

Sanctions, Communication, and Ambiguity

A Review Essay by Alastair Morgan

The Economic Weapon: The Rise of Sanctions as a Tool of Modern War
Nicholas Mulder. New Haven and London: Yale University Press, 2022.

Backfire: How Sanctions Reshape the World against U.S. Interests
Agathe Demarais. New York: Columbia University Press, 2022.

Sanctions: What Everyone Needs to Know
Bruce W. Jentleson. New York: Oxford University Press, 2022.

The Political Economy of Sanctions: Resilience and Transformation in Russia and Iran
Ksenia Kirkham. Cham, Switzerland: Springer, 2022.

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About the Author

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I am writing this on the anniversary of Russia's 24 February 2022 invasion of Ukraine, which the threat of sanctions had failed to deter. Following the invasion, the widest ever multilateral grouping of nations (if we leave to one side the obligation that exists for all UN Member States to implement UN Security Council sanctions), acting jointly and severally, have imposed on Russia economic and non-economic sanctions of exceptional scope and severity, including embargoes and

energy boycotts, systemic financial sanctions, and sanctions targeted against numerous entities and individuals. (Even so, as has frequently been pointed out, although the countries imposing sanctions account for well over 50 per cent of global GDP, countries which have not imposed sanctions account for considerably more than half the world's population.) The imposition of sanctions, in the face of countersanctions from Russia and high economic and social costs for the sanctioning states, has been an unprecedented demonstration of unity and resolve by Western nations, with some others, in response to Russia's escalation of a brutal war, its existential threat to the sovereignty of a neighbouring state, and its disregard for the fundamental principles of the UN Charter. The sanctions have undoubtedly imposed significant economic and material costs on Russia, affecting its ability to deploy military equipment and to finance the costs of its war. As Russia continues its war, so sending states continue to impose new sanctions, in a strategy designed to counteract loopholes and to ratchet up pressure.

But despite all that, none of the four authors whose works are featured in this review essay has, to my knowledge, suggested that sanctions alone could coerce Russia (convince Putin) to end the war. Nicholas Mulder, for instance, seeking in November 2022 to temper some unrealistic expectations, applies historical experience to suggest that sanctions against an economy as large as Russia's are not likely on their own either to deter war or to bring about its swift end. Rather, he regards the current sanctions as a complement to fierce Ukrainian military resistance, equipped by growing quantities of NATO materiel. Bruce Jentleson and Agathe Demarais have made similar observations, while (to simplify) Ksenia Kirkham has shown how earlier rounds of sanctions against Russia have had the contrary effect of hardening resistance.

What these authors' works help to provide is perspective. Their books give mostly complementary accounts of the development and deployment of sanctions in the twentieth and twenty-first centuries. They use case studies that go beyond recording the intended economic effects and the effectiveness (or otherwise) of sanctions, to include consideration

of significant unintended effects of sanctions and longer-term systemic consequences, together with assessments of how sanctions work (or how and why they may fail to do so). They offer reflections and sometimes prescriptions for policymakers, in an era of rapidly increasing recourse to sanctions as a coercive instrument between declaratory diplomacy and military action, but also of a correspondingly rapid decline in the successful achievement of their policy objectives.

While it is only rarely the case, if at all, that the authors refer to the deliberate use of ambiguity in strategic communications praxis concerning sanctions, time and again they point to the necessity when threatening or imposing sanctions of effective communication and engagement: internally, between senders, with third parties, and above all with targets. Reflecting on the failure of sanctions threats to deter Putin's 2022 invasion, Jentleson writes that:

This experience reinforces other cases on the importance whenever sanctions are used for signaling to get past declaratory face value and assess prospects for success as a matter of strategic interaction.

