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## **Sanctions: An Analysis**

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### **Sanctions to Enforce International Law**

Most people consider sanctions a peaceful and effective means to enforce international law. Under Article 41 of the UN Charter, the Security Council may call on Member States "to apply measures not involving the use of armed force to give effect to its decisions." Typically, sanctions cut off trade and investments, preventing a target country from buying or selling goods in the global marketplace. Sanctions may aim at particular items like arms or oil. They may cut off air traffic, suspend or drastically curtail diplomatic relations, block movement of persons, bar investments, or freeze international bank deposits. Sanctions enjoy a good reputation that many now question. Increasingly, critics charge that sanctions are cruel, unfair and even violent. International law has developed no standards on which sanctions can be based or the destructive impact of sanctions limited. Ironically, then, sanctions are used to enforce law, but themselves are outside of the law.

### **Problems with Current Sanctions Policies**

#### ***Suffering of the Innocent***

Sanctions impose hardship by affecting ordinary people far more than leaders. In Supplement to An Agenda for Peace, published in January 1995, Secretary General Boutros Ghali called sanctions "a blunt instrument." "They raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders whose behavior is unlikely to be affected by the plight of their subjects." In a Security Council debate on January 19, 1995, Ambassador Nihal Rodrigo of Sri Lanka concurred, saying that decisions must take better account of the sanctions' impact on ordinary people and must seek to avoid the "suffering of the innocent."

As evidence has accumulated on the harsh effects of sanctions, particularly in Iraq, experts have increasingly recognized this negative side of sanctions and

questioned whether human suffering can be justified by the original purpose. The critics of sanctions found a powerful ally in the International Red Cross, a highly respected and traditionally non-political body. In its 1995 World Disasters Report, the International Federation of Red Cross and Red Crescent Societies highlighted its growing concern over sanctions' humanitarian impact. The Red Cross President, addressing the General Assembly on November 28, 1998 mentioned his special concern about the situation in Iraq and said that "the high price paid by the most vulnerable groups of the population is apparent." He went on to call for "a formal mechanism" to "assess the potential impact of sanctions and monitor their effect."

Because sanctions regimes are so different, their impact on the target economies is quite varied. Experts say that partial sanctions may reduce GNP by about 1% and that major sanctions, like those imposed on South Africa, probably reduce GNP by up to 5%. A 1996 study estimated a 10% drop in Iraq's GDP since the imposition of the UN sanctions. These may seem be modest declines; in fact, a GNP decline of 5% in a poor country is likely to result in considerable hardship for the poorest people, especially if food imports are cut. Reduction in imports of medicines and vaccines can also create great hardship and suffering, even though a relatively small proportion of overall GNP is at stake.

### ***Double Standards, Changing Rules***

According to the UN Charter, the imposition of sanctions may only follow after the determination of an aggressive act as defined in Article 39. However, as Claudia von Braunmuhl and Manfred Kulesa note in their 1995 study, the phrase "determination of an aggressive act" is not clearly defined. As a result, critics argue, sanctions are too often imposed unfairly, using standards that are unevenly applied or biased. The whims or interests of the mighty, not clear rules of international law, too often determine the targets of sanctions and the harshness of the sanction regimes.

Sanctions, argued Ambassador Joseph Legwaila of Botswana in a January 1995 Council debate, are meant to bring about a "change of behavior," they are not supposed to be "punishment or retribution." When sanctions were imposed on Iraq to induce its withdrawal from occupied Kuwait, skeptics pointed out that many other invasions and occupations had not resulted in sanctions. Israel, Morocco, Turkey and Indonesia, for example, all avoided sanctions when they invaded neighbors and occupied territory, even though they had been censured by the Security Council and called upon to withdraw. A Malaysian delegate expressed a widely-held opinion when he said in a 1997 General Assembly debate: "We regret that sanctions have of late been used, or have been perceived to be used, as a tool in the furtherance of narrow national interests of some of the Council's members, to serve specific political objectives or agendas."

If the Security Council wants its sanctions to be seen as legitimate, it should impose them more consistently, critics argue.

