

*The Humanitarian Policy Group and the Relief and Rehabilitation Network at the
Overseas Development Institute, London.*



Can Sanctions be Smarter?

The Current Debate

*Report of a conference held in London,
16–17 December 1998.*

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Humanitarian Policy Group (HPG)

HPG's objective is to improve policy and practice in the response to conflict, instability and associated humanitarian needs.

HPG has grown rapidly in recent years, in size, influence and repute. The group now comprises 6 full-time research staff and 6 support staff, and has a growing network of research associates. In 1994, HPG launched the Relief and Rehabilitation Network (see below), which is recognised as a serious contributor to the debate on humanitarian issues from a practical stand-point. The influence of the Active Learning Network on Accountability and Performance, established in 1997, is growing, and now has a permanent membership of approximately 50 policy-makers. HPG continues to provide independent rigorous analysis to inform the policies and practice of donor governments and non governmental organisations. HPG has a strong track record in evaluation work. In a recent peer review, the HPG-led Study III of the multi-donor evaluation of the international response to the Rwanda crisis was hailed as 'a seminal watershed' and the 'single most influential piece of work this decade'. The findings of the peer review highlighted the high quality and independent nature of HPG's analytical work, which remains strongly rooted in field-based experience. The group enjoys high credibility with policy-makers, particularly because of its proven ability to link practice and academic analysis.

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The RRN was launched in 1994 as a unique mechanism for the professional exchange of information regarding complex political emergencies. The RRN seeks to promote good practice and to contribute to individual and institutional learning within the humanitarian community by providing access to information relevant to both field-based and HQ personnel. The RRN's publications are currently read by over 2,500 individuals based in more than 80 countries, who represent over 500 different organisations.

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Background

This document is an analytical summary of the proceedings from the conference entitled *Can Sanctions be Smarter*, sponsored by the UK's Department for International Development. Organised by the Humanitarian Policy Group and the Relief and Rehabilitation Network, the conference was held in London on 16–17 December 1998. The second part of the report contains an annotated bibliography of selected readings.

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Executive Summary

The Seminar:

Key questions, general conclusions.

Trade embargoes have been popular instruments of coercive diplomacy in the 1990s, for the USA, the UN and regional groupings of states. It is now recognised that comprehensive trade embargoes have significant undesirable side-effects, most notably the humanitarian suffering of the population of the targeted state. At the same time the experience and the analysis indicate that sanctions by themselves, without further resort to force, cause 'civilian pain' but do not appear very effective in influencing especially authoritarian regimes. The search is therefore on for 'smarter' sanctions. 'Smarter' sanctions are understood to be better targeted and/or more humane sanctions. It is not yet clear whether they can also be more effective.

The two currently most explored avenues in that regard are humanitarian exemptions and financial sanctions. This seminar asked two key questions:

- Can humanitarian assistance provide an effective safety net to compensate for the social and economic

dislocation caused or aggravated by prolonged trade embargoes?

- Financial sanctions are said to increase the effectiveness of trade sanctions. Will financial sanctions be a complement to comprehensive trade sanctions, or can they be an effective alternative?

The seminar concluded that even a generous humanitarian assistance programme cannot provide an adequate safety net to offset the economic and social dislocations that certainly prolonged comprehensive trade sanctions cause. As for financial sanctions: where trade sanctions are imposed financial sanctions should be added. Whether financial sanctions can be an alternative to comprehensive trade sanctions cannot be answered at this stage. Expert work is still underway to create more of the conditions that are required to make financial sanctions more effective.

The conclusion was that sanctions remain a necessary foreign policy instrument between diplomacy and force.

The overall recommendations to politicians and policy-makers therefore are to:

- *make sanctions more humane. Humane sanctions are the result of principled sanctions policies that in their design and implementation respect the same international norms that sanction-senders want the target regime to uphold. If trade embargoes are imposed, a wider array and larger amount of humanitarian exemptions will be required. Yet if impact monitoring shows that these can no longer mitigate the cumulative effects of the sanctions, the sanctions policy will have to be revised;*
- *make sanctions more targeted. More targeted sanctions derive from a better analysis of the vulnerabilities of the target regime. Psychological and financial sanctions are among the tools;*
- *make arms embargoes more effective, through better design and better enforcement;*
- *mobilise the capacity and shoulder the costs necessary to make sanctions management, enforcement and impact-monitoring effective;*
- *maintain an active, flexible and creative political dialogue and engagement with the target regime, and do not allow sanctions to become a substitute for other political initiatives;*
- *make sanctions policy more accountable, including through independent review.*

The recommendations to the experts therefore are:

- *collaborate more to develop practical alternatives for policy -makers that make sanctions more humane, better targeted and more effective;*
- *draw also on other research and expertise that is relevant for sanctions research, for example broader research on incentives and disincentives and on aid conditionality;*
- *further develop methodologies for sanctions impact assessment and monitoring, and practical guidelines for impact mitigation through policy adaptation by target government institutions, better humanitarian exemptions and/or better sanctions policy design.*

1. Financial Sanctions

What do we understand by ‘financial sanctions’? The seminar focussed on the freezing of foreign assets of a targeted country, government or individuals. It did not consider the suspension of loans and grants-in-aid from public financial institutions, nor the denial or restriction of access to overseas financial markets for targeted governments. There appeared to be two lines of thought about the feasibility of freezing the assets of individuals. The unique US Office of Foreign Assets Control (OFDAC) does target what it calls ‘Specially Designated Nationals’, who are core members of a target group, and others held to be working on their behalf as front-men, intermediaries etc. Other financial experts expressed doubts about this as a general approach, given the difficulties of correctly identifying the right individual and the fact that accounts can be and are held in other names. The research required to obtain precise information also gives fore-warning to those who might be targeted, who then may move their assets elsewhere. An alternative strategy therefore would be to freeze the foreign assets of a government and perhaps all nationals of the target country, and unblock the assets of those who can demonstrate that they are not actively supporting the target regime.

If financial sanctions could be an alternative to trade embargoes, they offer many advantages. They minimise the short-term humanitarian and the long-term social costs for the population of the targeted country. That makes it easier for the sanctioning authorities to maintain moral credibility. They also make it more difficult for the targeted regime to mobilise nationalist sentiment and rally domestic support, and to profit from the sanctions through the control of the black market and the manipulation of humanitarian assistance.

Trade sanctions should not be imposed without financial sanctions. But can financial sanctions be an effective alternative to trade sanctions? The seminar did not provide an answer to this question. This might also have been premature. There will be circumstances in which targeted financial sanctions are not an option: when there are no substantial, identifiable, external assets subject to blocking, or when there is not enough political will among the key states that hold assets to freeze them. Otherwise more technical work is still ongoing to create the conditions under which financial sanctions can be more effective. For the necessary concerted action to be possible, there needs to be common agreement about what is understood to be an ‘asset’ and what ‘freezing’ entails, as well as to what or whom the financial sanctions apply or not? Once precise information is available, financial flows can be cut as the necessary software is available. But some change will be required in what is traditionally a culture of ‘discreteness’ in the banking world, to develop and share the information base. Freezing assets is often a breach of contract, so there has to be a legal framework that authorises such actions. Much current work is devoted to developing ‘building blocks’ for the wording of Security Council resolutions, and a generic ‘model law’ that national governments can use to ‘translate’ multilateral resolutions into national legislation. Finally, financial sanctions just as trade embargoes, for their effective enforcement require a professional and well-resourced administration. There is currently no capacity in the UN Secretariat and probably variable but often limited capacity in many member states. This in itself can be an obstacle to rendering financial sanctions effective.

This seminar generated one recommendation: *that trade sanctions should not be imposed without financial sanctions. Other specific recommendations are coming from the expert seminars at Interlaken. This seminar indicated that further consideration needs to be given to the practicalities of obtaining very specific and detailed information about assets and asset owners to be targeted.*

2. Humanitarian impacts and the humanitarian argument.

The humanitarian impact of comprehensive trade embargoes is still underestimated. Trade embargoes do not only deprive a population of essential food and medicines. Clearly, civil war or political repression will cause significant social and economic dislocation, but trade sanctions only aggravate this. The transformation of a legal economy into a black market economy, and the social costs that sanctions can cause, are not simply reversible when sanctions are lifted. There are also indications that trade embargoes, sometimes imposed to pressure for a return to democratic politics, can undermine domestic opposition to the target regime and the longer-term foundations for a more democratic culture.

The advocacy against sanctions on humanitarian grounds is not always convincing. Target governments who want the sanctions lifted will be tempted to exaggerate their impact. But also humanitarian agencies, wanting to protect their beneficiaries and operations, and not so concerned about the political objectives of the sanctions, are susceptible to making exaggerated claims. Unconvincing advocacy will have no influence on the policies of the sanctions authorities. For the argument to be credible, the integrity of the source needs to be established, and the linkage between the condition of the population in the target country and the sanctions clearly demonstrated.

There tend to be relevant macro-level baseline data which can be referred to. Where micro-level data are absent or not reliable, reference can be made to standards expressed in various international conventions and laws. The seminar underlined the importance of stepping-up the monitoring capacity in sanction-affected countries, and some line ministries in certain cases have indeed done so. The information-gathering capacity and integrity in key line ministries needs to be assessed and possibly supported. At the same time humanitarian agencies need to step up their information-gathering capacity. The case studies presented at the seminar highlighted the relevance of household livelihood surveys and surveys for geographical and socio-economic vulnerability mapping. The need for methodological standardisation was recognised, to make survey results comparable. So too the need for specialist input for the critical analysis of the factors that contribute to a particular socio-economic situation. The analysis for advocacy is more demanding and in-depth than the analysis of need for operational purposes.

A long-standing issue is the discussion over what are 'humanitarian goods'? Examples were presented of inconsistent policies such as allowing vaccines but not cold chain equipment. The case studies also drew attention to the fact that maintaining health is not simply a matter of allowing certain medicines, but also of maintaining the general water and sanitation infrastructure, and electricity for health facilities. In recent years three approaches have been put forward to streamline a policy on exemptions: a generic list of intrinsically 'humanitarian' goods, country-specific exemptions derived from the situational assessment, and institution-specific exemptions. A fourth approach that is being proposed is that of 'end-use' certification. Intensified monitoring of the end-use of exempted goods however also carries an extra cost. Importantly, it was pointed out that the increased availability of essential goods due to exemptions does not mean that people have physical and/or economic access to them. The effectiveness of exemptions therefore should also be measured in terms of access, not only availability. Humanitarian assistance should not limit itself to supply imports but also provide distribution support. The need for situation-specific design of exemptions policies was highlighted in the case of N. Iraq where the flour imports under the oil-for-food programme are actually depressing local wheat production and reversing agricultural recovery.

The case studies revealed that there is not always strong political will to facilitate exemptions. Sanctions are imposed first of all for political reasons and the sanctioning authorities and a national opposition, certainly when in exile, have been tempted to use humanitarian exemptions as an element in the political tactics. Where a trade embargo is part of a war strategy, the military may oppose humanitarian exemptions. Even where exemptions are formally granted, unofficial 'administrative obstacles' can prevent or delay importation into the targeted country.

There is a tendency to assume that children are the most vulnerable group to the impact of sanctions. The evidence indicates that the mortality rate of children between 1 and 5 may indeed increase, but that of infants under 1 decrease as more care is devoted to them. Pregnant and lactating women are also a vulnerable group, certainly where sanctions diminish the availability of or access to health services. So are refugees and

internally displaced people. But the seminar showed a need for more specific vulnerability analysis. Industrial workers and civil servants are often harder hit by economic recession than rural populations. Casual urban or rural labourers may be more vulnerable than landholding farmers. Fishing communities can be affected by a naval blockade that includes a ban on fishing. The chronically ill and the elderly may need specialised medicine and medical equipment. Attention was drawn to remittances, often an important coping mechanism for poorer families, and how certain sanctions regimes put a ceiling on the amount that can be remitted from abroad. On the other hand, sanctions also produce winners: sections of the trade and transport sector tend to benefit from involvement in smuggling and black market activities, as do those living in border areas where smuggling is concentrated. Vulnerability should be identified and not only assumed, and exemptions targeted at the various vulnerable groups.

There was general consensus at the seminar that humanitarian exemptions could not provide an adequate safety net against the social and economic dislocation that prolonged trade embargoes cause. Such embargoes have an impact at macro-level. Humanitarian exemptions only mitigate the situation at micro-level and, even when generous, do not constitute a resource flow that can compensate for dramatic overall economic recession. But the seminar also drew attention to the fact that governments targeted by sanctions themselves can and should adapt their sectoral policies to mitigate the impact on vulnerable groups. Stepping up the information gathering effort has already been mentioned. Other policies can be adopted to stimulate national food production, to focus on preventative rather than curative health, and to allocate the limited health resources to the most vulnerable groups. More expertise from economists, and experts on public health and social welfare policy, could be brought to bear here.

