

Refinement and Reform in UN Sanctions:  
**The State of the Art**

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The Security Council has significantly improved UN sanctions policy in recent years. Most notable have been steps toward sharpening sanctions design, applying more targeted measures, strengthening monitoring and enforcement, and prioritizing humanitarian concerns. Yet these advances have been compromised by competing political agendas among the Permanent Five, inadequate compliance by member states, and a lack of institutionalized UN capacity for monitoring and enforcement. Some progress has been achieved, but comprehensive sanctions reform remains elusive.

## **Targeted Sanctions**

The dominant trend in UN policy making has been the shift away from general trade sanctions toward more targeted and selective measures. Since 1994 all UN sanctions have been targeted. Financial sanctions, travel bans, arms embargoes, and commodity boycotts have replaced general trade embargoes as the preferred instruments of UN policy. The sweeping counterterrorism measures adopted in SCR 1373 (2001) continued this trend, imposing targeted financial, travel, and other restrictions on terrorists and those who support them.

There have been fourteen cases of UN sanctions imposed since 1990, including two different Yugoslavia episodes (Bosnia, 1992–1995, and Kosovo, 1998–2001). The sample is heavily skewed toward targeted or selective measures. Only three cases—Iraq, Haiti, and Yugoslavia (1992–1995)—involved comprehensive trade sanctions. In one other case, Angola, the combination of selective UN sanctions imposed over the years (arms and oil in 1993, travel and diplomatic in 1997, and diamonds in 1998) amounted to a nearly comprehensive trade embargo on territory controlled by the National Union for the Total Independence of Angola (UNITA). In all other cases, the sanctions imposed were partial and selective in nature: six examples of financial restrictions (always in combination with other measures), seven cases of commodity boycotts (all but one involving petroleum products<sup>1</sup>; three involving diamonds; and one on lumber products), eight uses of travel sanctions (also in combination with other measures), and twelve cases of arms embargoes, five of which were stand-alone.<sup>2</sup> Diplomatic sanctions or restrictions on international participation were also employed in five instances. Table 1.1 summarizes the cases and types of sanctions being examined.

**Table 1.1: United Nations Sanctions, 1990 through 2001**

Cases	Type of Sanctions					
	Comprehensive Trade	Financial	Commodity (oil, diamonds, lumber products)	Travel/Flight	Arms	Diplomatic
Iraq: 1990– SCR 661 (1990) SCR 670 (1990) SCR 1137 (1997)	X	X	X (all)		X	
				X	X	
Yugoslavia: Serbia/Montenegro 1991–1995 SCR 713 (1991) SCR 757,787 (1992) SCR 820 (1993)	X	X	X (all)	X	X	X
Somalia: 1992– SCR 733 (1992)	X				X	
Libya: 1992–1999 SCR 748 (1992) SCR 883 (1993)		X		X	X	X
Liberia: 1992– SCR 788 (1992) <sup>1</sup> SCR 1343 (2001)			X (diamonds)	X	X	
Cambodia: 1992–1994 SCR 792 (1992)			X (logs, oil)			
Haiti: 1993–1994 SCR 841 (1993) SCR 917 (1994)	X	X	X (oil) X (all)	X		X
Angola: 1993/1997/1998– SCR 864 (1993) SCR 1127 (1997) SCR 1173 (1998)		X	X (oil) X (diamonds)	X	X	X
Rwanda: 1994– SCR 918 (1994) <sup>2</sup>					X	
Sudan: 1996–2001 SCR 1054 (1996)						X
Sierra Leone: 1997– SCR 1132 (1997) <sup>3</sup> SCR 1306 (2000)			X (oil) X (diamonds)	X	X	
Yugoslavia/Kosovo: 1998–2001 SCR 1160 (1998) <sup>4</sup>					X	
Afghanistan: 1999– SCR 1267 (1999) SCR 1333 (2000) <sup>5</sup>	X	X		X	X	X
Ethiopia/Eritrea: 2000–2001 SCR 1298 (2000)					X	

1. The arms embargo imposed in SCR 733 was lifted and immediately reimposed in SCR 1343.

2. The arms embargo on the government of Rwanda was suspended in 1995 (SCR 1011) but maintained on rebel Hutu groups in Eastern Zaire/Congo.

3. The oil embargo implemented by SCR 1132 was terminated in 1998 by SCR 1156. SCR 1171 (1998) specified that the arms embargo does not apply to the Economic Community of West African States Military Observer Group (ECOMOG) and UN peacekeepers. The diamond embargo on government exports was lifted in 2000 when the certification system was implemented. It is still in place for Revolutionary United Front (RUF) diamond exports.

4. The United Nations Mission in Kosovo (UNMIK) and the Kosovo International Peace Implementation Force (KFOR) were exempted from the arms embargo in 1999.

5. Measures from SCR 1333 entered into force on 19 January 2001.

## Evaluating Impacts

In no case of targeted or selective sanctions did UN coercive measures cause serious adverse humanitarian consequences. Targeted sanctions are thus “smart” from a humanitarian perspective, but what about their political impact? Are targeted sanctions effective in achieving intended political results? To answer this question we must define our criteria for success. We consider three pragmatic, admittedly modest criteria.

1. Did sanctions help to convince the targeted regime to comply—even partially—with the senders’ demands?
2. Did sanctions contribute to an enduring, successful bargaining process leading to a negotiated settlement?
3. Did sanctions help to isolate or weaken the military power of an abusive regime?

