

**"SANCTIONS AND THE UNITED NATIONS: A  
CASE STUDY OF HAITI"**

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*Dedicated to,  
my friends, Shankari and Raviprasad*

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(LTI of P. Sekar)

## PREFACE

This study aims at analysing the role of economic sanctions in international relations and the problems of implementation, with a special reference to the UN sanctions against Haiti. The study highlights the importance of sanctions, because they are often considered to be more effective than diplomatic negotiations if they are prudently implemented.

'Sanctions', which could mean the severing of economic, political, cultural or diplomatic links with the target countries, can be imposed as a penalty whenever there is a threat to international peace or an act of aggression is committed. Sanctions could be imposed either unilaterally or multilaterally, to persuade target countries to modify or change their behaviour. Often, the emphasis is on economic sanctions because the economy can be the most vulnerable sector within a country.

The first chapter of this study traces the evolution of sanctions from the ancient times. It was during the first decades of the twentieth century that, sanctions became a part of foreign policy. Great Britain was the first country to adopt sanctions as a part of its foreign policy. In the

same period, sanctions evolved as an instrument of policy as well as, a form of penalty in international organizations. It was the League of Nations which experimented with economic sanctions against Italy in 1936.

The second chapter evaluates the role of the United Nations which took over the League's task; and the collective approach to maintain international peace and security was re-activated. Chapter VII of the UN Charter contains 'sanctions provisions'. Sanctions under the UN can be divided into two phases; the first phase being, the Cold War era (1945-90). Rhodesia and South Africa, were the two countries that experienced UN sanctions in 1965 and 1977 respectively. The aim of the sanctions was to force South Africa to give up the policy of 'apartheid and racial discrimination'. Though these sanctions were violated by some of the Member-States, they did help in putting an end to apartheid.

The third chapter deals with the second phase, which began in 1990. During this period the UN has experimented with its non-violent approach (sanctions) in resolving conflicts.

Iraq was the first case in this order, followed by

Libya, Somalia, erstwhile Yugoslavia, Haiti and the Khmer Rouge parts of Cambodia. The end of the Cold War paved the way for lesser use of veto in the UN Security Council, and resulted in this trend of greater co-operation over security issues. The aim of the sanctions included: resolving Interstate conflicts, settling ethnic conflicts, protecting human rights, eliminating international terrorism and restoring democracy.

The fourth chapter focuses on Haiti as a case study. Sanctions against Haiti can be divided into two phases. The first phase began, when the Organisation of American States' (OAS), Foreign Ministers Conference called upon the Member-States to impose sanctions on Haiti. The second phase began in June 1993, when the UN Security Council, by its Resolution 841 (1993) called upon the Member-States to impose sanctions on Haiti. The reasons for imposing sanctions on Haiti was to restore democracy in that country. In October 1994, Aristide assumed power, and the objective of the UN to 'restore democracy' in Haiti was achieved with the co-operation of OAS.

The methodology adopted in this study is historical and empirical. The study is based on primary sources, such as UN

Security Council's Official Record, United States General Accounting Office Report, Year Books of the UN; and other publications of UN. The secondary sources among others, include important studies by Margaret Doxey ("Economic Sanctions and International Enforcement" and "International sanctions in contemporary Perspective"); David Baldwin ("Economic Statecraft"); Klaus ("the Power of Nations: The Political Economy of International Relations") and David Cortright and George A. Lopez (ed.) ("Economic Sanctions- Panacea or Peace-building in a Post-Cold War World").



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## **CHAPTER ONE**

### **SANCTIONS AND INTERNATIONAL RELATIONS**

This introductory chapter, focuses on a conceptual analysis of sanctions and the types of sanctions : such as instrumental, punitive and symbolic sanctions. Further, it deals with sanctions as an instrument of foreign policy and traces the evolution of sanctions from the ancient period onwards.

The destruction brought about by World War I created an impact on the leaders of the world. They began to think about the alternatives to war, to control the political behaviour of the State. Therefore, the League of Nations Covenant identified sanctions as a punitive measure. It was to be used, to control the political behaviour of delinquent Member-States. Moreover, it was to be used as a 'penalty', against a member which violated the Covenant.

Therefore, this policy of sanctions was adopted by some of the major powers as a part of their foreign policy. Further, the beginning of the 20th century marked the era of international trade. And, interdependency in trade between

the nations had increased. In this situation, economy became a 'means' to control politics. Therefore, the nation-states chose economic and other types of sanctions to achieve their foreign policy goals.

### CONCEPT OF SANCTIONS

The Treaty of Westphalia (1648) was the starting point for the recognition of the 'sovereignty' of nation-states. It also laid the foundation for protecting 'national interests'. Therefore, the countries 'attempt to influence', or change the policies of other countries. David Baldwin points out that there are at least three meanings to the concept of economic sanctions. The first is a rather narrow concept referring to the use of 'economic measures to enforce international law'. The second refers to the 'type of values that are intended to be reduced or augmented in the target state'. The third usage corresponds to 'the economic techniques of state craft'.<sup>1</sup>

Hufbauer, Schott and Elliot define economic sanctions as "the deliberate inspired withdrawal or threat of withdrawal of customary trade or financial relations, where

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1. A. David Baldwin, Economic Statecraft, (New Jersey, 1985), p.36.

"customary" simply means levels of trade and financial activities that, would probably have occurred in the absence of sanctions."<sup>2</sup>

As Doxey puts it "sanctions are the defending instrument of international society; in the social context they may be positive (reward) or negative (punishment), but in legal systems they are penalties, which designated authorities applied to law breakers."<sup>3</sup> Further, she says that the concept of authorized enforcement to international society belongs to the 20th century.

Therefore, the concept of 'authorized enforcement' can be used only in the case of multilateral sanctions. For example, in the case of sanctions against Italy (1936), the Council of the League was the authorized enforcement agency. In the case of Iraq (1990), the Security Council was the authorized enforcement agency. The United States General Accounting Office reports, "Sanctions can be imposed selectively, stopping only certain trade and financial transactions or aid program, or comprehensively, halting all

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2. Gary Clyde Hufbauer, Jeffrey J. Schott and Kimberly Ann Elliot, Economic Sanctions Reconsidered: History and Current Policy, (Washington, D.C., 1990), p.2.
  3. Margaret P. Doxey, Economic Sanctions and International Enforcement, (New York, 1980), p.3.

economic relations with the target nation."<sup>4</sup>

In conventional parlance 'sanctions' generally mean 'non-violent measures'. These non-violent measures usually include severance of economic, political, diplomatic, cultural and communications relations.<sup>5</sup>

#### **TYPES OF SANCTIONS**

Sanctions can be divided into two categories: 'unilateral' and 'multilateral' sanctions. Unilateral sanctions mean a single country alone can impose sanctions on a target country. For example, United States sanctions against the erstwhile Soviet Union in 1980-81, regarding import of grains. Multilateral sanctions are the sanctions imposed by the Members of an Organisation, against the delinquent Member-State.

There are three types of sanctions:

#### **Instrumental Sanctions:**

These are measures designed to prevent the target

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4. United States General Accounting Office Report to the Chairman, Committee on Foreign Relations, U.S. Senate, Economic Sanctions: Effectiveness as Tools of Foreign Policy, (Washington, D.C., 1992), p.2.
  5. Margaret P. Doxey, International Sanctions in Contemporary Perspective, (London, 1987), pp.7-8.

nation from obtaining specific goods or financial capital, for example, at the end of world War II the western imposed an embargo on the supply of 'military related technology' to the erstwhile communist nations. Even during the Cold War, a voluntary informal association called COCOM was setup by the western nations, to control the civilian technology export that could be used by the erstwhile communist countries to enhance their military capability.

**Punitive Sanctions:**

These are measures designed to punish the target economically for its unacceptable behaviour. These sanctions usually do not prevent the target nation from obtaining goods or capital, but can impose substantial economic costs. Although, the policy-makers of the sanctioning nation resigned themselves to the target's development, the sanctioned nations were able to find alternative markets and suppliers. For example, in the case of Poland, during 1981-82, the United States stopped new credit, and technology exports, and preferential trade for imposing martial law and suppressing the Solidarity trade union movement. However, Poland was still able to conduct trade and get new credits from the former Soviet Union. But nevertheless, sanctions created a moderate impact on Poland's economy.



### **Symbolic Sanctions**

These are measures whose economic effects are so slight that, the sanctioning nations do not intend it to cause great harm to the target economy. For example, the western embargo on arms exports and multilateral loans to the People's Republic of China (PRC) due to the Tiananmen Square massacre. In this case, the U.S. goal was to send a signal to China disapproving its policies.<sup>6</sup>

### **SANCTIONS AS AN INSTRUMENT OF FOREIGN POLICY**

Foreign Policy is important for a country to emerge as a 'power' in international politics. Almost everybody would agree that the aim of foreign policy is 'security from foreign invasion'.<sup>7</sup> However, the goals of the country's foreign policy have increased because of industrial development and increased number of state actors in global politics. Rapid industrialization paved the way for 'imperialism' and the imperial countries were in constant need of raw materials and markets for their manufactured

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6. United States General Accounting Office Report, n.4, pp.8-10.

7. Klaus Knorr, The Power of Nations: The Political Economy of International Relations, (New York, 1975), p.24.

goods. In order to protect their colonies, imperial powers developed a large army. The military could be used to protect national trade and resources. And the alliance of military and economy helped the state to raise its status in international politics.

A militarily and economically strong state could influence other states. This capacity to influence others is called 'power' by Knorr and Baldwin. The state adopts various strategic measures to influence others. Whenever, a country's national interest is affected, it will take various measures to protect its national interest. The measures include diplomatic negotiations, political, economic sanctions and even waging war..

Although sanctions are a historical phenomena, Great Britain was the first country which accepted 'sanctions' as a part of its foreign policy. In 1918, the then British government appointed a committee to examine the foreign policy under the chairmanship of Phillimo. Based on this committee's recommendations sanctions became a tool of foreign policy.<sup>8</sup> When diplomatic negotiations fail or when

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8. F.S. Northedge and M.J. Grieve, Hundred Years of International Relations, (London, 1974), p.140.

the state wants to put severe pressure on the target nation, economic sanctions can be more useful, because: (1) It is a non-violent measure; (2) It definitely causes less destruction than war. Therefore, the major powers adopted this strategy.<sup>9</sup>

Since world War I till 1990, there were 116 episodes of sanctions. Of these there were only three multilateral sanctions: League of Nations imposed sanctions once (Italy, 1936), the United Nations twice (Rhodesia, 1965-79 and South Africa, 1977-90). The other cases were all unilateral. The United States has imposed sanctions 77 times, the United Kingdom along with the League of Nations and the United Nations 22 times, the former Soviet Union 10 times (mostly against recalcitrant satellites). And the Arab League has exercised its oil power against the West, four times.<sup>10</sup>

Since the countries realized the efficacy of sanctions they used it to punish their target nations. As Baldwin puts it, "economic sanctions may be effective not because of their economic impact, which may be nil, but, rather because of the signal they send about intentions of the state

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9. Margaret P. Doxey, n.5, p.4.

10. Hufbauer, et. al., n.2, p.9.

imposing the sanctions"<sup>11</sup> As Doxey points out, "until recently unilateral acts of retaliation were not usually referred to as sanctions, nor was it economic warfare." For instance, the western embargo on 'strategic goods' against the former Soviet Union (during late 1940's) was not described as 'sanctions' by scholars or practitioners.<sup>12</sup>

However, the end of World war II established the 'new world order': that is, the emergence of new superpowers (United States and the former Soviet Union). In order to win over the small states, the big powers offered economic favours (including aid). Thus, it paved the way for a hegemonic or a paternal pattern of leadership. The difference between hegemonic and paternal leadership is "the reciprocal flow of benefits and the absence of coercion."<sup>13</sup> For example, during the Marshall programme (post-World War II period), West Europe became a client of America. The character of hegemony, is to achieve superpower goals at the expense of small states. This could be achieved with 'economic penetration', which include business investments,

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11. David A. Baldwin, n.1, p.24.

12. Margaret P. Doxey, n.3, p.4.

13. Klaus Knorr, n.7, p.25.

trade and financial aid programmes. This economic pressure was formalized through the 'Battle Act' in 1951. Under this Act the President of United States can cut the aid if he feels that the national interest would be threatened by the recipient state.<sup>14</sup>

#### **EFFECTIVENESS OF THE SANCTIONS**

The effectiveness of the sanctions are dependent on several factors: (1) The capability of the target nation to survive economic hardships. These could be overcome by illegal trade or support from a third country, which is common during periods of unilateral and multilateral sanctions. For instance, when the United States imposed sanctions on Cuba (1960), the latter was supported by the former Soviet Union; (2) The population within the target nation largely determines the political effectiveness of sanctions. If sanctions cause severe constraints, it could create strong opposition against the government of the target nations. However, it may be used to 'rally the population around the flag.' Therefore, the sentiments of the people could be used in support of the target government

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14. Ibid., pp.24-25 & 143.

in power, and the opposition of the people would be directed against the sender nation.<sup>15</sup> Ivan Eland points out that instead of creating political disintegration in the target nation, sanctions create nationalism and political integration; (3) The creation of public opinion through propaganda against the target nation. Through propaganda the sender country could prevent private and public investments moving into the target state.<sup>16</sup>

#### **UNITED STATES SANCTIONS**

The United States has been imposing sanctions unilaterally for various reasons. Barry Carter defines U.S. foreign policy as "cohesive economic measures taken against one or more countries to force a change in policy or at least to demonstrate a country's opinion about the other's policies". The terms 'economic boycott and embargo' are used often interchangeably.<sup>17</sup> As mentioned earlier, out of the 77

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15. Gary Clyde Hufbauer, et. al., n.2, pp.91-93.

16. Ivan Eland, "Economic Sanctions as Tools of Foreign policy", in David Cortright & George A. Lopez, ed., Economic Sanctions: Panacea or Peace Building in a Post-Cold War World?, (Boulder, 1995) pp.32-33.

