

The Security Council decision to adopt economic measures against Angola is in reaction to the continuous military actions of UNITA in Angola. These measures established an embargo on petroleum and arms directed to UNITA. The UNITA-Angola sanctions set a precedent to the extent that it is the first time that the target of UN sanctions is not a state or a country.

While it was possible to use the United Nations Act as a basis for implementing the sanctions in these cases, in the past, we have been faced with a number of international crises (e.g. Afghanistan, Falklands, Poland and South Africa) where the Security Council was unable to adopt mandatory sanctions and where Canada was left without proper legislative authority to take measures in concert with its allies. In order to remedy this lacuna, the Special Economic Measures Act (SEMA) was enacted in June 1992.

In response to the adoption in October 1991, of economic sanctions against the Haitian State by the Organization of American States (OAS), Canada used SEMA for the first time in June and July 1992 by adopting regulations and orders implementing these measures.

Subsequently, the Security Council adopted Resolution 841 (1993) of June 16, 1993 requesting all its member States to freeze the assets of the Haitian Government and establish a petroleum and arms embargo to Haiti. As the previous regulations and orders adopted under SEMA pursuant to the OAS Resolutions had a generally wider scope than the measures adopted by the UN, no further action was necessary by the Canadian Government to implement UN Resolution 841.

On August 27, 1993 the Security Council adopted Resolution 861 (1993) requesting the suspension of the sanctions imposed against Haiti pursuant to its Resolution 841. The previous day, on August 26, the OAS had also called for the suspension of sanctions against Haiti. As it was not legally possible merely to suspend the application of the regulations and orders made under SEMA, they were simply revoked on September 8, 1993. SEMA only provides for the adoption, revocation or amendment, but not the suspension, of regulations and orders.

With enhanced cooperation in Security Council, the previous obstacles in adopting sanctions under Chapter VII have been largely removed. One hopes that the situations calling for the imposition of UN sanctions will diminish over time.