

(e.g., the method of choosing members of the Animals Committee, the lack of rules of procedure, etc.). More work in this regard is required.⁵⁴

4. SANCTIONS: ON LIMITATIONS AND OPTIONS

Sanctions have long been part of the foreign policy environment. Questions related to their effectiveness and appropriateness are not well-understood (there is a surprisingly limited literature on the subject). For all players, especially small and medium-sized countries, the use of sanctions merits close attention because such mechanisms can be abused by major powers acting unilaterally for geo-political reasons or in response to domestic special interest groups (e.g., representing environmental, commercial, ethnic, human rights, or other concerns). Yet a dispute settlement system without provision for sanctions at the end of the road is widely perceived (probably correctly) as lacking credibility.

Ideally, a sanctions provision will do its job without ever being used - the deterrence effect will be sufficient. The sanction need not be unleashed. Nonetheless, the achievement of this happy scenario requires a credible sanction - one that could work to change the behaviour of another, recalcitrant country if ever used.

A recent Policy Staff Paper identified several preconditions that should be met when developing a credible sanctions mechanism.⁵⁵ First, unilateralism undermines the cooperative work that must lie at the heart of civilized international behaviour. Unilateralism reflects failure; a serious break-down in the system of international relations. Second, and flowing from the first precondition, we should work to develop a sanctions mechanism that attracts the broadest possible international support. Moreover, such broad consensus is likely necessary if countries are to perceive sanctions as potentially effective. Third, the burden of sanctions among countries taking such a measure should be equitably distributed. Fourth, the level of the sanction should be adapted to the nature and extent of the fault. Proportionality is important. Fifth, the impact of sanctions on the target country should be carefully evaluated. Will the sanction induce improved behaviour or simply encourage greater recalcitrance? This in turn will depend in part on the level of behaviour of the countries imposing the sanction (e.g., are signatories to an Agreement living up to its

⁵⁴ Resolution Conf. 8.9.

⁵⁵ Jean Prévost, Pour des sanctions efficaces et appropriées, Document du Groupe des Politiques, No. 93/4 (mars 1993), pp. 3-4, 49-54.