While policy makers may not know for sure how others perceive American signaling at that policy moment, it cannot be assumed that message sent is message received. (p. 194)

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In *The Economic Weapon*, Nicholas Mulder provides a meticulous and lucid history of the development of blockade as an economic weapon in World War I and, based on that experience and by the same administrators, the adoption of sanctions as a peacekeeping tool at the League of Nations in the interwar period. He chronicles the successful use of the threat of sanctions as a deterrent against Yugoslavia in 1921 and Greece in 1925, as well as the successful use of an oil embargo by the UK and US in 1940 to deter Franco's Spain from joining the Axis

powers. He sets out how, by contrast, in the 1930s sanctions failed to deter or prevent either the conquest of Ethiopia by Mussolini's Italy or Japan's military aggression in Northeast Asia. Indeed, he records how, instead of leading to the achievement of political goals, the application of sanctions at a time of economic depression resulted in a 'spiral of autarky' and military expansion. Although Mulder ends his history in 1945, he looks forward in his conclusion to the post-World War II period and the normalisation of sanctions as part of the everyday reality of international politics, including in particular 'the rising incidence and widening aims of sanctions under U.S. hegemony'.

In his conclusion, Mulder comments on the particular economic potency and the political limitations of US financial sanctions. Elsewhere, drawing on the experience of the 1930s, he has warned of the possible negative consequences, for all, of commodity sanctions and attempts to constrain China's technological and economic growth. Throughout *The Economic Weapon* he distinguishes between the *effects* of sanctions through the infliction of economic pain and their uncertain *efficacy* in achieving political ends. This dichotomy, and analysis of the mechanisms that either assist or thwart the transmission of effects into effectiveness, is central to all the books under review.

In *The Political Economy of Sanctions*, Ksenia Kirkham approaches the issue through a comparative analysis of Russia and Iran. She suggests that 'the effects of sanctions have been paradoxical: the target states have managed to adjust to external pressures, to develop external self-protection mechanisms and to mobilise domestic resources and remodel income and wealth distribution'. She positions her book as 'the first attempt to integrate welfare state research with structural analyses of counter-hegemonic evolution in the international system and with global power dynamics' (p. 3). It is a widely accepted (though less widely applied) conception that to evaluate the potential efficacy of sanctions over time it is necessary to conduct dynamic analysis of the target. For sanctions practitioners, this will almost invariably be from the perspective of the sender. Assessment from the perspective of the target, as in Kirkham's

study, is more often encountered in the field among aid agencies and human rights activists, concerned at the negative effects of sanctions on the civilian population. It is, I believe, other political economists who are likely to be best equipped to assess and critique the neo-Gramscian approach that Kirkham applies. For a general reader coming from a different tradition in the social sciences, or from none, the analytical framework and vocabulary of her approach might be forbidding. My own reading of Kirkham's book was painfully slow, as I faced frequent challenges to my assumptions, and paused to question the author's. For a more accessible introduction to Kirkham's thinking on sanctions, containing pertinent observations on the relationship between sanctions and communication, I would recommend starting with her article 'Sanctions—Strategic Miscommunication? The Case of Iran' (*Defence Strategic Communications*, vol. 7, Autumn 2019).

Bruce Jentleson sets out 'to blend a scholarly perspective and policy strategizing' in *Sanctions*, in the Oxford University Press 'What Everyone Needs to Know' series. Jentleson is exceptionally systematic and orderly in marshalling the material for his succinct text. He has produced a book that is at the same time approachable and a reliable work of reference. The text is relatively short but the notes (there is no bibliography) point to compendious research, directing the reader to academic studies, to government and to research institute reports, and less frequently to press reports. Jentleson starts his book by introducing 'scholarly debates and challenges' concerning sanctions, including how to measure the success of sanctions and how to explain their success or failure. He then applies questions posed in this first section (namely, what are the different types of sanctions, who are the key actors, why are sanctions imposed in terms of the policy objectives pursued, how are sanctions supposed to achieve their objectives) to numerous case studies of the use of sanctions by the United States, China, the Soviet Union and Russia, the United Nations, and the European Union, as well as historical cases involving other senders.

I took a particular interest in three sets of case studies. One is the treatment of friction (and now, over Nord Stream 2, cooperation) between the US and Europe over sanctions against oil and gas pipelines from Russia to Western Europe, a subject on which Jentleson has written at greater length elsewhere. Among my own earliest responsibilities as a British official was administration of the Protection of Trading Interests Act 1980, the blocking statute that the Thatcher government introduced as a countermeasure to the extraterritorial application of US sanctions against the Siberian natural gas pipeline. Although there were no comparable disputes in my time, my experience still left me with an abiding wariness concerning the reach of US autonomous sanctions. The second is Jentleson's examination of why it was possible to achieve an agreement with Iran in 2015 during the Obama Administration, and why, after US withdrawal from the agreement, the Trump Administration's application of even harsher economic sanctions failed to achieve its more far-reaching political objectives. The third is China's evolving and expanding use of sanctions and economic coercion, of which I have had some direct experience at the receiving end.

