

UN Sanctions – a call for updated perspectives

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We read with interest '*A rethink on sanctions necessary*' (see below courtesy copy) in which Kofi Annan and Kishore Mahbubani warn against excessive dependence on sanctions as a coercive and potentially counterproductive tool. While the authors admit that sanctions do serve some purpose, they ground their critique in a rewind of 20-year old tapes of failed UN sanctions on Iraq and Haiti, two of its first of 23 sanctions cases of the last quarter-century.

Annan (former UN Secretary-General) and Mahbubani (former Permanent Representative of Singapore to the United Nations and Security Council President and sanctions committee chair during Singapore's Council tenure from 2001 to 2002) both know efforts to make sanctions more effective, fair and transparent, are an ongoing and unending endeavor, and the results are clearly visible to those willing to see.

But instead, they tread the well-worn path of many sanctions skeptics by selectively citing academics who seem unaware of the UN Security Council's adaptations and sharpening of the sanctions instrument. They prefer instead to regurgitate outdated grievances, which George Lopez has called 'early '90s hangover'.

Few – including ourselves – would disagree that double standards in application and neglect of implementation by the UN Security Council's Permanent Five members have had counterproductive effects. Debate about sanctions effectiveness always has merit. But the authors overlook the vast improvements in the design, application and implementation of UN sanctions that have occurred over the past 20 years, significantly, that the Council has not employed comprehensive sanctions (blanket trade bans) such as those on Iraq and Haiti since 1994, moving instead to more precisely targeted, or 'smart' sanctions.

Without targeted sanctions, there would have been no successful lockdown of Al-Qaeda assets after 9-11; no reliance on even more refined targeted financial measures adopted against ISIS just last week; or, no ability to turn Iran's pursuit of weapons development into a historic global disarmament agreement. Nor would transitions from war to stable governance in Liberia or Sierra Leone have occurred without UN sanctions.

The recent report of a two-year comprehensive [High Level Review of UN Sanctions \(HLR\)](#), sponsored by Australia, Finland, Germany, Greece, and Sweden and organized by CCSI and Sue Eckert of the Watson Institute, Brown University, contains 150 recommendations for further improving sanctions effectiveness, many of which are already being implemented.

Grounding their criticism in a recently published study conducted by Thomas Bierstecker of the Graduate Institute (Geneva, Switzerland) jointly with Eckert, does not solidify the authors' argument. Bierstecker's widely quoted estimate that "sanctions are effective only about 20 per cent of the time", cited without qualifying information and context leads to misinterpretation. Bierstecker himself has written that "targeted sanctions are much more effective in constraining or signalling a target than they are in coercing a change in target behaviour." He has praised the impact of commodity sanctions and his research also indicates that sanctions have and can continue to play an important role in mediating violent conflicts. So why do Annan and Mahbubani fail to analyze sanctions with the nuance and complexity they warrant?

The failure of the 2011 Libya intervention to lead to a stable nation is a useful case in point. As Gadhafi was mobilizing to kill thousands of regime opponents in Benghazi, concerted diplomatic activities were supported by UN, EU and autonomous sanctions that cut off access by Gadhafi to nearly half of his usable monies - about \$ 36 billion. Thus, financial sanctions immediately denied the dictator the ability to import additional heavy weapons, to hire mercenaries, or to contract with elite commando units.

But armed intervention as part of a no-fly zone was implemented as well, as was a request to the International Criminal Court to initiate actions against key members of the Gadhafi family. All of these initiatives were accompanied by massive covert actions by many Western and Arab States. The result was an unmitigated disaster that included untold humanitarian suffering, unrestrained leaking of military stockpiles, uncontrolled fracturing of ethnic and political groups, and the lynching of Gadhafi. The Libya debacle was not due to failed sanctions but to narrow policy and military decisions that failed to plan for what happens in Libya 'the day after Gadhafi falls'.

Attributing failed conflict resolution to big power politicking that too frequently inhibits and undermines Security Council decisions is certainly justified. The Security Council's Permanent Five rarely live up to UN Charter ideals and promises. Annan and Mahbubani's complaint about the P5's "reverse veto", however, is too facile. The ten members of the Security Council, of whom five are elected each year to two-year terms,

also enjoy a sort of veto. Given that sanctions committees make decisions by unanimous consent, each member has an important but underutilized opportunity on each decision to ensure optimal fairness and clarity in sanctions policies.

Annan and Mahbubani are surely aware that the weight of their opinions could encumber the international community's only humanitarian means of protecting civilians while preventing the proliferation of weapons of mass destruction, terrorism, or human rights atrocities. Perpetuating misperceptions may unduly constrain its ability to resolve conflict by peaceful means, i.e., without resort to economic warfare, or military force, including targeted drone strikes.