Once UN sanctions are in place, they are supervised by a sanctions committee of the Security Council, which operates secretly and cannot be monitored and made accountable to the public. This makes the ongoing sanctions process highly politicized and very open to pressure from Permanent Members. Sanctions may begin with one justification and continue with others. The Secretary General in his 1995 report mentioned this kind of problem: "The objectives . . . have not always been clearly defined. Indeed, they may sometimes seem to change over time. This combination of imprecision and mutability makes it difficult for the Security Council to agree on when . . . sanctions can be lifted."

The General Assembly has called for increased transparency of the sanctions committees, and the Council itself has expressed its intention to move in this direction in a recent Presidential Statement. However, in late 1997, during the debate on the Security Council's annual report to the General Assembly, many delegations expressed disappointment that there had not been evidence of increased transparency. In reference to sanctions committees, the delegate from Spain said that "we do not see progress on the amount and substance of the information provided."

Critics have also pointed out that a lack of institutional memory in the sanctions process increases the likelihood of arbitrariness. In most cases, the chairs of the sanctions committees rotate yearly, among non-permanent Council members. In addition, instead of offering advice and policy guidance on sanctions, the committees merely issue permits and authorizations. Moreover, member states keep the power of the committees strictly limited, preferring to retain control over sanctions at the national level, as opposed to strengthened rules and regulations developed by the UN.

Sanctions often fail because they are not enforced. The United Nations has not been given the means to enforce sanctions in its own right. It must depend on compliance by member states and by traders and businesses. If they refuse to comply, then there is no means for the UN to impose penalties or bring them to justice. In many recent sanctions, the UN has had scarcely any monitoring capacity, much less the military forces necessary to interdict trade or the legal powers to make travel bans strictly binding. Not surprisingly, sanction-busting has flourished.

The UN actually had one effective monitoring system, developed for its sanctions against South Africa. An office in the Centre on Transnational Corporations (CTC), linked to a wide network of monitoring sources, kept track of trade and investments in the apartheid state. Each year the Centre issued a major report,

causing serious public criticism of sanction-flouting governments and businesses. The permanent members seem keen to avoid a repetition of this embarrassment. The CTC has been dismantled. Instead they prefer the UN to contract out its monitoring and assessment to one or more powerful states. The United States often acts as the enforcer, only deepening suspicions that sanctions are unfair instruments of great powers.

### ***Effects on Third States***

Sanctions also cause hardship outside the target country, in what is known (borrowing from military terminology) as "collateral damage." Sanctions invariably hurt countries that are neighbors or major trading partners, who lose export markets, government revenues, and employment opportunities. Sanctions may harm big business interests and they tend to cause suffering among the poorest and most vulnerable. Article 50 in Chapter VII of the UN Charter directly addresses the right of countries to appeal for financial assistance as compensation for their losses when sanctions are applied. Article 50 states: "If preventive enforcement measures against any State are taken by the Security Council, any other State, whether a member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems."

Anita Mathur, in a 1995 article, provides an excellent example of the problems borne by third states. She points out that in the case of the sanctions against the Former Yugoslavia, many international rail and road transportation routes were closed. Consequently, many neighboring nations were denied access to a number of their most heavily used trade routes, causing an increase in costs and delays of exports.

In the case of the sanctions imposed on Iraq, twenty-one nations claimed losses in revenue because of their important economic links to Iraq. The nations claiming damages included not only neighboring states such as Syria and Yemen, but also nations in Europe and East Asia. In response to these requests, the Council's Iraq sanctions committee merely collected all of the claims and published them with a standardized statement calling for UN members to provide voluntary assistance. In the end, no multilateral assistance was provided to any of the claimants and bilateral assistance mostly went to a small number of countries at the time of the Gulf War, given for political not for humanitarian reasons.

### ***Elusive but Occasional Success***

For all the pain they impose, sanctions usually do not succeed. There is a long history of failure to prove it. League of Nations sanctions, imposed in 1935, failed to force Italy to pull out of Ethiopia. More recently, UN sanctions have failed to

induce Libya to turn over two citizens for trial in the Lockerbie airliner bombing, or to induce Iraq to substantially modify its policies. Unilateral sanctions, imposed by a single state, are even more likely to fizzle. The United States grain embargo against the Soviet Union in 1980 did not produce a Soviet withdrawal from Afghanistan, nor have the long and punishing sanctions by the United States against Cuba resulted in political change on that island. Sanctions are often ignored by some governments or circumvented by traders chasing a high profit margin. Unilateral sanctions can even backfire, harming exporters in the sanction-imposing country most of all. In the 1980 grain embargo, US farmers suffered more than Soviet consumers.