I think it is instructive to read Agathe Demarais's *Backfire* and Jentleson's *Sanctions* together. Demarais traverses much of the same terrain, though travelling in a different style. Jentleson sets out how sanctions may 'backfire', leading target regimes to crack down; 'misfire', where they hit the wrong people in the target country; 'cross-fire', where they raise disputes with allies; and 'shoot in the foot', where the sender state itself ends up bearing economic and sometimes political costs. Demarais covers all the above in *Backfire*. Jentleson does not offer 'a single parsimonious theory or off-the-shelf action plan' for the transmission of economic impact into political change. He does, though, assess factors that bear on this, and indeed contributed to the Biden Administration's US Treasury 2021 Sanctions Review, which sought to apply them. Demarais writes that 'experience shows that four factors may help to determine whether sanctions might work or not' (though really her enumeration includes at least five factors, and she varies the list as she repeats it). She suggests that sanctions work fast or never, are more likely to be effective when

they have a narrow purpose, target partners with trade or security ties to the United States (the presumed sender), and have multilateral support. Under her third factor she introduces a fifth: the existence of a degree of democracy in the target and, not necessarily exactly the same thing, the possibility of expressing dissent and influencing the leadership and its decision-making. Most of these factors chime with Jentleson's more heavily caveated assessments and case studies.

An exception is the first, where some long-running cases, such as anti-apartheid sanctions against South Africa, have eventually succeeded. Demarais expounds at greater length, and in more colourful detail, many of the cases that are included by Jentleson, as well as some that are not. Her treatment of friction between the US and the EU is particularly vivid. She deals at greater length than Jentleson with US financial sanctions and with developments in the international financial sector, in part precipitated by US sanctions, that might in the long run undermine the US primacy on which its ability to impose financial sanctions rests. (Jentleson refers to US Treasury consideration of these issues and concerns.) Demarais concludes with an extensive and forward-looking consideration of US controls over high-technology exports to China, and of the dangers for the US of 'decoupling'. This foray extends beyond Jentleson's limited treatment of sanctions against Huawei, venturing closer to the domain of Chris Miller's *Chip War: The Fight for the World's Most Critical Technology*.

Demarais writes with verve and panache. Her exposition is fluid and vivid and can be read at pace for pleasure and instruction. She can, though, appear slightly cavalier with facts, which sometimes appear to be stylised for increased impact or narrative flow. To give an example, in her treatment of the US Treasury's 2005 action against Banco Delta Asia, she describes the bank as the sole conduit for North Korea's international banking transactions. This has been disputed, though it is true that the action against Banco Delta Asia impeded the DPRK's access to other banks. She states that 'The United States had no intention of freezing the accounts that North Korea held in Banco Delta Asia. At

any rate, the United States had not jurisdiction to do so.' That may be so, but the Macanese authorities froze \$25m dollars in the North Korean accounts, allegedly at the instigation of the US Treasury, and North Korean attempts to recover the funds then became a major issue between themselves and the United States. Demarais states that with the action taken against Banco Delta Asia 'the concept of financial sanctions, which target banking ties, was born'. The concept of financial sanctions was not new. Nicolas Mulder records the development of banking surveillance and intervention as part of the Anglo-French blockade in World War I. US financial sanctions of a different kind (refusal and blocking of debt finance) was central to the pressure the US applied on the British government to lead it to abandon its special military operation to seize the Suez Canal in 1956. Demarais is not alone, however, in seeing the action against Banco Delta Asia as pivotal, both in the evolution of US financial sanctions and in potential negative systemic consequences of their deployment.