The recommendations:

- *Under trade sanctions the information systems capacity of government and humanitarian agencies should not only be maintained but strengthened. The relevant data do not only concern food security and health, but also micro-level social and economic conditions and macro-level economic developments.*
- *Research is needed to develop the practical methodologies for impact assessment and monitoring, prior to, during and after sanctions.*
- *The impact of sanctions on civil society and on the institutions of governance needs to be looked into.*
- *Best practice in survey methodologies needs to be identified, and methodologies standardised to make results comparable.*
- *The humanitarian argument should be supported by careful analysis and linkage and avoid generalising claims.*
- *Aid agencies, perhaps collaboratively, should deploy specialist expertise to support the analysis.*
- *Vulnerability needs to be identified, not simply presupposed.*
- *Humanitarian exemptions policy should be based on impact monitoring and vulnerability mapping. It should focus not only on availability but also on access and targeting. It should measure itself not in terms of inputs but in terms of outcomes, ie. maintaining minimum standards of living and essential services.*
- *Policy guidance is required to improve the design of humanitarian exemptions by the sanctioning authorities, but also for appropriate policy adaptation by the government institutions in the targeted state.*
- *Humanitarian considerations cannot be subordinated to political or military considerations. The right to humanitarian assistance needs to be respected.*
- *Humanitarian exemptions should not simply strive to provide essential goods but to maintain essential services and minimum living standards.*

3. Costs and capacities

Sanctions may cost less than waging war, but effectively managed sanctions do not come cheap. Sanctions incur economic costs for the target country but also for its trading partners. Prolonged trade sanctions cause social costs which are hard to measure but also hard to reverse. Furthermore, if sanctions authorities want sanctions to be effective, there are significant management and enforcement costs. The costs to the sanctioning states involve the cost of legal innovation and/or reform, the cost of ongoing detailed information gathering for targeting and impact monitoring, the cost of enforcement, and the cost of providing humanitarian aid. High administrative or transaction costs may also be incurred in planning and

implementation monitoring, reporting, coalition- and consensus-building etc. This requires enough, competent and dedicated human resources which sanctioning authorities often have been reluctant to fund. In some cases the frozen assets of the target country can be used to offset some of the costs. In other cases the sanctioning authorities will have to shoulder them. ‘Cheap sanctions’ are unlikely to be ‘effective’ sanctions. Capacity constraints exist within the UN Secretariat, within UN Sanctions Committees, with regional groupings of states that impose sanctions, and with humanitarian agencies operating in sanction-affected countries.

The recommendations:

- *Regional groupings of states imposing sanctions need to rapidly develop the capacity and expertise for policy-review and sanctions-management.*
- *Create a regional sanctions advisory capacity within the UN Secretariat;*
- *Allow humanitarian and other experts to work with the Sanctions Committees to increase their technical capacity.*
- *Fund the necessary extra monitoring and management capacity for humanitarian agencies providing assistance in countries subjected to trade sanctions.*

The consideration:

- *Should sanctions be imposed where the funds are not and will not be made available to make their management and enforcement effective?*

4. Human rights and the human rights arguments.

The widespread humanitarian suffering that comprehensive trade embargoes in particular can cause raises the question whether sanctions authorities, and notably the Security Council, can violate social and economic rights in the pursuit of international peace and security and/or civil and political rights. It was recognised that targeted regimes retain the primary responsibility for the continuation or not of the sanctions and for the well-being of their populations. This however does not absolve the sanctions authorities from the responsibility not to add to the violation of the rights of the population in the target country.

Sanctions should be principled. If sanctions are meant to be an alternative to war, then surely they must minimally respect basic principles of international

humanitarian law, such as 'proportionality' in the damage inflicted, and 'distinction' between civilian and military targets. There are also other international conventions and legal instruments that sanctioning authorities cannot simply ignore.

Sanctioning authorities must be accountable, and minimally demonstrate that they undertake every possible effort to avoid violating basic rights of a general population with their sanctions. That also applies to non-UN sanctioning authorities, such as regional groupings. The International Court of Justice was mentioned as a possible independent mechanism for reviewing whether sanction policies are respecting international standards or not.

The recommendations:

- *Sanctions policies should respect the principles of international humanitarian law. Their humanitarian impacts need to be actively monitored and mitigated, if necessary through a review of the sanctions policy.*
- *The UN should not delegate the responsibility for sanctions to regional groupings, or endorse their sanctions policy, without demanding similar standards and respect for international norms.*
- *Sanctioning authorities should be accountable, including to an independent, external review panel.*
- *Human rights organisations specialising in civil and political rights or in social and economic rights should clarify their position on sanctions in the light of the total spectrum of rights.*

5. Sanctions as foreign policy tool.

The available evidence indicates a low success rate for sanctions in achieving changes in the policies and behaviour of the targets, certainly if the target is an autocratic regime. There are indications that significant suffering of the population even strengthens the regime. The evidence also makes it clear that sanctions have

not been a very effective alternative to the use of force. Yet there will be future use of sanctions. They are a foreign policy tool inscribed in the UN Charter, and international politics still requires an instrument between diplomacy and the use of force.

The recommendations:

- *Exercise more restraint in the use of sanctions, and especially adopt a less liberal interpretation of what constitutes a threat to international peace and security, that warrants mandatory UN sanctions under Chapter VII.*
- *Take note of the limited effectiveness of sanctions against autocratic regimes.*
- *Concentrate efforts on preventing an arms build-up and on making arms embargoes more effective.*
- *Do not assume that trade or financial sanctions can always be an effective alternative to the use of force, if the objective is to make a target regime change policy.*
- *Mobilise expertise to provide policy makers with practical proposals for 'smarter' sanctions.*

6. Influencing the sanctions authorities

There was debate about how to engage with sanctioning authorities. One line of argument stressed that in recent years the Security Council and the UN Sanctions Committees have become far more receptive to the humanitarian argument. The Security Council has requested the UN Secretariat, through OCHA, to carry out sanctions impact assessments.

Another line of argument held that sanctions are first and foremost a political tool so that their management is driven by political motives. A willingness to listen to the humanitarian argument does not necessarily lead to a change in policy. Ultimately the experts can only have an 'advisory' function. There may be a need then for more critical public campaigning to obtain reform of sanctions policies.

The recommendations:

- *Criticisms of sanctions policies should be accompanied with practical and constructive proposals to improve them.*
- *Develop the expertise and capacities in regional groupings of states that impose or want to impose sanctions.*

7. The political management of sanctions.

Some participants stressed that the UN Security Council needs to show not only humanity but also consistency in its use of sanctions to maintain its political credibility. The individual policies of prominent Member States should also not be allowed to influence multilateral sanctions or their exemptions policies.

Once in place sanctions need to be managed as part of a flexible and responsive political strategy. Sanctions tend to lead to the political isolation of the targeted

regime. But they should not stop attempts to maintain the political dialogue. Otherwise posturing and considerations of face-saving become more important for the sanctioning authorities and for the targeted regime than the substantive issues that led to the sanctions. If a political dialogue is not maintained and no flexibility shown in the sanctions policy, it becomes easier for the targeted regime to accuse the sanctioning authorities of pursuing other 'hidden' political agendas.

The recommendations:

- *Avoid multi-lateral sanctions losing credibility from becoming too influenced by individual participating states.*
- *Have clear objectives for the sanctions, or monitoring of compliance becomes difficult.*
- *Do not allow the international political isolation to bring an end to all political dialogue.*
- *Consider incentives to reward progress towards compliance.*
- *Sanctions should not become a substitute for active, flexible and creative political engagement with the target regime.*
- *Understand and monitor the strengths and weaknesses of the target, and the impact of sanctions on them. Understand also the strengths and weaknesses of the political opposition and of civil resistance to the regime, and monitor the impact of sanctions on the balance of force between regime and domestic opposition.*
- *Provide national oppositions against coup leaders or an autocratic regime with a precise understanding of the range of sanction instruments and their potential impact. Some have tended to call for comprehensive and tight sanctions without necessarily being well informed about their relative effectiveness and potential impact .*
- *Monitor the evolution of support for sanctions within the national political opposition to the target regime and among the population in the target country. There may be differences of view between the opposition-in-country and the opposition-in-exile, and popular support for sanctions may erode if the population suffers too much.*

The Seminar

Its questions, its programme and its rationale

1. Purpose and Key Questions

The London seminar had three major purposes:

The exchange of information

The London seminar proved informative in that it brought together people dealing with sanctions from various perspectives. There were representatives from the political departments of some governments and of the United Nations, from some governmental aid administrations, from UN and NGO humanitarian circles, from human rights groups as well as researchers and financial experts. An attempt was made to also include some people coming from sanction-affected countries. One Haitian and one Burundian contributed as speakers while one Angolan national had to cancel her participation because of the renewed outbreak of war in that country.

The mixed composition of the speakers and participants proved important. Many humanitarian agencies, notably NGOs, have criticised comprehensive trade sanctions because of their humanitarian impact. Targeted financial sanctions have often been recommended as alternative to comprehensive trade sanctions. The seminar offered an opportunity to get up-to-date with the current state of affairs regarding financial sanctions. Financial experts who attended the seminar increased their understanding of the humanitarian impacts of sanctions. The seminar also provided an opportunity for the Office of the Coordinator for Humanitarian Affairs (OCHA), which has been playing a lead role in informing the Security Council about the impact of sanctions, and humanitarian NGOs with experience of working in sanctions-affected countries, to learn more about each other's approaches. Finally, those coming from the human rights angle continued to remind everyone that sanction regimes themselves need to respect basic principles as enshrined in various international conventions and laws.

A critical discussion of the avenues that are currently being explored

The seminar focussed on multilateral sanctions, by the UN Security Council or regional groupings of states, but occasional reference was made to a case of an internal trade embargo (Sri Lanka) and of bilateral sanctions (Cuba).

There is widespread consensus that comprehensive trade sanctions have many undesirable 'side-effects', and that sanctions therefore need to be made more humane and more effective. The two currently most explored avenues to make sanctions more 'humane' are humanitarian exemptions and targeted financial sanctions. The London seminar asked two key questions:

- Can humanitarian assistance, even with swifter and more streamlined procedures, provide an effective safety net, to compensate for the social and economic dislocation caused or aggravated by prolonged trade embargoes?
- Financial sanctions are said to increase the effectiveness of sanctions. But can financial sanctions be an effective alternative to trade embargoes, or will they be a complement to trade embargoes?

To contribute to better policy and practice.

The seminar wanted to be more than an 'archeological exercise', restating well known analyses and arguments. The discussions had to be forward looking, focusing on the question how sanctions policy and practice can be improved, and who can and needs to take things forward?

2. The Seminar Programme.

A detailed overview of the programme can be found in Annex 1. The two day seminar started out with a brief review of sanctions as foreign policy tool. The rest of day one and the first part of day two were devoted to the humanitarian impacts of sanctions. Case studies were presented to illustrate the realities of a country affected by sanctions. The question whether

humanitarian assistance can provide an adequate safety net was discussed, as well as the state of the art with regard to methodologies for monitoring the humanitarian impact of sanctions. A third block in the programme considered sanctions from a human rights perspective. The afternoon of day two was devoted to the potential and limits of financial sanctions.

3. The Critical Scrutiny of Sanctions Policy.

There are a number of reasons why sanctions policy has come under critical scrutiny:

3.1. Not such an effective political tool?

Sanctions in the 1990s have become an increasingly popular foreign policy tool, in the United States of America, in the United Nations but also for regional groupings. Examples of the latter are sanctions imposed by neighbouring African countries, in 1996 against Burundi and in 1997 against Sierra Leone. The stated purpose of sanctions is to put pressure on deviant regimes or rebel groups to behave in ways that respect international norms. One factor in explaining the ‘popularity’ of sanctions is that they are seen, or portrayed as, an effective alternative to the use of force. Yet at the same time, the available research casts doubt on the effectiveness of sanctions in achieving their stated objectives. The ‘theory’ underlying comprehensive sanctions is that collectively felt ‘pain’ in the target country, will lead its regime to change its policies and behaviour, either under the direct influence of the external pressure or indirectly under the pressure from its dissatisfied population. The evidence from real life cases however does not bear out the validity of this implicit theory of political motivation. On the contrary, there is growing evidence that sanctions are least likely to work against those who normally provoke them i.e. authoritarian regimes. Certainly comprehensive trade sanctions can cause or aggravate large scale suffering among the population of the target country. Comprehensive trade sanctions therefore are no longer considered such a ‘non-violent’ alternative to force.

3.2. Too many negative side-effects?

There is growing recognition that comprehensive trade sanctions have many negative side effects. The targeted state may be a trading partner of the sender-countries

who therefore find their own commercial interests hurt by the sanctions they themselves have imposed. Sanctions also negatively affect the economies of other close trading partners of the target state, often but not only neighbouring countries. And sanctions can have very widespread humanitarian impacts on the general population of the target state.

3.3. Are there smarter sanctions?

There is therefore a search for sanctions that would reduce the negative impacts, most notably on the civilian population, and maximise the pressure on the target regime and its supporters. The most common designation used in this regard is that of ‘smart sanctions’, although this concept contains various connotations that are not necessarily compatible. One connotation of a ‘smart sanction’ is that it is a ‘targeted sanction’, i.e. it hurts the target elite but not the general population. Such targeted sanctions therefore are ‘more humane’. Another connotation of a ‘smart sanction’ is that it is ‘sharp’, i.e. that it hurts harder and presumably therefore will be more effective. What remains unclear is whether one can find sanctions that are both ‘targeted’ and ‘sharp’?

The two most explored avenues to reduce or avoid the ‘bluntness’ of comprehensive trade sanctions, such as were imposed eg. against Iraq, Haiti, Burundi or Sierra Leone, are humanitarian exemptions and financial sanctions. Only more recently is there renewed interest in the potential of sanctions that hurt psychologically more than economically. These include the exclusion of a country from participation in international cultural and sports events, and a ban on visa and international travel for target regime members and their families. The question of how to make arms embargoes more effective is also beginning to receive more attention.