17. Barry E. Carter, International Economic Sanctions: Improving the Haphazard U.S. Legal Regime, (Cambridge, 1988), p.4.

episodes of United States sanctions, in 15 cases the sanctions were used as a weapon for 'de-stabilizing' the target government. For instance, the United States sanctions against Cuba in 1960, against Dominican Republic to topple the Trujillo regime in 1961, and to remove the Allende government in Chile in 1973.

During the 1970s 'detente' was prevailing between the United States and the former Soviet Union. As a result, the attention of United States turned towards human rights and other issues. Hufbauer points out that, in the early 1960s sanctions were used for destabilising governments. In addition, the sanctions have also been used by the United States to protect human rights, to halt nuclear proliferation, to solve expropriation claims and combat international terrorism.<sup>18</sup>

Knorr studied 22 cases of sanctions out of which 4 were successful, and 2 were unambiguous. He found that there were two common properties in all these sanctions: (1) The imposition, or the threat of export or import restrictions was partial or complete; (2) The resort to economic reprisal was dramatic, in the sense that, it took place

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18. Hufbauer, et. al., n.2, p.7.

under conditions of considerable publicity and public attention.<sup>19</sup>

The success of the unilateral sanctions are always relatively low. For example, in Knorr's study of 22 cases, it was found that 72% (i.e., 16 cases) were failures and 18% were successful (i.e. 4 cases). Two reasons can be attributed for these failures: (1). The third country is ready to trade with the target state because it is simply more 'profitable'; and (2) The third country may use the opportunity to diminish the sender's diplomatic influence.<sup>20</sup>

#### **SANCTIONS BY FORMER SOVIET UNION**

After the World War II, the Soviet Union emerged as a superpower, and based on the communist ideology a 'bloc' was formed. It was known as 'COMINFORM'. In 1948, Yugoslavia was expelled from 'COMINFORM' and diplomatic sanctions were imposed by the Soviet and East European countries. The sanctions against Yugoslavia were removed in 1958. However, since then there was incordial relations between the Soviet Union and Yugoslavia.<sup>21</sup> In 1961, Albania faced semi-boycott

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19. Klaus Knorr, n.7, pp.152-153.

20. Margaret Doxey, n.3, p.31.

21. Margaret Doxey, n.3, p.31.



from the Soviet and East European countries. The reason for this boycott was Albania shifting its loyalty towards People's Republic of China. The erstwhile Soviet Union has always imposed sanctions to punish its recalcitrant satellites. Therefore, throughout the Cold War period, the United States and the Soviet Union had imposed unilateral sanctions to establish their hegemony.

#### **CHALLENGES TO THE SANCTIONS**

The Transnational Corporations (TNC's) have emerged as a challenge to the success of unilateral sanctions. Corporate spokesmen increasingly express their willingness to trade with any state regardless of its ideology. Further, they say that diplomatic hostility should not spill over into the economic sphere. When the United States imposed sanctions against Nicaragua, no country followed suit. This step was the prime cause for the weakening of the sanctions. Moreover, operations of the American firms in foreign lands are beyond the control of United States legal regime. When Nicaragua was denied spare parts for American made equipments, the American firms sent their spare parts from

their affiliated overseas units.<sup>22</sup> Therefore, it is easier to escape from unilateral sanctions by the target nation due to various reasons. First, the idea of hegemony is itself questionable because of the increased number of economically well developed countries competing in the global market. Second, there is a tremendous growth of TNCs challenging the sender's legal regime and sovereignty.

#### **HISTORY OF SANCTIONS**

Sanctions are not a recent phenomena. It prevailed during the Greek civilization. In 432 B.C. Pericles issued the 'Megarian Decree'. The decree prevented the entry of Megarian goods into Athenian markets. It also prevented the entry of Megarian ships into the port of Athens. The Megarian attempt to expropriate territory, and the kidnapping of three women resulted in additional sanctions against it. These sanctions contributed to the Peloponnesian War.<sup>23</sup>

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22. Rodman A. Keneth, "Sanctions at Bay? Hegemonic Decline, Multinational Corporation, and U.S. Economic Sanctions Since the Pipeline Case", International Organisation, vol.49, no.1, Winter 1995, pp.112-115.

23. David A. Baldwin, n.1, p.146.

In India, Kautilya's Arthashastra, the oldest treatise on state craft, mentions the means to destroy the enemy's economic strength. He identified economy and military as the twin pillars of power. Kautilya says, "...peace (Sandhi), war (bigraha), observance of neutrality (asana), marching (yana), alliance (sanisraya) and making peace with one and waging war with another are the six forms of state policy."

<sup>24</sup> He further says, "Of these a wise king shall absorb that forms of policy which, in his opinion enables him to build forts, to construct buildings and commercial roads, to open new plantations and villages, to explore timber and elephant forests and at the same time to harass similar works of his enemy." <sup>25</sup> That is, in order to win over the enemy one should destroy the economic viability of the enemy state. Hence, we see in Kautilya's strategic thinking references to sanctions and economic warfare.

The concept of economic sanctions continued during modern history. In the eighteenth century, during the American freedom struggle, the people used sanctions as a weapon against the British imperialism. In A.D. 1765 the

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24. Shayama Sastry, Kautilya's Arthashastra (Mysore, 1929), p.293. See also, T.N. Ramaswamy, Kautilya's Arthashastra (New Delhi, 1962), p.109.

25. Ibid., p.293.

English parliament passed the Stamp Act to increase the income from the colonies. However, the American people resisted this step, and boycotted the English goods, resulting in repealing of the Act. In 1767, the British Exchequer Charles Townshed tightened the customs and levied new taxes on paper, lead, glass and tea. Once again the American people reacted to British imperialism by boycotting British goods. In 1770 taxes on all the things were repealed except on tea. It paved the way for the 'Boston Tea party' which took place on 16 December 1773. Thereafter the tax on tea was removed.<sup>26</sup>

The nineteenth century witnessed the peak of imperialism. The struggle between Britain and France also reached its peak. Britain acquired tremendous wealth through its Asian and African colonies. In order to destroy the British commerce, Napoleon (1799-1815) imposed an embargo against Britain. In November 1806, Napoleon proclaimed the 'Berlin Decree'. In this decree, Napoleon banned the entry of British ships into French and allied ports. Moreover, he strengthened the 'continental system' through the 'Warsaw

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26. Henry Bamford Parkes, The United States of America: A History, (Calcutta, 1967), pp.98-100. See also An Outline of American History, (United States of America: United States Information Agency, n.d.).

Decree'. The 'Milan Decree' (1807) and the 'Fontainbleau Decree' (October 1810) ordered the confiscation of any British manufactured goods found in the Napoleonic State.<sup>27</sup>

In their struggle for independence, the Indians experimented with sanctions. In order to weaken the Indian National Congress, the British decided to partition Bengal. The reason attributed to the partition was 'administrative convenience'. But, the attempt was to divide the population on communal basis. In opposition to this partition plan, Congress passed the 'Boycott' resolution, at its Calcutta session (1905). This resolution asked the people to boycott Manchester cloth and Liverpool salt. Thereafter, the boycott of British goods spread throughout India. The boycott of British goods was successful, as it resulted in a reunited Bengal in 1911.<sup>28</sup>

#### **SANCTIONS UNDER THE LEAGUE OF NATIONS**

The impact of World War I forced the comity of nation

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27. Carlton J.H. Hayes, Modern Europe to 1870, (New Delhi, 1977), pp.551-54.

28. Bipan Chandra, et. al., India's Struggle for Independence, (New Delhi, 1989), pp.124-29. See also Sumit Sarkar, Modern India 1885-1947, (Madras, 1983), pp.115-17.

to look for a new system of security, since these states realised that they could not achieve peace through the old system of 'alliance', 'arms race' and 'balance of power'. This led to the establishment of 'collective security' which was based on the idea of 'one for all and all for one'. This concept of 'collective security' was incorporated in the League Covenant under Articles 10, 11 and 16.

Article 10 states, "the Members of the League undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all Members of the League."<sup>29</sup> Article 16, paragraph 1 of the Covenant deals with the actions to be undertaken by the League against the delinquent states. If any Member resorts to war against other, or even if a Non-Member wages war against a Member, it would be, considered as a war against all. The League in such circumstances, ".... undertake immediately to subject it to the severance of all trade or financial relations."<sup>30</sup> Further, it prohibits all financial commercial, or personal intercourse between other nations and the Covenant breaking nations.

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29. F.S. Northedge, The League of Nations: Its Life and Times 1920-46, (London, 1986), p.a.320.

30. Ibid., p.a. 323.

The founders of the League expected to settle the disputes through peaceful methods, such as economic and political sanctions. Economic sanctions put more pressure than diplomatic efforts. The application of economic sanctions by the Members was voluntary. In 1921, The Assembly adopted a resolution declaring that, for each state 'application of economic sanctions under Article 16 was optional, not mandatory'.<sup>31</sup>

Before imposing sanctions the League undertook diplomatic initiative to resolve crises. For example, in the dispute between Italy and Abyssinia a Committee was appointed, on the basis of the 1928 Treaty. The Committee Consisted of two members from each of the disputing country. Since, these four members could not reach an agreement, a fifth member was appointed as an arbitrator. However , the recommendations of the Committee of Five was rejected by the Italian Council of Ministers. Even, the Abyssinian Emperor's offer to negotiate on the basis of the recommendations of the Committee of Five was rejected by Italy. And, On 3 October, 1935, Italy invaded Abyssinia. On 8 October, 1935. The Council adopted the report of the

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31. A. Leroy Bennet, International Organisations: Principles and Issues (New Jersey, 1988), p.139.

Committee of Five. A committee was appointed to study the situation on the basis of Article 12 of the Covenant. However, on 9 October, 1935, Article 16 was invoked.<sup>32</sup> Out of 54, members 50, agreed to The Council's decision. On 18 November, 1935, sanctions against Italy commenced. The sanctions lasted for nine months. But, the sanctions were ineffective. E.H. Carr states that,

"the most conspicuous practical failure caused by the persistence of this nineteenth -century illusion was the breakdown of League sanctions in 1936.... The only difference between the two paragraphs (paragraph 1 and 2) is that, whereas all members of the League would have to apply the economic weapons, it would be natural to draw the necessary armed forces from those members which possessed them in sufficient strength and in reasonable geographical proximity to the offender."<sup>33</sup>

In the first half of the twentieth century global politics was dominated by Britain. On the other hand, Germany was recovering from the devastation caused by World War I, under the leadership of Hitler. In this circumstance, France did not want Italy to go over to Germany's camp. Hence, to appease Italy, Britain and France,

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32. D.B.F.P, Second Series, vol. XIV, no.628. n.29. (cited in), p.228.

33. E.H. Carr, Twenty Years in Crisis: 1919-1939, (Toronto, 1946), p.118.





major powers in the world politics played a 'low keyrole' in this crisis (Abyssinian crisis). The sanctions were in the form of an embargo on arms sales, prohibition on loans and credits to Italy and ban on imports and exports. The main drawback in the sanctions was there was that, there was no ban on oil import. The Canadian delegates were the first to propose an embargo on oil and other essential goods like coal, and steel. According to Doxey, sanctions might have been effective if 'semi-manufactured goods' had been included and if there had been sufficient time for the sanctions to take effect.<sup>34</sup>

Britain and France made a secret pact that sanctions against Italy would be limited. During the summer of 1936, Neville Chamberlain's sister-in-law met the Italian ruler Benito Mussolini in Rome and concluded a secret agreement with him. In the same period Laval (the French Foreign Minister) also reached an agreement with Italy. And, when the proposal for an oil embargo was put forward Laval argued that an oil embargo amounted to a 'military action'. Which could have military consequences.<sup>35</sup> Moreover, he

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34. Margaret P. Doxey, n.5, pp.26-28.

35. Ibid., pp.28-29.

stated that the French people did not want to quarrel with the Italians. In the meanwhile Hitler announced the 'rearming of Germany', on 7 March, 1935. And, Germany violated the Treaty of Versailles and the Locarno Pact, through militarisation of the Rhineland in 1936 and expansion of its Navy.

In Britain, public opinion was in favour of sanctions, but leaders like Chamberlain described sanctions as 'mid-summer madness'. Antony Eden, the new Foreign Secretary, a supporter of sanctions earlier, proposed the withdrawal of sanctions, in June 1936. It was accepted by the British Cabinet and Parliament. And, on 5 July, 1936, sanctions were lifted.<sup>36</sup>

Baldwin points out that the failure of the League of Nations was that, it failed to impose sanctions against Japan during its invasion of Manchuria. This was the prime cause for the failure of the League. Moreover, sanctions against Italy proved to be ineffective. The League's problem was not one of absence of sanctions, but, rather one of not using them at the earliest, and more often.<sup>37</sup>

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36. F.S. Northedge, n.29, pp.242-243.

37. D. Baldwin, n.1, p.156.

The causes for the failure of sanctions against Italy were: (1) There was no oil embargo; (2) Suez canal was not closed for the Italian commercial ships, and its invading fleet; (3) Italian flights had refueling facilities in the British Somaliland on their way to Abyssinia; (4) There was no blockade on ships entering the Italian ports; (5) Non-cooperation by neutral members such as the United States, Germany and Japan.

Therefore, the first experiment of collective or multilateral sanctions was a failure, because of unwillingness among the League members and 'miscalculations of the British and French leaders about German policies and aims'.<sup>38</sup>

Between 1931 and 1937, eleven members of the League gave up their membership. Between 1939 and 1945 (during World War II) the League was hardly active. In April 1946, the League of Nations was formally dissolved. In the meantime, the United Nations had taken over the tasks of the League.

One can conclude that, the sanctions are a historical phenomena. When the League of the Nations was established,

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38. F.S. Northedge, n.29, p. 255.

the founding fathers identified sanctions as an instrument of foreign policy, and it was used to change a country's political behaviour. Hence, in 1921, one of the League's resolutions adopted this as an option. However, since 1918 sanctions became part of the Member-Country's foreign policy.

