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**REPORT ON THE SEMINAR ON
UNITED NATIONS SECURITY COUNCIL SANCTIONS**

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REPORT ON THE SEMINAR ON UNITED NATIONS SECURITY COUNCIL SANCTIONS

Introduction

This paper summarizes the findings and recommendations of the seminar on United Nations Security Council sanctions, held in Ottawa on 17 July, 1998. The paper begins by outlining the observations of seminar participants about the underlying logic and effectiveness of UNSC sanctions. It also presents major critiques of the current practice of UNSC sanctions, and describes key trends which will bear upon efforts to address these faults.

The next section outlines the participants' vision of a Canadian approach to UNSC sanctions. This is followed by a series of general principles intended to guide Canadian policymakers as they consider the imposition of sanctions on a case-by-case basis. These principles address three issues: when to support the use of sanctions, what sort of sanctions (if any) to promote, and how to ensure that Canada's voice is heard on the Council.

The final section of the paper enumerates the key proposals for reform which emerged from the roundtable. These fall into four categories: reforming the administration of UNSC sanctions, addressing the humanitarian impact of sanctions, building international support for reform, and building support for reform within civil society.

1. UNSC sanctions in perspective: (il)logic and (in)effectiveness

Participants agreed that the past practice of UNSC sanctions can best be described as "amateurish" in that it has been determined by fundamentally politicized debate (largely among P-5 members) and by a desire on the part of states to "do something," rather than through a rational process which seeks an effective, politically viable, and humane strategy for dealing with threats to the peace. Furthermore, rather than being designed to bring about reform in the target state, sanctions have often been applied in a vindictive manner, intended to inflict the maximum amount of pain on the target without regard to the likely effectiveness and humanitarian implications of such a strategy.

The discussion also emphasized the key role played by public opinion in motivating states to "do something" in response to perceived atrocities abroad. In the sense that sanctions satisfy the demands of domestic audiences, they can be viewed in an important sense as "successful" regardless of their impact on target states. The prevailing "pain equals gain" mentality, combined with the force of public opinion, means that it is sometimes difficult to persuade states to adopt a more nuanced approach when imposing sanctions, or to dissuade them from using sanctions when other, less dramatic strategies might be more constructive.

The rationality of sanctions policy is also impaired by the Council's failure to tailor its actions to the type of regime which it is attempting to influence (e.g., sanctions which prove influential when employed against a fragile democracy may prove ineffective against a strong dictatorship.) This irrationality is compounded by political cleavages among Council members, which make it difficult to form a consensus around strong measures, or to arrive at a concerted strategy which employs sanctions as part of a broader diplomatic démarche.

Participants also observed several recent trends in the Council's attitude toward sanctions, trends which are germane to the issue of sanctions reform. First, even as instances of sanctions proliferate - as do the issues to which they are applied - there is an increasing sense of pessimism regarding their effectiveness. In addition, there is growing interest (at least at the rhetorical level) in making sanctions more humane. Accordingly, states have begun to view comprehensive economic sanctions with increasing distaste, while they have expressed enthusiasm for targeted sanctions.

In general, participants agreed that UNSC sanctions are highly problematic instruments of statecraft, and that they are unlikely to prove effective (in the sense of bringing about desirable policy change) very often. However, it was agreed that UNSC sanctions will nonetheless continue to be used frequently, and that they represent valuable means of bolstering international norms and deterring other (i.e., non-target) states from pursuing objectionable policies. Therefore, it is important that Canada use its influence in an effort to steer the discourse and practice of sanctions in more constructive directions.

2. Toward a Canadian approach to UNSC sanctions

Participants agreed that Canada's UN sanctions policy should give priority to three tasks: discouraging the use of sanctions wherever more constructive and humane alternatives exist, ensuring that the needs of innocent civilians in target states are given due consideration in the design and implementation of sanctions, and developing the capacity of the international community to design and administer strong, targeted sanctions where appropriate.