4. Growing Momentum in the Critical Review of Sanctions Policy.

International research institutes and think-tanks have been producing a growing body of research on sanctions. The best publicised among these are located in the USA and include among others, the Institute for International Economics, the Fourth Freedom Forum, the Global Policy Forum, the Carnegie Commission for the Prevention of Deadly Conflict and the Humanitarianism and War project at Brown University. This concentration in the USA is perhaps not surprising given the proliferation of the use of bilateral sanctions in US foreign policy, and the presence of the UN Security Council in New York. Apart from the publications resulting from this, debate and reflection are also taking place through seminars. In November 1997 for example, the University of Tilburg in the

Netherlands organised a conference on the Effectiveness and Effects of UN sanctions. In March 1998 the Swiss Government hosted a first and groundbreaking expert seminar on financial sanctions. In June 1998, the Secretary General of the UN convened a group of experts to study the question of assistance to close trading parties of the target state. On 7 December 1998 a number of NGOs organised a one-day seminar in New York on smarter sanctions. The Swiss Government is hosting a second experts seminar on financial sanctions in March 1999. Several of the papers presented at these seminars are summarised in the Summary of Selected Reading. A number of the experts that contributed to these other seminars were also present in London.

An Analytical Summary of the Seminar Proceedings

1. TARGETED FINANCIAL SANCTIONS.

1.1. *Potential Advantages of Financial Sanctions.*

There are many advantages perceived in or hoped for from financial sanctions:

- By hurting the regime more than the general population they are morally more acceptable;
- They avoid the humanitarian costs of comprehensive trade embargoes;
- They therefore make the UN less vulnerable to the accusation that its policies violate human rights and subvert its own humanitarian obligations;
- They therefore also make it more difficult for the target regime to rally domestic and foreign support against the sanctions; those hurt are those with international money which is a minority of the population;
- They minimise the costs to the close trading partners of the target state;
- They deny the target regimes the black market that enables the elite to profit from sanctions;
- They deny the target regime the opportunity to extend its control over the population by taking control of humanitarian aid;
- They have fewer long term social costs and do less damage to the institutions of the targeted country.

1.2. *What do we Understand by ‘Financial Sanctions’?*

The concept of financial sanctions itself encompasses different types of sanctions:

- The freezing of foreign assets of a targeted country, government or individuals;
- The suspension of credit and grant aid from national governments and international financial institutions including regional banks;
- The denial or limitation of access to overseas financial markets.

Although the denial, or threat of denial, of public international credit and grant aid played a role in the sanctions against eg. South Africa and more recently against Burundi and eg. Pakistan following its nuclear test, most current efforts are directed at exploring the possibility of freezing assets.

1.3. *Targeting Assets of a State or Assets of Individuals?*

There appeared to be different opinions over the feasibility of targeting individuals with financial sanctions. The strategy of targeting individuals seems to be most actively pursued in the USA, with the so-called Specially Designated Nationals (SDN) approach. Not only the key members of a target group may thus be identified, but also a number of others who are held to be controlled by, or working with or for the target, including middle-men, front actors and seemingly unconnected third parties. This broad ‘coverage’ is designed to foreclose avenues of evasion by sanctions targets. Persons under US jurisdiction are prohibited from engaging in any transaction involving assets in which a SDN has an interest. Experts from other countries expressed scepticism about the general feasibility of this approach. First of all, people like Saddam Hussein or president Milosevic would never hold assets in their own name. Secondly, all sorts of simple but real problems will arise: Different spellings of a foreign name, or distinguishing the right individual from among several others with a similar name in the absence of more precise detail, may render the approach impractical. The alternative then may be to freeze only the foreign assets of the target state or also those of all the nationals of that state. Under the latter scenario, individual assets can be unfrozen as individuals, such as students studying abroad, demonstrate that they are not members or active supporters of the target regime.

The UN so far has never mandated sanctions against individuals, only against states.

1.4. *Financial Sanctions, Speed and Forewarning.*

Financial sanctions that pertain to access to public or private international capital are not hampered by the target being given forewarning. But forewarning can diminish the effectiveness of financial sanctions that intend to freeze assets, because the target has a chance to withdraw or get rid of the assets at risk, or hide them behind cover names and front entities.

It is questionable whether the freezing of assets can be done without forewarning. Potential targets worldwide are already becoming sensitive because of the interest

in financial sanctions and the precedents of recent years. Any information gathering about the assets of a potential target is likely to give warning, and might also generate a diplomatic protest. The wish to see the Security Council operate in a measured and transparent way implies that its preliminary debate will give forewarning. The more difficult the debate, the more time the target has to reduce its vulnerability. Reportedly a resolution against Libya took almost two years to agree. By then most Libyan funds were gone.

On the other hand, speed is an important aspect of political response. Several participants stressed that the Security Council, in order to be politically effective, will often want to respond very quickly. The sanctions against Iraq for example were imposed in four days. The political response therefore cannot always await the results of detailed research into the foreign held assets of a target.

The question of the scope for evasive action after forewarning appears still open. If globally enforcement would become more consistent then the problem of speed becomes less crucial because money would have no place to go. There is also a view that big money sooner or later has to pass through the relatively few global financial centres, where it could be intercepted.

1.5. Can Financial Sanctions be an Effective Alternative to Trade Embargoes?

The current state of thinking seems to hold that if trade sanctions are imposed, they should be accompanied by financial sanctions. A poignant example in this context was given about arms embargoes. The way resolutions imposing an arms embargo are currently drafted, the actual provision of arms is prohibited but not the financing of arms sales.

But the question whether financial sanctions could be an effective alternative to comprehensive trade sanctions was not conclusively answered. Work is still underway to make financial sanctions more effective. There has also not yet been a clear real world 'test'. Certainly there will be circumstances where financial sanctions are not an option because the target does not hold substantial and identifiable assets abroad.

Perhaps the question is also not totally appropriate: comprehensive trade sanctions have not proven very effective, so that from financial sanctions alone we should not necessarily demand a greater effectiveness but only less negative impacts on others than the target.

1.6. Making Financial Sanctions More Effective.

Instead of seeking a premature answer to the question whether financial sanctions could be an effective alternative to trade embargoes, the discussion focussed on the pre-conditions or requirements for financial sanctions to have impact. These can be divided into contextual, political, technical, legal and enforcement requirements.

Contextual requirements

Targeted financial sanctions just as trade sanctions require that the target is vulnerable to them and that the sanctions authorities have leverage. For trade sanctions the target needs to have a high or inelastic dependency on imports or exports or other trade that can be significantly targeted through a trade embargo. For financial sanctions the target needs to have substantial, identifiable, external assets subject to blocking. Put in simpler terms "targeting is difficult if there is nothing to target". Clearly forewarning can mean that a target has the time to hide or disguise its external assets and thereby reduce its vulnerability and/or the leverage that the sanctions authorities have.

Political requirements.

As for trade sanctions, financial sanctions require political will. Imposing sanctions has a cost to the sender, and there has to be the political will to absorb the economic cost. Secondly like trade embargoes, financial sanctions should be part of a broader political strategy and not be used as a tool in a vacuum. The need for clear objectives and clear strategies remains as much a requirement for financial sanctions as it is for trade sanctions. Thirdly, there needs to be broad consensus among allies over the target of the sanctions, an agreement to adopt a common strategy with uniform goals and objectives, and a readiness to apply sanctions in a uniform way. Applying sanctions with different degrees of rigour creates opportunities for evasion for the target. That is why it is important that allies, and in the case of mandatory UN sanctions all Member States, provide detailed reports on the measures undertaken to implement the sanctions.

Technical requirements.

Assets identified. Targeting of assets requires detailed information of what assets are held where and by whom, information that needs to be researched and

continuously cross-checked. How 'easy' it is, in practice, to gather the necessary information was not clarified at the seminar. Reference was made to a basic principle in banking i.e. 'know your customer'. There is a growing awareness in the international banking world that 'discreetness' and 'secrecy' cannot be misused to protect criminal and deviant clients. At the same time there are longstanding banking traditions of confidentiality and sometimes legal impediments to the exchange of information about the financial interests of bank customers. One expert stated that in a number of cases much information can be gathered from open source corporate records. In other cases, such as for the coup leaders in Sierra Leone perhaps, it may be more difficult to trace their economic and financial networks. This exercise of identifying assets links in with the required detailed political analysis of a ruling elite and its power-base.

Agreed interpretations. If the application of multilateral financial sanctions is to be uniform and widespread, then the various sanctions authorities need to come to an agreed common understanding. This concerns

- the definition of 'asset'
- the precise understanding of 'freezing' or 'blocking' an asset.

Agreed coverage. To whom do the financial sanctions apply? Do they apply to the foreign-held public assets of the target state, government controlled entities and top government officials only, or should the financial sanctions be more widely extended to include entities and individuals, including those residing in other countries, that may be acting for or on behalf of the target regime?

Interception software. The experts asserted that once the information is in place, and the definitions and coverage clarified, the actual targeting is technically fairly easy: the software to intercept and cut very specific financial flows exists and is largely present in the international financial world. It is more prevalent already in the US, because of the penalties that business risks for violating US sanctions. This software is being introduced not simply because of sanctions but as part of a wider trend towards international financial regulation to combat crime.

Legal requirements.

Financial sanctions cannot be implemented without the appropriate legal tools. Financial institutions require a legal basis for not fulfilling their obligations to their

clients. Much current work focuses on developing better legal tools.

There are at least two impediments on the legal side. Resolutions of the Security Council, as well as regulations of the EU, tend to have ambiguity in them, because they often are the outcome of political compromises. It becomes difficult then to interpret what the precise scope of the resolution or regulation is. Secondly, EU regulations have the direct effect of law on the EU member states, but UN resolutions need to be 'translated' into national legislation. Worldwide there are very few UN Member States that have a national legislation in place to adequately do so. An exception are the USA, which disposes of a series of legal instruments that allow for the speedy implementation of US bilateral and UN mandated sanctions. Others may fall back on national legal instruments, often from customs and intended to refer to tangible trade goods, that were not designed for financial sanctions. Work is therefore underway to draw up a 'model law', a generic framework to help UN Member States implement UN sanctions (see also section 11 in the Summary of Selected Readings).

Enforcement.

The argument was made that the implementation and enforcement of sanctions requires a professional and well resourced administrative apparatus. The best, perhaps the only, example of such is the US Office of Foreign Assets Control. Sanctions administrators also should not be burdened with other responsibilities, but be allowed to concentrate on the sanctions job.

Secondly, all states, or certainly those where the target has its business and banking contacts, should participate with the same vigour in the enforcement of the sanctions. The USA is most active in seeking to enforce sanctions, including through what are called 'secondary sanctions' against violators of sanctions (see also Section 12 in the Summary of Selected Readings). But the UN has no power to impose any penalties on Member States who fail to implement its mandated sanctions. Different Member States have very different legal penalties for the same offense, and pursue the same offense with different degrees of vigour.

1.7. Can 'Rogue' Movements be Targeted with Financial Sanctions?

The question was asked whether financial sanctions could be effectively used against 'rogue' movements such as the Khmer Rouge in Cambodia, the Revolutionary United Front in Sierra Leone or UNITA

in Angola? Their leadership relies on the export of natural resources such as hardwoods or precious stones and diamonds. These go through many intermediaries before ending up on the legal international market. Their leaderships may not hold assets abroad. One expert felt that unless the original extraction is criminalised, the best tactic here is to investigate the chain and to put pressure on individuals and companies involved through public exposure.

1.8. Would Targeted Financial Sanctions lead to Increased Civilian Exploitation?

The question was asked whether a regime whose assets were frozen would not in response increase the pressure on the population, thereby again causing humanitarian impact? The risk was recognised. An example came from the Former Yugoslavia. The sanctions exemptions policy allowed Serbians who had worked in Germany but retired in Serbia to access their pension from Germany in Deutsche Mark. But the sanctions authorities had to obtain guarantees from the Serbian Government that it would not take hold of these money

transfers. Yet on the whole it appears that trade embargoes with humanitarian aid exemptions offer authoritarian regimes comparatively more opportunities for exploitation and manipulation.

1.9. Should Targeted Sanctions be 'Neutrally' Applied in a Conflict?

A point was made, but not further explored, whether sanctions as part of conflict management, could be targeted at one party only, or should be targeted at all? This is a question not only for financial sanctions. During the Bosnian war for example, the USA in particular came to favour a lifting of the arms embargo for the Bosnian government. The question was raised in the context of Burundi: should the opposition parties not also have been subjected to sanctions, to put pressure on them to be constructive in the dialogue with the Buyoya government? And what about Angola, where the recent cycle of war was initiated by the government forces rather than by UNITA.

2. HUMANITARIAN IMPACTS AND THE HUMANITARIAN ARGUMENT.

2.1. The Depth and Scope of Impact of Comprehensive Trade Embargoes.

Impact underestimated. Among the political managers and advocates of comprehensive trade embargoes, there is generally still insufficient appreciation of their depth and scope of impact. Comprehensive trade embargoes do not simply deprive the population of a target country of essential food and medicines, which then can be compensated for through a protocol of humanitarian exemptions. The evidence from the case studies underlined the profound economic and social dislocation that comprehensive trade embargoes bring about. Clearly in countries like eg. Burundi or Sierra Leone, or in areas such as North Iraq, political violence has caused large scale forced displacement which itself also has significant impacts on livelihoods and people's standards of living. But the most detailed analysis of the wider and deeper social impacts of comprehensive trade sanctions came from Haiti, where there was political repression but no large scale forced displacement.

Social costs. Comprehensive trade sanctions wipe out livelihoods, disrupt production and distribution systems, cause price inflation and reduce people's access to essential goods and essential services. Among the coping mechanisms of households are reduced food intake, the sale of assets, children dropping out from school and turning to begging or petty crime, prostitution, petty trading, involvement in smuggling, non-use of eg. medical services because these are no longer available or affordable. The breakdown in public transport in Haiti made it difficult for teachers to go to school every day. Underpaid civil servants in need of additional income to cope with the price increases may neglect their duties. Over time the strains cause breakdown of family life and of values. Fathers may abandon families, women may be forced to stay in unstable partnerships and with abusive partners. Prolonged trade embargoes can drastically affect the GNP of a country, but also can reverse decades of social gains in terms of levels of education, health and gender equality.