## **CHAPTER TWO**

### **U.N. AND SANCTIONS: PHASE ONE (1945-90)**

The period of the first phase of the sanctions of the sanctions was 1945 to 1990. During this period, the United Nations used its weapon (collective sanctions which include economic as well as diplomatic) against two countries. "Decolonisation" is one of the United Nations's objectives. In order to fulfill this objective, the United Nations imposed sanctions against Rhodesia (1965) and South Africa (1977). South Africa was the first country to face United Nations General Assembly sanctions (voluntary) in early 1960s. During this phase, sanctions were used to remove "apartheid" and "social discrimination". We shall examine these two cases in the following pages.

The reason for war is war itself. This was proved by World War II, because the seeds of World War II were sown during World War I. The failure of the League of Nations had contributed in equal measure as well. In this environment the 'United Nations Organisation' was born. Maintenance of International Peace and Security is the foremost task of

this international organisation. There were 51 countries that participated in the San Francisco Conference and adopted the UN Charter on 26th June, 1945. The Charter comprises XXIX Chapters and 111 Articles.

The end of World War II brought a new world order wherein the United States and the Soviet Union became superpowers engaged in ideological struggle.<sup>1</sup> The old system of balance of power had disappeared. The UN started to work in the midst of the Cold War.

The philosophy of the UN is to "maintain or restore international security through collective effort". Although this collective action began in the time of the League of Nations, it was experimented in the real sense only during the United Nations period. The concept of collective security is laid in Chapter VII, Article 39 of the UN Charter. It says, "the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and

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1. Peter Calvocoressi, World Politics since 1945 (New York, 1987), p.3.

security.<sup>2</sup>

The proposal to provide provisional measures within the frame work of Chapter VII of the Charter came from China and it was accepted by the United States, United Kingdom and Soviet Union without any resistance at the San Francisco conference.<sup>3</sup> Article 40 of the Charter urged the "...Security Council before taking any decision or recommending any measures, it calls upon the parties concerned to comply with such provisional measures..." Further it stated that the Security Council take into account the failure of provisional measures.

Article 41 of the Charter provided the measures which can be recommended by the Security Council. One should not that the Charter first mentioned the non military measures which could be used to restore international peace and security. Thus Article 41 talks about measures that can be employed to maintain peace and security; "... it may call upon (Security Council) members of the United Nations to apply such measures. These may include complete or partial

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2. CHARTER OF THE UNITED NATIONS AND STATUTE OF THE INTERNATIONAL COURT OF JUSTICE (Department of Public Information, United Nations, New York, September 1993), p.7.

3. Bruno Summa, The Charter of the United Nations : A Commentary (New York, 1994), p.617.



interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations".<sup>4</sup>

Further, the Charter provided that if that measures taken by the Security Council are 'inadequate' or proved to be 'inadequate', and there may be the use of force to restore peace and security. The difference between the League Covenant and the UN Charter is that the former did not mention 'diplomatic severance' but the latter added this measure as a part of coercive sanctions.

There are six methods in attempting to settle international disputes. They are: (1) No action taken by the disputing parties allowing the dispute to remain unsettled over a period of time; (2) Settlement through the parties own initiative in negotiation or other peaceful measures of their choice; (3) Intervention by an international agency to facilitate peaceful settlement; (4) Collective action by an international agency to restore order if international peace has been breached or threatened; (5) Coercive self help including reaction to war between the parties; (6) Intervention by other states

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4. n.2, p.23.

to promote or secure their own interest.<sup>5</sup>

Out of the six principles mentioned above, the 'intervention by the international agency' is most prevalent. All the members of the UN subscribe to the principle that international disputes should be resolved by 'peaceful means', in such manner that international peace, security and justice are not endangered. In this circumstance, the Security Council determines the act of aggression and it makes recommendations.<sup>6</sup>

The Korean crisis was the first major problem brought before the UN. North Korea invaded South Korea in June 1950. Although the Security Council condemned the North Korean attack, the US wanted to send UN forces to the Korean peninsula. During this time the Soviet Union was 'absent' for one month from the Security Council. Therefore this was the time when a major breakthrough called the 'Acheson plan' or 'Uniting for Peace' resolution was adopted.<sup>7</sup>

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5. A. Leroy Bennett, International Organisation : Principles and Issues (New Jersey, 1988), p.134.
  6. Willard N. Hogan, International Conflict and Collective Security : The Principle of Concern in International Organisations (Kentucky, 1955), p.112.
  7. K.P. Saxena, The United Nations and Collective Security: A Historical Analysis, (New Delhi), p.99.

'Uniting for Peace' resolution provided that whenever the Security Council failed to exercise its primary responsibility to settle international disputes because of the dead-lock prevailing in the Council by the use of veto. It provides for the General Assembly to meet within twenty four hours and designate the aggressor and make recommendations to Member States. Member States respond with co-operative sanctions against the aggressor.<sup>8</sup>

This was adopted by a vote of fifty seven in favour, zero against and two abstentions. The Soviet Union supported the resolutions and also was a member of the peace observation commission. India and Argentina were the countries that abstained.<sup>9</sup> Further the resolution asked the Member States 'to maintain armed forces within their sovereignty', to use in the dispute field under UN Command. The action taken by the Member States on the recommendations of the Assembly was to be reported to another new body called 'collective measures committee'. The US Secretary of State, Mr. John Foster Dulles, described the Uniting For Peace resolution (UPR) as 'a good policy insurance against

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8. Ibid., p.100.

9. GAOR 301st Plenary mtg. Nov.2 1950, p.335 cited in Ibid, p.100.

World War III'.<sup>10</sup> It is 'a genuine and effective system of collective security', commented Lister Pearson. Inis L. Claude points about Uniting for Peace Resolution, 'by definition the veto frustrates the adoption of decision supported by at least nine of the fifteen members of the Security Council and in most cases, the affirmative majority includes several of the big five'. Hence use of the veto encounters potentially formidable opposition and members of the frustrated majority have the incentive and may have the political capacity, to counteract its negative effect and make their will prevail.<sup>11</sup>

Thus the General Assembly has become the alternative forum for resolving political disputes. However Claude criticised the 'Uniting for Peace' scheme and described it as 'less to equip the General Assembly to preside over collective security operations than to facilitate and regularise the utilisation of that body, as an agency of collective legitimisation in cases involving military

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10. 299th mtg. on 1st Nov, 1950, p.293, cited in Ibid p.101.

11. Inis L.Claude, Swords into Plowshares : The Problems and Progress of International organisation, (New York, 1971), edn.4, pp.150-1.

force.<sup>12</sup>

### **Sanctions Against Rhodesia**

Article 41 of the Charter was invoked in November 1965 against Southern Rhodesia because she followed a policy of 'racial discrimination'. Till 1965, Southern Rhodesia was a colony of Britain. However it declared its independence unilaterally under the leadership of Ian Smith.

Until 1923, Rhodesia was ruled by the British. South African Company, which was formed by Cecil Rhodes. The area included present Zimbabwe (Southern Rhodesia), Zambia (Northern Rhodesia) and Malawi (Nyaasaland). As a result of the 1922 referendum, Southern Rhodesia became a 'self governing autonomous colony. In 1953 the Federation of Rhodesia was broken and Northern Rhodesia became a separate state.<sup>13</sup>

As soon as Rhodesia declared independence, the British government imposed sanctions and argued that the declaration of independence was illegal. The British High Commission to Salisbury was withdrawn. The Rhodesian High

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12. Ibid., p.269.

13. Tzu-Wen Li, "UN Sanctions Against Rhodesia", Indian Journal of International Law, (New Delhi), vol.18, (1978), p.50.

Commission in London was asked to close. Further Britain did not recognise the passports issued by the illegal regime. Exports of arms including spare parts was stopped. Rhodesia was removed from the sterling area and special exchange restrictions were imposed. Rhodesia no longer had any access to the London capital market, and credit guarantees. She was suspended from the Commonwealth Preferential Area. Thus, Britain was the first country to impose coercive measures against UDI.<sup>14</sup>

Rhodesian white minority regime followed a racial discrimination policy and denied self determination to the black majority. It was on 12 November, 1965 that the Security Council adopted the resolution imposing diplomatic severance and voluntary sanctions. The Resolution 216 and 217 (November 12 and 20, 1965 respectively) were initiated by the British representative. Thereafter negotiations between Britain and Rhodesia failed to resolve the conflict. Thus Britain initiated Resolution 232 (1966) calling for selective mandatory measures against Rhodesia. In the meantime, the Smith regime executed three nationalists who

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14. Elaine Windrich, Britain and The Politics of Rhodesian Independence (London, 1977), pp.61-64.

were granted mercy by the British Queen. In response to this, the Security Council adopted Resolution 253 (May 1968). The resolution not only condemned the execution but also imposed comprehensive mandatory measures.<sup>15</sup> The representative of Jordan at the Council's afternoon meeting on 12 November, put forward a resolution (draft) revised in the light of discussion which was adopted by the Council by a vote of 10 with one abstention (France).

By this the council decided: (1) to condemn the unilateral declaration of independence made by the racist minority in southern Rhodesia; and (2) to call upon all states not to recognise this illegal racist minority regime in Southern Rhodesia and to refrain from rendering any assistance to it. The council adopted this text as Resolution 216 (1965).<sup>16</sup>

On 13 November, the U.K. introduced a draft resolution. In the same meeting the representative of the Ivory Coast stressed that without a rapid solution a racial war with the inevitable consequences would start in Africa. He submitted a draft resolution in the name of the African

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15. Neera Chandoke, The Politics of UN Sanctions, (New Delhi, 1986), pp.38-41.

16. Year Book of the United Nations, 1965 (Department of Public Information, UNO New York).

Group'.

On 19 November the representative of Uruguay introduced a joint draft resolution sponsored also by Bolivia. The Council decided that this proposal should be given priority over the drafts submitted by the U.K and the Ivory Coast. On 20 November the Council adopted it in a slightly revised form as Resolution 217 (1965) by 10 votes to 0, with one abstention (France). The other two draft resolutions were not pressed to a vote.

The operative part of the resolution, which it approved: (1) determined that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia was extremely grave, that the United Kingdom should put an end to it, and that its continuance constituted a threat to international peace and security; (2) Re-affirmed its Resolution 216 (1965) of 12 November and General Assembly Declaration of 14 December 1960 on granting independence...; (3) called upon all states to refrain from any action which would assist and encourage the illegal regime in particular, to desist from providing it with arms, equipment, military material, and to do their utmost in order to break all economic relations with Southern Rhodesia including an embargo on oil and petroleum products; and (4)



called upon the United Kingdom government to enforce urgently and with regions all the measures it has announced as well as those mentioned in the preceding paragraph...

When Resolution 253 was passed in that debate, the Ethiopian representative expressed the lack of confidence in sanctions against a UDI regime. Moreover, countries like Ghana not only expressed their dissatisfaction regarding sanctions but the Prime Minister Kwame Nkrumah volunteered to send a force to Rhodesia under UN command.<sup>17</sup>

In 1966 a ship was found carrying 70,000 tonnes of oil to the port of Beira. It must be noted that Rhodesia being a land locked country had to depend on Mozambique for maritime trade. From Beira to Umtali (oil refinery) the oil was sent through a 181 mile long pipeline. The pipeline was owned by the British company Lonrho which held 62.5 per cent of the shares, the remaining 37.5 per cent was with the Portuguese government.<sup>18</sup> Despite UN collective sanctions against Rhodesia she could manage to survive economically. The collective sanctions included: (1) Prevention of import of any goods from Rhodesia or of Rhodesian origin, including

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17. Ibid., p.43.

18. Ibid., p.50.

chrome are and repeal of national legislations permitting import of minerals and other products from Rhodesia; (2) Stoppage of facilities for transport of goods to and from Rhodesia and a bar on all kinds of trade and other transactions that might enable Rhodesia to obtain goods and services from, or provide them to other countries; (3) a moratorium on economic or financial aid to the illegal regime; and (4) Enactment of national legislation to provide for the imposition of severe penalties on persons natural or juridical that might evade or commit breaches of the sanctions.<sup>19</sup>

Countries like South Africa, Portugal and Mozambique did not participate in the UN Sanctions against Rhodesia. Windrich pointed out that Mozambique needed Rhodesia more than Rhodesia needed it.

Around 80,000 Mozambique citizens were working in Rhodesia. The income of Mozambique mainly came from those citizens and payment by Rhodesia for the use of ports like Beira.<sup>20</sup>

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19. Ibid., p.76.

20. TZU- wen-Li, n.14, p.56.

Rhodesia continued its trade with other countries through the South African Customs Union. South Africa did not participate in the United Nations sanctions because it considered it as being harmful to the Customs Union.<sup>21</sup> Countries which did not participate in the United Nations sanctions violated Article 25 of the United Nations Charter.<sup>22</sup>

The United States S, in the beginning supported sanctions, and later retracked to its original position. In 1971, Senator Byrd made an amendment in the Procurement Bill which was passed in 1972. This act permitted the import of chrome ore from Rhodesia (which was in the United States sanctions list).

However Doxey points out that the United States had another option whereby it would have to import chrome ore from the Soviet Union, since sanctions were slapped on Rhodesia. However in 1977, the Procurement Bill of 1972 was removed. Britain and USA used vetoes in the Security Council against Asian-African proposals for additional sanctions for

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21. Ibid., p.54.

22. The members of the UN agree to accept and carry out the decisions of the Security Council in accordance with the present charter.

quite some time. Britain used vetoes 9 times since 1963 regarding the Rhodesian case. In 1972 Afro-Asian countries called for 'communication sanctions' which was vetoed by the US and Britain.<sup>23</sup>

In 1974, the US closed the Rhodesian tourist office in Washington D.C. In 1976, Mozambique issued sanctions against Rhodesia, South Africa followed suit. After the conclusion of Lancaster House Agreement, the Security Council called upon the member states to lift sanctions against Rhodesia. One should remember that not only has international pressure worked, but also the freedom struggle launched by Zimbabwe nationalists (ZAPU & ZANU-Zimbabwe African Peoples Union and Zimbabwe African National Union).