A more serious example, perhaps, is Demarais's broad-brush depiction of the objective of US sanctions against North Korea:

US Sanctions against North Korea, which initially took the form of a trade embargo, date back to the Korean War in the early 1950s. Since then, the objective of these penalties—fostering regime change in Pyongyang—has never changed. (p. 8)

Kim Jong Un would very likely agree with this assessment, with the consequence that he could never achieve the lifting of US sanctions, and he is probably not alone in that. Nevertheless, the actual or ostensible objectives of subsequent sets of US sanctions, including the UN Security Council sanctions implemented by the US, are not to secure regime change. President Trump, in his summitry with Kim Jong Un, made clear that he was not seeking regime change. The Biden Administration has been explicit that it does not hold a hostile policy towards North Korea. When the US Special Representative for the DPRK was asked

recently whether the administration believed that it was possible to secure North Korean denuclearisation without regime change, he replied that it did.¹ Others might demur.

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What then of sanctions and ambiguity in strategic communications praxis? The word sanction can have opposite meanings (official approval and permission for an action; a penalty threatened or imposed in respect of a transgressive action), making it a potential basis for William Empson's seventh type of ambiguity, 'the most ambiguous that can be conceived, ... when the two meanings of the word, the two values of the ambiguity, are the two opposite meanings defined by the context, so that the total effect is to show a fundamental division in the writer's mind'. The existence of these opposite meanings is a reflection of the historical development of the concept of sanctions, as carefully articulated by Nicholas Mulder. While the prevalent current use of economic sanctions, practically as well as lexically, is negative, the founders of the League of Nations originally conceived of sanctions as a negative and positive pairing, where a potential aggressor would face negative sanctions and the potential victim of aggression would be supported by positive sanctions (as now with Russia and Ukraine). Although they may not amount precisely to ambiguities, there are areas of contradiction and ambivalence in the use of sanctions which are in part a legacy of their history: a tool conceived as a weapon of war used as a peacetime, peacekeeping instrument; a wartime instrument initially intended for the achievement of political ends by inflicting pain on a civilian population, now generally aimed elsewhere and containing humanitarian exemptions (though often, and in many case inevitably even if not intentionally, causing wider harm).

Regardless of these inherent contradictions, the constructive uses of ambiguity in strategic communications concerning sanctions are limited, while the risks of ambiguity are considerable.

¹ Ambassador Sung Kim, US Special Representative for the DPRK, interviewed on Voice of America, February 2023.

Those imposing sanctions may do so, wholly though more likely in part, to be seen to respond to a transgression, and perhaps to send a signal to deter others, even when they harbour doubts about the probable effectiveness of the sanctions they impose. Their communication concerning these sanctions, directed domestically and at third parties as well as the target, may be correspondingly ambiguous. One could say of this that the gestural use of sanctions without anticipated effectiveness is likely to weaken the tool for future use, while claims that are subsequently discounted degrade communication and trust.

Leaders may have recourse to strategic ambiguity when seeking to deter with a threat of sanctions, as some claim was the case in respect of the EU (though not the US) in advance of Russia's 2022 invasion. This may be unavoidable when there is at the time no consensus on what sanctions should be imposed, or there are legal processes that cannot yet be completed. It may also be required when there is something ambiguous about the actions of the sanctions target, so that the precise nature of the threat is unclear and may manifest in different forms. There is, however, the considerable risk that the potential target will interpret the sender's ambiguity as evidence instead of confusion, disagreement, indecision, or lack of resolve. If so, the potential target will most likely discount the threat, eliminating its effectiveness as a deterrent.

Those drafting sanctions may deliberately (as well as sometimes inadvertently) avoid precisely clarifying their exact scope, thereby creating ambiguity. This might be done to safeguard the potential for legal enforcement in different circumstances, including some which may at the time be unforeseen. It might be done to prevent gaming of sanctions by the target (or third parties). It might also be done—and in some cases I believe has been done—deliberately to increase uncertainty among third parties, to magnify the effect of sanctions by securing over-compliance by financial and other institutions that are not prepared to face the regulatory risk of possible under-compliance. The potential negative consequences of this approach, first for targets and third parties but ultimately for senders, are well captured by Jentleson and Demarais.

A further use of ambiguity is what Jentleson, in his substantial treatment of China's use of sanctions and economic coercion, calls '(non)plausible deniability'. China has frequently applied or cued economic sanctions as the means towards foreign policy ends. This allows Chinese officials on the one hand to claim that China opposes US and other unilateral sanctions, while applying sanctions itself. The practice is somewhat peculiar in that Chinese officials often seem unconcerned by the implausibility of the denials, content to be seen asserting that black is white so long as they can catch their mouse.