The UN Security Council imposed only two sanctions regimes in its first forty-five years. Surprisingly enough, both are generally considered effective. They targeted Southern Rhodesia (now Zimbabwe) and South Africa, both white-only settler regimes. The Security Council imposed its first mandatory sanctions on Rhodesia in 1966 following the white minority's unilateral declaration of independence. The Council finally lifted the sanctions in 1979, after negotiations led to a black government.

Britain and the United States opposed sanctions against apartheid South Africa, in spite of strong pressures in the Security Council. Finally, after weak "voluntary" measures (voted in 1963) had little result, Britain and the US agreed to a Council-imposed mandatory arms embargo in 1977. Efforts to toughen sanctions through the UN met with further Anglo-American opposition, including a draft resolution vetoed by both permanent members on March 8, 1988. Nevertheless, an international campaign induced private investors and governments to adopt sanctions measures. In 1989, the campaign finally succeeded in pushing a sanctions bill through the US Congress, against the opposition of the administration. Throughout, shippers, especially big oil companies, often flouted the embargoes. But thanks to the international campaign, maritime and longshore unions, along with United Nations agencies, helped enforce the sanctions by exposing sanction-breakers to public scrutiny. Many believe that the sanctions helped force the apartheid regime to finally capitulate, in a relatively peaceful transition of power. Whatever hardship the sanctions imposed on both Zimbabwe and South Africa, the outcome seems to have been well worth it.

An influential study argues that of 116 cases of sanctions imposed between 1914 and 1990, between a quarter and a third resulted in some policy change in the target country. The likelihood of "success," concluded the authors, decreases as the goals of sanctions become more general and "ambitious."

### **UN Responses to Calls for Change**

Interest in sanctions has grown at various universities, think tanks and non-governmental organizations. When the Security Council increased its use of sanctions in the early 1990s, a rising tide of foundation grants funded a number of projects. Major projects include those conducted at the University of Notre Dame (the Joan B. Kroc Institute for International Peace Studies), the Carnegie Commission on Preventing Deadly Conflict, the Carter Center of Emory University, the Council on Foreign Relations, Brown University (The Watson Institute for International Studies), the Stanley Foundation the National Academy of Sciences, the Center for Economic and Social Rights, the Heritage Foundation, and the Development and Peace Foundation. Meanwhile, UN agencies commissioned studies, including a major project undertaken by German scholars. The General Assembly Working Group on Agenda for Peace set up a sub-group on sanctions, chaired by Ambassador Celso Amorim of Brazil. In late 1997, a study on the humanitarian impact of sanctions was completed at the request of the Department of Humanitarian Affairs (DHA), currently known as the Office for the Coordination of Humanitarian Affairs (OCHA). OCHA has also recently completed country-specific technical studies on the humanitarian impact of sanctions.

These studies address issues that decision-makers should consider when choosing to apply sanctions. Included in these discussions are the humanitarian effects of sanctions, the effects of sanctions on third states, unequal bases for the application of sanctions, criteria for the choice of sanctions, and types of sanctions. Most importantly, these projects include recommendations that suggest how sanctions should be implemented in the future. Recent statements from the UN have shown that officials and delegates have begun to take these issues into serious consideration, though the national interests of the great powers continue to dominate sanctions decision-making.

### ***Humanitarian Exemptions to Sanctions***

The Secretary General addressed the issue of sanctions in his report on Humanitarian Crises, released on July 15, 1995. Urging the Security Council and the international community to address root causes in order to head off the conflicts, he called attention to the potential of sanctions for creating deeper social distress. "Action taken by the international community to end oppression or bring about change by non-military means," he said, "can have major ramifications for those who are already victimized by inequitable political and economic structures. Economic sanctions hit the poor hardest and can have a deleterious impact on the work of humanitarian organizations." In January 1996, the Secretary General presented another report to the Security Council, asking it to reconsider the impact of sanctions. He pointed out that sanctions may greatly set back development and that sanctions can impede or even block the work of humanitarian relief organizations. Then, in August 1996, a major study on the impact of armed conflict on children was published. Prepared by Ms. Graca

Machel for the General Assembly, the study stated that "humanitarian exemptions tend to be ambiguous and are interpreted arbitrarily and inconsistently. . . Delays, confusion and the denial of requests to import essential humanitarian goods cause resource shortages . . . [that]fall most heavily on the poor."