### **Sanctions against South Africa**

After the removal of the illegal regime in Rhodesia, the United Nations experimented with 'collective sanctions' against white minority rule of South Africa. South Africa is one of the biggest countries in the region which was colonised by Britain. It possesses enormous natural resources including diamond, gold, petroleum and coal. In

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23. Neera Chandoke, n.16, p.52.

1959, Nobel Laureate Albert Luthuli, then President of the African National Congress, urged the global community to impose what he called an economic boycott of South Africa to precipitate the end of the hateful system of 'apartheid'.<sup>24</sup> Akinsanya and Ajayi point out that central to the South African problem was its governments discriminatory racial policy otherwise known as 'apartheid'. Although Africans were constituting seventy per cent of the population, they had access to only 13 per cent of the land and resources. At the same time the 4.3 million whites utilised the remainder.<sup>25</sup> In 1962, the General Assembly called upon all the member states to: (a) break diplomatic relations and refrain from establishing them; (b) close ports to ships flying the South African flag; (c) boycott trade; (d) forbid their ships to enter in South African ports; and (e) refuse landing of aircraft belonging to the government of South Africa and also of companies registered there.

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24. Jennifer Davis, "Sanctions and Apartheid: The Economic challenge to Discrimination", in David Cartright and George A Lopez (ed.), Economic Sanctions: Panacea or Peace Building in a Post-Cold War World (Boulder, 1995) p.173.

25. Adeoye Akinsanya and Rotimi Ajayi, "Wither South Africa", Pakistan Horizon, (Karachi), vol.44, no.1. (January 1991), p.27.

The same resolution asked the Security Council to impose sanctions against South Africa.<sup>26</sup>

The Security Council in its 181st (7<sup>th</sup> Aug. 1963) Resolution mentioned that the situation in South Africa was disturbing and threatening for peace and security. Moreover the Security Council called upon member states to ban arms and ammunition and military hardware. After the Soweto uprising, the Security Council described it as a 'serious threat to international peace and security'. Four draft resolutions were submitted to the Council, each sponsored jointly by Berlin, the Libyan Arab Republic and Mauritius. They were not put to a vote.

The first text by which the Security Council, among other things, strongly condemned the South African regime for its resorting to massive violence and repression against the black majority. Its demand that the regime end such practices-was revised to make reference to events since 19<sup>th</sup> October 1977, to add a demand for abrogation of bans on organizations and news media and to change the date by which

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26. United Nations Sanctions against South Africa-the peaceful alternative to violent change, (United Nations Department of Public Information, New York, 1988), p.23.

the Secretary General is to report. The Security Council adopted this revised three-power text, by 15 votes to 0 as Resolution 417 (1977).<sup>27</sup>

It (second text) received 10 votes in favour and 5 against [Canada, France, Federal Republic of Germany. (FRG), United Kingdom, United States of America] and was not adopted owing to negative votes by permanent members of the Security council.

At the next meeting of the Security Council on 4<sup>th</sup> November, the draft resolution was withdrawn by its sponsors. Before the Council was the text of a new draft resolution which the President said had been prepared in the course of intensive consultations. The new draft resolution was adopted unanimously as Resolution 418 (1977).<sup>28</sup>

After stating that it was acting under chapter VII of the Charter, the Council then by the operative provisions of the text: (1) determined, having regard to the policies and acts of the South African government, that the acquisition by South Africa of arms and related material constituted a threat to the maintenance of international peace and

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27. Year Book of the United Nations, 1977, (Department of Public Information, United Nations, New York, 1978). p.139.

28. Ibid., p.142.

security; (2) decided that all states were to cease forth with any provision to South Africa of arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for them, and were to cease as well the provision of all types of equipment and supplies and grants of licensing arrangements for the manufacture or maintenance of them; and (3) called on all states to renew, having regard to the objectives of this resolution all existing, contractual arrangements, with and licenses to South Africa relating to the manufacture, and maintenance of arms and ammunition of all types and military equipment and vehicles, with a view to terminating them.....

In the meantime the struggle against 'apartheid' was launched vigorously by Black Consciousness Movement (BCM) and the African National Congress (ANC). The 1913 and 1945 Urban Consolidates Area Act controlled the buying and selling of property and it also restricted the migration from rural to Urban areas. The 1950 Communism Suppression Act (later the Internal Security Act) was used to suppress



the black awareness movements.<sup>29</sup>

In 1985 the Security Council called upon the member states to impose voluntary sanctions against South Africa. This included a ban on new investments, arms sales and export guarantee credit. This 569<sup>th</sup> Resolution was passed on 26<sup>th</sup> July 1986.<sup>30</sup>

In June 1985, National Emergency was declared. During that time, the South African Council of Churches concluded that... 'disinvestment and other similar measures are now called for as a peaceful and effective means of putting on the South African government to bring about the fundamental changes the country needs'.<sup>31</sup> Thus religious leaders like Bishop Desmond Tutu (Nobel Laureate) campaigned against apartheid.

Apartheid policy suppressed the black majority economically. When the African National Congress (ANC) leaders called for sanctions, the Western powers played a low key role as the South African economic trade was important for them. South Africa's major trade was with 6

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29. Akinsanya and Ajayi, n.25, p.31.

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30. Financial Times (London), 27 July, 1985, cited in. *ibid.* p.25.

31. Akinsanya and Ajayi, n.25, p.5.

major industrial powers viz. United States of America, United Kingdom, France, Italy, Germany and Japan. During the 1970's, South Africa's import of goods and services constituted 1/3rd of its GNP. Foreign capital and investments were supplemented by foreign loans to rectify the balance of payments position. Between 1974 and 1976, the flow of foreign capital was 6 billion dollars.

Even the multinational corporations played an important role in the South African economy. Five multinational corporations namely, Shell, British Petroleum, Mobil, Caltex and Total, collectively controlled 83 per cent of the petroleum market and 91 per cent of the service sector. IBM and ICL controlled 2/3rd of the computer sector.<sup>32</sup> 78 per cent of South Africa's total exports went to the 6 major industrial powers. Similarly 65 per cent of the total imports came from these countries.<sup>33</sup>

The cheap labour, attractive technology and what companies call the 'less involvement of the government in the economy' were the push sectors for the multinational

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32. Ibid, p.31.

33. Ibid., p.32.

corporation's arrival.<sup>34</sup> Akinsanya and Ajayi point out that economic change is more fundamental and important to South-African problems than political change. South Africa was a supplier of strategic goods like chromium, manganese, vanadium, and platinum. This group of minerals is essential for the Western strategic and defence related industries.<sup>35</sup> Under these circumstances Western countries were not ready to sacrifice their defence interests. However leaders like Mangosuthu Buthelezi who headed the powerful organisation called Inkatha Freedom Party not only opposed sanctions against South Africa but urged multinational corporation's to change the governments policies. This, he believed would bring about peaceful change.<sup>36</sup>

However multinational corporation's began to play a positive role in South African politics with introduction of 'Sullivans Principle', which was signed by 11 major US based corporations on 1st March, 1977. They called for a 'voluntary effort' to end racial discrimination, and also to improve living conditions of black majority and other non-

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34. Ibid., p.33.

35. UN Sanctions against South Africa - The Peaceful Alternative to Violent Change, n.26, p.7.

36. Akinsanya and Ajayi, n.24, p.38.

white communities.<sup>37</sup> This principle did not address the fundamental problem of African majority.

In addition to the national and international pressure to impose sanctions, some localised pressure was put on the South African government eg. trade unions refused to handle South African products. People withdrew funds from the banks which were active in South Africa. Even consumer products were boycotted by the people which had happened previously in the United Kingdom and United States of America.<sup>38</sup>

In 1986, the United States Congress passed an Act. This Act overrides the Presidential veto. According to this Act 'comprehensive sanctions' were imposed on South Africa. The campaign against South Africa had started in earnest; eg. General Electric pulled out of a joint venture with the South African mining companies worth 138 m\$ in 1982, because as it admitted, due to pressure of from its home base (Connecticut).<sup>39</sup>

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37. Ibid., pp.37-38.

38. Sanctions against South Africa, n.25, p.11.

39. South Africa draws investors New York Times, November 3, 1982, p.1, cited in n.24, p.179. See also "Africa venture by General Electric off" Financial Times (London).

Even colleges (30 in all) and universities disinvested 100 million \$ from South Africa. During the 1990's, around 200 key companies pulled out of S. Africa. South Africa also spent more than 2 billion \$ to evade oil embargoes imposed by Organisation of Petroleum Exporting Countries (OPEC).<sup>40</sup>

When F.W. D'Klerk came to power, he promised to change the policies of the government. Hence the leader of the African National Congress (ANC), Mr. Nelson Mandela was released in 1991. On 12<sup>th</sup> November 1993, the General Assembly in its resolution asked the member states to withdraw sanctions against South Africa. South Africa was the only case where sanctions were imposed by the General Assembly.<sup>41</sup> In 1994, South Africa went for its first multiracial democratic elections. Nelson Mandela became the first non-white President.

The lessons drawn from these two cases are (1) the effectiveness of the sanctions should be based on the cooperation of all the members of the United Nations; (2) identifying the vulnerable area is important, for the success of sanctions which were imposed in strategically

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40. Jannifer Davis, n.24, pp. 180-181.

41. SIPRI YEAR BOOK 1994 (Stockholm), p.40.

vital areas; (3) naval blockade is essential to monitor the violators; and (4) countries like South Africa depend on multinational corporations for their capital. Therefore, the role of multinational corporations are inevitable in the sanctions episode. Thus, the sanctions were imposed to end the racial discrimination and to protect the human rights during the cold war era.

## **CHAPTER THREE**

### **U.N. AND SANCTIONS: PHASE TWO (SINCE 1990)**

After the disintegration of the Soviet Union the rivalry which was prevailing between the United States and the former Soviet Union came to an end. Although the former Soviet Union was succeeded by the Russian Federation, there is congenial relations between the United States and Russia.

With the end of the Cold War the United Nation's (UN) Security Council become a 'veto less' forum and an unanimous decision making body. Between Russia and the United States `a cooperative security arrangement' was made. This otherwise came to be known as the `New World Order'.

The sudden shift in the balance of power politics paved power the way for international organizations to play a major role in the maintenance of world peace and security. In this new environment, the United Nations became once again an important player in world politics.

The end of the Cold War brought various issues to the limelight such as the end of communist ideology which led to the disintegration of some countries, for example, Yugoslavia. The other issues endangering world peace are refugee crises, international terrorism, border skirmishes, nuclear proliferation, ethnic conflicts, Islamic fundamentalism and human rights violations.



In the post-Cold War era the United Nations, has begun to employ non violent methods to resolve conflicts (eg. arbitration and sanctions). There is a shift in the U.N. sanctions from Cold War period to post-Cold War period. During the Cold War sanctions had been used by the United Nations only to remove racial discrimination and apartheid. For example, the sanctions against Rhodesia and South Africa. However, in the 1990's, sanctions have been used for different purposes such as, to resolve inter-state conflicts (Iraq-Kuwait), eliminate international terrorism (air-embargo against Libya), bring peace in former Yugoslavia (trade embargo against Serbia and Montenegro due to border and ethnic clashes), bring the and democracy (arms embargo against Liberia, Khmer Rouge and Somalia's warring factions), and protect human rights and democracy (sanctions against Haiti).

On 2 August 1990, British Broadcasting Corporation (BBC) quoted from the Iraqi Revolutionary Command Council's broadcast 'Voice of the Mass' (Baghdad) at 04.10 GMT. It said "God had helped free and honest men of Kuwait to depose the 'traitor' regime, following which they had appealed to the Iraqi leadership for support to prevent any foreign

interference in Kuwait affairs."<sup>1</sup>

This violation by Iraq of the United Nations Charter by Iraq was condemned by all the nations in the world. On 2 August, 1990, the Security Council adopted Resolution 660 (vote of 14 in favour, none against and one abstention-Yemen did not participate in the vote.). The resolution determined that Iraq's action was a 'breach of international peace and security'. Further the Council condemned the actions of Iraq and asked it to withdraw immediately; urged for the beginning of intensive negotiations between Kuwait and Iraq; and the Council decided to meet in the future to chart out further steps to be taken.<sup>2</sup>

The 'Voice of the Mass',<sup>3</sup> announced that Iraqi forces would be withdrawn within a few days or a few weeks from Kuwait. However there was no sign of progress in the Iraqi withdrawal. Hence, the Security Council decided to impose sanctions against Iraq. On 6 August 1990, the Security

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1. Summary of World Broad casts, III series ME/0833, (pub) BBC Monitoring 1990 (London) I-A.
  2. Resolutions of the United Nationsl Security Council and Statements by its President Concerning the Situation Between Iraq and Kuwait, Reference Paper, (United Nations Department of Public Information, UNO, New York, 1994), p.6.
  3. Summary of World Broadcasts, n.1.

Council adopted Resolution 661 (1990) (vote of 13 in favour none against, two abstentions-Cuba and Yemen). The sponsors of the resolution were Columbia, Canada, Cote d' Ivoire, Ethiopia, Finland, France, Malaysia, United Kingdom, the United States of America and Zaire. This resolution imposed a ban on imports and exports of Iraq. According to resolution 661, para 4, it was decided

"...that all states shall not make available to the Government of Iraq or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial and economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes, and in humanitarian circumstances, foodstuffs."<sup>4</sup>

Further the same resolution urged the Member-States to inform the Secretary-General regarding the steps they have taken against Iraq. Moreover, the Council asked the Member-States to freeze the assets of Kuwait's legitimate government.

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4. Resolutions of the United Nations Security Council and Statements by its President Concerning the Situation Between Iraq and Kuwait, n.8, p.7.

The same resolution authorised the establishment of a 'sanctions Committee' to enforce the Security Council's decision. Thus the collective sanctions were imposed against Iraq without any superpower veto.