Participants also emphasized the idea that the most severe sanctions do not necessarily produce proportionate policy dividends. This lesson must be reinforced in the minds of Security Council members. Sanctions policy must be guided by the desire to identify measures that are both effective and humane, rather than those which seem intuitively 'strong' and politically palatable.

3. Considering sanctions: a case-by-case approach

Participants identified three 'baskets' of issues which Canadian policymakers must address when faced with decisions pertaining to UNSC sanctions: a) whether to support the use of sanctions, b) what sort of sanctions (if any) to promote, and c) how to ensure that Canada's voice is heard during Council debates concerning sanctions.

a) Whether or not to impose sanctions

The decision of whether or not to impose sanctions is a complex one, and will be influenced by a variety of factors pertaining to the character of the potential target, the objectives sought, and, crucially, the policies of other states.¹ Participants agreed, however, that this decision should be based on projections of effectiveness and humanitarian impact, and not on domestic political pressure.

Participants expressed enthusiasm for policies involving positive incentives (carrots) as complements or alternatives to sanctions, but they were pessimistic about the willingness of states to contribute to such initiatives, and wary of the implications of 'rewarding' objectionable behaviour. It was also noted that the constitution of the Security Council makes it ill-suited to the development of programmes of positive incentives and other initiatives aimed at pre-empting crises.

There was widespread agreement that the effectiveness of sanctions is often enhanced by an accompanying threat of force, as long as that threat is viewed as credible. Some participants suggested that, given the ineffectiveness and humanitarian consequences of long-term economic sanctions, the use of force is sometimes preferable to such measures.

b) Type of sanctions used

Participants stressed that senders must closely examine the structure of the target state, its economy, and its society, and design measures with a clear understanding of *who* they are intended to influence, and *how* the sanctions will cause these actors to feel pressure to change their policies.

It was also noted that travel bans, visa denials, and sporting and cultural sanctions have tremendous symbolic importance and psychological impact, and have been undervalued as means of influencing target elites.

Finally, participants supported the use of appropriate targeted sanctions against elites in most circumstances. However, they cautioned that targeted sanctions alone are unlikely to prove effective as coercive measures: they can often be evaded, and in most cases, are not painful enough to cause entrenched target elites to alter their behaviour. Targeted sanctions are most effective when combined with other measures, such as the threat of force.

c) Canada and the Security Council

In order to maximize Canada's influence over a given sanctions debate, participants agreed that four conditions must be met. First, Canada requires timely political and military intelligence and high-level connections to relevant parties. Second, in order to facilitate a swift response (thereby

¹ For a discussion of these factors, see Barry Burciul, "United Nations Sanctions: Policy Options for Canada," (DFAIT, 1998.)

increasing Canada's ability to influence the course of the Council's actions) there must be short, tight decision-making lines within the Canadian policy-making apparatus. Third, Canada must be able to gauge the mood of the international community, in order to promote a politically viable approach to the problem at hand. Finally, Canada is most likely to prove effective when it is viewed as a credible actor with regard to the issue under consideration.

4. An agenda for reform

a) Proposals for administrative reform

- Participants stressed that proposals for institutional reform are likely to meet with a lukewarm reception from UN members who are weary of such initiatives and loath to commit the funding required to make them work. The P-5, in particular, are unlikely to support initiatives which would impose codified limits on their influence over sanctions policy. Therefore, Canada should concentrate on process-oriented reforms which do not threaten the autonomy of the P-5.
- The Council should be reminded that its sanctions resolutions, while necessarily political in nature, must nevertheless be amenable to rapid and consistent implementation by member states. These resolutions must clearly specify the conditions for lifting, easing, and reimposing sanctions, as well as indicating who is responsible for carrying out various administration and enforcement duties.
- The UN must promote efforts to harmonize and rationalize national-level legal and administrative procedures for the implementation of sanctions. As a first step in this process, the UN secretariat must insist on detailed reports from member states regarding their existing sanctions procedures.
- Enforcement efforts would be greatly assisted by the presence of sanctions assistance missions (SAMs) in states adjacent to the target, and a sanctions communications centre (SAMCOMM) coordinating the overall effort. However, these missions require states to commit large amounts of material and human resources.
- When charging a regional organization with the task of implementing mandatory UN sanctions, the Council must ensure that the organization in question possesses the political will, the material resources, and the administrative competence to do so effectively.