Of the fourteen cases under examination, we find five in which sanctions could be judged as at least partially effective. In Iraq, the pressure of sanctions helped to produce significant concessions in 1993 and 1994, and prevented the regime from substantially rebuilding its military machine. In Yugoslavia (1992–1995), sanctions provided bargaining leverage on the Belgrade regime that helped lead to the Dayton Peace accord. In Libya, sanctions were a central factor in the negotiations that eventually brought suspected terrorists to trial and convinced the regime to reduce its support of international terrorism. In Angola, sanctions that were initially ineffective became stronger over the years and combined with military pressures to weaken the UNITA rebel movement. In Cambodia, UN sanctions helped to isolate and weaken the Khmer Rouge. In no instance did sanctions achieve full and immediate compliance, but in the five cases identified—Iraq, Yugoslavia, Libya, Angola, and Cambodia—sanctions achieved modest to considerable success.

In the nine other cases under review, the impact of UN sanctions was more limited. In Sierra Leone the arms, travel, and diamond sanctions imposed against the Revolutionary United Front (RUF) had little apparent impact in restraining the rebel insurgency or encouraging a peace process—although the recent strengthening of sanctions against the government of Liberia, the principal patron of the RUF, has increased the pressure on the rebels. In Haiti and Somalia sanctions had a limited, temporary impact in sparking negotiations, but they were not successful in containing armed violence or changing the policies of the targeted regimes. In the five cases of stand-alone arms embargoes—Sudan, Liberia (until 2001), Rwanda, Yugoslavia (1998), and Ethiopia/Eritrea—UN sanctions had little or no impact. In Afghanistan, UN sanctions imposed in 1999 and 2000 had little discernible effect upon the policies of the Taliban regime.

Our assessment indicates that five of the fourteen cases of UN sanctions were partially effective. This 35 percent success rate matches the 34 percent overall rate of

effectiveness found by the Institute for International Economics in its analysis of a much larger set of more diverse cases over a longer period of time.<sup>3</sup> If we set aside the five cases of stand-alone arms embargoes—episodes in which UN action came too late to be effective and where enforcement efforts were lacking—the effectiveness rate is five out of nine, or 55 percent. By our scoring system, UN sanctions in recent years have been reasonably successful, more so than is generally acknowledged. Table 1.2 outlines our assessment of sanctions success in the past decade.

**Table 1.2: UN Sanctions Success, 1990–2001**

Partial Impact	Little or No Impact
Iraq	Haiti
Yugoslavia (1992–95)	Sudan
Libya	Sierra Leone
Angola	Afghanistan
Cambodia	All five stand-alone arms embargoes

### **Success: Comprehensive Versus Targeted**

Two of the three cases of comprehensive trade sanctions—Iraq and Yugoslavia—were partially effective. In Angola, where the broad array of sanctions against UNITA had comprehensive effects, sanctions were also partially successful. By contrast, only two of the ten other cases of more limited sanctions—Libya and Cambodia—were partially successful. Even with this small number of cases, the obvious conclusion is that comprehensive sanctions are more effective than targeted or selective measures. Where economic and social impacts have been greatest, political effects have also been most significant. The lesson seems to be that comprehensive, rigorously-enforced sanctions are more likely to be successful than limited, unenforced measures. Again, this confirms the findings of the Institute for International Economics study. The cases in which the economic and social impacts of sanctions were most severe were also the ones in which political impacts were greatest. By contrast, where the impacts of Security Council measures were minimal, due to lax enforcement or an unwillingness to take more forceful action, success proved elusive.

Comprehensiveness is no guarantee of success, however. In Haiti, sanctions became comprehensive during the latter stages of the episode, in May 1994, but they gave way to the use of military force without affecting the final outcome. Nor is the record of targeted or selective measures as poor as it seems. If we set aside the five cases of stand-alone arms embargoes, the effectiveness rate of targeted measures is not two out of ten, but two out of five—still less than the rate for comprehensive

sanctions, but at least respectable. Moreover, some of these targeted sanctions remain in place as of this writing, and may yet yield at least partial political impacts. Table 1.3 shows the success rate of sanctions by type.

**Table 1.3: UN Sanctions Success by Type, 1990–2001**

Comprehensive, General	Targeted, Selective
3 of 4	2 of 10 or 2 of 5 (arms embargoes alone, 0 of 5)

## Policy Innovations

In each of the categories of selective sanctions—financial, travel, arms, and commodity—the Security Council has introduced important innovations. In the area of financial sanctions, the council has moved beyond freezing the assets of governments to locking down the accounts of designated entities and individuals as well. In the cases of Iraq, Libya, and Yugoslavia, financial sanctions were imposed only on government assets. Beginning with the sanctions against the military junta in Haiti in 1994, and continuing through the cases of UNITA in Angola and the Taliban regime in Afghanistan, the council also applied targeted financial sanctions against designated entities and individuals. The counterterrorism measures mandated in SCR 1373 were also directed against entities and individuals. Unlike earlier times, the UN Secretariat now has developed the capacity, in cooperation with member states, to create and publish lists of designated sanctions targets.

Innovations have also occurred in UN arms embargoes. The language and technical terms employed in Security Council arms embargoes have become more precise. Arms embargo resolutions now include prohibitions not only against the supply of arms and ammunition, but also against training, cooperation, and various support services, including air transport. This refinement of terms and broadening of items covered has helped to close loopholes and avoid ambiguities that impede enforcement.