Recent statements from UN committees have also reflected a concern to take the humanitarian impacts of sanctions into account when imposing sanctions. In a 1997 statement, the Subgroup on the Question of UN Imposed Sanctions stressed that "unintended side effects on the civilian population should be minimized by making the appropriate humanitarian exceptions in the Security Council resolutions." In an especially influential move, the UN Committee on Economic, Social and Cultural Rights adopted a statement in December 1997 concluding that more attention needs to be paid to safeguarding the rights of vulnerable groups in sanctioned countries and calling attention to the possibility that sanctions may violate basic economic, social and cultural rights.

In a 1997 resolution, the General Assembly requested that information on the impact of sanctions be reported to the Security Council. The Security Council, under mounting pressure, has increasingly called on the Office for the Coordination of Humanitarian Affairs (OCHA) to conduct studies on the impact of sanctions. OCHA has conducted impact studies on the situation Burundi, and it has led an Inter-Agency team on Sierra Leone. The Council cannot ignore these studies and it is likely to take them into account when deciding on imposing new sanctions. The Council is now much more likely to make exemptions to minimize sanctions' humanitarian effect. In December 1997, another study was completed at the request of DHA, in which methodologies for pre-assessing and monitoring the humanitarian impacts of sanctions impacts were further detailed.

The Council's steps towards taking humanitarian considerations into account were demonstrated in the growing debates over a partial lifting of the Iraq sanctions, beginning in 1996. Then, in October 1997, a resolution imposing sanctions in Sierra Leone was the first resolution of its kind that addressed humanitarian impact issues. The resolution specifically requested the junta to cease interfering with the delivery of humanitarian assistance to the people.

### ***Rule-Based Imposition of Sanctions***

The UN has faced increased criticism that sanctions are not applied nor lifted on a principled basis, and the issue has been brought up in different committees and debates in the UN. A 1995 DHA-commissioned study recommended that guiding legal principles for the imposition of sanctions be established, and that objectives be clearly defined. In a General Assembly debate in October 1997, a Malaysian delegate stated that "when they are applied sanctions should have clear and specific objectives and parameters and be subject to regular reviews

and evaluations by the Council." The final statement from the General Assembly Subgroup of UN Imposed Sanctions offered similar recommendations, and added that "the steps required from the target country for the sanctions to be lifted should be precisely defined." The Subgroup highlighted a need for precise mandates for sanctions committees, increased "transparency, fairness and effectiveness," and more adequately staffed secretariats for the sanctions committees.

A working paper submitted by the Russian Federation in early 1998 called for sanctions to be introduced only in the case of a real and objective determination of a violation of international law. It further stressed that sanctions must "pursue clearly defined purposes, have a time-frame, be subject to regular review and provide clearly stipulated conditions for lifting them," and that their imposition must not be politically motivated.

### ***Assistance to Third States***

In his 1995 report, the Secretary General called for urgent action to respond to the problem of assistance to third states affected by sanctions, saying that the costs of sanctions "should be borne equitably by all Member States and not exclusively by the few who have the misfortune to be neighbors or major economic partners of the target country." In the January 1995 Council debate, Ambassador Danilo Turk of Slovenia argued along the same lines that a disproportionate burden of sanctions is borne by neighboring states and trading partners and he argued for "statements of impact assessment" so that burdens could be more equitably shared. More recently, in a January 1998, the Russian Federation went so far as to propose that "the creation of a situation in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third states is not permissible." (Emphasis added)

In a report of August 28, 1997, the Secretary-General described measures to be taken in order to develop the capacities to conduct pre-assessments of the effect on third states. In debates in the Charter Committee in early 1998, delegations expressed interest in a new permanent mechanism, such as the administration of a trust fund, that would compensate third states affected by sanctions.