Winners. Sanctions provide opportunities for economic benefit, and the analysis of social costs and who loses, can be complemented by an analysis of those who gain. In Haiti the military junta against whom the sanctions were imposed actually benefited from them by taking

control of the smuggling and the black market. In North Iraq, the KDP, one of the Kurdish parties, gains significantly from taxing the smuggling across the Turkish border. In general, armed militia, the transport sector and entrepreneurs tend to benefit from sanctions. So too people living in border areas that become the route for smuggling. Economic benefit in turn can be translated into political power. It is not inconceivable that a number of people taking power in the post-sanctions phase, built up the economic basis for that power during and thanks to the sanctions. This brings us back to the monitoring of the political impact of sanctions.

Weakening democracy. Certain sanction regimes have been imposed to promote a return to democracy and respect for human rights (Haiti, Burundi, Sierra Leone). The analysis of the impact of sanctions on democracy in Haiti however points at an urgent need for caution and for deeper analysis of the impact of sanctions on governance.

- A return to democracy was equated with the return of the elected President Aristide. This understanding of 'democracy' was criticised for failing to note that there were democratic institutions that had not been dismantled by the coup leaders. Local government retained its elected officials. Also the elected Parliament remained in place. But the sanctions withdrew assistance also to these institutions.
- A large scale programme of humanitarian exemptions was put in place for Haiti. But the policy was that this humanitarian assistance could only be channelled through non-governmental organisations and church organisations. As a consequence, the capacity and credibility of governmental institutions, already limited, were only further undermined.
- If democratic participation, strong institutions, education and a middle class are factors contributing to democracy, the sanctions against Haiti worked against democracy by further weakening each of these. Sanctions did strengthen the NGO sector in Haiti, which together with the church became the designated channel for aid distribution and service delivery. In Iraq people have organised neighbourhood child feeding centres in response to sanctions. But more politically oriented

organisations would not be tolerated by the regime in Baghdad.

These service and aid providers are not democratically elected and accountable organisations, and their work does not provide or even aspire to equitable coverage across the territory, like only government institutions in theory can.

The economic and social dislocations of a comprehensive trade embargo weakens the population and thereby also its capacity to mount or maintain an organised resistance against its regime.

The impact of sanctions on types of civil society organisation and on the institutions of governance requires more study and analysis.

Long term impacts. The impacts of sanctions do not stop when sanctions are lifted. Such assumption derives from an erroneous image of economies as simple conduits for imports and exports. Economic life is embedded in social and political life. Sanctions have profound social costs. A girl or woman forced into prostitution or a child forced to abandon school because of the impact of sanctions, does not 'reverse' that experience when sanctions are lifted. At macro-economic level, sanctions can cause the total or partial suspension of debt servicing (eg. Burundi), thereby increasing the debt burden on the country. Sanctions also lead to proliferation of smuggling and a black economy which deprives the state of much needed revenue that can be spend for the public good. Admittedly a regime could be spending state revenue on arms, but whereas sanctions could contribute to the instauration of a more responsible regime, an illicit economy does not turn fully legal when sanctions are lifted. Sanctions also contribute to a further weakening of the capacity and credibility of the institutions of the state. Whereas in the short term civil society organisations may get strengthened, this is primarily because of self-help and service delivery activities, perhaps a necessary but not a sufficient condition for democratic governance.

2.2. *Impact Assessment.*

Documentation for operations, documentation for advocacy. The UN Office of the Coordinator for Humanitarian Assistance (OCHA) has been gaining experience and developing expertise with rapid assessments of the potential or actual impact of sanctions. Exercises were carried out in the context of sanctions imposed against Burundi and Sierra Leone and a flight ban contemplated against Sudan.

OCHA's rapid assessments comprise essentially three steps:

- assess the humanitarian situation
- establish 'linkages' between changes on the ground and actual or potential sanctions
- verify the linkages.

OCHA's approach can be summarised as documentation for argumentation. Its purpose is to bring a compelling argument to the sanctions authorities. To that end, it does not require large amounts of information but credible and convincing information. The effectiveness of the argument that certain undesirable effects are the consequence of sanctions depends on the perceived integrity of the source and on the clarity with which real life developments can be linked to the sanctions.

For its assessments, OCHA gathers information from humanitarian agencies and from the government of a target country. That information cannot always be taken at face value. For different reasons, humanitarian agencies and targeted governments tend to over-estimate and over-generalise the impact of sanctions. Targeted regimes want sanctions lifted and therefore tend to ascribe every problem and ill to sanctions. Humanitarian agencies tend to defend their beneficiaries. There is a need to critically examine and verify the causal relations that are sometimes too hastily asserted. Not every child that dies in Iraq dies as a consequence of sanctions.

The case studies highlighted the difficulty of disentangling the various factors that contribute to growing impoverishment and social and economic dislocation of civilian populations. In Burundi, Sri Lanka and Sierra Leone for example, livelihoods, services, production and distribution systems have been affected by sanctions but also by the violence of the civil war. In Haiti and Iraq the effect of sanctions is compounded by that of internal repression.

A fuel embargo, such as was imposed against Haiti, Sierra Leone or UNITA in Angola, has a multiplier effect on the economy and on people's standards of living. It not only hampers the military, but also affects public transport, the workings of eg. the Ministry of Health and the Ministry of Agriculture, internal trade and the work of aid agencies. That is why in Haiti for example the sanctions committee allowed a 'humanitarian fuel' programme. But shortages of fuel are not the only cause of rising prices on the market.

Traders also increase their prices when violence and insecurity increases their risk, and when they have to factor in the payments to be made to corrupt officials and/or at different roadblocks.

Humanitarian agencies routinely gather information as part of a specific or an ongoing needs assessment. That information is primarily for operational purposes, not for advocacy purposes. Stronger analysis of linkages is required for the information to become credible. Making exaggerated or non-substantiated claims tends to be counter-productive. If the data and the analysis are not seen as credible and convincing, they will be ignored: "...the fact that social ills occur, including deaths, in a period of embargo, is not sufficient to convince the international audience much less politicians that in fact they are the result of the embargo. The fact that they occur at the same time is consistent with but not sufficient as an argument for cause. We have to make those arguments much better by identifying the specific aspects, the times and places that events occur that lead to the outcomes we are talking about."

The methodological challenges. The most important sources of data to assess the humanitarian impact of sanctions are the government institutions in the targeted country and humanitarian agencies.

Data from government.

The case studies and discussions highlighted the need for a careful appreciation of the information systems of government institutions such as a Ministry of Health. A series of questions can be asked:

- What is the capacity for data collection? There are vital statistics that only government can collect. In Sierra Leone and in Iraq for example that capacity had collapsed. In Sri Lanka by contrast it remained in place and in Cuba it has even been stepped up in response to sanctions.
- How representative are the available data? Institutional record keeping may continue but the representativeness of the data diminish. Sanctions may reduce the availability and/or the accessibility of health services, so that there is decreased use of the health centres. If for example a growing number of women delivers at home, then the institutional records about eg. low birth weight and maternal death become less representative.
- Are the available data accessible? Reliable information may be available but not accessible to

every outsider. In Sri Lanka in late 1995 for example, there was significant debate over the degree of food insecurity in the LTTE controlled areas of the North. The concerned humanitarian agencies could not get a grip on the supply side of food because they could not independently crosscheck what the Government claimed it had sent in terms of humanitarian food supplies to the LTTE controlled areas, and because they could not obtain reliable information about the rice production and rice stocks in the LTTE controlled areas. From Iraq certain participants reported the unwillingness of the Government to provide access to data, while others testified to the possibility of working with government institutions if the right approach was adopted. How one is perceived and what the government officials think one's agenda is, may be an important factor in what data can be accessed.

- Are the data politically manipulated or not? Political manipulation can consist in inflating figures eg. the number of child deaths, and/or in uncritical attribution eg. all child deaths are attributed to sanctions. One should not however automatically assume that all data from government institutions are manipulated.

The recommendation is to inquire into the capacity, representativeness and integrity of the information systems in relevant government institutions. The recommendation is to support the capacity of relevant government institutions to maintain and even expand their data-collection efforts under sanctions, if the integrity is assured.

Data from humanitarian agencies.

They routinely collect information for operational purposes. As mentioned earlier, for advocacy purposes they need to invest more in making the data credible and the arguments convincing, by demonstrating not just needs, but the linkage between certain needs and sanctions.

It appears that much information gathering focuses on food security and on health. If sanctions however affect livelihoods and over time cause significant social costs, there is need to better capture these impacts. For education for example, school enrolment figures and drop-out figures may be one relevant indicator although, once again, the linkage with sanctions will have to be demonstrated. The recommendation is to pay attention to other social costs than deteriorating health.

The research on sanctions impact assessment has tended

to focus on indicators. But the presentations from UN and NGO agency representatives at the seminar (eg. UNICEF in Iraq and in Haiti; Action contre la Faim in Sierra Leone; Save the Children Fund UK in North Iraq; ICRC in Sri Lanka) drew attention to the importance of surveys. Insightful surveys appear to be those that aim at understanding household livelihoods, and those that map vulnerability in geographical and in socio-economic terms. The recommendation is to examine and compare these methodological tools and identify their strengths and weaknesses.

Methodological differences may mean that the results are not always easily comparable. The various outcomes then “describe a uniform reality but in partial ways”. The recommendation to operational aid agencies is to strengthen coordination and standardisation of information gathering methods.

The baseline reference.

Can the impact of sanctions be argued in the absence of reliable baseline data? Some participants saw this as a major problem, others pointed out that there are ways around this. At macro-level there tend to be relevant data for reference. In the case of Iraq for example, reference is being made to the import bill of Iraq prior to the Gulf War and the sanctions, to point out that the value of imports allowed under the oil-for-aid programme falls well short of needs. Where humanitarian aid was already being provided prior to the imposition of sanctions, its earlier level is a relevant reference. If Sierra Leone for example was receiving 100.000 Mt. of food aid prior to the imposition of sanctions in 1997, it is arguable, although not totally certain, that the sudden stop to all food aid under a comprehensive trade embargo, will have dire consequences. Another line of argument is to refer to internationally accepted standards that eg. define certain levels of malnutrition as critical.

Macro-economic information.

Information about the impact of sanctions on the GNP of a country, on price inflation, and foreign currency earnings, on manufacturing output, on tax revenue and on external and internal debt is relevant. This is information for which there tend to be baseline data, from the national government and the international financial institutions. The total value of humanitarian aid, although sometimes difficult to compile, and its value per capita per annum can also be a telling figure to put the importance of aid in a macro-perspective.

Conclusion: Sanctions impact monitoring requires a stepped up capacity, in sanctions committees, operational aid agencies and national government institutions, for information gathering and analysis. In reality so far often the opposite happens, ie. the overall information gathering capacity and credibility of analysis is allowed to deteriorate.

Demonstrating the linkages between effects on the ground and the contributing causes, and disentangling the role of sanctions among these, requires specialist expertise of eg. economists, epidemiologists, social scientists. Humanitarian aid agencies do not typically deploy such people for that expertise, but should consider doing so in order to develop a convincing argument.

2.3. Humanitarian Exemptions.

Defining humanitarian exemptions. The case studies illustrated that exemptions policies use too restricted definitions of what is required for ‘humanitarian’ purposes. Vaccines may be allowed but cold chain equipment or educational materials not. Certain medicines may be exempted but the water and sanitation infrastructure of the country is allowed to collapse, because pumps, spare parts, chlorine and generators are embargoed as supposedly non-humanitarian or potentially ‘dual-use’ items. But maintaining or restoring health in large populations requires more than basic medicines. The seminar also drew attention to remittances from abroad. For poorer families these can constitute a vital resource but several sanctions regimes, such as those against Haiti or Cuba, have imposed low ceilings on the amounts that could be remitted. The recommendation is to phrase the humanitarian objective in terms of maintaining minimum standards of living and essential services rather than essential goods, and to adopt a broader definition of ‘humanitarian requirements’.

The case study of northern Iraq highlighted a different problem: imposed exemptions. Under the oil-for-food deal substantial amounts of flour are imported in northern Iraq as well. But whereas there are shortages in south and central Iraq, in northern Iraq this is undercutting local wheat production which had been recovering. Local purchase would have been a much better option. The recommendation is to formulate ‘humanitarian requirements’ in the light of situation-specific conditions and, where sensible, consider local purchase as a cost-effective way of alleviating hardship.

It was also recommended to distinguish between exemptions managed by recognised humanitarian organisations, and specific import-permissions for the target government and/or private contractors, such as were granted in eg. Iraq (south/central) and Burundi.

Streamlining the administration of humanitarian exemptions. Three models or a combination of them have been put forward to streamline the administration of humanitarian exemptions: 1. a generic list of items that are 'intrinsically humanitarian', 2. country-specific items and 3. exemptions granted to requests from recognised humanitarian organisations (institution-specific exemptions). The latter model for example was introduced for the UNHCR and the ICRC as the 'bulk-sanctions clearance' procedure in the Former Yugoslavia.

A fourth approach being put forward by OCHA is 'end-use certification'. The emphasis is no longer on the inherent character of the goods to be exempted, or their possible misuse, but on their actual end-use. The organisations handling exempted goods at any time would have to be able to identify their location, and they will account for their end-use. The advantage is that exemptions policy would be grounded in realities rather than in possibilities. It will also contribute to making exempted items not only available but also accessible, by stimulating attention to distribution and targeting. But this will also increase the costs of monitoring and reporting for the operational agency.