There are different schools of thought prevailing in terms of the aims of sanctions. These include: (1) devastation of the Iraqi economy to force it to withdraw quickly; (2) Warn Iraq to leave Kuwait, sooner or later; (3) reduce Iraq's ability to defend itself in case of war; and (4) an immediate symbolic signal by the world to indicate its disapproval while deciding on other actions.<sup>5</sup>

In order to supervise the embargo the Multinational Intercept Force (MIF) was established in the upper reaches of the Persian Gulf and the Red sea. However, the Multinational Intercept Force was dissolved in August 1994. The Red sea station was moved to the land.<sup>6</sup>

By Resolution 678 (1990) the Security Council gave an ultimatum to Iraq, to withdraw from Kuwait on or before 15

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5. Patrick Clawson, How has Saddam Hussein Survived?: Economic Sanctions 1990-93 (Washington, D.C., 1993), p.3.

6. David E. Reuther; "UN Sanctions against Iraq" in David Cortright and George A. Lopez (ed.), Economic Sanctions: Panacea or Peace building in a Post-Cold War World, (Boulder, 1995), p.12.

January 1991. Paragraph 2 of this resolution reads:

"Authorises Member-States cooperating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area."

Further the same resolution urged the member-states to render their support for the action undertaken by the Security Council pursuing paragraph 2 of the resolution. Resolution 678 was adopted on 20 November, 1990 by a vote of 12 in favour, 2 against (Cuba and Yemen) and 1 abstention (China). Of the fifteen members who attended the Security Council meeting thirteen were foreign ministers.<sup>7</sup> However Iraq did not adhere to the resolutions. Hence, the allied forces launched an attack on Iraq on 15 January, 1991 under the U.N. flag, but U.S. command. The operation was called 'Desert Storm'.

The war continued for forty-five days; by the end of February, the Iraqi forces started surrendering. Thereafter, Resolution 686 (1991) was adopted by the Security Council on 2 March, 1991. The resolution called for a cease fire

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7. Resolutions of the United Nations Security Council and Statements by its President Concerning the Situation Between Iraq and Kuwait, n.2, p.16.

between Iraqi and Allied forces. The resolution was adopted with 11 votes in favour. 1 against (Cuba) with 3 abstentions (China, India and Yemen).<sup>8</sup>

On 3 April 1991, Security Council adopted Resolution 687 (1991) by a vote of 12 in favour, 1 against (Cuba) and 2 abstentions (Ecuador, Yemen). The sponsors of the Resolution were Belgium, Rumania, France, United Kingdom, the United States of America and Zaire.

Resolution 687 (1991) is known as 'mother of all resolutions' because of its length, scope and detail.<sup>9</sup> Among other things Resolution 687 (1991) forced Iraq to renounce its programme of weapons of mass destruction, which include chemical, biological and nuclear weapons, and missiles with a range of 150 kms.<sup>10</sup> Resolution 687 (1991), paragraph 1 not only reiterated all the thirteen resolutions which were passed by the Security Council since the crisis started, but also urged the Iraqi government to implement the relevant resolutions. Further, paragraph 8 of the resolution states,

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8. Ibid., p.16.

9. Alan Dowty, "Sanctioning Iraq: The Limits of the New World Order", The Washington Quarterly, (Washington, D. C., Summer 1994), vol.17, no.3, p.180.

10. Ibid., p.180.

"The Security Council decides that Iraq shall unconditionally accept the destruction, removal or rendering harmless, under international supervision of: (a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities; and (b) All ballistic missiles with a range greater than 150 kilometers and related major parts and repair and production facilities".<sup>11</sup>

Until Iraqi government complies with the Security Council's decisions, economic sanctions would continue. Paragraph 20 of the same resolution (Resolution 687, 1991) describes the economic sanctions imposed by the Security Council.

(The Security Council) "Decides, effective immediately that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related there to contained in resolution 661 (1990) shall not apply to foodstuffs notified to the

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11. Resolutions of the United Nations Security Council and Statements by its President Concerning the Situation Between Iraq and Kuwait, n.2, p.21.

committee established by resolution 661 (1990) or, with the approval of that committee under the simplified and accelerated 'no-objection' procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991 (S/22366) and in any further findings of humanitarian need by the committee."<sup>12</sup>

Thus the Security Council imposed 'collective sanctions' against Iraq which was for the first time experimented by the United Nations in its entire history.

#### **Effectiveness of the Sanctions on Iraq**

United Nations used its power for the second time in its existence after the Korean crisis (1950) against Iraq. The pre-war sanctions (2 August, 1990-15 January, 1991), helped the Allied forces by reducing the strength of Iraq's army. According to Patrick Clawson, "without sanctions Iraq might have had sufficient access to foreign equipment and advisors for its disguised nuclear facilities... however, it seems unlikely that Iraq would have produced nuclear weapons

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12. Ibid., p.23.



by the time 'Desert storm' began."<sup>13</sup> Therefore sanctions could be used to reduce or weaken a country's military strength. Similarly, at the end of the Gulf war, comprehensive collective sanctions were imposed against Iraq for various reasons by the United Nations.

The United Nations has been criticised for its military action against Iraq. Authors like Bashir al-samarrai have written about United States' exploitation of the situation in the United Nations and outside. He states: "United States managed to obtain the necessary votes to escalate the conflict with Iraq through intimidation and bribery."<sup>14</sup> Further, he quotes Congressman Henry Gonzales; he cited many examples of manipulation of the United Nations by the United States of America. after the 29 November voting (in the Security Council) the United States administration released \$140 millions to China and agreed to meet the Chinese officials despite ban on such loans by the Congress after the Tianenmen massacre. Even the former Soviet Union was promised \$7 billions of loan from various countries and

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13. Patrick Clawson, n.5, p.5.

14. Bashir al-Samarrai, "Economic sanctions against Iraq: Do they contribute to a just settlement?", in David Cortright and George A. Lopex. ed., Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World, (Boulder, 1995), p.131.

shipment of foodgrains from United States of America. Zaire was promised a hike in military aid, which at least partially was without any strings attached. Egyptian government received aid worth \$ 7 billion. Thus, the government of United States exploited the whole situation and even threatened Yemen with termination of aid.<sup>15</sup> as it had abstained from voting.

When the ceasefire came into force, sanctions were imposed again. The aims of the post-war sanction were: (1) prevent Iraq from rearming; (2) to secure full compliance with United Nations resolutions; (3) to destabilize Saddam's regime; and (4) to punish Iraq.<sup>16</sup>

In order to inspect Iraq's nuclear capability, a United Nations monitoring group was established with the help of International Atomic Energy Agency (IAEA). Iraq had restored its military strength and it possessed enough units and equipments after the Gulf war. Iraqi forces are the largest and most formidable by regional standards with 2100 tanks,

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15. Michael Rattner, "International Law & War Crime" in Ramsay Clark and others (ed.), War Crimes Journal, (Washington, D.C., 1992), p.42. See also Ibid., p.134.

16. Patrick Clawson, n.6, p.7.

3300 armed personnel carriers and 1100 artillery pieces.<sup>17</sup> Moreover, Michael Evans points out that Iraq had regained 2500 tanks and 400 combat aircrafts and 200 military factory units in working condition, which includes a T-72 tank assembly line.<sup>18</sup>

Although sanctions impose a ban on arms procurement from outside, the above examples show Iraq's own capability.

#### **Impact of Sanctions on Economy**

The United Nations sanctions affected Iraq's economy severely. Sanctions cut Iraq's trade by a considerable amount. According to William Webster, there was a cut in Iraq's imports (more than 90 per cent) and exports (97 per cent).<sup>19</sup>

Iraqi economy is more vulnerable to sanctions for a number of reasons. Its economy is solely dependent upon oil

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17. Kenneth Katzman, "Iraq: Future Policy option", Congressional Research service Report to the Congress 12 December 1991. see also Patrick Clawson, n.6, p.7.
  18. Michael Evans, "Iraqi Army at Eighty Percent of Prewar Strength" Times (London), January 24, 1994. see also Alan Dowty, n.9, p.185.
  19. William H. Webster's Testimony to the Senate Armed Service Committee, "Sanctions in the Persian Gulf," "Iraq: the Domestic Impact of Sanction, December 4, 1990," Congressional record, January 10, 1990, pp.123-24.

which constitutes 90-95 per cent of the export earnings. During the pre-war level 3.0 million barrels of oil were produced in a year. Oil production was roughly equal to 40 per cent of Iraq's GDP. The reason for the vulnerability was that the Iraqi economy was highly dependent on trade. Since trade is banned, its economy had been hit harder. Another reason for the vulnerability was the blocking of its pipelines.<sup>20</sup> Thus its economy was largely affected by the sanctions.

The pipelines being blocked, the alternatives were through Syria and Iran. The nearest point between Iraq and Iran is the Shatt-Al-Arab river. The distance between the pipelines of the two countries is less than ten miles. Patrick Clawson points out that, "furthermore vulnerability to the sanctions matters as much to politics as to the economy."<sup>21</sup> Alan Dowty points out that one of the reasons for the survival of Iraq's economy's was because of the enormous war booties which it stripped from Kuwait. Further he stated that the amount of was booty would help Iraqi

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20. Iraq exports its oil through three pipelines,  
1. through Saudi Arabia  
2. through its narrow Persian Gulf port  
3. through Turkey.

21. Patrick Clawson, n.5, pp.13-14.

economy for years or atleast it would help the regimes' supporters and army personnel.<sup>22</sup>

The impact of sanctions on Iraqi economy was revealed in agriculture, electricity and health. The United Nations allowed the Iraqi government to import food and medicines on humanitarian grounds. However, Turkey and Jordan cooperated generously with the Iraqi government for imports. According to one report, the estimate of illegal goods reaching Iraq is around 10-20 per cent of total land shipments of Jordan (Aqaba).<sup>23</sup> Food was distributed in ration at the level of 2000-2400 calories per person. 50 per cent of electricity has been restored to pre-war levels.<sup>24</sup> The former Director of CIA, William Webster, testified before the House Armed Services Committee on 5 December 1990 that Iraq would be able to consume grains at the level of two-third of the previous year's consumption (1989). Further, he predicted that Iraq would face shortages of sugar and edible oil. However, Iraq's harvest was better in 1991-92, than the

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22. Alan Dowty, n.9, p.182.

23. David Reuther, Deputy Director of Northern Gulf Affairs in the United States State Department, "Economic War and Complaints" (paper presented at the Conference on Economic Sanctions for University of Notre Dame (Indiana) April 2-4, 1993 cited in Ibid., p.183.

24. *ibid.* p.184.

previous years and the 1993 spring harvest was bountiful. therefore, William Webster's prediction went awry.<sup>25</sup>

United Nations data on imports show that Iraq's imports were 6.5 million tonnes annually (permitted by United Nations Security council) i.e., one-third of the pre-crisis level.<sup>26</sup> The impact of sanctions on health is difficult to measure, apart from food and electricity. An international study team that visited Iraq, amongst whom three knew Arabic, visited 46 health facilities and hospitals. Those were fully staffed but could perform only upto 30% of their capacity (including surgeries), when compared to pre-war levels.<sup>27</sup>

Resolution 706 (1991) paved the way for Iraq to export \$ 1.6 billions worth of petroleum and petroleum products. This formula was known as 'oil for food'. For the export of oil, the Security Council Resolution 706 ( 1991) laid the following conditions:

- (a) approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by Resolution 661 (1990), following notification to the committee

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25. Patrick Clawson, n.6, pp. 13-14.

26. New York Times (editorial), 25 November, 1992.

27. Patrick Clawson, n.5, p.42.

by the state concerned; (b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the state concerned into an escrow account to be established by the United Nations and to be administered by the Secretary-General, exclusively to meet the purpose of this resolution; (c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5 of this resolution, of a scheme for the purpose of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of Resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent possible as being supplied by this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose such a United Nations role available if desired for humanitarian assistance from the sources; (d) The sum authorized in this paragraph to be released by successive decisions of the committee established by Resolution 661 (1990) in three equal portions after the Council had taken the decision provided for in para-5 below on the implementation of this resolution, and not withstanding any other provision of this paragraph the sum to be subject to review concurrently by the Council on the basis of its ongoing assessment of the needs and requirements."<sup>28</sup>

Even the United Nations Special Commission and International Atomic Energy Agency proposed to setup

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28. Ibid.

an United Nations monitoring group to supervise exports and imports of Iraq.<sup>29</sup> Iraq recognized Kuwait's sovereignty in December 1994 and also accepted the boundary, which was demarcated by the United Nations monitoring group in 1993.<sup>30</sup> Further the Secretary General. Mr. Boutros-Ghali repeatedly urged the Iraqi officials to accept the security Council formula "oil for food"<sup>31</sup>

After months of haggling, an agreement was reached on 20 May ,1996 between Iraq and the United Nations officials on the issue of 'oil for food.' This agreement was approved by the Iraqi Revolutionary Command Council, headed by Mr. Saddam Hussein. According to this agreement U.S. \$ 2 billions worth of oil can be exported by the Iraqi government every six months (7 lakh barrels of oil in a day). Each contract struck between Iraq and other governments would be approved by the United Nations. The oil would be exported through the Turkish ports which is situated in the Mediterranean sea.

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29. Secretary-General's report-Department of public Information, (United Nations, New York,1995), paragraph 706.

30. Ibid., paragraph 708.

31. Ibid., paragraph 712.



Patrick Clawson argues that Iraq's economy was damaged by war and not by sanctions. Moreover sanctions did not cause any additional deterioration of the economy. On the contrary its economy is recovering.<sup>32</sup>

Alan Dowty views Iraq as a country with financial resources that will always find, at a price, a willing supplier, like how South Africa found oil supplies and the former Soviet Union found wheat and foodgrain suppliers.<sup>33</sup> Therefore, without complete cooperation of Member-States, the United Nations sanctions are likely to play a low key role in the changing of the target's behavior.

#### **SANCTIONS AGAINST FORMER YUGOSLAVIA**

"We are looking for ways to resolve the problem by peaceful means, respecting the peoples of Yugoslavia, but proceeds from the premise that we favour Yugoslavia's integrity and are committed to the inviolability of the

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32. Patrick Clawson, n.5, p.46.

33. Alan Dowty, n.10, p.191.

borders"<sup>34</sup> This statement was made by Mikhail Gorbachev, the then President of the Soviet Union, shortly after the conflict broke out in Yugoslavia.