Experts have also issued recommendations for the provision of assistance to third states. In a 1994 article, Gian Luca Burci recommended that the General Assembly adopt guidelines on the matter; these guidelines would include an indication of the areas that would receive priority attention and of the measures to be taken. For example, Burci proposed that third states be permitted access to certain commodities affected by the sanctions at subsidized prices, under the monitoring of the World Trade Organization. Another expert recommended that the Security Council commission an agency to complete a prior assessment of the effects on the economies of neighboring states that have economic links with

the target state. The sanctions could then be fine tuned in order to minimize the impact on third states.

### ***Targeted Sanctions***

Many experts believe that targeted sanctions can be more humanitarian and more effective. Targeting implies sanctions that deliver pressure where it is most effective. Arms embargoes are one type that is commonly used. Another type seeks to severely hit key groups like the business or political elite. These groups have a major voice in policy making and they are unlikely to suffer harm from broad-based sanctions. Sanctions aimed at these groups include travel bans and financial sanctions. In a 1997 article, David Cortright and George Lopez illustrate the potential impacts of financial sanctions on a target state: in October 1997, Croatian leaders finally agreed to surrender an indicted war criminal to the criminal tribunal in the Hague in order to avoid a continuing denial of loans for Croatia from the IMF and World Bank.

Targeted financial sanctions that directly impact leaders are potentially even more effective. Such sanctions could freeze assets of leaders (and their surrogates) held in foreign banks or financial institutions, making it virtually impossible for them to keep their overseas secret accounts intact. Unfortunately, banking and business interests vigorously oppose many types of financial sanctions. As the New York Times reported in March 1996, Britain, France and Germany are "traditionally reluctant to take any action that might damage their position as international financial centers." Banks simply do not want to give up information on their private accounts and they are nervous about the wider implications of "political" interference in their relations with their customers. For reasons such as these, sanctions that target individual assets are very rarely considered.

The Security Council's increasing interest in imposing targeted sanctions instead of comprehensive trade bans is evidenced in the text of the more recent sanctions-imposing resolutions. As Council President Juan Somavia of Chile said in October 1997, "when in response to threats to international peace and security, a decision has been taken to impose sanctions, the Council has sought, to the extent possible and in keeping with the goal of effective implementation, to target those responsible for the actions that brought about the imposition of the sanctions." The October 1997 sanctions in Sierra Leone comprised only an oil and arms embargo and a travel ban on members of Sierra Leone's military junta. In the case of Angola, the Security Council took a step further, deciding to impose travel bans on the UNITA rebel leadership in the fall of 1997. The Council also passed a resolution in November 1997 raising the possibility of travel bans on Iraqi officials in November 1997 in response to Iraq's refusal to comply with UN weapons inspectors. Although these sanctions were never actually imposed and were officially ended in May 1998, many well-informed observers believe

that they had a powerful psychological effect on the Iraqi leadership by demonstrating their vulnerability. This is believed to have opened the way for a later agreement between Iraq and the UN.

The Security Council is particularly interested in increasing its use of financial sanctions. However, the legal means for implementing these sanctions are not established, nor have the hesitations of the banking and financial community been overcome. Important steps in this direction include an "Expert Seminar on Targeting UN Financial Sanctions" held in Switzerland in March 1998 as well as two high-level meetings in New York on the same topic convened by the prestigious Council on Foreign Relations.

### **Case Studies**

After imposing its first sanctions against Southern Rhodesia (1966) and South Africa (1977), the Security Council followed with sanctions in eleven more nations: Iraq (1990), the former Yugoslavia (1991), Libya, Somalia and Liberia (1992), Haiti and Angola (1993), Rwanda (1994), Sudan and Burundi (1996), and Sierra Leone (1997). Recent sanctions policies of member states and UN agencies have been reflected in their reactions to the latest developments in Iraq, Libya, Burundi, and Sudan, as well as the case of US unilateral sanctions against Cuba.

#### ***Iraq***

Over the course of more than seven years of sanctions against Iraq, several UN agencies and human rights organizations have produced reports showing malnutrition due to blockage of food, and severe health problems due to absence of medicines and water purification systems. Some observers have argued that the sanctions policies have been imposed primarily in order to regulate the world's supply (and price) of oil, rather than to change the policies of the target state. This argument seems plausible, but it is difficult to prove. Sanctions experts agree, though, that in general there are often hidden reasons behind the nominal legalities used to justify sanctions.

