treasury, ‘[Treasury Targets Perpetrators of Mexican Drug Trafficking Violence Tied to Los Zetas and the Gulf Cartel](#)’ 24 March 2010; on narcotics-related corruption, see US Treasury, ‘[Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks](#)’, 17 May 2019.

24 Locations compiled using the OFAC Sanctions Search List tool, federal registers and press releases; US Treasury, ‘Sanctions Pursuant to the Foreign Narcotics Kingpin Designation Act’, updated 14 February 2022.

25 HM Government, ‘UK Sanctions 22 Individuals Involved in Serious International Corruption’, 26 April 2021.

26 HM Government, ‘UK Sanctions Relating to Global Anti-Corruption’, 26 April 2021.

27 Authors’ interview with representative of government agency F, 7 December 2021.

28 Giumelli, F. (2016). ‘The Purposes of Targeted Sanctions’, in Biersteker, Eckert and Tourinho (eds), *Targeted Sanctions*.

deaths of individuals to administrative changes to entities.²⁹ As stressed by one, ‘There is a need to look individually at delistings to see whether anything tangible has been achieved. The simple renaming of an entity could cause a delisting, then relisting. Delisting data needs to be used cautiously, in context’.³⁰

- In common with other sanctions, a key difficulty in assessing impact for organised crime-focused sanctions is that of disaggregating their effects from the range of other instruments with which they are used.³¹ Narcotics-related sanctions, for example, are commonly used within a toolkit of interlocking counter-narcotics programmes and policies – across which isolating the impact of any single tool is challenging. More fundamentally, with sanctions not designed for use in isolation, the utility of isolating their effects is unclear. Beyond this, other factors inevitably affect the ability to assess the impact of designations, from shifts in policy to data reliability.
- The authors found that the practicality of using individual sanctions designations to address organised crime, alongside incorporating traditional law enforcement mechanisms, remains challenging. As stated by Prezanti, ‘unlike criminal prosecutions, the punitive arsenal of sanctions is limited to asset freezes and immigration bans’.³² As such, it is crucial to ensure that the sanctions designations and law enforcement actions take

place in parallel, without sanctions precluding longer-term criminal justice outcomes.³³ The Cali and Rosenthal cases are cited as examples of how this has been done successfully, with numerous sources describing the extent of coordination, prior to designation, between relevant US agencies.³⁴ Related is the importance of equipping agencies with the necessary resources to sufficiently implement sanctions and coordinate action with law enforcement. In the US, concerns surround not only capacity for evaluation but also core capacity for the pre-designation work required, from target identification to assembly of evidentiary packages.³⁵ This reflects wider fears that growth in sanctions use across the board has not seen the resourcing uplift needed.

- When coordination with law enforcement is achieved, however, the results are positive. In the words of one interviewee, ‘OFAC has become a large arrow in the DEA quiver’.³⁶ Echoing this, the Kingpin Act is cited as offering ‘an effective law-enforcement tool, not just a sanctions tool’, with reports of ‘coordinated OFAC sanctions coupled with enforcement takedowns...[having] become a major weapon in DEA’s ability to disrupt and dismantle major foreign drug trafficking organizations’.³⁷
- In Colombia, interviewees stated that a lack of research and access to OFAC data on circumstances around delistings limits the

29 Authors’ interview with academic A, 18 November 2021; authors’ interview with representative of government agency F, 7 December 2021; authors’ interview with representative of NGO C, 10 December 2021.

30 Authors’ interview with representative of government agency F, 7 December 2021.

31 Authors’ interview with former representative of government agency A, 2 December 2021, and former representative of government agency E, 7 December 2021; Biersteker, T. J., Eckert, S. E., & Tourinho, M. (2016). *Targeted Sanctions: the impacts and effectiveness of United Nations action*. Cambridge University Press.

32 Prezanti, A. (2020). Sanctions: A New UK Tool Against Organized Crime? *Global Initiative Against Transnational Organized Crime (GITOC)*, 10 August 2020. <https://globalinitiative.net/analysis/sanctions-uk-oc/>.

33 Haenlein, C. (2020). Disrupting Serious and Organised Crime: What Role for UK Sanctions? *RUSI Strategic Hub for Organised Crime Research*. <https://shoc.rusi.org/blog/disrupting-serious-and-organised-crime-what-role-for-uk-sanctions/>.

34 US Committee on Foreign Affairs, ‘Examining the Effectiveness of the Kingpin Designation Act in the Western Hemisphere’.