Disintegration of Yugoslavia was the most challenging task for world peace from Europe. The United Nations started to involve itself actively in the Yugoslavian crisis on 25 September, 1991, when the Security Council unanimously adopted Resolution 713 (1991). This Resolution expressed the Councils' 'deep concern', regarding the situation prevailing in Yugoslavia.

### **Background**

Yugoslavia was born in the ashes of two former empires: the Ottoman and the Hapsburg Empire. At the end of World War I, Yugoslavia was created by the Treaty of Versailles. As Steinberg puts it "Yugoslavia was one of the most concrete manifestations of President Woodrow Wilson's vision of bringing democracy and self-determination to Europe."<sup>35</sup>

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34. James B. Steinberg, "Yugoslavia-International Involvement in the Yugoslavia conflict" in Lori Fisler Damrosch, (ed.), Enforcing Restraint: Collective Intervention in Internal Conflicts, (New York, 1993), pp.157-58.

35. Ibid., p.31.

Yugoslavia comprised different ethnic groups such as Serbs, Croats and Bosnians. They accepted the arrangement made by the Treaty of Versailles, because it helped them to be free from the domination of Austria, Italy and Germany. The serbs being slavs, they were supported by Russia. Croats were historically aligned with Germany. The Croats, even joined in the Nazi invasion of 1941. However, in 1944. Josip Broz Tito and his communists established their hold on power with Soviet assistance. Post second World War Yugoslavia comprised of the following provinces: Serbia, Slovenia, Croatia, Bosnia-Herzegovina, Macedonia and Montenegro. The 1974 constitution paved the way for further decentralization of power. During 1986, a group of intellectuals (Academy of Arts and science), a majority o them Serbs, demanded more autonomy for Serbia. Till Marshal Tito's death there was no visible threat to the integrity of Yugoslavian state. However, on 25 June 1991, Croatia and Slovenia declared their independence. Thus, Yugoslavia disintegrated which led to more than 100,000 deaths and 3 million refugees.

#### **International Involvement**

International efforts could be divided into three:

European Community approaches to resolve the conflict. North Atlantic Treaty Organisation and West European Union acted as the arms of the Conference on Security and Cooperation in Europe. The third institution that was involved in resolving the Yugoslav conflict was the United Nations.<sup>36</sup> Each of the above mentioned institutions concentrated on different facets of the Yugoslav conflict. For example, the Conference on Security and Cooperation in Europe concentrated on human rights, the European community on political mediation and economy (carrot and stick); NATO and West European union on military operations and the United Nations on the humanitarian aspect.<sup>37</sup>

#### **United Nations Role in Yugoslavian Conflict**

The United Nations directly involved itself in the Yugoslav conflict on 25 September, 1991, when Resolution 713 (1991) was adopted unanimously by the Security Council.

The resolution expressed its 'deep concern' regarding the situation in Yugoslavia. Even the same resolution imposed a general and complete embargo on arms. In paragraph

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36. James B. Steinberg, n.35, p.49.

37. Ibid., p.49.

6 (Security Council) "decides, under Chapter VII of the Charter of the United Nations, that all states shall, for the purposes of establishing peace and stability in Yugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Security Council decides otherwise following consultation between the Secretary-General and the Government of Yugoslavia."

The resolution was sponsored and adopted by unanimous vote by Austria, Belgium, France, U.S.S.R., U.K. and Northern Ireland.<sup>38</sup> On 8 October 1991, the then Secretary-General Mr. Javier Perez de Cueller appointed Cyrus Vance, the former Secretary of the U.S. State Department as his personal representative for Yugoslavia. Cyrus Vance and Lord Carrington, then Chairman of Conference on Yugoslavia, sponsored by the European Community, jointly worked to bring peace. However, the Federal Republic of Yugoslavia (Serbia and Montenegro) did not accept the peace plan, before the European Community recognised the independence of Slovenia

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38. The U.N. and the Situation in the Former Yugoslavia: Resolutions of the Security Council and Statements by its President, Reference Paper, (United Nations Department of Public Information, United Nations, New York, 1995), p.1.

and Croatia.<sup>39</sup>

United Nations Security Council once again reiterated its embargo on Yugoslavia, through Resolution 724 (11991). Paragraph 5(b) states,

(the Security Council) "Decides to establish, in accordance with rule 28 of the Provisional Rules of procedure, a committee of the Security Council consisting of all the members of the council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations: (1) To examine the reports submitted in pursuant to subparagraph (a) above; (2) To seek from all states further information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 6 of the resolution 713 (1991); (3) To consider any information brought to its attention by states concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo; (4) To recommend appropriate measures in response to violations of the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia and provide information on a regular basis to the Secretary-General for general distribution to Member States.."<sup>40</sup>

The same resolution asked the members to submit a report on measures which they have taken regarding paragraph 6 of Resolution 713 (1991).

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39. Ibid., p.1.

40. Ibid., p.4.

In the Yugoslavian case, Resolution 757 (1992) was an important step, as it was the first time the United Nations Security Council had imposed sanctions on Yugoslavia (Serbia and Montenegro). The same resolution in paragraph 4 states that,

(the Security Council) "Decides that all states shall prevent; (a) The import into their territories of all commodities and products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported therefrom after the date of the present resolution; (b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or transshipment of any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) and any dealings by their nationals or their flag vessels or aircraft or in their territories in any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) and exported therefrom after the date of the present resolution including in particular any transfer of funds to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purposes of such activities or dealings; (c) The sale or supply by their nationals or from their territories or using their flag vessels or aircrafts of any commodities or products, whether or not originating in their territories but not including supplies intended strictly for medical purposes and food stuffs notified to the committee established pursuant to Resolution 724 (1991), to any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro) and any activities by the nationals or in their territories which promote or are calculated to promote such sales or supply of such commodities or products."

The same resolution asked the member states to reduce the number of staff in the diplomatic missions and Consulates. Thus, Resolutions 757 (1992) imposed economic and diplomatic sanctions against the Federal Republic of Yugoslavia. The resolution was adopted with a vote of 13 to 0 with two abstentions (China and Zimbabwe). The sponsors of the resolution were Belgium, France, Hungary, Moscow, the United Kingdom and the United States of America.<sup>41</sup>

#### **UNITED NATION'S INVOLVEMENT IN YUGOSLAVIA**

There are various means to resolve conflicts which include peace-making, peace-keeping and sanctions. Yugoslavian sanctions can be divided into three phases: (1) In May 1991, the European Community offered more economic concessions to Yugoslavia. Through this offer they brought all parties to the negotiating table. Even the United States joined with the European Community, but on June 1991 Yugoslavia disintegrated; (2) In the second phase the European Community and the United States asked the Security Council to impose general and complete embargo on delivery of all weapons; (3) The third phase witnessed the imposition

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41. Ibid., p.5.



of trade and economic sanctions on Federal Republic of Yugoslavia (Serbia and Montenegro) by the Security Council on 30 May 1992.<sup>42</sup>

It is difficult to assess the efficacy of the sanctions on Yugoslavia. Inflation skyrocketed, necessary agricultural goods and fertilizers virtually disappeared. Even fuel supplies and industrial production fell. Unemployment was high and incomes plummeted. Almost 80% of the population fell below poverty line in 1993. Most of the work force migrated to other countries as refugees.<sup>43</sup> The aim of the sanctions was to create such dissatisfaction among the people that because of economic hardship the people would remove Milosevic. However, the strategy was not successful; (1) Through the efforts of various organisations such as the United Nations, European Union and North Atlantic Treaty organisation, a peace accord was signed between the breakaway states of Yugoslavia, on 21 November, 1996 at

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42. Susan L. Woodward; "The Use of Sanctions in Former Yugoslavia: Misunderstandings and Political Reality", in David Cortright and George A. Lopez, (ed.), Economic Sactions: Pamecea or Peace-Building in Post-Cold War World, (Boulder, 1995), pp. 143-44.

43. Sanja Licht, "The Use of Sanctions in Former Yugoslavia: Can They Assist in Conflict Resolution?", in Ibid., p.156.

Dayton, Ohio in the United States. According to this accord, in future the sanctions would be lifted on Federal Republic of Yugoslavia.

#### **AIR AND ARMS EMBARGO AGAINST LIBYA**

"It is a horrendous crime not only against a single country, but against entire humanity." This was Yasser Arafat's statement referring to the Lockerbie bombing of Pan Am Flight 103 on 21 December, 1988. Flight 103, a Boeing 747 belonging to Pan Am was carrying 258 passengers at the time of the incident, which took place over Lockerbie, a Scottish border town.<sup>44</sup>

Dr. Anel Merari, a senior research fellow at Jeffee Centre of Strategic Studies, Tel Aviv University said that, the prime suspects for the mid-air explosion were Ahmed Jibril (FFLP-GC/popular front for the Liberation of Palestine General Command) and Abu Nidal faction. The former was patronized by Syria, but financially dependent on Libya, but the latter operates from Helsinki. Therefore, he did not rule out the role of Libya and Syria in the Lockerbie bomb

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44. Jerusalem Post, ' 22 November, 1988.

blast.<sup>45</sup> However, in 1991 the United States and British investigations found that two Libyans had planted the bomb in the Pan Am flight.

### **Background**

Since early 1970s, the relations between the United States and Libya were not smooth. Though, the Reagan administration suspected Iran and Syria to be supporters of international terrorism, the circumstantial evidence pointed to Libyan involvement in the attack on Rome and Vienna airports. The United States responded overtly to these acts of international terrorism.<sup>46</sup> As the United States could not convince its allies for strong military and political sanctions, it took military action with the support of Britain. The United States attacked Libya on 15 April 1986. It used Britain's air bases, and other bases in Europe.<sup>47</sup>

In this situation on 14 November, 1991, the United States and Britain issued an investigation report regarding Pan Am Boeing 747-Flight 103 blast. They accused two Libyan

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45. Ibid.

46. A.L. George, Forceful persuasion:Coercive diplomacy as an alternative to war, p.53.

47. Ibid., p.55.

nationals, Abdul Megrahi and Amin Khalifa Fhimah of planting the bomb. Further, they demanded that the suspects be tried in the United States or Britain.<sup>48</sup> In the meantime, on January, the United Nations Security Council adopted Resolution 731(1992) unanimously. It condemned the bombing of Pan Am Flight 103 in 1988 and Union de Transport Aeriens in 1989. Further the same resolution sought to provide 'full and effective response' and also contribute to eliminate international terrorism.<sup>49</sup> The three nation draft (United Kingdom, United States and France) was adopted unanimously on 21 January, 1992.

In the same year (in 1992), in the month of March, the Security Council adopted Resolution 748 (1992) in order to impose arms and air embargo on Libya. Paragraph 4 of Resolution 748 (1992), says that "all states shall, deny permission to any aircraft to take off from, landing or, overfly in their territory, if it is destined to land in or, has taken off from the territory of Libya..."<sup>50</sup>

Further, the resolution says that, entry should be

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48. Gong Zhenxi, 'Libya-West conflict intensifies', Beijing Review, vol.36. no.48, (Nov.29-Dec 5, 1993), p.11.

49. SCOR, Yr. 1992, mtg. 3033, p.55.

50. SCOR, Yr. 1992, mtg. 1363, p. 57.

banned for flights, except on humanitarian grounds. It banned supply of aircraft or aircraft components or certification of air worthiness for Libyan aircrafts.

Paragraph 5 of the same resolution imposed a ban on arms and all related types of weapons including ammunition, or military, paramilitary and police equipment.<sup>51</sup> Paragraph 6 states, "all the Member-States significantly reduce the level of staff at the Libyan diplomatic missions and Consular posts."<sup>52</sup> Thus, the sanctions began on 15 April, 1992.

In the meantime, Libya submitted two separate applications to the Registry of International Court of Justice, in the month of March.<sup>53</sup> In April 1993, a letter to the President of the Security Council Algeria, Mauritania, Morocco and Tunisia urged the United Nations Security Council to reconsider the embargo on Libya, because the region's economy and people have suffered much due to continued application of sanctions on Libya.<sup>54</sup>

On 28 September 1993, Mr. Boutros-Ghali (Secretary-

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51. Ibid., p.58.

52. Ibid., p.58.

53. United Nations year Book 1992 (Department of public Information, UNO, New York), p.955.

54. "Libyan sanctions still in force" UN chronicle, (New Delhi), September 1993, p.47.

General of United Nations) called upon the Libyan Foreign Minister, during which the Libyan foreign Minister conveyed his government's acceptance of the trial of the two Libyan suspects to be held outside Libya i.e., before the Scottish court. However on 29 September, in a letter to the Secretary-General, the Libyan Foreign Minister added one more condition that, the two Libyan suspects would appear before the court with their families and lawyers.<sup>55</sup>

In March 1995, the Security Council reviewed the sanctions against Libya and it extended the time period. But, Organization of African Unity (OAU) and League of Arab States, passed the Resolution and urged the Security Council to lift the sanctions against Libya. The Organization of African Unity even set up a Ministerial Committee to resolve the conflict between Libya and western countries.<sup>56</sup>

The recent development in the Libyan sanctions episode is that Libya has begun to 'violate' the United Nations embargo with the co-operation of other countries such as Saudi Arabia. On 19 April, 1996, a Libyan airliner brought

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55. "Sanctions extended", UN chronicle, (New Delhi), December 1993, p.21.

56. "Sanction to stay in place", UN Chronicle (New Delhi), June 1995, p.21.

its pilgrims to Jeddah, an important city in Saudi Arabia, for the annual Haj pilgrimage. The Security Council condemned the violation of the United Nations Resolution 748 (1992) and without naming Saudi Arabia, the United States' representative to the United Nations, Mr. Madeleine Albright, asked the member states not to violate United Nations resolutions.<sup>57</sup>

#### **ARMS EMBARGO AGAINST LIBERIA**

Despite Article 2, paragraph VII of the Charter of United Nations, the Security Council imposed 'arms embargo' on 19 November, 1992 through its Resolution 788 (1992) to bring back peace and stability.<sup>58</sup> On 22 June, 1991, the United Nations Security Council considered the Liberian situation for the first time. The matter was brought to the Council by the Cote'd Ivoire, through its letter to the

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57. 'The Hindu' (Madras), 20 April 1996.