Contesting views on exemptions-policies tend to come from politicians and the military. Politicians engaged in conflict-management will fear that exemptions undermine the pressure that sanctions bring to bear. The target government or private profiteers may try to exploit the opportunities that exemptions offer. Where sanctions are part of a larger war strategy, as eg. with the internal blockade in Sri Lanka, the military may be concerned that exemptions will strengthen the hand of the enemy and therefore undermine their war efforts. The case studies brought several examples (Former Yugoslavia, Sierra Leone, Burundi, Sri Lanka) of 'administrative embargoes', where the authorities on the ground continue to obstruct the import of goods even when the required clearance was presented. The humanitarian community represented at the seminar affirmed the independence of humanitarian action from political and military considerations, and the right of afflicted populations to receive humanitarian assistance.

Vulnerability and targeting. The seminar brought new understanding about vulnerability under sanctions.

Vulnerability in health and nutrition.

Children are often highlighted as the most vulnerable section of the population. They also constitute the most emotive argument. The evidence however indicates that the mortality rate for infants (under one) can actually decrease under sanctions, because more attention and resources are directed to their care. More at risk may be children between 1 and 5 years of age. The case studies highlighted other vulnerable groups too. Pregnant and lactating women can become increasingly vulnerable under sanctions because of reduced food intake and declining medical services. There may be less peri-natal care, lower birth weight, more deliveries out of hospital, reduced access to health services. Child nutritional surveys in the LTTE controlled areas in Sri Lanka in 1995 for example did not show worrying figures, but a subsequent household survey revealed that the mothers and elderly grandparents were reducing their own food intake on behalf of the children. The elderly typically may also need more medical care, and constitute a neglected vulnerable group. Many sanctions regimes provide exemptions for some medicine but chronically ill patients may be dependent on special drugs or specialised equipment that sanctions render unavailable. Interestingly, one major potential impact of a contemplated flight ban against Sudan would have been to deprive a few thousand Sudanese of advanced medical treatment they could only get in Jordan.

Socio-economic groups and vulnerability.

Rural populations may be more vulnerable to the violence of civil war confrontations between factions, but -in general- have comparatively better coping mechanisms to deal with the consequences of sanctions than urban populations. This is because the industrial and manufacturing or assembly sectors are highly dependent on international trade and therefore suffer rapidly from a trade embargo (eg. Haiti, Burundi, northern Sri Lanka). Civil servants also, with small wages and limited alternative opportunities, may find it difficult to cope with rising prices and delays in payments of salaries (eg. N. Iraq). Vulnerable can also be the casual and unskilled workers, both agricultural labourers and urban labour (eg. Sierra Leone). Fishing communities can be affected by a naval blockade that prevents them from sailing out or at least from deep-sea fishing (eg. Sri Lanka, Freetown bay in Sierra Leone).

Vulnerability mapping and monitoring.

Women and children, or refugees and internally displaced people (eg. Burundi) are likely to be vulnerable but do not necessarily constitute the only vulnerable groups. Targeting should be based on vulnerability mapping. Policy should be informed by ongoing vulnerability analysis. The lack of vulnerability mapping and analysis led to the inappropriate importation and free distribution of wheat flour in north Iraq. By undercutting local wheat producers, these exemptions were acting as disincentive and creating new vulnerabilities. This example also highlights the need to learn from experience with humanitarian assistance in disaster zones where no sanctions are imposed. It is recommended to identify and monitor vulnerability, not to presuppose it.

2.4. *Can Humanitarian Exemptions Provide an Adequate Safety Net?*

One of the most comprehensive safety nets is probably that for the Tamil population living in the LTTE controlled areas of North Sri Lanka which since the early 90s have been subjected to an internal embargo as part of a military strategy. The Government of Sri Lanka, for political reasons, continues to maintain a skeleton civil administration in the LTTE controlled areas, pays salaries and pensions and allows remittances from abroad. The Government also allows the multi-purpose cooperative societies to trade across the lines and provides itself humanitarian assistance in the form of food rations, kerosene for essential services and a certain amount of medicine. Humanitarian agencies provide assistance in other sectors such as shelter, water and household items. The LTTE also has a number of civil components which try and provide employment opportunities and assistance. Notwithstanding these many efforts, research reveals that the population at large has suffered a continuing impoverishment.

The record from the other case studies was very straightforward. Even with a significant programme of external humanitarian assistance (Haiti), humanitarian exemptions cannot provide an adequate safety net to compensate for the large scale social and economic dislocation that trade sanctions cause. Humanitarian assistance does have an impact at micro-level but trade embargoes have an impact at macro-level. Iraq has seen a dramatic reversal in overall GNP as a consequence of the trade embargo. From a higher middle income country it has dropped to between a middle and lower income one. Cuba saw a decline in GNP because of the end to East bloc aid and trade after the Cold War, but the US sanctions aggravated the situation. The

population of Haiti experienced a 30% decrease in per capita income in a period of 3 years. Even streamlined and generous humanitarian assistance cannot compensate for such dramatic economic decline. Humanitarian assistance programmes can appear generous but may in practice not amount to so much per person: in Haiti for example it constituted US\$ 12 per capita per year. Sanctions also disrupt production and distribution systems and thereby market mechanisms. Even where goods might be available, lack of transport and higher prices may make them inaccessible or not affordable.

2.5. *Acceptable and Unacceptable Hardship: re-affirming dignity and rights.*

Expecting that especially trade sanctions would show no impact at all on the well-being of a population, was not realistic and a non-starter. There will be a degree of suffering, but where is the 'threshold of acceptable and unacceptable suffering'? And who defines it?

Widespread and profound suffering undermines the moral authority of those imposing sanctions. The most credible research on under five mortality in Iraq today points at a doubling in mortality since the imposition of sanctions, a trend virtually unknown anywhere else in the modern world. Can this be deemed 'acceptable' on the grounds that all that is needed is for the Iraqi government to comply with the UN resolutions? The success of sanctions should not simply be measured in terms of the political objectives for which they were imposed, but also in terms of the humanity which they preserved in the midst of crisis and conflict.

Representatives from the humanitarian community at the seminar pointed out that in other humanitarian crises worldwide, the threshold of what is considered 'acceptable suffering' seems to be rising. Malnutrition rates that would have triggered a major international response ten years ago no longer do so today. There is an urgent need then, and not only for sanctions-affected countries, to reaffirm minimum standards of human dignity and human rights including the right to assistance.

Conclusion: The seminar highlighted the need to think about mitigating the humanitarian impact of sanctions, in more holistic and sophisticated terms than the provision of certain essential goods. This includes aid inputs, but also maintaining basic infrastructure, identifying vulnerability, improving access and adapting national policies.

The point has been made earlier that maintaining health requires the provision of medicine, but also maintaining the basic support infrastructure notably in terms of water and sanitation and electricity to health facilities. Attention has also been drawn to the need to not presuppose who will be the most vulnerable groups, but to carry out vulnerability studies. Vulnerability can be geographical and/or socio-economic. Maintaining or restoring access to essential goods and essential services, is an important component of mitigating the effect of sanctions. All this requires good information systems as well as developing targeted distribution and service-delivery systems. The seminar highlighted the need for policy adaptation by government institutions and the need to learn from how other countries targeted by sanctions have tried to manage with limited resources. In Iraq for example, the regime in Baghdad

has adapted the agricultural policies to stimulate local food production, but has not made similarly required changes in the health sector. The Iraqi health structure was very sophisticated, but technology dependent and focussed on hospital care. By contrast, the Cuban health system was more geared towards public health. The Cuban health authorities confronted with sanctions, unlike the Iraqi ones, have stepped up their health monitoring and information systems, intensified good practice in public and preventative health, and closely manage the allocation of their scarce resources.

There is a role here for analysts and humanitarian actors to identify good practices, and an opportunity to constructively engage with government institutions to help them mitigate the impact on the population.

3. THE EFFECTIVE MANAGEMENT OF SANCTIONS: COSTS AND CAPACITIES.

3.1. *A Lower-cost but not a Cheap Alternative to War.*

The economic costs of sanctions to the target country and its close trading partners, who can be sender-countries, are recognised but not easy to calculate. The social costs especially of prolonged trade embargoes for the population in the target country tend to be underestimated. They may be hard to express in monetary terms and cannot always be compensated for financially, but that does not make them less real.

Sanctions that are not properly managed will be evaded and are therefore less likely to be effective. The seminar drew attention to the many costs that the effective administration and management of trade and financial sanctions incur:

- the cost of legal and/or institutional innovation/reform;
- the cost of detailed information gathering, for the targeting with financial sanctions, for the ongoing monitoring of the political and humanitarian impacts of sanctions, and for the monitoring of measures taken by member states and the degree of compliance with the sanctions by various actors;
- the cost of enforcement of sanctions, in terms of deployment of national capacities and additional international assistance – the Sanctions Assistance Missions for the Former Yugoslavia did not at all come cheap, which may be one reason why they reportedly are no longer contemplated as a model; the cost of enforcement also includes the prosecution of violators;
- the cost of mitigating the humanitarian impacts of the sanctions with humanitarian aid; this aid has a cost but its delivery is usually made more expensive due to increased logistics costs; there is also a cost to closer monitoring and reporting on the end-use of humanitarian aid, as illustrated for example by the special monitoring structure put in place for UN 986 in Central/South Iraq.

At all levels, from the political to the humanitarian, serious time investment is required in planning, information gathering, monitoring and technical

analysis, extra reporting, meetings for consensus-building, meetings to negotiate etc.

3.2. *Capacity Constraints.*

The proper management and administration of sanctions not only has a cost but also requires a certain quantity and quality (expertise) of human resources.

The capacity in the UN Secretariat is limited. Whereas for the deployment of UN troops, there are implementing mechanisms in place (the Military Staff Committee and the Department for Peace-Keeping Operations), such is not the case for the implementation of sanctions. There is currently no capacity in the UN system on financial sanctions, and it is relying on the Interlaken process, which is sponsored by the Swiss government. There is political resistance to providing the UN with more resources. Channelling some resources from a down-sizing DPKO into sanctions management was not perceived to be a likely option. The Office for the Coordination of Humanitarian Affairs has taken a lead role on humanitarian impact assessment monitoring. It can now draw on a technical workgroup of experts from within the UN system that was established in November 1997 under the auspices of the Inter-Agency Steering Committee (IASC). There is a desire to involve more NGO expertise in the development of methods for the assessment of the humanitarian impact of sanctions and in actually carrying out such assessments.

The capacity of UN Sanctions Committees, to administer the sanctions implementation and to manage the humanitarian exemptions, was also open to question. That capacity could be bolstered by more regular involvement of experts in the humanitarian field, to provide objective information on the humanitarian impacts and practical recommendations on the fine-tuning and smoothening of the exemptions procedures.

The recent experiences with Burundi and Sierra Leone have drawn attention to the need to support (resources and expertise) regional groupings of states imposing sanctions. The UN recognises its responsibility in that respect, but that again requires capacity. OCHA has proposed the establishment of a 'regional sanctions advisory committee' in the UN secretariat. Given the development of the European Union as a political

player, the suggestion was made by one participant to also work with this regional grouping on its institutional arrangements and capacity to manage sanctions.

Touched upon though not extensively explored in this seminar was the question of the capacity of individual states that are sanctions-senders. The ongoing work on financial sanctions pays some attention to the institutional arrangements within member states, but a closer comparative examination of the practice of some member states could be worthwhile. The USA has its unique Office of Foreign Assets Control in the US Treasury Department. This is the central administration for all the active UN financial sanctions initiatives as well as various bilateral sanctions of the US mandated by Congress.

The discussions about monitoring the humanitarian impacts of sanctions highlighted the need, among operational agencies, to have the capacity and the expertise to carry out well-designed surveys and to correctly analyse the results. Given the desirability of coordinating the monitoring and survey methodologies

to make the results compatible, this expertise could perhaps best be developed, and deployed, on an inter-agency basis, bringing UN, Red Cross and NGOs together.

3.3. Who Pays?

Inasmuch as sanctions are imposed as a response to unexpected political developments, the costs of administering and managing them, or of operating in a sanctions-affected country, may not have been budgeted for.

Who pays? Ideally, as with Iraq, funding can come from the frozen assets of the target country. But in many cases there will not be such frozen assets, or not enough, or legal procedures will make it difficult to use them for the management of the sanctions. Are sanctioning countries prepared to foot the bill for the proper management of sanctions? Are donors of humanitarian aid prepared to shoulder the bill for the increased operational costs of the aid agencies?

4. HUMAN RIGHTS AND THE HUMAN RIGHTS ARGUMENT.

4.1. *Sanctions and the Violation of Social and Economic Rights.*

The case studies, particularly of Iraq and Haiti, highlighted the devastating economic and social impact of comprehensive trade embargoes on large segments of the population of the targeted country. Although before and after the sanctions, the rights of the civilian populations of these countries were being violated by oppressive regimes, the sanctions added to the violations, notably of their social and economic rights.

As one participant pointed out, this type of sanctions violates basic rights enshrined in international conventions, such as the 'fundamental right to be free from hunger' or the right to the enjoyment 'of the highest attainable standard of physical and mental health'. They undermine and may even reverse the national efforts to reduce the stillbirth rate, the infant mortality and the promotion of the healthy development of the child.

The humanitarian impacts in particular then, raise the question of the responsibility of the international community, through the Security Council or through other groupings of concerned states, to uphold the rights of civilians.