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[A rethink on sanctions necessary](#) They do serve some purpose, but excessive dependence on them as a coercive tool can be counterproductive

By Kofi Annan and Kishore Mahbubani

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Today, the United Nations Security Council has more sanctions regimes in place than at any time in its history. During the 1990s, the maximum was eight. In the 2000s, the peak rose to 12; now it stands at 16. And these totals do not include sanctions imposed by the European Union (EU) and the United States. Judging by this escalation, one might conclude that sanctions have proved a remarkably effective tool in promoting international peace and security. Unfortunately, that is far from being the case. In fact, studies suggest that sanctions have had limited success. Thomas Biersteker of the Graduate Institute in Geneva estimates that sanctions are effective only about 20 per cent of the time. According to Oxford University's Adam Roberts, "There are very few cases where you can definitely identify sanctions as having had a success, except sometimes in combination with other factors". For example, while the US and EU sanctions on Myanmar may have contributed to the country's decision to open up its economy and engage in gradual political reform, fear of becoming overly reliant on China may have been a bigger consideration.

But the potential problems with sanctions regimes extend far beyond ineffectiveness. There is also evidence that sanctions can be counterproductive, such as when targeted regimes enrich themselves by controlling black markets in prohibited goods. In Haiti, to take just one example, the military regime

facilitated the trade of black-market oil across its border with the Dominican Republic during the oil embargo on the country in 1993 and 1994.

The risks intensify when the targeted country is in a strong position to retaliate, because affected constituencies can turn against their leaders for imposing the sanctions. When the US and EU imposed sanctions on Russia in response to its annexation of Crimea, Russia retaliated by banning food imports from Western Europe, spurring farmers in Brussels and elsewhere to protest falling prices.

Even when sanctions are not having the intended impact, however, they often remain in place. One reason is that, once sanctions have been adopted, the five permanent members of the United Nations Security Council can “reverse veto” attempts to lift them. Thus, although sanctions regimes are subject to periodic review, this means little as long as at least one permanent member is committed to maintaining them.

This occurred with the US-backed sanctions imposed on Iraq in the 1990s. The sanctions had serious consequences not just for Saddam Hussain and his regime, against whom they were aimed, but also — and more important — for huge numbers of innocent people. Joy Gordon of Loyola University in Chicago has estimated that the sanctions led to 670,000-880,000 excess child deaths.

To be sure, the international community, recognising the suffering that sanctions caused in Iraq, has moved towards targeted or “smart” sanctions. But it remains unclear whether today’s targeted sanctions are actually more effective than the comprehensive sanctions of the past. As Gordon has pointed out, black-market trade can still undermine arms and oil embargoes. Moreover, sanctions targeting specific industries can damage the wider economy in ways that hurt the livelihoods and wellbeing of ordinary citizens, though those consequences are often overlooked.

Sanctions targeting specific individuals, such as asset freezes and travel bans, do better at avoiding such broad collateral damage. But innocent people can inadvertently appear on these lists, though the process of identifying targets has improved in response to litigation brought by those who have been affected. Of course, sanctions do serve some purpose. As Columbia University’s Michael Doyle puts it: “Sanctions can be justified if the alternatives of inaction or armed force are worse, which they sometimes are. Inaction might involve tolerating a human-rights abuse or ... engaging in purely verbal criticism (‘cheap talk’). Armed force is both disproportionate to some abuses and often more costly in human and material terms.”

The problem arises when leaders depend excessively on sanctions. Harvard’s John Ruggie frames the issue succinctly: “Sanctions are an instrument of coercive diplomacy — except that policymakers have forgotten about the diplomacy part.” Indeed, it often seems that leaders, unwilling or unable to put in the time to pursue genuine political engagement, use sanctions as a kind of shortcut.

As Harvard’s Kenneth Rogoff has noted: “The effects of sanctions are often fairly disappointing — so much so that many scholars have concluded that such measures often are imposed so that governments can appear to domestic audiences to be ‘doing something.’” That was certainly the case with the severe sanctions imposed by the US on Cuba, which were both cheap and ineffective (in fact, they may have delayed reforms).

Unfortunately, getting sanctions right has generally been a less compelling goal than getting sanctions adopted. But, given the disputed impact of sanctions, a new approach is needed. After all, public policy should be guided by evidence, not intuition and emotion. And the evidence indicates that, in order to achieve success and avoid unintended consequences, carefully calibrated sanctions must be pursued in tandem with political engagement.

Imposing sanctions may feel good, but if they are actually to do good, we must refine how they are used.
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