In the case of Afghanistan the council created a special arms embargo monitoring and support team to enforce the sanctions against the Taliban regime. Increasingly aware of the general problem of inadequate implementation of UN arms embargoes, and recognizing the special problems of attempting to halt the flow of weapons across the troubled Pakistan-Afghanistan border, the Security Council adopted SCR 1363 in July 2001, creating a Sanctions Enforcement Support Team to monitor and enforce the arms embargo against the Taliban regime. The operation was to consist of a five-person monitoring group at UN headquarters in New York and a fifteen-person enforcement team to be deployed in countries neighboring Afghanistan, primarily Pakistan. The Sanctions Enforcement Support Team was a tiny and thus inadequate force considering

the enormity of the challenge, but it represented an initial attempt by the council to create a special monitoring program in support of an arms embargo. Deployment of the monitors was delayed by the political turmoil and military action in the region following the September 11 terrorist attacks.

Commodity-specific boycotts have become an important new feature of UN sanctions policy. Oil embargoes were previously imposed against Iraq, Yugoslavia, Khmer Rouge-controlled areas of Cambodia, Haiti, UNITA in Angola, and the military junta in Sierra Leone. An embargo on log exports from Khmer Rouge territory was also imposed in Cambodia and threatened for Liberia. Diamond embargoes have been imposed against UNITA in Angola (SCR 1173, 1998), RUF areas of Sierra Leone (SCR 1306, 2000), and the government of Liberia (SCR 1343, 2001). These targeted diamond sanctions have given the Security Council a new means of applying focused pressure on specific rebel groups and curtailing the lucrative funding base that has sustained armed conflict.

Travel sanctions are sometimes perceived as the weak link in the cluster of sanctions options available to the Security Council. They include restrictions on individual travel through visa bans, sanctions on designated airlines, or sanctions on an entire country or region. Travel restrictions were included in all of the comprehensive sanctions imposed by the UN and were also applied selectively against Libya, Angola, Sierra Leone, Afghanistan, and Liberia. The economic effects of travel sanctions have been limited, but quite concentrated. They have lowered state revenues in the case of government-owned airlines, and they have restricted the movement of privileged elites who travel internationally. In this sense, travel sanctions have been highly targeted and a quintessential example of smart sanctions. When combined with financial sanctions, as in the cases of Angola and Afghanistan, travel sanctions prevent government leaders and designated elites from conducting legitimate international business. Such restrictions are not likely to have an immediate policy impact, but over time, as in the case of Libya, they may contribute to the isolation and weakening of a targeted regime and thus to the realization of UN objectives. Indeed, the partial success of travel sanctions in Libya suggests that such measures may have more of an impact than many have assumed.

## The Policy Framework

Sanctions are only as effective as the overall policy they are designed to serve. Whether sanctions are selective or comprehensive, targeted or general, their impact depends on underlying political factors that have little to do with the sanctions instrument itself. Are the political goals just and realistic? Do they have broad legitimacy? Is there proper authority? Are standards applied consistently? Such questions are the fundamental basis for judging all forms of coercive action, from the use of military force to the exercise of economic power. If the foundations of a given policy are flawed or ill-defined, the sanctions used to carry out that policy will fail. The

smartness of sanctions is thus directly linked to the legitimacy of the broader policy framework in which they are applied.

Sanctions are but one among a varied set of policy instruments designed to serve a comprehensive political strategy. By themselves sanctions cannot be expected to achieve major policy objectives. They are limited tools of influence. Sanctions can raise the costs of an objectionable policy and apply pressure for a negotiated settlement, but they are not a panacea. They are most effective when combined with other policy tools, especially when they are linked to incentives as part of a carrot and stick bargaining process. In many cases the most important incentive is the promise to lift sanctions. When the offer to lift sanctions is linked to concrete steps toward compliance, the prospects for success are enhanced. This requires flexibility in responding to concessions. The rewarding of partial compliance with a partial easing of sanctions pressure can encourage a bargaining process and increase the prospects of further concessions.

Sanctions are best understood as instruments of persuasion rather than punishment. In establishing a framework for bargaining, sanctions effectiveness derives not from the severity of economic damage, but from the ability to isolate an abusive regime or to encourage dialogue and negotiation. Sanctions do not require the imposition of draconian economic pressure to have persuasive influence. They need only cause sufficient hardship and discomfort to motivate the target to enter into a bargaining process. Effectiveness is determined not by an objective measurement of economic pain, but by the subjective response of leaders within the targeted regime.

Targeted or selective sanctions fit well within this bargaining framework. Partial sanctions generally cause fewer economic and social hardships, but they may nonetheless impose real costs on the targeted regime. If the pressures are sufficiently sharp and focused, they may prompt a reevaluation of the costs and benefits of the objectionable policy, without causing unintended social consequences. The absence of harmful side effects can play a crucial role in the internal political dynamics of the targeted regime. By minimizing the rally-around-the-flag effect, selective sanctions make it more difficult for targeted leaders to blame external actors for the failings of the regime. This diminished capacity to deflect pressure onto others may increase the prospects that a targeted leadership will take steps toward compliance and dialogue.