4.2. *Social and Economic Rights in Iraq.*

Iraq came up repeatedly in the course of the seminar. Some participants maintained that the comprehensive trade sanctions against Iraq represent a rapidly designed and imposed 'older generation' of sanctions, which would not be imposed anymore by the Security Council today. Other participants contested this view, and criticised the UN Security Council for

- maintaining a comprehensive trade embargo that has shown no effectiveness in achieving its political objectives, while causing demonstrated suffering for the Iraqi population;
- imposing an arbitrary ceiling on how much Iraq can earn from exports under the oil-for-aid programme, a ceiling that falls well short of the estimated \$ 6.8 billion that the UN in 1991

estimated would be required to repair the damages from the Gulf War and maintain essential services;

- failing to create a UN body to monitor the humanitarian impact of sanctions, while there are committees to monitor the weapons of mass destruction of Iraq, issues related to the Iraq-Kuwaiti border, and the plight of Kuwaitis missing since the Gulf War.

The argument that Saddam Hussein and not the Security Council is to be held responsible for the suffering of the Iraqi people was made by some but challenged by other participants. One participant pointed out that when a ship or plane is hijacked, the ship is not deprived of food supplies because the hijackers will also eat them, or the plane is not shot down because there are hijackers in it. In the same vein, the Iraqi population cannot be deprived and made to suffer as long as Saddam Hussein's regime is still in power.

4.3. *The Interdependence and Indivisibility of Rights.*

One argument in support of comprehensive trade embargoes against an authoritarian regime, is that the restoration of civil and political rights, their primary aim, may have to take precedence over, or even is a pre-condition for, the respect for social and economic rights. Supporters of this line of thought would argue that nobody disputes the validity of social and economic rights, but that in the real world effectiveness may require giving tactical priority to the pursuit of peace and security and the restoration of civil and political rights. The question can then be asked whether, or to what degree, the Security Council, through its sanctions can violate social and economic rights in the pursuit of civil and political rights?

The argument against reaffirms the interdependence and indivisibility of rights, a principle that is enshrined in UN doctrine and in various international instruments and declarations. It is not because an autocratic regime violates the rights of its population, that other actors can aggravate that violation. Minimally this would lead to a requirement on sanctioning authorities to closely

monitor the humanitarian impact of the sanctions, to aggressively pursue activities to mitigate the impact, to target the sanctions against the real offenders, and to review the sanctions policy if the impacts cannot effectively be mitigated.

4.4. Principled Sanction Policies.

There is not yet a clear legal precedent that defines the legal regime governing sanctions. Some participants argued that does not mean that there are no legal references. Where no force is applied sanctions are subject to international human rights law. Where force is applied in conjunction with sanctions, international humanitarian law comes into play. It was pointed out that whereas warfare is governed by conventions, unilateral and multilateral sanctions are not. This is not an acceptable state of affairs. Minimally sanctions would have to conform to the same basic principles as those applicable to the use of force ie. distinction and proportionality. This means that belligerents at all times must distinguish between civilians and combatants and only attack military targets, and that any incidental civilian suffering and losses ('collateral damage') is not permitted if excessive in relation to the concrete and direct military advantage anticipated.

It has been argued that the Security Council, itself not being a signatory to international treaties, cannot be subjected to international law. This argument was refuted by one participant. He referred to a ruling by Judge Lauterbach of the International Court of Justice in 1993 with regard to Serbia that held that "one only has to state the proposition thus -that a Security Council resolution may even require participation in genocide- for its unacceptability to be apparent".

A discussion also ensued over the application of the UN Charter. Article 41 of the Charter indeed authorises the Security Council to implement trade sanctions to protect or restore international peace and security. But Article 24(2) obliges the Security Council to act in accordance with the purposes and principles of the United Nations, which are enumerated under Article 1. Article 1 requires that international peace and security be pursued in conformity with the principles of justice and international law, but also requires the Security Council to promote and encourage respect for human rights. The point was made that, like any contract or other legal document, the individual clauses of the UN Charter cannot be read in isolation. The clauses are inseparable, and the Charter needs to be interpreted as a whole. One participant felt that Article 41 was written at the end of the Second World War, at a time when the state was seen as the principal unit in

international relations. In the perspective of those times a country as a whole could be 'ex-communicated' from the international community. Since then however the views about 'sovereignty' have changed considerably, and finer distinctions are drawn between the regime and the population of a state.

4.5. Accountable Sanctions Policies.

A more principled sanctions policy is not only a more humane one, it is also a more accountable one. The Security Council and other sanctioning authorities, several participants argued, have to be made accountable for their sanctions policies.

Although there currently is no designated legal authority to review the legality of Security Council resolutions, the most appropriate body, one participant suggested, would be the International Court of Justice, which has expressed itself already about sanctions, with regard to Libya and Serbia.

4.6. Human Rights Organisations and Sanctions.

The 'division' between civil and political and social and economic rights in sanctions policy however mirrors itself in the distance between human rights organisations that focus on one or the other. During the sanctions against Haiti for example, human rights organisations tended to focus on the repression of Haitian rights by the military junta. Many allegedly supported the sanctions, ignoring their impact on the social and economic rights of the Haitian people. In the same vein, the New York based Centre for Economic and Social Rights, which monitored the economic and health impacts of the sanctions against Iraq, found it difficult to persuade more civil and political rights oriented organisations to join in their advocacy and campaign work. The need for better dialogue among human rights organisations with a different focus, was highlighted.

Questions were also raised about the advocacy, in the US, of human rights organisations, regarding the proposed Sanctions Reform Act? The intent of the Sanctions Reform Act is to introduce precautionary measures to stop sanctions from being used as an 'off-the-shelf' panacea that, once introduced, is often no longer actively managed. The director of Human Rights Watch in particular (see Roth 1998 in the Summary of Selected Readings) has argued that some of the reforms may hamper the use of trade sanctions in the pursuit of human rights. In response one participant pointed out that the argument concerned the use of US

conditionality in its trade relations, not the issue of more targeted sanctions in a multilateral context.

The point was also made however, that sharp and confrontational advocacy against UN sanctions, from humanitarian and/or human rights groups, creates divisions in the international community and plays into the hands of the regimes against whom the sanctions are imposed. Rather than condemnatory tactics then, constructive and practical proposals should be presented to minimise the suffering of those that are not the target, without undermining the political pressure that is brought to bear.

Conclusion: It was recommended that sanctions authorities adopt a more principled approach to sanctions, that takes account of the social and economic rights of people, and that they should be held accountable to that effect, ideally by a respected, external body. But it was also recommended that advocacy towards sanctioning authorities and the Security Council in particular, should be phrased in constructive ways and include practical proposals, so as not unwillingly coming to serve the political interests of the offending regime. It also appeared that human rights organisations need to engage in a more profound reflection, and debate, about sanctions and their advocated positions with regard to sanctions.

5. SANCTIONS AS FOREIGN POLICY TOOL.

5.1. *When are Multilateral Sanctions Justified?*

Sanctions have become popular in the 1990s. More and more bilateral sanctions have been imposed by the USA, the UN has imposed more sanctions than in the previous four decades of its history, and regional groupings too, in Latin America (Haiti) and in Africa (Burundi, Sierra Leone) have started imposing sanctions. Yet the available research indicates very limited and even diminishing effectiveness of trade sanctions without use of force, to achieve their political objectives (see section 1 in the Summary of Selected Readings).

Sanctions are now being imposed by sender countries for a variety of motivations and for a growing number of objectives. A distinction must be made between sanctions for 'expressive' purposes, and sanctions to enforce respect for international norms. Imposing sanctions is a way of signalling disapproval. Imposing sanctions can be a way of responding to domestic lobby groups, of demonstrating leadership, of being seen to be 'doing something'. In that sense sanctions are merely 'expressive'. It is only possible to consider them 'successful' in their expressive function, if one ignores the suffering of civilians not associated with the target regime that they may cause. Sanctions are also imposed to coerce compliance with international norms and standards of good behaviour. One participant questioned the tendency towards an increasingly broad interpretation of what constitutes 'a threat to international peace and security'. Sanctions were originally used to counter acts of international aggression. Now they are also imposed as a measure of counter-terrorism and to restore constitutional rule, good governance and respect for human rights within countries. The sanctions against Haiti, Burundi and Sierra Leone for example, all first initiated by regional groupings (OAS, neighbouring countries of Burundi, ECOWAS), were a response to military coups, in order to pressure the coup leaders into a return towards democratic and constitutional politics.

One participant stressed the need for restraint in the interpretation of what constitutes such a breach of international norms and obligations that merit especially collective sanctions. There is also a need for more restraint in imposing sanctions under Chapter VII of the UN Charter, as this imposes legal obligations on all

UN member states to cooperate and comply. The too liberal use of sanctions and of mandatory sanctions, it was alleged, is undermining the credibility of the Security Council.

5.2. *Sanctions and Autocratic Regimes.*

Several participants argued that the implicit theory that for decades has underpinned sanctions, ie. that collective deprivation will lead to compliance, is not valid. Causing general civilian pain with trade embargoes does not necessarily lead autocratic regimes to change their policies and behaviour or to be overthrown. On the contrary, one participant argued, there appears growing evidence that, often, externally caused 'civilian pain does strengthen government'. Sanctions can be perceived as an affront to sovereignty and national pride. The target regime can use them for a 'rally around the flag' mobilisation of nationalistic sentiment, as has been attempted by eg. the leaderships in Iraq, Serbia-Montenegro and Burundi. Externally caused sanctions can also be used by an autocratic regime as scapegoat for all hardships and social ills. Alternatively comprehensive trade embargoes in particular have such devastating impact on the overall population that this is only further weakened and unable to mount an organised resistance. The trade embargo against Haiti for example facilitated rather than undermined the ruling junta's repression.

In this context, consideration should be given to the fact that for two cases that are often cited as 'success-stories' for sanctions, namely South African and Serbia-Montenegro, no large scale humanitarian suffering has been reported.

5.3. *Can Sanctions be an Alternative to Force?*

Although not specifically debated as such, the case studies and statements made by participants, cast serious doubt over the assertion that sanctions could be an effective alternative to the use of force. Force was or continues to be used in conjunction with sanctions against Iraq, the Bosnian Serbs, Haiti, and Sierra Leone for example. For each of these cases, the threat or actual use of force tends to be perceived as more effective than the sanctions. Although there are some indications that financial sanctions could enhance the effectiveness

of a trade embargo, force obviously is a stronger tool of pressure. Force is also a component of a broader strategy that encompasses internal sanctions against a secessionist movement, in eg. Sri Lanka and Iraq. Sanctions are used in trade wars between trading partners, and this category of sanctions clearly falls outside the scope of this debate. But sanctions imposed to preserve the international peace and security and to enforce respect for international norms typically respond to acts of aggression and violence. In reality then there is no clear-cut dividing line between these sanctions and those that are part of an active war strategy. The current political reluctance among member states about military intervention by UN troops or under UN auspices, raises questions about the future effectiveness of UN sanctions. Will they end up being increasingly 'expressive' rather than 'coercive'?

5.4. Should Sanctions Continue to be Used at all?

This issue generated quite some debate. Some participants argued that more political attention and will should be devoted to preventive diplomacy. Stimulating regional mechanisms for cooperation, such as already gradually developing in parts of Africa, Latin-America and in East Asia, is one mechanism to ensure more structural regional stability and peace. A similar regional mechanism needs to be promoted for the volatile Middle East. On the whole, more thought should also be given to potential incentives for good behaviour, rather than relying only on punitive measures such as sanctions. Even where sanctions may be contemplated, threatening with sanctions needs to be tried first, before sanctions are actually imposed.

Another important contribution to international peace and stability should be the reversal of the arms race. Even if the arms race between East and West has been stopped and reversed after the end of the Cold War, there remain regional arms races. Much more political attention and investment is needed to control arms races, and to enforce arms embargoes.

Iraq often came up in the discussions. Some participants highlighted the 'failure' of sanctions in the case of Iraq, in terms of being an effective alternative to force, causing the overthrow of Saddam Hussein, and mitigating humanitarian suffering. Others stated in reply that the UN Security Council has got the message, and that it is very unlikely that the Security Council today would again impose a total trade embargo similar to that imposed against Iraq. The current search for 'smart' sanctions is also partially caused by a recognition of the suffering of the Iraqi people. Yet note has to be taken that regional organisations may not be learning so fast from the collective experience. The sanctions imposed in 1996 against Burundi and in 1997 against Sierra Leone for example, were formulated as comprehensive trade embargoes.

Where possible future sanctions regimes should be targeting the elite, not the general population. There may however be instances where such targeting is unlikely to have any impact. The military junta in Sierra Leone for example was not particularly affected by the sanctions as they had little interest in international travel, and because they continued to profit from the illegal diamond trade. In the same vein, the UNITA leadership in Angola does not seem to have been particularly affected by the sanctions imposed against them. Under such circumstances, a comprehensive trade embargo is still imaginable, and the emphasis then will have to be on humanitarian exemptions to protect the civilian population.

The recommendation was made that it was not productive to try and argue for an end to the use of sanctions. Sanctions are a foreign policy tool inscribed in the UN Charter, and international politics requires an instrument between diplomacy and the use of force. There will be future use of sanctions, and rather than arguing against any sanctions, efforts can better be devoted to providing policy makers with practical proposals for 'smarter' sanctions.