As time has passed, the humanitarian emergency in Iraq has deepened. Evidence has emerged that the United States and Britain, through their role in the UN Security Council, have blocked shipments to Iraq of harmless but vital goods, ranging from medicines to sewage treatment facilities, clearly damaging public health. The UN sanctions committee on Iraq has been hostage to political pressures that have caused great suffering, widespread malnutrition and many tens of thousands of unnecessary deaths -- perhaps more than during the actual Gulf War hostilities in 1991. The great majority of countries now oppose these sanctions, even if many countries remain sharply critical of the regime of Saddam Hussein.

The clash over sanctions took a dramatic form in mid-1996. Well into the sixth year of the sanctions on Iraq -- sanctions that had been originally imposed under very different circumstances -- many countries called for the Security Council to lift its trade embargo, on the grounds that it was causing too much human suffering. The United States and Britain blocked this initiative and insisted on harsh conditions and a limited deal, that would allow the country to sell oil in exchange for food, medicines and other vital necessities under strict UN control. The Iraqi government was at first not willing to accept these conditions. Finally, after a deal was proposed in April 1996, Baghdad's position softened. Pressure on the United States and Britain intensified after a report was issued by the New York-based Center for Economic and Social Rights on May 18 detailing the human suffering caused by the sanctions, as reported by an investigative team of 24 experts from 8 countries. With a green light from the US and Britain, Baghdad signed an agreement with the UN on May 20, allowing for the sale of \$2 billion in Iraqi oil over a six-month period.

Planning for implementation went forward. But on July 31, the United States government announced that it would oppose the agreement. There was fury in the Security Council where everyone knew that the United States had itself originally set conditions for the agreement. Ambassador Tono Eitel of Germany, Chairman of the Council Sanctions Committee on Iraq, told New York Times reporter Barbara Crossette he was "troubled and very sad" over the US action. Observers speculated that US electoral politics had caused the last-minute shift. On August 7, the US changed course again and finally gave its formal agreement. Shortly afterwards, however, Iraq's government moved troops into a Kurdish zone in the north. Again, the United States and Britain insisted that the sanctions would have to stay in place.

After intense pressure from Council members and others, the US agreed to yet another deal that was announced on November 25, allowing \$2 billion in oil sales during a six-month period. Many thought the agreement was strongly conditioned by multinational oil companies. As the New York Times reported, citing "oil analysts," under conditions of strong demand and low reserves at refineries, Iraqi sales "are likely to only slightly reduce the cost of a barrel of oil on world markets."

On October 28, 1996, UNICEF head Carol Bellamy held a news conference about the crisis in Iraq. She said that 4,500 children were dying every month of hunger and disease because of conditions imposed by the sanctions. Yasushi Akashi, Under Secretary General for Humanitarian Affairs said that nations were not contributing to emergency relief funds because they thought that the embargo was soon to be lifted. Other experts noted that Iraq's water and sewage system was crumbling, leading to greater risk of infectious disease. The World Food Programme announced that 180,000 children under the age of 5 in Iraq were

malnourished. In an October 29 article on the subject, the New York Times reported that "The standoff over the oil sales has annoyed other diplomats on the Council who say repeated American efforts to stall the plan make sanctions appear unduly harsh and harmful to the most innocent Iraqis."

On December 9, the UN signed another deal that had been announced on November 25. Secretary General Boutros Ghali said "This is a victory for the poorest of the poor in Iraq, for the women, the children, the sick and the disabled." And Security Council President Paolo Fulci of Italy said when announcing the deal : "More than 20 million innocent Iraqi civilians will be finally saved from starvation and untold suffering . . . anesthesia will be finally available for surgery . . . four out of ten newborn children will no longer die before they reach age one." The following day, there were reports that oil had started to flow. Many weeks passed before the oil was actually delivered to buyers and months went by before the payments were translated into food and other humanitarian supplies. Assessments then indicated that the sums approved under the program were insufficient to overcome Iraq's humanitarian emergency. Pressure mounted for the Council to increase the permitted oil sales or to lift the sanctions altogether.