## **Broadening the Reach of Sanctions**

As the threats to global peace and security have changed in recent years, the purposes for which sanctions are imposed have steadily widened.<sup>4</sup> During the 1990s sanctions were imposed to reverse aggression, restore democratically elected governments, protect human rights, end wars, and bring suspected terrorists to justice. Now two additional functions have been added—sanctioning a country for violating UN-mandated sanctions, and imposing worldwide financial and other sanctions against terrorism. With the imposition of sanctions against Liberia (SCR 1343, 2001) the council

for the first time imposed mandatory measures against one country because of its defiance of sanctions against another. Recognizing Liberia's role as the primary supply base for the RUF, the council imposed a diamond embargo, travel sanctions, and arms embargo against the Monrovia government. The purpose and form of the Liberia sanctions was to exert full pressure on a state secondarily involved in norm violation. This was an important step toward broadening the scope of sanctions and strengthening their enforcement.

More sweeping in its implications was the adoption of the counterterrorism resolution (SCR 1373, 2001). This was the most far-reaching sanctions measure ever adopted by the council, effectively mandating that all 189 UN member states impose financial sanctions and travel restrictions against entities and individuals associated with terrorist acts. The resolution demanded that member states take action within their borders to criminalize the financing of terror, and adopt other law enforcement and intelligence-sharing measures. This was an unprecedented attempt to mandate changes in the internal law enforcement and legal procedures of UN member states. It established worldwide financial sanctions against terrorists and their supporters. The multiple mandates contained in SCR 1373 would, if effectively implemented and enforced, mobilize the entire international community into a sustained criminal prosecution against the financing and support of terrorist networks. Table 1.4 summarizes the principal mandates of SCR 1373.

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**Table 1.4**  
**Counterterrorism Measures Contained**  
**in Resolution 1373**  
**28 September 2001**

***Mandatory Obligations***

States are required to take the following actions:

**Financial Sanctions**

- § Criminalize the willful provision or collection of funds for conducting terrorist acts;
- § Freeze the funds and other economic resources of persons or entities participating in or facilitating terrorism;
- § Prohibit persons or entities from making available funds and economic resources for purposes related to the commission of terrorist acts.

**Territorial Control**

- § Deny safe haven to those who finance, plan, support, or commit terrorist acts;
- § Prevent those who facilitate or commit terrorist acts from using national territory.

**Travel Sanctions**

- § Employ effective controls on borders and the issuance of travel documents to prevent the movement of terrorists.

**Cooperative Criminal Prosecution**

- § Ensure that persons who participate in or support terrorist acts are brought to justice, and that terrorist acts are defined as serious criminal offenses in domestic law;
- § Afford other states the greatest measure of assistance in connection with criminal investigations;
- § Provide early warning of possible terrorist acts by exchange of information with other states.

**Military Sanctions**

- § Suppress recruitment by terrorist groups and eliminate the supply of weapons to terrorists.

### ***Recommended Actions***

States are encouraged to take the following actions:

- § Intensify and facilitate the exchange of information on the movement of terrorists, the falsification of travel documents, trafficking in arms and explosives, the use of communications technologies by terrorists, and the threat posed by the possession of weapons of mass destruction;
- § Become parties to international conventions against terrorism, including the International Convention for the Suppression of the Financing of Terrorism;
- § Ensure that asylum seekers have not planned, facilitated, or participated in the commission of terrorist acts;
- § Ensure that refugee status is not abused by those who commit or plan terrorist acts.

### ***UN Action***

- § Establishes a committee of the Security Council to monitor implementation of the resolution, and calls upon all states to report to the committee on the steps taken to implement this resolution.

## **Investigative Panels**

Analysts have long emphasized that effective monitoring is key to the success of sanctions. In many cases, however, member states have lacked the capacity for effective monitoring, and have been unwilling or unable to make the necessary commitment of resources to identify and report sanctions violations. The United Nations has lacked an independent monitoring capacity of its own. But in recent years the picture has begun to change. The appointment of independent expert panels and monitoring mechanisms has now become a regular feature of sanctions policy making. The first panel was established in conjunction with the arms embargo against Rwandan Hutu rebels (SCR 1013, 1995). The United Nations Independent Commission of Inquiry (UNICOI) issued six reports from 1996 through 1998 thoroughly documenting the supply routes and underground networks used to arm the rebels in eastern Zaire. Some member states were uncomfortable with UNICOI's hard-hitting reports, however, and little was done to follow up on its voluminous evidence of violations or to implement its recommendations.

The breakthrough toward a more integral role for investigative panels came in the case of Angola. The 1999 mission of Canadian Ambassador Robert Fowler proved decisive in ratcheting up the importance of investigative panels. Fowler's mission both added the diplomatic weight of a sanctions committee chair to the investigative effort

and changed the style of panel operation. Fowler not only reported on violations but met with government and private industry representatives to encourage active compliance. Fowler's mission led to the appointment of the Angola panel of experts, which issued a groundbreaking report in March 2000. The Angola panel of experts was followed by a similar panel for Sierra Leone, a committee of experts for Afghanistan, and a panel of experts for Liberia. An investigative panel was also created to examine the exploitation of mineral and natural resources in the Congo. These panel reports produced a wealth of data on sanctions violations and illicit transactions in the areas of finance, arms, travel, and commodities. They also contained a series of detailed recommendations for improving sanctions enforcement, as we shall explore below.