58. Article 2, para VII: "Nothing contained in the present charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measures under chapter-VII."

Charter of the United Nations and the Statute of the International Court of Justice, (Dept. of Public Information, UNO, New York, n.d.), p.3.

President of the Security Council dated 15 January, 1991.<sup>59</sup>

### **Background**

The civil war in Liberia broke out in 1990, when President Samuel Doe was overthrown and it caused enormous devastation, which included the displacement of people and breakdown of law and order. The other groups fighting in the country are National Patriotic Front of Liberia (NPFL) led by Mr. Charles Taylor, which occupies most parts of the country; United Liberation Movement for Democracy (ULIMO) led by Al Haji Kromah and Prince Johnson's Independent National Patriotic Front of Liberia (INPFL) which is a splinter group of the National Patriotic Front of Liberia (NPFL). Lastly, Amos Swayer administers Monrovia.<sup>60</sup>

The Economic Community of West African States (ECOWAS) had initiated various steps to settle the conflict in Liberia, which included the creation of a Military Observer Group in August 1990 (ECOMOG), and mediating series of agreements which became the base for peace plan in November 1990. On 30 October, 1991, ECOWAS mediated Yammousoukrou IV Accord which

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59. Year Book of United Nations vol.45(1992), (Department of Public Information, New York) p.132.

60. UN observer Mission in Liberia, UN Peace Keeping Update, December, 1994 (UN:NY (1995) p.174.



outlined the stages of implementation of the peace plan. The peace plan included resettling the refugees and conducting free and fair elections in Liberia.<sup>61</sup> The United Nations Security Council took up the matter for the first time in January 1991, and on 7 May, 1991. However, on 19 November, 1992, Resolution 788 (1992) was adopted unanimously by the Security Council. It was prepared by the Council during the course of consultation with the Council members. Between 1991 and 1995, eight resolutions related to the Liberian conflict were adopted by the Security Council.

Resolution 788 (1992) stated that the Security Council expressed its faith on Yammosoukrou IV Accord. The Council urged the Economic Community of West African States to continue to implement the peace plan.<sup>62</sup> Besides, the same resolution stated that under Chapter VII of the Charter of the United Nations, all States shall, for the purpose of establishing peace and stability in Liberia, immediately implement general and complete embargo on all deliveries of weapons and military equipments to Liberia until the

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61. Ibid., pp.174-5.

62. Resolutions of the Security Council and Statements by its President Regarding Situation in Liberia, Reference paper Department of Public Information, UNO, New York, 1995), p.23.

Security Council decided otherwise.<sup>63</sup> Further the same resolution says that paragraph 8 of the resolution is not applicable to ECOMOG i.e., sending weapons and other military related material for the purpose of peace-keeping.

Even the Security Council, asked the Member States to respect the measures taken by the Economic Community of West African States.<sup>64</sup> On 22 September 1993, United Nations Military Observer Mission in Liberia (UNOMIL) was established. It was recognized by United Nations Resolution (Security Council) 866 (1993). The aim of the Observer Mission is supervising the implementation of the peace plan.<sup>65</sup> Further, the same resolution stated that disarmament and demobilization of warring factions should take place according to the provisions of the peace plan. Moreover, the Security Council through its Resolution 950 (1994) called for a general and complete arms embargo and humanitarian assistance in Liberia.<sup>66</sup> Resolution 972 (1995) stated that Security Council expressed deep concern regarding the fai-

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63. Ibid., p.25.

64. Ibid., p.26.

65. Ibid., p.28.

66. Ibid., p.36.

lure of talks in Accra between the various factions.<sup>67</sup> United Nations Security Council on 13 April 1995, adopted one more Resolution (985/1995) regarding the situation in Liberia.<sup>68</sup> It imposed a general and complete arms embargo and a committee was set up, which consisted all the Security Council members. That committee was to seek information regarding the measures taken by the members relating to the Liberian arms embargo.

#### **International Involvement**

External support to the warring factions is the important cause for the escalation of the conflict in Liberia. For example Samuel Doe's security guards were trained by the Israeli Secret Service, Mossad. On the other hand, France supports Charles Taylor, and even has trade arrangements with the National Patriotic Front of Liberia.<sup>69</sup>

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67. On 21 Dec. 94 due to the efforts of president of Ghana, the talks were arranged in Accra between the warring factions.
68. Resolutions of the Security Council and the Statements by its President Regarding the Situation in Liberia, (United Nations Department of Public Information Reference Paper) (New York, 1995), p.39.
69. John Cherian, "Falling Off the Map- Crisis in Liberia", Front line June 14, 1996, p.53.

Neighbouring powers like Nigeria's contribution in terms of troops in the ECOMOG and in terms of finance is more than any other country. Stephen P. Riley points out that the aim of the embargo though against Liberia is in particular against Charles Taylor. Moreover, he stated that the United Nations was unwilling to involve directly in the Liberian conflict.<sup>70</sup>

At the height of the civil war, the United States did not show any interest regarding military intervention. On the contrary, she said, "An African problem needs an African solution." As Wippman puts it, the willingness of the United States and United Nations was that of one pessimistic view of the new world order.<sup>71</sup> Despite arms embargo the warring factions such as National Patriotic Front of Liberia procured arms from other sources. Unless economic sanctions were imposed (cutting the trade and freezing the assets) it would be difficult to prevent the penetration of arms.

#### **CAMBODIAN CONFLICT**

The United Nations successfully resolved the conflict

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70. Stephen P. Riley, "Intervention in Liberia", The world Today vol.49, no.3, (March 1993), p.53.

71. David Wippman, "Liberia' Enforcing the peace: ECOWAS and the Liberian civil war", n.35, p.157-58.

in Cambodia. Throughout the cold war, Cambodia was the victim of super power rivalry. Although Cambodia is united under one government rule, some areas are occupied by Khmer Rouge. The United Nations imposed an embargo against Khmer Rouge occupied areas of Cambodia in 1992 (30 November).

### **Background to the Conflict**

Cambodia was a colony of France since 1863. It gained independence in 1953. Since then, China and United States were trying to influence the country. Prince Sihanouk, who is the hereditary king ruled the country from 1941 to 1970.

"Throughout its history Cambodia witnessed domestic instability and confrontation with neighbors regarding borders."<sup>72</sup> In 1970, Gen. Lon Nol overthrew Prince Sihanouk and established his regime. After five years of civil war the communist (Khmer Rouge) established their rule in 1975. By the end of 1978, after border skirmishes Vietnam invaded Cambodia in January 1979.<sup>73</sup> In 1979, the United Nations General Assembly called for the withdrawal of foreign forces from Cambodia. Most of the people fled to Thailand. Since there was no unanimity among the five permanent Members, it

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72. Steven R. Ratner, "The UN in Cambodia : A model for resolution of internal conflicts?" n.34, p.243.

73. Ibid., p.244.

prevented the United Nations from taking any action in response to the Cambodian situation. In 1982 under Prince Sihanouk's leadership, a three group coalition was formed which was known as "Coalition Government of Democratic Kampuchea."<sup>74</sup>

Between July, 1988 and February, 1989, informal meetings were held at Djakarta, sponsored by the Association of Southeast Asian Nations (ASEAN). All the groups directly involved in the conflict participated.<sup>75</sup> However, after long negotiations, Paris Accord was signed in 1991 October. The United Nations signed this agreement as a witness. Cambodia was represented by Prince Norodom Sihanouk as the President of Supreme National Council. There are nineteen signatories to the agreement which included among others the five permanent members of the Security Council, and members of the ASEAN.<sup>76</sup> On 16 October, 1991, United Nations Advanced Mission in Cambodia (UNAMIC) was estab-

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74. UN and situation in Cambodia, The UN and Cambodia 1991-95, (Department of Public Information, UNO, New York), pp.243-245.

75. The groups are the CPP, KR and two non-communist groups led by Sihanouk (FUNCINPEC) and Son Sann (KPNLF) and the external actors to the conflict.

76. n.74, UN and Cambodia, p.248.

lished at the request of Prince Sihanouk. The United Nations Secretary-General appointed Yasushi Akashi as Special Representative to Cambodia.<sup>77</sup>

### **Embargo Against Khmer Rouge**

The Security Council Resolution 668 (1990) was adopted unanimously. The Resolution endorsed the framework for the comprehensive political settlement and encouraged the continuing effort. China, France, the U.S.S.R. the United Kingdom of Great Britain and Northern Ireland and the United States.<sup>78</sup> When the Paris Agreement was implemented Khmer Rouge pulled out from the agreement. So the United Nations Security Council imposed a moratorium on Khmer Rouge occupied areas. Resolution 792 (1992) urges the party of Democratic Kampuchea to participate in the implementation of the Paris Agreement, as well as the electoral process. Further, the same resolution imposed an oil embargo, which is laid down in Article 2 of Annex 7 of Paris Agreement on Khmer Rouge.<sup>79</sup> Paragraph XI of the Resolution 792 (1992) states.

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77. Ibid., p.248.

78. Resolution 668, 20 September 1990, n.74, p.94.

79. Resolution 792 (1992) 30 December 1992, n.74, pp. 243-45.

"undertake to consider appropriate measures to be implemented should the party of Democratic Kampuchea obstruct the implementation of the peace plan such as the freezing of the assets it owns outside Cambodia ..."

Further paragraph 13 says that, "support the decision of the Supreme National Council dated 22 September 1992, to set a moratorium on the export of logs from Cambodia in order to protect Cambodia's natural resources, requests, States, especially neighbouring states, to respect this moratorium by not importing such logs and request the authorities to state appropriate measures to secure the implementation of such moratorium..."

The Cambodian conflict was an outcome of domestic political Compulsions and their external ramifications.<sup>80</sup> Though the UNAMIC operation in Cambodia were unscheduled and uncoordinated, its successor the UNTAC played an important role in restoring peace and democracy.<sup>81</sup> U.N. moratorium on Khmer Rouge to accept the peace accord, put more pressure on that party. Even the Khmer Rouge arms aid was stopped, the United Nations Security Council's embargo. Thus Cambodia is one of the models for resolving conflict.

#### **SOMALIAN CRISIS**

Somalia was one of the most embarrassing actions taken

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80. Informal discussion with Ms. Shankari Sundararaman, a Ph.D student, SE Asia Div/SIS/JNU.

81. Ibid.



by the United Nations to settle the conflict. The United Nations directly involved in this conflict when the Security Council adopted Resolution 733 (1992). Through that resolution an arms embargo was imposed.

### **Background**

Somalia gained its independence in 1960. After nine years of its independence in 1969 Siad Barre, then commander-in Chief attempted a coup and established an authoritarian rule. He abolished all the political parties and established a socialist state on a scientific basis.<sup>82</sup> Barre's regime was earlier supported by the former Soviet Union.

In 1975, in Ethiopia Marxist guerrillas established a communist regime. In 1978 during the Ogaden war Somalia was defeated by Ethiopia. Ethiopia, which had shifted its allegiance and was aided and armed by Moscow. Thus ,Somalia fell into the hands of United States of America. The United States wanted to use the port of Berbera.<sup>83</sup>

In the meanwhile within Somalia, class rivalry had increased. The groups like Somalia Congress led by Muhammad

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82. Rakiya Omar, "Somalia at war with itself"; Current History, vol.91, Philadelphia, (May 1992), p.230.

83. Ibid., p.233.

Farah Aidid, and Al Mahdi, a former Prime Minister of Somalia were involved in a civil war.<sup>84</sup> Moreover, groups like Somalia Patriotic Movement, Somalia National Movement had also started to fight. In 1990, Siad Barre escaped to his home area from Mogadishu the capital of Somalia. In 1990, Somalia was a country without a government. Hence United Nations officials put it as a 'model failure state.'

#### **Embargo against Somalia**

In this background the United Nations hesitantly involved in the Somalian conflict. In January 1992, the security council unanimously adopted Resolution 733. The resolution urged immediate cease fire among the warring Somalian clans. Further the resolution asked the warring factions to cease the hostility and work for political settlement.<sup>85</sup>

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84. Aidid and Mahdi belong to the sub clans of the dominant Havai clan. There is not much difference in cultural customs in this clan. The war is for the control of Mogadishu.

85. Resolution 733 (1992) of 23 January 1992, Security Council Official Record, Forty Seventh year Department of Public Information, UNO, New York), p.116.

Paragraph 5 of the Security Council Resolution says

"Decides, under Chapter VII of the Charter of UN, that all states shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Council decides otherwise."

Further the Resolution asked the Member States to refrain from any action which might delay the settlement of the dispute.<sup>86</sup>

In 1992 December, the Security Council adopted Resolution 794. In that Resolution, the Security Council reaffirmed the warring factions to cease hostilities and work for national reconstruction and rehabilitation.<sup>87</sup>

As Jeffrey Clark puts it 'an early intervention by the U.N. might have stopped the Somalian disaster'. The unwilling attitude of regional organizations like OAU (Organization of African Unity) and OIC (Organization of Islamic countries) led to further decline in the Somalian crisis. (e.g,) for example, the Chairman of OAU Salim Ahmed Salim did not visit Mogadishu even once. Throughout its history Somalia has been a victim of cold war. Countries

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86. Ibid.

87. Resolution 794 (1992) 3 December 1992, Security Council Official Record, 47th year, (UNO, New York), pp.214-15.

like USA are interested in its strategic location. However, the United Nations involvement in Somalia became a black mark in its history and also U.N. became party to Somalian conflict.