Although ambiguity may have some limited utility in strategic communications concerning sanctions (indeed for the target as well as the sender, for example to conceal the negative impact of sanctions or to heighten the sender's perception of itself facing retaliatory risks or failure), in every case there is a downside. A key risk relates to the critical gap between effect and the effectiveness of sanctions, between the imposition of economic pain and achievement of the policy change that it is intended to induce. Failures in strategic communications may be a contributing factor. If the sender does not clearly, convincingly, and unambiguously articulate the objectives of sanctions, and in particular what action it is that the target must take or refrain from to avoid the imposition of sanctions or to have them lifted, then the target is less likely to comply. Indeed, as the authors show, the target may in some cases conclude that there is nothing that it can do that would get the sanctions lifted, so it might as well persist in its course of action in pursuit of its own objectives. Jentleson, bringing in also other important factors, puts the issue this way:

Closing that economic impact-policy compliance gap depends heavily on the sanctions having reciprocity and proportionality. Given that sanctions, like other forms of coercive diplomacy, are a strategy for influencing not denying the target's choices, there must be terms of exchange based on a shared belief that if you do x, I will do y. The diplomatic crafting

must be both firm enough that the target does not think it can get the benefits without having to reciprocate, and assured enough that the target can be confident that the reciprocal measures will follow. (p. 192)

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I was in Pyongyang on 8 May 2018 when President Trump withdrew the United States from the Joint Comprehensive Plan of Action (JCPOA) with Iran. I was asked by British Foreign Office officials for my views on the implications for US negotiations with Pyongyang. My assessment was that this would make little difference. Certainly, the US withdrawal demonstrated that partners to an international agreement with the US could not rely on a successor administration to honour what was agreed by a previous administration. This was, however, already the unshakable view of North Korean officials from their own past negotiating experience, just as based on *their* experience there was little trust by US officials that North Korea would honour any agreement it reached. I had already found North Korean officials dismissive of the JCPOA, refusing to accept that the approach could have any application on the Korean Peninsula. Early in 2016 I had passed over a copy of the text to a senior Workers' Party official, commending it. He had brusquely handed it straight back. It was around this time that the Iranian ambassador in Pyongyang gave a speech citing the JCPOA as a demonstration that no problem was too difficult for resolution by diplomacy. The immediate response by a North Korean minister was defiant, restating emphatically North Korea's own commitment to developing and maintaining nuclear weapons. Nevertheless, for all that, Kim Jong Un instigated a diplomatic change of tack in 2018. On 27 April the leaders of South and North Korea signed a declaration in which the two sides confirmed 'the common goal of realising, through complete denuclearisation, a nuclear-free Korean Peninsula'. This was followed in June 2018 by the US–North Korea Summit in Singapore where, referring to this April declaration,

Kim Jong Un committed to ‘work towards complete denuclearisation on the Korean Peninsula’.

On 19 September 2018 I found myself seated next to the Iranian ambassador in the Pyongyang May Day stadium. It was in the middle of the day, during a pause between events marking the visit to Pyongyang of South Korean President Moon Jae-In. That evening I would be back in the stadium, seated slightly behind and above Kim Jong Un and Moon Jae-In, for a celebratory display of mass athletics, with children performing as human pixels to create a giant image of the two leaders shaking hands, as well as other images of reconciliation. That same day, North and South Korea had issued a joint declaration in which they agreed to cooperate in the process of pursuing complete denuclearisation of the Korean Peninsula. This was encouraging, but I remember two other things from the middle of that day.

The first was that the Iranian ambassador, in our conversation, stressed that it was not enough for European governments to stick with the JCPOA. For the agreement to have any meaning, European companies needed to return to do business in Iran. The second was that, as we were speaking, North Korean officials circulated the text of a lengthy statement issued following a meeting of, I think, the Praesidium of the Politburo of the Workers’ Party. The document was meant to be read abroad—it would not otherwise have been circulated in English—but it appeared to be directed primarily at Workers’ Party cadres. It contained a reference to the achievement under Kim Jong Un of ‘the treasured sword’, a term often used by North Korea to refer obliquely to its nuclear weapons capability. I read it as implying that, whatever might have been said elsewhere that day, North Korea did not intend to denuclearise. It turned out to be just five months later, in February 2019, that negotiations between the US and North Korea broke down in Hanoi over Kim Jong Un’s demand for the lifting of all the UN Security Council sanctions agreed in 2016 and 2017 in return for eliminating the nuclear facilities at Yongbyon.