The panels of experts and their investigative reports have proved to be an effective means of applying pressure on sanctions violators and encouraging governments to strengthen enforcement. The reports have adopted a "name and shame" approach specifically identifying the governments, companies, and individuals responsible for sanctions violations. The Angola panel of experts report was particularly hard-hitting, implicating two sitting heads of state in blatant violations of UN sanctions. Because of objections from the countries named, subsequent panel reports were not as direct in naming specific government leaders, but they continued the practice of identifying those involved in circumventing sanctions. The Sierra Leone panel of experts was especially forthright in documenting the role of the government of Liberia in providing continued support to the RUF in contravention of Security Council sanctions.

The creation of separate expert panels has allowed members of the Security Council to distance themselves from the resulting reports and the identification of sanctions violators. This provides the necessary leverage of public exposure, while allowing UN officials to pursue diplomatic solutions beyond the glare of adverse publicity. There are some indications that the Security Council may move away from "naming and shaming" techniques, toward a more traditional emphasis on quiet diplomacy. Partly this reflects a belief on the part of some states that the methods of public exposure bring diminishing returns over time and may interfere with the delicate diplomatic maneuvering that is often necessary to achieve cooperation. This perspective, together with the stated concerns of developing nations, may lead to diminishing use of this approach in the future. We believe that would be a mistake. Public investigation and exposure have proved to be effective means of generating cooperation with UN sanctions. It is the combination of both approaches—public exposure and quiet diplomacy—that offers the best chance of encouraging compliance.

## **Nongovernmental Monitoring**

Private industry and nongovernmental organizations have assumed an increasingly important role in evaluating and helping to implement sanctions policies. The role of private industry has been most evident in the enforcement of the diamond embargoes against UNITA in Angola, the RUF rebels in Sierra Leone, and the government of Liberia. The De Beers Corporation and the major diamond exchanges have sought to

avoid being tarnished with the image of “conflict diamonds.” They have worked with the United Nations and member states to create certification systems designed to prevent conflict diamonds from entering the market. Industry representatives established the World Diamond Congress for the specific purpose of assuring a conflict-free diamond market. Similar though less extensive cooperation in sanctions enforcement has come from the banking industry, especially in the United States. Banking industry representatives participated in the Interlaken seminars sponsored by the government of Switzerland, and they have cooperated with governments, albeit reluctantly at times, in developing software and administrative systems for enforcing financial sanctions.

This novel participation of the private sector suggests new possibilities for strengthening the monitoring and enforcement of sanctions. Some sanctions experts have urged greater efforts to enlist private industry in sanctions enforcement. One means of addressing the problem of illegal air transport, for example, would be to work with the insurance industry to deny coverage for companies and individual pilots identified as violating UN sanctions.<sup>5</sup>

The role of nongovernmental organizations has become increasingly prominent in all phases of United Nations sanctions. Groups such as Global Witness, Human Rights Watch, Saferworld, the Watson Institute at Brown University, and the International Peace Academy have become major players in documenting the humanitarian and human rights conditions and developing innovative approaches to the improvement of sanctions. Human rights groups and other research organizations played the key role in documenting the problem of conflict diamonds, and in tracking the flow of small arms to Africa and other war zones. Human Rights Watch, the Brookings Institution, and the Kroc Institute/Fourth Freedom Forum research project contributed policy proposals for the restructuring of sanctions in Iraq. The International Peace Academy played a seminal role in working with UN missions in New York to facilitate continued assessment of various sanctions reform initiatives.

### Prioritizing Humanitarian Concerns

The desire to avoid humanitarian suffering among vulnerable and innocent populations has become a dominant feature of Security Council policy making. The concern for humanitarian consequences has been the principal factor motivating the trend toward the use of more targeted and selective sanctions. The Security Council has sought to reduce unintended impacts within targeted regimes and among third parties in neighboring states. As sanctions analysts have noted, the effect of sanctions on neighboring states and trading partners of the targeted regime can be severe.<sup>6</sup> This motivation to minimize adverse impacts on vulnerable populations and third parties has prompted a number of policy innovations.

Humanitarian assessments and impact missions have now become a regular feature of UN sanctions. This was a reform long sought by humanitarian agencies and independent researchers, ourselves included.<sup>7</sup> Assessment reports conducted prior to sanctions imposition or during the early stages of a sanctions regime offer a means for

the Security Council to anticipate and prevent potential humanitarian problems and to arrest unanticipated adverse impacts in a timely manner.

The first humanitarian assessment report came in conjunction with the Security Council's consideration of aviation sanctions against Sudan. The February 1997 report from the UN Department of Humanitarian Affairs provided a gloomy assessment of the likely adverse impacts of the proposed flight ban.<sup>8</sup> Partly as a result, the council did not implement the sanctions. The next assessment report came in the case of Sierra Leone, soon after sanctions were imposed against the military junta in Freetown. The inter-agency assessment was highly critical of the trade embargo imposed by the Economic Community of West African States (ECOWAS), but found no evidence of major humanitarian consequences from the more limited UN sanctions.<sup>9</sup>

Humanitarian assessment reports have also been ordered in the cases of Afghanistan and Liberia. The Afghanistan report, released in December 2000, evaluated the impact of the financial sanctions and aviation ban against the Taliban regime. The study recounted the horrendous humanitarian conditions in Afghanistan, among the worst in the world, but it found few adverse social consequences that could be attributed to the targeted UN sanctions.<sup>10</sup> The Liberia report, released in October 2001, came to similar conclusions about conditions in Liberia. The diamond embargo and other selective sanctions against the Monrovia government had only limited humanitarian impacts. The Liberia assessment cautioned, however, that timber sanctions, which had been proposed by some member states but not yet implemented by the council, could result in the loss of thousands of jobs and have significant adverse economic and social impacts on that devastated country.<sup>11</sup>

The methodology for humanitarian assessment developed by the UN Office for the Coordination of Humanitarian Affairs (OCHA) has employed recommendations proposed by humanitarian agencies and independent researchers. The 1997 study for the Department of Humanitarian Affairs in which the authors participated recommended a multi-step methodology and a series of specific indicators for assessing humanitarian impacts.<sup>12</sup> Many of the indicators suggested in such categories as public health and population displacement have been adopted in the OCHA studies of Afghanistan and Liberia. The development of a standardized methodology permits comparative analysis across cases and makes it easier for policymakers to evaluate humanitarian impacts.