6. TOWARDS BETTER TARGETED AND MORE HUMANE SANCTIONS.

Comprehensive trade embargoes, experience shows, are untargeted ('blunt') and not humane. The following were identified as components of better targeted and more humane sanctions:

a. **Principled sanctions.** The point was made by several participants that sanctions themselves, meant to enforce respect for international norms, have to observe these international norms and therefore stay within the boundaries of international law. If meant to be an alternative to war, then, a fortiori, they should minimally respect the principles enshrined in international humanitarian law.

b. **Humane sanctions.** Where sanctions are established, their humanitarian impact needs to be kept under continuous monitoring and review. Appropriate humanitarian exemptions need to be built into the design of the sanctions regime. But sanctions authorities also need to take note of the fact that humanitarian exemptions cannot provide an effective safety net against the cumulative impact of prolonged sanctions, so that a more drastic review of sanctions policy may be required.

c. **Arms embargoes.** More pro-active political work is required to prevent the build-up of arsenals, not only

nuclear but also conventional, that can be used to threaten international peace and security or violate rights. More attention and resources need to be invested in making arms embargoes effective.

d. **Financial sanctions.** The research on financial sanctions needs to be taken forward, and the technical aspects of various financial sanctions made more broadly known. The current Interlaken process is important not only for its technical aspects, but also to influence the attitudes and institutional cultures towards the greater cooperation that financial sanctions need to be effective.

e. **Psychological sanctions.** These concern visa and travel bans for targeted individuals, or the banning from participation in international political, sports and cultural fora and events. Not discussed at this seminar, but not to be overlooked, and in need of further exploration.

A prerequisite for the choice of appropriate and targeted sanctions is an understanding of the vulnerabilities and strengths, not simply of the target country, but especially of the target leadership. The recommendation is to invest in detailed analysis of the political dynamics of the target country, and ongoing monitoring of the impact of sanctions on these.

7. INFLUENCING THE SANCTIONS AUTHORITIES.

7.1. *The Need for Political Response.*

Sanctions are a political tool, a tool of coercive diplomacy. Attention was drawn to the fact that the dynamics of the UN Security Council are, and will remain, first and foremost political. Crucial factors that influence the policy-decisions of the Security Council are timing, maintaining political momentum and building and maintaining a coalition of sanctions-senders. Speed, the desire to respond quickly, is therefore a key element in Security Council decision-making. Similar considerations will apply to other sanction authorities. The desire for a rapid response works against refinement of the sanctions policy before it is used. There are situations where a rapid and still convincing humanitarian pre-assessment is possible, as the case of the contemplated flight-ban against Sudan has shown. In other cases, the sophistication and modulation of the sanctions-policy will take place in the management, not in the original design, of the sanctions.

The political nature of sanctions may limit the willingness to pay attention to technical arguments, and to institutionalise a 'sanctions regime'. Political actors want to be able to pursue the political objectives, and to retain flexibility eg. with regard to humanitarian exemptions, for political purposes.

7.2 *Receptiveness to the Humanitarian Argument.*

At the same time several participants at the seminar stressed that today there is certainly a much greater willingness in the Security Council to listen to the humanitarian arguments. When a Harvard study in November 1993 highlighted the humanitarian impacts of the sanctions imposed on Haiti, this caused much political uproar and antagonism. A few years later, in late 1996, the Security Council itself requested a prior impact assessment, when a flight ban against Sudan was contemplated. It subsequently also requested OCHA to carry out an assessment of the sanctions against Sierra Leone. There is also new space for experts to brief the Security Council. It was felt that the trend in UN mandated sanctions is for more restrained and targeted sanctions. It was admitted that Iraq remains a stumbling block and that more meaningful reform of UN sanctions may not take place until the Iraq crisis is resolved.

The point was strongly made however that the Security Council should not endorse and delegate authority for sanctions to regional groupings, without insisting that these maintain the same standards for sanctions.

7.3. *Constructive Engagement or Critical Campaigning?*

The Security Council. There was quite some discussion at the seminar about how best to approach the sanctioning authorities, the Security Council in particular, to make sanctions more humane.

One line of argument stressed the opportunity that the greater receptiveness to humanitarian arguments at the level of the Security Council but also at the level of Sanctions Committee, offers. Simply arguing for the abolition of sanctions, ignoring the political goals for which they are imposed, is not a credible strategy. A constructive approach is one in which proposals are put forward that address the humanitarian concerns but do not prejudice the political objectives of the sanctions regime. In terms of the humanitarian argument, the emphasis here is not on the quantity of information, but on its objectivity, and the credible demonstration of linkages. Steps towards this end are work on humanitarian exemptions policies, measures to improve the accountability for the end-use of humanitarian aid, and the regular review of the humanitarian impact of sanctions as part of the overall sanctions management policy. The recommendation then is to support the policy-makers by developing practical strategies that are alternatives to comprehensive trade embargoes.

Another line of argument holds that politicians are essentially driven by political motives, and are not susceptible to other arguments unless they themselves are pressured to do so. A willingness to listen to humanitarian arguments may not lead to a more humane sanctions policy, as the humanitarian community only has an 'advisory' role. An element of critical campaigning may be necessary to influence sanctions policies, while an independent panel of jurists may be required to review whether UN sanctions are conform with international law. An important role here is played by the media, whose reporting can heavily influence the public, and therefore political, perception, of sanctions. Again the example of Iraq was mentioned,

where the media have given much attention to the war effort of the Allied coalition, and very little to the suffering of the Iraqi people, who in the process have become collectively 'demonised'.

The approach favoured by different participants reflected very much their position in the institutional landscape.

Sanctions Committees. The seminar also underlined the possibility, and the need, to work more closely with the Sanctions Committees that manage their implementation. Examples were given of constructive collaboration of aid agencies with the Yugoslavia Sanctions Committee. Unfortunately no account was provided of the working relationship between the aid

agencies and the Regional Sanctions Committee for Burundi, in Nairobi. But there are also examples where such constructive collaboration proved much more difficult. The work of OCHA with the sanctions authorities of ECOWAS, with regard to Sierra Leone, had not made much visible difference on the ground. Aid agencies working in Sri Lanka also experienced great difficulty in developing a constructive working relationship with the national sanctions authorities. On the one hand this had to do with the weaknesses in their information and argument. On the other hand with the fact that effectively policy on humanitarian exemptions was not made in eg. the Ministry of Relief and Rehabilitation or the Ministry of Health, but in the fairly inaccessible Ministry of Defence.

8. THE POLITICAL MANAGEMENT OF SANCTIONS.

8.1. *Maintaining the Credibility of UN Sanctions.*

Some participants expressed concern that the Security Council is losing credibility and thereby authority because of political inconsistencies in the use of sanctions, or because of the influence of powerful states on multilateral sanctions.

For the Security Council genuinely to be able to claim the high moral and legal ground, there has to be consistency in the resort to sanctions. The fact however that five Member States have a veto-right makes it unlikely if not impossible that these countries could ever be subjected to UN mandated sanctions.

Some participants saw Iraq as an example of inconsistent politics. It is rather difficult for some powerful members of the Security Council to claim that sanctions are needed to contain Iraqi aggression when they themselves first have been supplying arms to that aggressive regime. A participant also pointed out that there is another country in the Middle East, Israel, that has invaded a neighbouring country, represses part of the population on its territory, has build up an arms arsenal and ignores Security Council resolutions, yet it is not subjected to sanctions.

The absence of policy coherence can also undermine the credibility of sanctioning authorities. The US for example actively supported sanctions against Haiti, yet sought exemptions for US companies that had established assembly plants in Haiti. Moreover, while imposing sanctions against a declared unconstitutional and repressive regime in Haiti, the US simultaneously refused to accept that any Haitian refugee or asylum-seeker might be in genuine fear of prosecution. As part of the US interdiction policy, all were returned as 'economic migrants'.

Some allegations were made that sanction authorities also only pursue sanctions with vigorous political will when, and as long as, it does not harm their economic interests. It was hinted that the US constituted the military force against Haiti when the sanctions became too costly to the senders, and that the United Kingdom might have allowed Libya to launder a significant sum of money because properties and companies in the UK or Channel Islands were involved.

The overthrow of Saddam Hussein was not an original objective of the Security Council sanctions against Iraq, but now appears to have been 'added on' by the USA, with support from the UK. Are UN sanctions against Iraq thereby being turned into a tool for US foreign policy. To dominant influence of a particular member state in the medium-term will undermine the credibility of the UN.

8.2. *Managing Sanctions and the Relationship with the Target Regime.*

On several occasions during the seminar the point was made that sanctions need to remain part of an active political strategy, and therefore need ongoing political management. Sanctions should not be voted in, and then become a substitute for or even an obstacle to alternative and creative political approaches.

Clear objectives. Where sanctions have multiple and sometimes vague objectives, it may become unclear what exactly is required from the target regime that would constitute 'compliance'. As with other forms of conditionality, for the sanctioning-authorities monitoring 'compliance' then becomes a difficult and even controversial task.

Flexibility and incentives. There is also a tendency for sanctions to be imposed until a 'package' of demands are met. The package approach may be perceived as a greater pressure. On the other hand it inhibits a more flexible approach to sanctions, where there are incentives and rewards for gradual compliance.

The lack of flexibility in the management of sanctions by the sanctioning authorities can be used as an argument by those targeted to question their good faith. The Liberation Tigers of Tamil Eelam in Sri Lanka for example, saw the failure of the government to effectively lift the ban on fishing and the trade restrictions to the LTTE controlled area as a sign of 'ill faith' and as one argument to resume the war. Buyoya's Government in Burundi has fairly successfully argued that the sanctions maintained against Burundi were becoming an obstacle to political progress and an expression of the individual political agendas of some sanctioning countries.

Seek compliance more than saving face. The case studies indicate that political face-saving may be a greater influence in the decision to ease or to lift sanctions, than the objective degree of compliance of the target regime. The Buyoya Government in Burundi for example maintained that it had always intended to effect a return to constitutional politics, and that the sanctions made it more difficult to do so, by strengthening the hand of the hard-liners. Those supporting sanctions against Burundi have maintained that the political progress made so far would not have happened were it not for the sanctions. Whether and to what degree sanctions have an impact on the political and on the decision-making process of the targeted authorities is the object of conflicting political claims. The need for political face-saving however means that the lifting of sanctions or the so-called 'exit strategy' risk being no longer determined by an objective measurement of 'compliance'.

Balance isolation with ongoing dialogue and engagement. Isolation from the international community can have a strong psychological effect on certain though not all regimes. Total isolation however can be counterproductive. It may stimulate in the target regime a hardening of positions and of the confrontational stance. It may deprive the population in the target country of access to information. In Haiti for example, the comprehensive trade embargo made it very difficult also for the independent radio stations to continue operating. And it forced an impoverished population to sell off their home-radios, thereby reducing the access to independent information that could counter government propaganda. Isolation means that professionals, such as health specialists of the target country, have no access to the experience of other countries affected by sanctions, at a time when policy adaptations may be required. And younger people, the leadership of the future, may develop a strong sense of resentment, bitterness and anger against the international community, as one participant feared would be the case in Iraq. The recommendation then is not to totally cut the political and other communications with a target regime and the population of a targeted country.

Guidance on policy adaptation. It should not automatically be assumed that every component of the government institutions of a target country is suspect and subject to manipulation by the regime. Line ministries may continue to fulfil their duties but find themselves prevented from doing so by the shortages that trade embargoes create. A closer monitoring then of what parts of government aid agencies for example could continue to work with, is recommended. The seminar indicated that government institutions also could adapt

their policies and undertake measures to mitigate the humanitarian impacts of the sanctions, certainly to help vulnerable groups maintain food security and health. There is a role here for experts and a recommendation for more detailed policy-oriented research.

8.3 *Managing sanctions and the relationship with the domestic opposition.*

Monitor popular support. Sanctions will have more credibility and perhaps more impact if they are supported in the target country. There was or is support among nationals from South Africa, Haiti, Burundi and north Iraq for the international sanctions. Research on the impact of sanctions in Haiti, after the sanctions were lifted, however revealed that the suffering the sanctions caused eroded much of that support. There might have been less support if ordinary Haitians had known in advance what the impact of a prolonged trade embargo can be.

Work with the political opposition. The seminar highlighted the need to work with political opposition groups to a regime threatened with or targeted by sanctions, both in-country and abroad. They may need to broaden and deepen their knowledge of the variety of sanctions instruments, of the potential impacts of sanctions, and of the measures that can be taken to target better and to mitigate the humanitarian consequences.

The elected but ousted Presidents of Haiti and Sierra Leone for example advocated for a total embargo, apparently without consideration of the potential consequences for the population. In Burma, a country with a weak economy and an autocratic regime, the opposition National League for Democracy has been calling for more sanctions. In Burundi the Frodebu political opposition, which had been thrown out of office by the coup in 1996, generally supported sanctions until the summer of 1998. Then Frodebu in Burundi came to a political accommodation with the Buyoya regime, and started calling for a lifting of the sanctions. The Frodebu leadership in exile in Nairobi however maintained its support for sanctions.

The Haiti and Burundi cases illustrate the need to more closely examine the composition of the 'political opposition'. Sanctions can contribute to a rift between the opposition-in-exile and the opposition-in-country, with the opposition-in-exile showing more support for prolonged and tighter sanctions.

Monitor the impact on the political dynamics. Concerns were raised that trade sanctions offer opportunities for an autocratic regime and black marketeers to profiteer and

benefit economically. At the same time they can undermine the ability of the population to mount or maintain an organised resistance, and undermine more structural social and economic facilitators of democratic governance (education, middle class, industrial sector, effective institutions). The NGO organisations can end up strengthened where they are the channel for

humanitarian assistance, but these are not democratically representative and accountable institutions. Sanctions themselves therefore indirectly may influence the balance of power and the political dynamics in the target country in ways that complicate democratic governance. It is recommended that the changing political dynamics in the target country be closely and critically monitored.

9. SANCTIONS IMPACT RESEARCH.

9.1. *Other Research Areas Relevant to Sanctions Research.*

In the course of the seminar a number of other research areas were identified as relevant to the efforts to better monitor and understand the impact of sanctions.