Then, in the fall of 1997, Iraq began to obstruct UN inspectors' access to certain sites. Deputy Prime Minister Tariq Aziz, in a November 10 news conference, explained Iraq's objections to the UN weapons inspectors, calling them a cover for American espionage and an infringement on Iraq's sovereignty. Iraq was apparently provoking a crisis in hopes that it could eventually get the sanctions lifted, with the help of its Council allies Russia and France. As a result, in October, the Security Council passed resolution 1134, expressing the intention to impose a travel ban on Iraqi officials and high-ranking military officers. And the following month the Council actually imposed the ban, though it was not enforced, in order to build pressure gradually.

In February 1998, as the crisis with Iraq intensified, the Council increased the amount of permissible sales under the oil-for-food program. Shortly afterwards, the Secretary-General reached an agreement with Iraq on the matter of inspections. Iraq's primary Council allies, France and Russia, had encouraged a gradual easing of sanctions as an incentive for cooperation. Russian Ambassador Sergei Lavrov, in a statement made in March, expressed his hope that the end of sanctions "will not be late in coming."

In late April, Richard Butler, executive chairman of the UN's inspection team, issued a report which stated that virtually no progress has been made in the destruction of Iraq's chemical and biological weapons . As a result of the findings of the report, the Security Council again voted to extend sanctions on Iraq. But there is broad agreement that Iraq no longer has atomic weapons infrastructure and that its missile capability is minimal. The chemical and biological weapons

issues remain the major barrier to the lifting of sanctions, in spite of continuing pressure from Russia, France and China, as well as a large number of smaller countries.

### ***Libya***

In 1992, Libya was subjected to sanctions as a result of its refusal to extradite suspects accused of destroying a Pan Am flight over Lockerbie, Scotland. The Council determined that Libya's actions constituted a threat to international peace and security and in resolution 748, Libya was subjected to a combination of sanctions including an arms and air embargo, and diplomatic sanctions. Later, in resolution 883 of 1993, financial sanctions were imposed on Libya.

The Libyan sanctions regime has attracted sharp criticism. A distinguished international lawyer from Canada, Geoffrey Grenville-Wood, wrote in a 1993 article that the sanctions against Libya to force extradition of the two suspects were "spurious and ill-founded," since the Council was wrong in claiming international peace and security were threatened. Did France agree to hand over its agent that blew up a Greenpeace ship in New Zealand? Grenville-Wood asked. In July 1998, the Organization of African Unity (OAU), the Non-Aligned Movement, the League of Arab States, and the Organization of the Islamic Conference called on the Security Council to lift the sanctions imposed on Libya by accepting one of the three options offered by Libya. Libya has proposed that the suspects be tried by a court in a neutral country, by the International Court of Justice, or by a special tribunal created specifically for this case. The groups expressed their intention of no longer complying with the sanctions unless the Security Council accepts one of these alternatives. The OAU further stated that whether or not one of the alternatives is accepted, the OAU would no longer comply with air traffic bans when pertaining to particular cases such as religious obligations, humanitarian need, or official OAU trips.

As a result of pressure from member states, on July 21 the US officially announced that it "would seriously consider" the creation of a special court in the Netherlands to try the two Libyan suspects, according to a New York Times article. Administration officials said that under the proposal, Britain would appoint three Scottish judges to try the case in The Hague. So it appears that the controversial Libya sanctions may soon end. Though they have had far less negative consequences than the Iraq sanctions, they have been seen by the majority of the international community as symptomatic of sanctions abuse by a small number of great powers.

### ***Burundi and Sudan***

In the summer of 1996, the Council imposed a new sanctions regime on Burundi due to a coup d'etat and deteriorating inter-ethnic conflict. Given the poverty of the country, there was serious concern about the humanitarian effect of the

sanctions. On August 6, the World Food Programme (WFP) announced that the Burundi sanctions were preventing humanitarian aid from entering the country, threatening the well being of hundreds of thousands of people. WFP warned that the cut-off of emergency food, medicine and fuel may exacerbate ethnic tensions. At about the same time, ironically, the UN Department of Humanitarian Affairs dispatched a 5-person mission to Burundi to examine the consequences of sanctions and the mission was at first blocked from the country because of sanctions-imposed barriers to air travel in neighboring Kenya.