Another recommendation of the 1997 report called for the granting of blanket exemptions for designated humanitarian agencies. Navigating the often tangled administrative procedures of UN sanctions committees has placed substantial burdens on relief organizations. If aviation sanctions are imposed against a country, for example, relief agencies must apply for exemptions to import needed food and medicine. For several years these agencies have recommended that the Security Council provide blanket exemptions for designated relief groups, so that humanitarian supplies can be delivered expeditiously without the excruciating delays and difficulties involved in seeking approval for each flight or delivery. This proposal was integrated into the sanctions applied in Afghanistan. In paragraph twelve of SCR 1333 (2000), the Security

Council authorized the sanctions committee to exempt a pre-approved list of relief agencies. Whether this was a one-time decision or the beginning of a trend is uncertain. Humanitarian officials welcomed the council's action and expressed the hope that the granting of blanket exemptions to designated agencies would become the institutionalized standard in future sanctions episodes.

## **Time Limits**

France and other members of the Security Council have strongly encouraged the policy of establishing time limits as a way of avoiding the open-ended, seemingly endless sanctions that have remained in place against Iraq. The concern with time limits has been not only humanitarian, but political, to prevent permanent members of the council from blocking a consensus for the lifting of sanctions. While the Security Council working group on sanctions reform did not reach consensus on the idea of time limits as a matter of general principle, in specific cases the council has approved the establishment of time limits. The first use of time limits occurred in the arms embargo against Ethiopia and Eritrea (SCR 1298, 2000), when the council set a twelve-month period for the embargo. The sanctions were not renewed at the end of that period. Twelve-month time limits were also established for the arms embargo and additional sanctions imposed against the Taliban regime in Afghanistan in December 2000 (SCR 1333) and for the diamond embargo and travel sanctions enacted against Liberia in May 2001 (SCR 1343).

Debate abounds whether time limits will be a positive or a negative feature of UN policy making. Some countries, the U.S. in particular, argue that time limits will weaken the coercive impact of sanctions, because targeted regimes will take advantage of such limits to delay compliance and block the possible renewal of sanctions. Other member states counter that pressure on the target to comply will remain. They note that time limits give the Security Council a guaranteed way of responding to humanitarian hardships that may arise and will force council members to take more direct responsibility for each sanctions case on a renewable basis. The debate over these issues and the differences within the council are likely to continue.

A summary listing of the many recent innovations in UN sanctions policy is presented below. Taken together, these developments represent a significant evolution of UN policy making.

## **Innovations in UN Sanctions Policy 1994–2001**

- A general shift toward targeted and selective measures. No general sanctions after 1994.
- Worldwide financial sanctions and other targeted measures imposed in response to terror attacks against the United States.
- Financial sanctions targeted against individuals and entities as well as governments.
- Lists issued from the UN Secretariat of designated individuals subjected to financial sanctions and travel bans.
- Arms embargoes targeted against technical assistance and support services as well as weapons.
- UN enforcement support team created for sanctions against Taliban regime.
- Diamond embargoes imposed against rebel movements in Angola and Sierra Leone and against the government of Liberia.
- Sanctions imposed against Liberia for its violation of sanctions against RUF rebels in Sierra Leone.
- Investigative panels and monitoring mechanisms established as a regular feature of sanctions policy.
- A “name and shame” approach employed by investigative panels, identifying specific countries, companies, and individuals responsible for sanctions violations.
- Private industry associations and companies involved in the enforcement of diamond embargoes and financial sanctions.
- Private security firm hired to trace the finances of the UNITA rebel movement targeted by UN sanctions.
- Nongovernmental organizations and private research groups actively involved in analyzing, monitoring, and evaluating UN sanctions policies.
- Minimizing humanitarian hardships a priority concern among UN policymakers.
- Assessments of humanitarian impact established as a regular feature of sanctions cases.
- Standardized methodology developed for assessing humanitarian impacts.
- Blanket exemptions granted for designated humanitarian agencies in the case of Afghanistan.
- Time limits established in sanctions cases.

## **The Agenda of Reform**

The continuing relevance of sanctions—whether to suppress terrorist networks in the wake of the September 11 attacks, to bring closure to the UN mission in Iraq, or to end the scourge of war in sub-Saharan Africa—highlights the importance of the Permanent Five developing consensus on needed policy improvements. In the innovations noted above that developed through practice, and the recommendations identified below that appeared in various UN reports, new opportunities have emerged for the Security Council to institutionalize the process of sanctions reform. The task before the council is to set in place a series of structures and automatic mechanisms that will sharpen the bite of sanctions and enhance their effectiveness as tools for fostering international security.