There is strategic ambiguity in the non-committal commitment to denuclearisation (quoted above) which Kim Jong Un gave at the Singapore Summit. The wording is open-ended in a way that previous agreements reached with North Korea had not been (though they were subsequently breached and abandoned).² President Trump, President Moon Jae-in, and possibly President Xi Jinping nevertheless chose to take Kim Jong Un at more than his word. Their confidence in the meaning of Kim's commitment might perhaps have been tested further had there been no breakdown at Hanoi. But in the wake of that breakdown Kim Jong Un has eliminated most of the ambiguity. He has committed North Korea to retaining its nuclear weapons capability indefinitely, stating that there will be no change to this stance unless the world changes. He has also said that there will be no further negotiations, stating that in his view no US President will agree to lift sanctions.

The failure to reach agreement at the Hanoi Summit was pivotal. That failure was in part a consequence of a prior failure of strategic communications, largely of North Korea's making. Kim Jong Un agreed to negotiate with the US, while at the same time North Korea made genuine negotiations below the summit level impossible. Admittedly, President Trump's own messaging also on occasions undermined his officials. However, it was a strategic failure by Kim Jong Un to go to Hanoi believing that he could secure from President Trump the sanctions relief package that he sought, for the offer on the nuclear facilities at Yongbyon that he was prepared to make, and this was precipitated by the self-inflicted failure of communication.

Kim's misconception was clear to others at the time. My counterpart the Russian ambassador in Pyongyang commented that Kim Jong Un should know that the lifting of all economic sanctions was not something he could secure at Hanoi. If there was a strategic failure on the US side, it was not in the rejection of Kim Jong Un's proposal (despite the dire

2 For example, the 'Joint Statement of the Fourth Round of the Six-Party Talks, Beijing, September 19, 2005' contains the following much less ambiguous wording: 'The DPRK committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.'

consequences), but rather in allowing the Hanoi Summit to proceed in the first place, when essential prior communication and exchange had been blocked by North Korea.

My own role in the sanctions process and communication was circumscribed. As British ambassador in Pyongyang I was asked by the Foreign Office in London, as well as on visits to Washington and other capitals, to report on the evidence in-country of the economic impact of sanctions and of sanctions evasion. I was also expected to report on the likely political consequences. (It seemed to me that while much consideration was given in Washington and other capitals as to how sanctions might influence the behaviour of North Korean elites and the leadership, much of the thinking was highly speculative.) I was also invited by Foreign Office officials to comment internally on draft texts of UN Security Council resolutions, particularly from the perspective of potential impact on the operations of the embassy in Pyongyang, though in the event it was usually Russian not British officials in New York who secured any diplomatic exemptions. It was a key part of my role to use every opportunity I could obtain to press North Korean officials on denuclearisation and on human rights. Despite North Korean rhetoric in 2016 and 2017 about the alleged existential threat it faced from a hostile US, I had been told by a senior Workers' Party official that they believed the US would never dare to attack. My repeated point to North Korean officials was that even if they were correct that the US would not take pre-emptive military action, they could never achieve the dual-track policy goals of developing in parallel their nuclear weapons programme and, under sanctions, their economy.

UN sanctions were among the factors that led Kim Jong Un to change tack in 2018: certainly, at Hanoi he was seeking relief from sanctions. But there is nothing to suggest that sanctions will again bring Kim Jong Un to the negotiating table—just as there is little or nothing to indicate that they remain an effective constraint on the North Korean nuclear and ballistic missile programmes they were designed to eliminate. Dialogue, ambiguous or otherwise, is at an end, though communication of a kind

continues through declarations and escalating displays of capability. Even the Security Council has ceased any collective external communication, with Russia and China blocking agreement to statements as they are blocking designations and resolutions. There is no obvious solution.