In December 1997, DHA produced a report on the regional sanctions against Burundi based on a mission sent to the Great Lakes region in October. Although the report states that humanitarian goods and supplies were exempted by the regional sanctions authorities, critics have noted that because of a lack of administration and coordination, there have been serious delays in having these exempted materials reach those in need. In addition, according to a March 1997 report, sanctions have created hyper-inflation and increasing unemployment. The Council has also faced criticism on its Sudan sanctions, likewise imposed in 1996. The Sudan sanctions are similar to the Libyan sanctions, for they are designed to force the Sudanese government to turn over alleged criminals -- in this case people who allegedly attempted to assassinate President Mubarak of Egypt. International lawyers insist that this goes beyond the proper bounds for the Council's action and that it undermines the system of extradition treaties. Sudan's economy is already in very great difficulty, critics point out. Sanctions make matters worse and seem certain to impose hardships that will not be justified.

### ***Cuba***

A survey of sanctions found that the United States was the primary initiator of sanctions -- it accounted for 70 percent of the cases. A third of the cases were unilateral sanctions and most of the rest were ad hoc coalitions. Only 12 percent of all sanctions were applied in a truly collective manner. Another study noted that just in the period 1993 to 1996, sixty-one US laws and executive actions were enacted authorizing unilateral economic sanctions. The sanctioned countries represent 42 percent of the world's population.

The unilateral United States trade embargo of Cuba, in force since 1962, is opposed by a large majority of the world's countries and is regularly condemned in the UN General Assembly. The embargo has done harm to the Cuban economy and made travel between the US and Cuba difficult and costly. Even governments that are decidedly unenthusiastic about Cuban President Fidel Castro consider the embargo illegal and see it as unfairly punishing ordinary Cubans. After the UN General Assembly overwhelmingly passed a resolution condemning the US embargo in 1995 for the fourth straight year, the Secretary General wrote to governments and agencies asking for information that could be

incorporated into a report. By 5 September, 60 countries and 5 agencies had responded. The responses were all critical of the embargo.

The US Helms-Burton Act of 1996 has imposed penalties on third parties doing business in Cuba, bringing sharp protests from Canada, Mexico, European countries and many others. On June 4, 1996, the General Assembly of the Organization of American States passed a resolution asking for a legal opinion on the embargo from the Inter-American Juridical Committee. The Committee returned an opinion that Helms-Burton "is not in conformity with international law." This opinion was sent to the United Nations on September 18, 1996. On November 12, 1996, the UN General Assembly adopted a resolution again condemning the embargo by the largest vote ever -- 117 ayes, 3 nays and 25 abstentions. All the European Union countries voted in the affirmative, as did Canada. The new resolution contained language sharply critical of the Helms-Burton law.

In 1997, the General Assembly again passed a resolution condemning the embargo and in April 1998, the UN Human Rights Commission voted to criticize unilateral sanctions imposed on other countries such as the U.S. economic embargo against Cuba. The text urges states not to adopt unilateral measures that run counter to international law or the UN. The United States clearly has no support for these sanctions and opposition has been growing steadily. Though there are few signs that the US embargo will end any time soon, increasing pressure from religious groups, human rights organizations and business lobbies has led the administration to reduce its reliance on unilateral sanction initiatives and even the full force of the Helms-Burton act has not been applied. A July 31, 1998 article in the New York Times announced that "the White House and Congress have decided that in many cases, sanctions are not an effective way to make foreign policy."

### ***Which Way for Sanctions***

Despite the UN's increasing interest in humanitarian exemptions and targeted sanctions, many of the problems with sanctions still exist. So far, not a dime has been allocated through the UN to help share the burden of trading partners. Targeted sanctions have not yet come into general use. The Security Council is averse to adopting blanket humanitarian exemptions when imposing sanctions. Monitoring has not markedly improved, and many of the practices and procedures of sanctions committees are still seriously flawed. The Security Council remains in control and permanent members seem disinclined to modify past practices. They prefer not to be burdened with rules and they do not want to be billed for collateral damage.

What way ahead for sanctions? Sanctions advocates would argue that they still hold great promise. But only under conditions of wide international agreement, clear legal basis and purpose, and minimal harm to the innocent. These seem elusive goals in a world where a few powerful states and private interests use sanctions for their own geo-strategic and economic gains. Even so, sanctions continue to offer interesting possibilities. The breadth and intensity of the UN discussions suggests that many delegations (and many non-governmental organizations) think sanctions can someday be made to work.