In the discussion that follows we review and comment on the most frequently recommended and widely supported proposals for sanctions reform. We summarize the most important recommendations to emerge from the report of the Security Council working group. We also review the most important recommendations from the eighteen reports issued by expert panels in recent years to distil the most frequently mentioned policy proposals. The combined recommendations of these two sources offer a blueprint for more effective UN sanctions in the future.

### **Advancing the Working Group Proposals**

Although the Security Council working group on sanctions was unable to issue a final report, members reached agreement on a broad range of suggestions for improving the administration, design, and implementation of sanctions. Many of the recommendations outlined by the working group merit detailed consideration and support. We recommend that the final draft report of the working group, the Chairman's Proposed Outcome, dated 14 February 2001, be submitted as a non-paper in order to give it more status in the record of the Security Council. Below we summarize the working group proposals that in our judgment would make the greatest difference in advancing UN policy making.<sup>13</sup>

**Administration.** Probably the most important recommendation of the working group was the call for an organizational assessment of the specific staffing and resource needs for upgrading the capacity of the Secretariat. Such an assessment is long overdue and should be followed by effective action to provide the necessary staffing and resources. The minuscule Secretariat staff of a dozen or so professionals cannot possibly cope with the myriad political and administrative tasks associated with the implementation of diverse, simultaneous sanctions regimes.

The working group's specific recommendations were the following:

- strengthen the implementation capacity of the sanctions branch of the UN Secretariat by providing additional staff, expertise, and resources;
- commission an institutional appraisal of the work of the sanctions branch in the Secretariat, in order to develop recommendations on how to improve its effectiveness;
- prepare a database of outside experts to advise sanctions committees on technical issues related to finance, customs control, border control, immigration, aviation, arms trafficking, raw materials and minerals, and humanitarian impacts;
- promote greater transparency, openness, and efficiency in the work of sanctions committees;
- develop guidelines to assist member states in the implementation of targeted financial sanctions;
- establish a website on the various sanctions regimes to provide greater documentation and implementation information to the public;
- develop a standard template requesting information from member states on the implementation of sanctions;
- work with relevant international, regional, and sub-regional organizations to facilitate the flow of information on the implementation of sanctions.

Design. The working group emphasized the importance of defining the objectives of UN policy, and establishing criteria that must be met for sanctions to be suspended or lifted. Among the group's specific recommendations were the following:

- specify clearly the conditions that must be fulfilled for sanctions to be lifted;
- consider actions to ease sanctions, short of suspension or lifting, in response to partial compliance by targeted entities;
- utilize standardized language developed in the Interlaken and Bonn-Berlin processes in drafting sanctions resolutions;
- prepare preassessment or early assessment reports;
- provide exemptions for specific items and designated institutions providing humanitarian assistance;
- prepare standardized and simplified applications for humanitarian and other exemptions.

Implementation. Monitoring and enforcement are essential to the effectiveness of sanctions. While these responsibilities rest primarily with member states, the United Nations can assist by investigating and identifying sanctions violations. The working group did not specifically mention the use of expert panels, referring instead to

“mechanisms,” but it clearly had such panels in mind when it emphasized the value of UN investigative efforts.

Among the specific recommendations of the working group were the following:

- appoint appropriate mechanisms for the investigation and identification of sanctions violations;
- give states alleged to be responsible for violations the opportunity to respond to allegations and to take corrective action;
- give sanctions committees explicit guidelines on actions to be taken when violations are identified;
- facilitate the provision of technical assistance to states;
- urge states with relevant expertise to offer technical, legal, and other forms of assistance to other states who request it;
- prepare periodic assessment reports on the implementation of sanctions, with recommendations for improving effectiveness and mitigating unintended impacts;
- include an analysis of third-party effects in assessment reports of sanctions impacts;
- consider appointing a special representative and fact-finding mission when sanctions cause severe effects on third-party states, to identify possible means of assistance.

We have examined all of the eighteen reports issued by various Security Council investigative panels. In the process we conducted a comparative analysis of their most important recommendations. The results of this comparative analysis are presented in our forthcoming book, *Sanctions and the Search for Security: Challenges to UN Action*. The methodology for our analysis consisted of grouping all the recommendations by theme, and identifying how many times and in which reports particular recommendations appeared. Our analysis examined only those recommendations that applied generally to sanctions implementation. We did not include suggestions that were relevant to only one case. Our purpose was to synthesize the many recommendations in the various reports into a coherent set of most frequently mentioned and widely supported proposals.

One of the primary recommendations of the investigative committees was that sanctions be imposed against those who violate sanctions. Countries, companies, and individuals proven to be violating sanctions should be held responsible for their actions. This concept is controversial among many UN member states. The sanctions imposed against Liberia for its violations of sanctions against the RUF in Sierra Leone may set a precedent, however, and could indicate a greater readiness by the council to consider such strategies in the future. Secondary pressures provide a way to encourage member states to take their enforcement obligations more seriously. Inducement policies and offers of support for compliance are the preferred means of encouraging compliance, but if persuasive methods are not effective, the imposition of secondary measures may be necessary. In most cases the secondary pressures need not be as sweeping as those applied to Liberia, which was the prime mover behind the RUF. Usually more

limited measures, such as diplomatic sanctions or travel restrictions on designated elites, would be sufficient to express the council's impatience with inadequate compliance and to warn of sterner measures if enforcement is not strengthened. This principle of applying pressures to encourage member state compliance is crucial to the potential effectiveness of UN sanctions. So too is the provision of support and technical assistance to facilitate cooperation.