35 Authors’ interview with representative of government agency F, 7 December 2021; authors’ interview with former representative of government agency D, 16 December 2021; US Committee on Foreign Affairs, ‘Examining the Effectiveness of the Kingpin Designation Act in the Western Hemisphere’.

36 Authors’ interview with former representative of government agency D, 16 December 2021.

37 US Committee on Foreign Affairs, ‘Examining the Effectiveness of the Kingpin Designation Act in the Western Hemisphere’.

ability to analyse use. While much anecdotal evidence exists, particularly on historic cases, an in-depth, comprehensive study of recent sanctions use in Colombia is required. In Libya, interviewees were roundly sceptical of the impact of organised crime-focused sanctions, citing lawlessness and corruption in Libya as a key impediment to the implementation of sanctions.

Implications

With these factors and the broader findings of the research in mind, this briefing note concludes with a set of considerations for other potential sanctions users in this space.

- Individual sanctions issuers (such as the UK) need to identify where they might have maximum impact in this space and target sanctions use accordingly.
- Sanctions issuers need to establish where an organised crime-related regime would fit within their broader strategic and policy approach to countering organised crime. How would this tool be used strategically and how exactly would it complement other instruments (for example, in the case of the UK, tools such as unexplained wealth and asset freezing orders)?
- Potential issuers of organised crime-focused sanctions need to understand and set clear criteria for prioritisation to guide use. Clarity must be established on what these criteria would be. For example, would they only cover harm to the sanctioning country's interests, or particular crime types? Or would they be applied more broadly to support international community responses to third country security threats as part of efforts to support the stabilisation of other countries and regions?
- Potential issuers need to consider where the burden of a new sanctions regime on organised crime would fall, in terms of the additional work and resource requirements, and would need to ensure sufficient capacity is available to administer the resulting burden. In contrast to most other sanctions regimes, organised crime-related sanctions will need to be supported by law enforcement, rather than ministries of finance or foreign affairs. For example, would the UK's National Crime Agency have the necessary skills, expertise and capacity to maximise the impact of such a regime? Potential issuers will also need to ensure they establish effective cross-departmental collaboration, to avoid sanctions undermining broader and longer-lasting law enforcement processes and outcomes.
- Connected with the previous point, potential issuers need to ensure that sanctions (as a reactive tool) are used alongside or as part of a broader, more holistic response that addresses drivers and root causes of organised crime. For the UK, how would the development and use of such a regime fit with overseas development aid and development approaches, and how can coherence be assured so that all policy tools are complementary and working to the same ends?
- A review of existing thematic sanctions regimes should be undertaken to determine whether organised crime-focused sanctions would best be incorporated within existing regimes or whether new legislation creating a dedicated, new regime is required. While it might be possible to add an organised crime dimension to existing regimes, it may be more appropriate to create a dedicated regime that aligns with the ambitions of the NCA and can be used exclusively for targeting organised crime. If a separate regime is created, consideration should be given to the interaction of a new regime with existing corruption, cyber and human rights regimes. Specific thought should be given to the messaging, symbolic value, flexibility and coherence of a new regime.
- Furthermore, potential issuers need to consider the role of state versus non-state actors in organised criminal activity, and how any new organised crime-focused regime would navigate this nexus. With state actors acknowledged as key perpetrators

and enablers of organised criminal activity in a range of areas, clarity on this question is crucial and closely linked to how any new regime should be designed and deployed, alongside assessing and handling political ramifications and sensitivities.

- Potential issuers will need to ensure that any new organised crime-focused sanctions programme has a clear purpose and is not merely symbolic, providing an easy option that allows governments to demonstrate that ‘something is being done’, but with no actual effect. Given that sanctions use is practically easier in many ways to pursuing law enforcement and criminal justice processes, issuers need to ensure that a new organised crime-related regime does not become an easy fallback option that avoids the more challenging resource-intensive work required to bring targets to justice.
- Unilaterally or multilaterally coordinated organised crime-focused sanctions across unilateral issuers may offer an alternative to the gridlock in the UN Security Council with regard to sanctions use. Unilateral issuers could fill this gap, to a degree, to ensure that sanctions remain a tool to deploy, when appropriate, against serious and transnational organised crime groups and individuals, even in the absence of Security Council consensus.
- And finally, as the menu of thematic sanctions regimes expands, careful attention must be given to due process concerns associated with increased use of individual sanctions designations to ensure that they are not used to erode the rule of law. Furthermore, due process protections must go beyond delisting and should also involve consideration of listing procedures, including considering the introduction of arrangements such as an Office of the Ombudsperson, as the UN Security Council has already done.

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