Political science. Political scientists were not specifically invited to the seminar but the need for better understanding of the impact of sanctions on the political dynamics of target countries was identified.

Economics. Economists were not specifically invited to the seminar but the relevance of the monitoring of macro-economic changes was recognised. Economists who have studied economic recessions may have ready insights to offer.

International finance supervision. The efforts to combat money laundering from illicit trade, narcotics trafficking or corruption are relevant for the work to make financial sanctions better targeted and more effective.

Incentives/disincentives and conflict management research. Sanctions should be seen in the broader perspective of the use of 'conditionality' or 'incentives/disincentives' in international relations and more particularly for conflict management.

Responding to hardship. The experience of hardship of populations affected by a trade embargo, and the provision of humanitarian assistance under an exemptions policy, is a special case of the broader analysis of complex political emergencies.

Early warning, vulnerability and impact-monitoring. The research on methodologies for vulnerability assessment and impact-monitoring prior to or during sanctions can benefit from methodological

advances made in research on famine-early warning systems.

9.2. *Broadening the Range of Sanctions Case Examples.*

Although focussed on multilateral sanctions and on the United Nations, the seminar identified the need for a closer examination of a larger range of sanction experiences.

Regional sanctions. Regional groupings such as the European Community, ECOWAS in West Africa, the Organisation of American States (OAS) and a range of countries around Burundi, have got some experience with sanctions. There is limited documentation of the political decision-making and the management practice of sanctions by regional groupings.

Sanctions against factions. International sanctions have been imposed against particular political groups in a country, eg. the Khmer Rouge in Cambodia and UNITA in Angola. Little analytical documentation appears to be available about these attempts.

Internal embargoes. The same holds for examples of 'internal sanctions' as imposed eg. by Baghdad against Kurdish North Iraq, or by the Sri Lankan government against the areas of the North and East controlled by the Liberation Tigers of Tamil Eelam. Humanitarian agencies could also usefully revisit the experiences of working in 'blockaded territories' eg. Biafra during the Nigerian civil war in the mid-60s, or more recently Hazarajat in Central Afghanistan during 1997-98.

The sanctioned sanctioning. There are also the special instances of regimes that are both targeted by sanctions while themselves imposing sanctions: the Serbs from Belgrade imposed sanctions against the Bosnian Serbs, and the Baghdad regime imposes sanctions against N. Iraq.

9.3. *Follow-up on Humanitarian Impacts.*

Experts continue to develop the understanding and practicalities of financial sanctions in what has now become known as the ‘Interlaken process’.

The recommendation was made for a group of experts to initiate a similar process of research and development of methodologies to monitor humanitarian impacts and practical policy recommendations to avoid or mitigate them.

Possible components of expert-follow up could be:

- A detailed review of the assessment methodologies, and of the reporting and analysis of humanitarian impact from various targeted countries, to identify strengths and flaws; The outcomes of this exercise might be a manual of good practice for humanitarian assessment and a reference book on sectoral policy adaptation for sanction-affected countries;

- research on methods to assess long-term, post-sanctions impact;
- field-testing of the proposed assessment methodologies, and training of staff in operational aid agencies
- workshops for sanctions-committees on sanctions-authorities and perhaps for technical experts in sanction-affected countries
- presentations, to policy-makers of UN member states, and perhaps to the Security Council.

The experts would have to be drawn from a variety of disciplines, such as economics, social science and public health/epidemiology, and from a variety of organisations, UN and non-governmental and academic.

Annexes

CAN SANCTIONS BE SMARTER?
Can sanctions be more effective and humane?
Seminar Programme
December 16th & 17th 1998

Wednesday December 16th

Time	Subject	Speaker
08.45 - 09.15	Registration	
09.15 - 09.20	Welcome	Simon Maxwell, ODI
09.20 - 09.35	Introduction	Koenraad Van Brabant, ODI

1. SANCTIONS AS A FOREIGN POLICY TOOL

Chair: Simon Maxwell ODI

09.35 - 10.00	The effectiveness of sanctions as a foreign policy tool	Margaret Doxey Trent University
10.00 - 10.15	Questions and discussion	

2. HUMANITARIAN EXEMPTIONS

10.15 - 10.30	Sanctions in Iraq - an introductory statement	Denis Halliday
10.30 - 11.10	An overview of the current methodology for the assessment of the potential and actual humanitarian effects of sanctions and UN mechanisms for briefing the Security Council on humanitarian impacts	Claude Bruderlein UNOCHA
11.10 - 11.40	C O F F E E	
11.40 - 12.00	Streamlining the administration of humanitarian exemptions	Joseph Stephanides UN Department for Political Affairs
12.00 - 12.30	Questions and discussion	
12.30 - 14.00	L U N C H	

3. THE FEASIBILITY OF HUMANITARIAN EXEMPTIONS AS A SAFETY NET

Chair: Deborah Saidy WFP

3a. The weakness of the safety net

14.00 - 14.15	Excess mortality despite humanitarian exemptions in Cuba and Iraq	Richard Garfield Columbia University
14.15 - 14.30	Displacement and economic hardship despite humanitarian exemptions in Haiti	Elizabeth Gibbons UNICEF
14.30 - 14.45	Worsening humanitarian indicators despite humanitarian exemptions in Burundi	Sarah Collinson Actionaid
14.45 - 15.00	Questions and discussion	
15.00 - 15.30	T E A	

3b. Practical consideration in implementing humanitarian considerations

Chair: Koenraad Van Brabant ODI

15.30 - 15.45	ICRC's experience in the Former Yugoslavia	Michele Kuhn, ICEC
15.45 - 16.00	EC sanctions monitoring assistance mission	Anthonius de Vries, EC
16.00 - 16.45	Group discussion	
16.45 - 17.15	Feedback	
17.15 - 19.00	R E C E P T I O N	

Thursday December 17th

08.45 - 09.00 Summary of Day 1

3c. Selective trade sanctions

Chair: Koenraad Van Brabant ODI

09.00 - 19.15	Regional sanctions against Burundi	Emilienne Milani Association for Peace & Mutual Help
09.15 - 19.30	Sierra Leone and the ECONWAS sanctions	Pascal Lefort Action Contre le Faim (France)

3d. Internal government-imposed embargo with government-managed humanitarian exemptions

09.30 - 19.45	Sri Lanka	Meghan O'Sullivan Brookings Institute
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3e. The quality of humanitarian exemptions and the impact on local capacity

09.45- 10.00	Northern Iraq	Chris Saunders, SCF(UK)
10.00 - 10.30	Questions & discussion	
10.30 - 11.00	C O F F E E	

4. THE HUMANITARIAN RIGHTS PERSPECTIVE

Chair: Andrew Mawson Amnesty International

11.00 - 11.20	Civil and political rights - when are they the priority?	Abdullah Mutawi Centre for Economic & Social Rights
11.20 - 11.35	Haiti - a local perspective	Jocelyn McCalla National Coalition for Haitian Rights
11.35 - 12.05	Questions and discussion	
12.05 - 13.30	L U N C H	

5. THE POTENTIAL AND LIMITS OF FINANCIAL SANCTIONS

Chair: Mukesh Kapila DFID

13.30 - 13.50	An overview of present thinking on targeted financial sanctions	Andrew Mack Ex. Office of the UN Secretary General
13.50 - 14.10	Questions and discussion	
14.00 - 14.20	Blocking foreign credit and investment - a perspective from the oil industry	TBA
14.10 - 14.30	Freezing foreign assets and accounts: political decision making power, legal and financial tools in the USA	Richard Newcomb Director, Office of Foreign Assets Control
14.30 - 14.50	Freezing foreign assets and accounts: legal and practical obstacles in the UK, the current status in the EU	Tony Gammon Bank of England (in a personal capacity)
14.50 - 15.20	T E A	
15.20 - 16.45	Group discussions and feedback	
16.45 - 17.00	Conclusion	

SPEAKERS PROFILES

Margaret Doxey is Emeritus Professor and Senior Research Associate at the Department of Political Studies of Trent University in Ontario. She has held positions at universities in the UK, Canada and South Africa and has written extensively on international sanctions. In June of this year she was a member of the UN Ad Hoc Expert Group looking at ‘Assistance to non-target states affected by the application of multilateral economic sanctions: problems and proposals’.

Dennis Halliday is a former humanitarian coordinator for Iraq. As such he was in charge of overseeing the oil-for-aid programme from Baghdad.

Claude Bruderlein is a research Fellow at the Harvard Centre for Population and Development Studies and Special Advisor to the UN Office for the Coordination of Humanitarian Affairs in New York. He has had extensive field experience with the ICRC and the humanitarian impact of sanctions is one of his special areas of research.

Joseph Stephanides is Deputy Director of the Security Council Affairs Division and Head of the Sanctions Branch at the UN Department of Political Affairs. He has a distinguished diplomatic and academic career and extensive experience in various UN posts. Recently he was a member of the UN team that negotiated the agreement for the Oil for Food Programme with the government of Iraq.

Richard Garfield is a Professor at Columbia University and the Chair of the human rights committee of the American Public Health Association. He specialises in the epidemiological impacts of sanctions and the investigation of ways in which these can be minimised.

Elizabeth Gibbons is Deputy Director of UNICEF’s Office of Emergency Programs in New York. She has a 20 year career in social development and humanitarian affairs, 15 of which have been with UNICEF. She has worked in New York, Togo, Kenya, Zimbabwe, Angola and Madagascar, and most recently as head of UNICEF’s office for four years in Haiti.

Sarah Collinson is Research Coordinator in the Policy Division of ActionAid, a development NGO based in the UK. Prior to this she had an academic career in anthropology and international relations, with a focus on migration and refugee studies.

Michele Kuhn works in the Division for Policy and Cooperation of the ICRC in Geneva where economic sanctions are one of his areas of responsibility. He has six years overseas experience with ICRC and has also worked with the Swiss Federal Department of Justice and Police.

Anthoñius de Vries has worked for the European Commission for 8 years where he is responsible for the coordination of economic and financial sanctions. He is a former Deputy Director at the Dutch Ministry of Economic Affairs in which capacity he dealt mostly with economic relations with developing countries.

Emilienne Minani works with the Association for Peace and Mutual Aid in Nairobi. She is a former Minister of the Burundi Government, and has extensive experience of working with civil society in conflict situations. She has been closely involved with the effects and impacts of the sanctions against Burundi.

Pascal Lefort is Regional Desk Officer for West Africa and Haiti for Action contre le Faim in Paris. He has extensive experience in project management and planning including seven years working in humanitarian aid and rehabilitation programmes.

Chris Saunders is Save the Children Fund’s Programme Officer for the Middle East and Iraq. He has extensive overseas experience with SCF and as an academic specialising in children with special needs.

Abdullah Mutawi is a solicitor and legal counsel to the London based International Transport Workers Federation, a federation of 500 trade unions in 125 countries. He is also legal advisor to the New York based Centre for Economic and Social Rights (CESR) and has participated in human rights fact finding missions to Iraq with CESR in 1996 and with the Harvard study team in 1991.

Jocelyn McCalla is Executive Director of the National Coalition for Haitian Rights and serves on the board of Human Rights Watch / Americas, the New York Immigration Coalition and the Haitian Studies Association. He is an expert of human rights and political developments in Haiti and US refugee and immigration policy towards Haitians.

Asif Khan has worked for the United Nations in Bosnia-Herzegovina for UNPROFOR, and later for the UN Mission in Bosnia, as a Civil Affairs officer and later in the Office of the Special Representative of the Secretary General. He now works in the Executive Office of the Secretary General in the Strategic Planning Unit.

Richard Newcomb is the director of the US Office of Foreign Assets Control in the US Treasury Department. This body administers various bilateral US sanctions and all active UN financial sanctions initiatives.

Tony Gammon runs the unit within the Bank of England which is responsible for the administration, on behalf of HM Treasury, of financial sanctions imposed by the UN and others. He has long experience of working with the Bank of England, particularly in exchange control. He is speaking on this occasion in his personal capacity.

Jeremy Carver is head of International Law at Clifford Chance, London and an expert on economic sanctions particularly in relation to international financial markets. He has spoken at various international conferences and contributed to publications such as *The Kuwait Crisis. Sanctions and their economic consequences* (1991).

PAPERS SUBMITTED FOR DISTRIBUTION

The Effectiveness of Sanctions as a Foreign Policy Tool	Margaret Doxey
Opening statement	Denis Halliday
A Brief Overview of Security Council Applied Sanctions	UNDPA
Coping with the Humanitarian Impact of Sanctions: an OCHA perspective	
Comparative Study of Yugoslav and Iraqi sanctions regimes with emphasis on humanitarian exemptions	
Humanitarian Assistance under Comprehensive Economic Sanctions: a comforting illusion of protecting the safety-net. The Case of Haiti	Elizabeth Gibbons
From: Human Rights in Haiti - the more things change	
Presentation on Burundi	Emilienne Milani
Sri Lanka's Internal Embargo: Mitigating the Costs	Meghan O'Sullivan
Civil Strife, Civil Society, and the State: how Sri Lanka coped during wartime	Meghan O'Sullivan
The Quality of Humanitarian Exemptions to Sanctions: "Food for Oil" and the effect on households in Iraqi Kurdistan	Chris Saunders
Multilateral economic sanctions to enhance global governance and respect for international norms	
Civil and Political Rights - When are they the priority?	Abdullah Mutawi
Executive Summary - CESR report on Iraq	
Expert Seminar on Targeting Financial Sanctions - Interlaken - Executive Summary	
The Impact of Sanctions: a study of UNICEF's perspective	Eric Hoskin
Economic sanction: the current debate. A summary of selected readings	

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