Because many of the expert panels were commissioned to examine arms embargo violations, they produced particularly valuable proposals for strengthening the enforcement of these sanctions. The expert panels discovered that air transport is vital to the supply of arms to sanctioned rebel groups. A group of clearly identifiable arms brokers and transit companies, often registered in Liberia, have been responsible for most of the violations of UN arms embargoes in Africa. The expert panels recommended that all arms brokers and intermediaries, including transit companies, be subjected to registration and licensing requirements. They also called for mandatory procedures for the authentication and reconciliation of end-use certificates related to the delivery of arms and military equipment. Their sharpest recommendations aimed at shutting down the illegal air transport operations that sustain the armed rebel movements in Angola, Sierra Leone, and the Congo. They proposed UN-supported air traffic surveillance and interdiction in zones of conflict, and called for revoking the registration of aircraft and the licenses of pilots responsible for circumventing UN arms embargoes.

The investigative panels also focused on the diamond embargoes in Africa and produced a series of pointed recommendations for strengthening these measures. The most important, echoed by many member states and the diamond industry, was the proposal to create a standardized and credible system for certificates of origin for all diamond exports. Progress in creating such a certification system has been slow. The expert panels recommended additional steps to improve the transparency, accountability, and monitoring of diamond trading. They also examined options for other forms of commodity sanctions, recommending the establishment of criteria for "conflict timber" and a system for timber certification.

Not surprisingly, the fourth and most frequent recommendation from the expert panels was that the Security Council continue to commission independent investigative panels. In part this was a natural expression of the panel members' sense of their own worth. But it was also an acknowledgement of the importance of these panels in uncovering sanctions violations and recommending steps toward enhanced enforcement. The monitoring panels have had the additional benefit of engaging relevant countries in diplomatic dialogue that in a number of cases has led to improved compliance. Continuing and institutionalizing the use of investigative panels would strengthen the effectiveness of UN sanctions.

The agenda for reforming and refining UN sanctions is clear. The recommendations of the Security Council working group and expert panels provide a roadmap for improving the monitoring and enforcement of sanctions while minimizing unintended

consequences. The implementation and institutionalization of these recommendations will depend on the political will of UN member states, especially the Permanent Five.

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<sup>1</sup> An oil embargo on Yugoslavia was not specified in the Security Council resolutions imposing sanctions but was implicit in the general ban on exports and imports.

<sup>2</sup> The five stand-alone arms embargoes were Somalia, Rwanda, Yugoslavia (1998), Ethiopia/Eritrea, and Liberia. In 2001 the Security Council adopted SCR 1343 imposing diamond and travel sanctions on Liberia and reauthorizing the arms embargo originally established in 1992.

<sup>3</sup> Gary Clyde Hufbauer, Jeffrey J. Schott, and Kimberly Ann Elliott, *Economic Sanctions Reconsidered: History and Current Policy*, 2d ed. (Washington, D.C.: Institute for International Economics, 1990).

<sup>4</sup> See John Stremlau, *Sharpening International Sanctions: Toward a Stronger Role for the United Nations* (report to the Carnegie Commission for Preventing Deadly Conflict, New York, November 1996); see also David Cortright and George A. Lopez, eds., *Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World?* (Boulder, Colo.: Westview Press, 1995), 6–8.

<sup>5</sup> This strategy was suggested by Jeremy P. Carver, Clifford Chance, London, at a meeting of the Security Council working group on sanctions, UN headquarters, New York, 17–18 August 2000.

<sup>6</sup> See Margaret Doxey, “United Nations Economic Sanctions: Minimizing Adverse Effects on Nontarget States,” in David Cortright and George A. Lopez, eds., *Smart Sanctions: Targeting Economic Statecraft* (Lanham, Md.: Rowman and Littlefield, 2002).

<sup>7</sup> See for example Larry Minear et al., *Toward More Humane and Effective Sanctions Management: Enhancing the Capacity of the United Nations System* (occasional paper 31, Thomas J. Watson Institute for International Studies, Brown University, Providence, 1998). This report was based on a 1997 study of the same title commissioned by the Inter-agency Standing Committee of the UN Department of Humanitarian Affairs.

<sup>8</sup> United Nations, Department of Humanitarian Affairs, *Note from the Department of Humanitarian Affairs Concerning the Possible Humanitarian Impact of the International Flight Ban Decided in Security Council Resolution 1070 (1996)*, New York, 20 February 1997.

<sup>9</sup> United Nations, Office for the Coordination of Humanitarian Affairs, *Inter-agency Assessment Mission to Sierra Leone: Interim Report*, New York, 17 February 1998.

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<sup>10</sup> United Nations, Office for the Coordination of Humanitarian Affairs, *Vulnerability and Humanitarian Implications of UN Security Council Sanctions in Afghanistan*, Islamabad, December 2000.

<sup>11</sup> United Nations Security Council, *Report of the Secretary-General in Pursuance of Paragraph 13(a) of Resolution 1343 (2001) Concerning Liberia*, S/2001/939, New York, 5 October 2001.

<sup>12</sup> Minear et al., *Toward More Humane and Effective Sanctions Management*.

<sup>13</sup> The recommendations presented here are drawn from the unpublished “Chairman’s Proposed Outcome” working group on sanctions, New York, 14 February 2001, provided to the authors by staff of the UN Secretariat.