b) Addressing the humanitarian impact of sanctions

- Council members must recognize that most forms of sanctions will cause humanitarian suffering, and that this suffering is very unlikely to be fully ameliorated by international relief efforts. Talk of the "unintended consequences" of sanctions is therefore somewhat disingenuous.

- In its deliberations concerning sanctions, the Security Council should give consideration to assessments of the likely humanitarian consequences of various strategies. Studies undertaken by OCHA (formerly UN-DHA) must be supplemented by more holistic, long-term analyses by economists, political scientists, and area experts. The main problem plaguing the practice of assessment is not a lack of information; it is a lack of the political will required to set the process in motion. Canada should use its seat on the Security Council to ensure that the Council receives such assessments as a matter of course, both prior to and during the imposition of sanctions.
- Canada should support discussions aimed at developing the idea of 'humanitarian limits' which would guide the Council in its deliberations regarding sanctions. Such an exercise would move beyond existing, general statements of intent by seeking consensus answers to questions such as: When does a humanitarian emergency exist? How should sanctions be modified to reflect the changing situation on the ground? Under a sanctions regime, who bears the responsibility for ameliorating the suffering of innocent civilians?
- Security Council resolutions must outline clear guidelines governing humanitarian exemptions to sanctions. The exemptions process would also benefit from the creation of a generic, item-based list of exemptions, the consistent application of these standards, transparent procedures involving open deliberations and the widespread dissemination of documents among the members of sanctions committees, decentralization of the authority to approve exemptions, and enhanced communication and coordination between the UN secretariat and member states.

c) Approaches to reform: the interstate level

- Participants enthusiastically supported the idea of a 'sanctions forum': a group of concerned states and non-state actors which would explore options for sanctions reform and work to build support for these reforms. Such an initiative, it was held, meshes well with Canada's stated intent to build a Council that is more accountable and sensitive to the views of non-permanent members.
- It was also agreed that Canada should determine how other non-permanent members of the Council view various proposals for sanctions reform.
- Participants expressed the view that there would be little room for substantive progress on some of the more institutional aspects of sanctions reform while the sanctions against Iraq are still in place. Nonetheless, they agreed that it would be fruitful to undertake discussions of reform while this controversial issue still occupies the global agenda. Furthermore, many of the initiatives presented above may be carried out by Canada on a case-by-case basis. It was agreed that Canada should lead by example, and by demonstrating consistency in its approach to sanctions across cases.

d) Approaches to reform: engaging civil society

- Bearing in mind the key role of public opinion in determining the sanctions policies of states, participants argued that sanctions reform will likely prove ineffective unless it seeks to reconstruct the manner in which domestic audiences view sanctions. Simply put, as long as the electorate views draconian economic sanctions as the only "real" means of exerting influence over uncooperative states, their governments will be unlikely to pursue more nuanced, constructive sanctions policies. Similarly, the public is unlikely to call for sanctions reform unless it is well-informed concerning the ineffectiveness and the negative humanitarian consequences of sanctions as currently practiced. Therefore, much of the work of reforming UN sanctions must be carried out through a public education campaign. In implementing such a campaign, governments would do well to work with humanitarian organizations and other elements of global and domestic civil society.
- On a case-by-case basis, sanctions are more likely to work to the extent that they mobilize global public opinion against the target regime. Therefore, the task of educating the public about sanctions is not a "one-time" proposition. Governments must view the public as an important asset in the quest to alter the policies of states which threaten global peace and human security.

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