The above chapter has dealt with certain issues relating to the second phase of the United Nations sanctions. This phase assumes significance since the end of the Cold War paved the way for the United Nations to follow a non-violent approach to the resolution of conflicts. Within this "New World Order" there were several cases which featured prominently. The first was Iraq, against which, the sanctions were comprehensive and mandatory. While Iraq had to accept Kuwait's sovereignty and the United Nations demarcation of the boundary between Iraq and Kuwait, the sanctions led to an increase in illegal trans-border trade. Second was the case of Libya, against which the air embargo did not meet with much success since the two accused did not surrender. Moreover it did not affect the policies of the Libyan government. In the third case the sanctions against the Federal Republic of Yugoslavia, that is, Serbia and Montenegro had a limited role. However diplomatic pressure worked towards a resolution of the conflict. The final case was the arms embargo against Liberia, Somalia and

the Khmer Rouge. This did not have much of an impact on the resolution of the conflict and it also failed to cut the trade links through which the rebel groups were receiving their sustenance.

As such, it is difficult to make any clear cut pronouncement on whether United Nations sanctions in this phase were a success or a failure. What is noteworthy is that in a changing world scenario, the sanction came to be identified as a weapon, which could be used as a pressure tactic, if not as a means of resolving conflicts.

## **CHAPTER FOUR**

### **SANCTIONS AGAINST HAITI: A CASE STUDY**

As discussed in the previous chapter, the end of Cold War gave an opportunity to the United Nations to play a more decisive role to maintain international peace and security in global politics. As far as the United Nations Charter is concerned, United Nations can intervene in the inter-state conflict and settle their disputes. The United Nations Secretary-General, Boutros Boutros-Ghali in his 'Agenda for Peace, 1992' argues for the United Nations intervention in internal conflicts.<sup>1</sup> Following these developments, sanctions were imposed by the United Nations and Organization of American States on Haiti. The aim of the Sanctions against Haiti was to 'restore democracy and protect human rights'.

### **Background to the Crisis**

Haiti was the poorest country in the Western hemisphere. It was the first country that revolted against French colonial power. It attained independence in 1822, but for any years it was isolated by the world as most

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1. "... the time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of states to-day to understand this and to find a balance between the needs of good internal governments and the requirements of an ever more interdependent world..." paragraph 17, Agenda for Peace, 1995, 2nd edition, (New York, 1995).

countries were afraid that the slave revolt could have a domino effect in those countries. However, in 1915, United State's forces invaded Haiti and it secured freedom in 1934. Violence has always been a means of settling the political disputes and choosing the leader.<sup>2</sup> This was inherited in Haitian politics.

In 1957, Francois Duvalier, commonly known as Papa Doc, came to power through elections. But, the election was widely believed to be rigged. In 1964, he abolished elections to the Presidential post and made it hereditary. As Accredo puts it, 'terror, coercion and intimidation' were the policies of Papa Doc.<sup>3</sup> The 1971 constitution reduced the age for President to eighteen years. Therefore, Junior Duvalier became the President of the country. In 1981, Baby Doc's (Junior Duvalier) regime was dethroned by Henry Niramphy.<sup>4</sup> Pamela Constable says about Haiti,

"It's defranchised and illiterate majority, descendants of African slaves, struggle in squalor and survived on foreign charity while rapacious

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2. Domingo E. Accredo, "The Haitian Crisis and the OAS Response: A Test of Effectiveness in Protecting Democracy" in Lori Fisler Damrosch, ed., Enforcing Restraints: Collective Intervention in Internal Conflicts, (New York, 1993), p.122.
  3. Ibid., p.125.
  4. Ibid., p.125.



mercantalist elite allied with a corrupt military establishment ruled by combination of fear in opportunism that was perfected during the twenty-nine years reign of the Duvalier family dictatorship".<sup>5</sup>

Jean Claude Duvalier's regime was marked by gross violation of human rights and individual political rights. The rights which were mentioned in the so called 1971 Duvalier's Constitution were never put into practice. Killing of lawyers, youth organisers and labour organizers were commons. since the Duvalier family's regime repressed not only peasants, but also the business class, who played a key role in politics. Hence on 7 February, 1986 Baby Doc was overthrown.

### **Non-Violent Struggle**

Till 1990, there was continued instability in Haiti due to various military coups. The role of military was inevitable in the country's administration. Corruption was institutionalized and a sluggish economy added more impoverishment. Jean Bertrand Aristide, a Catholic priest, campaigned against corruption and poverty. Even during the Duvalier's

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5. Pamela Constable, "Dateline Haiti: Caribbean Stalemate", Foreign Policy, (Washington, D.C.), no.87, (Winter 1992), p.176.

regime, the Catholic church was playing the opposition's role.

In December 1990, the first democratic election was held in Haiti. Around ninety per cent of the people participated in the election. Aristide won the election with sixty-seven per cent of votes and he assumed power on 7 February 1991.<sup>6</sup>

Herald Abraham, who was Commander-in-Chief had earned praise, domestically as well as internationally for his role in the suppression of an attempted coup. However, President Aristide removed Herald Abraham and appointed Brigadier-General Raul Cedras in his place in July 1991. On 30 September 1991 Cedras overthrew Aristide's regime and again Haiti fell into crisis.<sup>7</sup>

### **The OAS Response**

Haiti, being a member of the Organization of American States (OAS), it condemned the military coup and the illegal regime was not given recognition. The stated objective of

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6. "Haiti still Embargoed," The Economist (London), vol.325, No.7780, October 10, 1992,p.51.

7. "United Nations Mission in Haiti" in United Nations Peace Keeping (New York: United Nations, Department of Public Information, 1994) p.188.

the Organization of American States was to bring peace and representative democracy. Even the OAS Charter stated that 'peace', 'stability' and 'development' of the region were dependent upon representative democracy. Therefore, representative democracy is one of the conditions for membership in the Organization of American States.<sup>8</sup> Despite Article 53<sup>9</sup> of the United Nations Charter, the Organization of American States imposed sanctions against Haiti's illegal regime. Even the Organisation of American States Charter does not contain any provision for Sanctions.<sup>10</sup> On 4 October, 1991, Organization of American States delegation visited Haiti and met various parties and groups to examine the situation.

On 7 October 1991, the soldiers ordered the delegation to move out of the country. Meanwhile, the two chambers of Haitian Parliament appointed an 'acting' President due to pressure from the military.<sup>11</sup> On 10 October 1991, OAS

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8. Domingo E. Accredo, n.2, p.121.

9. Article 53, Paragraph No.1, "The Security Council shall, where appropriate, utilize such regional arrangements as agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council...."

10. Domungo E. Acevedo, n.2,p.121.

11. "United Nations Mission in Haiti", n.7, p.189.

Foreign Minister's Conference adopted two resolutions. The conference not only condemned the appointment of an 'acting' President, but they also urged the Member-States to freeze financial assets of the Haitian government and imposed a trade embargo except on humanitarian aid. Further, the resolution asked United Nations Members to take similar measures against Haiti.<sup>12</sup> At the request of Aristide, they also decided to set up a "civilian mission" known as OEA-EMOC, to restore constitutional democracy in Haiti.

#### **United Nations Involvement**

United Nations involved itself in the Haitian crisis for the first time when it sent an Observer Mission to supervise the 1990 election. On 11 October 1991, the United Nations General Assembly condemned the illegal Haitian government by its Resolution 46/7 (1991). It also urged the Member-States to take measures in support of the OAS resolution; however, it pointed out that when democracy is re-established in the country, Member-States should offer economic cooperation to restore the economy.<sup>13</sup>

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12. Ibid., p.189.

13. Resolution 46/7 (1991) of 11 October 1991, The United Nations and the Situation in Haiti (New York: United Nations, Department of Public Information, 1994). p.46.

Even the Secretary-General of United Nations was involved in the crisis directly. On 11 December, 1992, the United Nations Secretary-General appointed Mr. Dante Caputo<sup>14</sup> as his Special Representative for Haiti. At the same time the Organization of American States Secretary-General also appointed Mr. Caputo as Special Representative for Haiti on 13 January 1993.<sup>15</sup> The objective of the United Nations in the Haitian crisis was to create "stability and secure environment".<sup>16</sup>

#### **Arms Embargo**

On 7 June, 1993, a letter to the President of the Security Council from the Permanent Representative of Haiti urged the Security Council to impose "universal mandatory measures" against Haitian military government. In the meantime, United Nations Special Representative Mr. Caputo had a consultation with Haitian authorities. The objective of the consultation was to reach an agreement regarding: (1)

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14: Mr. Caputo was a former Minister of Foreign Affairs, Argentina.

15. "United Nations Mission in Haiti", n.7, p.190.

16. Preston Niblack, A Trip Report (New York: United Nations, Department of Public Information, 1995) p.6.

the return of President Aristide to Haiti; (2) the appointment of a Prime Minister to head the government of a national concord; and (3) the question of amnesty for the army.<sup>17</sup> However, these proposals were rejected by Haitian *de facto* authorities and military command.

On 16 June 1993, the United Nations Security Council, acting under Chapter VII of the Charter of United Nations, adopted Resolution 841 (1993) unanimously. The sponsors of the resolution were France, the United States and Venezuela. It recalled the United Nations General Assembly resolution regarding universal mandatory sanctions against Haitian illegal regime. Further, paragraph 5 of the resolution states:

**(The Security Council)** "Decides that all states shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft of petroleum or petroleum products or arms or related material of all types including weapons and ammunition, military vehicles and equipment, police equipments and spare parts for the aforementioned, whether or not originating in their territories, to any person or body in Haiti or to any person or body for the purpose of any business carried on in or operated from Haiti, and any activities by their nationals or in their territories which promote or one calculated to promote such sale or supply."<sup>18</sup>

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17. The United Nations and the situation in Haiti, n.13, pp.5-6.

18. Resolution 841(1993) of 16 June 1993, n.13, p.22.

Further, the same resolution in paragraph 8 says,

(The Security Council) "Decides that states in which there are funds, including any funds derived from property, (a) of the Government of Haiti or of the *defacto* authorities in Haiti, or (b) controlled directly or indirectly by such Government or authorities or by entities, wherever located or organized, owned or controlled by such Government or authorities, shall require all persons or entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the *defacto* authorities in Haiti."<sup>19</sup>

The sanctions came into force on 23 June 1993, because the report of the Secretary-General of Organization of American States mentioned that "at that point of time sanctions were not necessarily warranted" (as diplomatic negotiations were going on.).

### **Suspension of the Sanctions**

On 3 July 1993, an agreement was signed between Aristide and Cedras in Governor's Island, New York city. The agreement included the return of Mr. Aristide on 30 December 1993 and an early retirement of Gen. Cedras.<sup>20</sup> On 16 July 1993 a pact was signed between the Haitian political par-

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19. Ibid., p.22.

20. "United Nations Mission in Haiti", n.7, p.196.

ties, known as the New York Pact. It was also related to the Governor's Island Agreement.<sup>21</sup> In the meantime, on 15 July 1993, a letter to the United Nations Secretary-General by the President of the Security Council confirmed the readiness of the Security Council to suspend the sanctions against Haiti. On 27 August 1993, the United Nations Security Council adopted Resolution 861 (1993) unanimously. The resolution asked all the Member-States to lift the sanctions on Haiti and support consistently efforts to restore peace. Further, the same resolution in paragraph 3 says, that if the Governor's Island Agreement is not going to be fully implemented, Resolution 841 (1993) paragraphs 5-14 would be enforced.<sup>22</sup> In September 1993, by adopting Resolution 867 (1993), the Security Council established United Nations Mission in Haiti (UNMIH) and United Nations Police Monitors.

#### **Reimposition of Sanctions**

The Haitian military and police failed to follow the

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21. From 14 July 1993 to 16 July 1993 an inter-Haitian political talk was held in New York. The representatives of the political parties and parliamentary blocks together with the members of the Presidential Commission participated in the talk.

22. Resolution 816 (1993) of 27 August 1993, n.13, p.23.



instructions laid in the Governor's Island and New York Pact. Even Cedras - did not comply with the agreement. So, the United Nations Secretary-General decided to reimpose the sanction on Haiti. On 13 October 1993, the Security Council adopted Resolution 873(1993), by which paragraphs 5-14 of the Resolution 841 (1993) came into force. The Haitian military did not allow the United Nations Mission in Haiti to carry out their work.

#### **Additional Sanctions against Haiti**

In order to restore democracy and protect human rights in Haiti, the Security Council decided to impose new additional sanctions. On 6 May, 1994, the Security Council adopted Resolution 917 (1994), unanimously. The council urged the Member-States to take additional measures, which included denying the landing of Haitian aircrafts, except regular commercial flights. In order to remove the sanctions the resolutions imposed a number of conditions on Haiti.<sup>23</sup>

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23. (The Security Council) "Decides that, notwithstanding paragraph 16, above, measures in the present resolution and earlier relevant resolutions will not be completely lifted until:

- (a) The retirement of the Commander-in- Chief of the Haitian Armed Forces, and the resignation or departure from Haiti of the Chief of the Metropolitan Zone of Port-au-Prince, and the Chief of staff of the Haitian

The sanctions came into force at 23:59 hours of Eastern Standard Time on 21 May, 1994. On 19 May 1994, United Nations Secretary-General Report stated that the Haitian military authorities did not take any steps to comply with those conditions which were laid in Resolution 917 (1994). However, the sanctions came into force as scheduled. Even a naval blockade was imposed with the help of United States, Canada, Argentina and Dutch ships. United Nations observers were appointed to monitor the Dominican-Haitian borders.<sup>24</sup>

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...Continued...

Armed Forces;

- (b) Completion of the changes by retirement or departure from Haiti in the leadership of the police and military high command called for in the Governor's Island Agreement;
- (c) Adoption of legislative actions called for in the Governor's Island Agreement, as well as the creation of a proper environment in which free and fair legislative elections can be organised in the framework of the full restoration of democracy in Haiti;
- (d) The creation by authorities of the proper environment for the deployment of the United Nations Mission in Haiti;
- (e) The return in the shortest time possible of the democratically elected President and maintenance of constitutional order; These conditions being necessary for the full implementation of the Governor's Island Agreement" Resolution 917 (1994) of 6 May 1994, n.13, p.36.

24. "United Nations Mission in Haiti" n.7, p.199.

### **Use of all Necessary Means**

Besides the United Nations and Organization of American States, a third actor entered in the Haitian crisis, the United States. The United States President, Bill Clinton, on 15 September 1994, issued a statement that all means should be used to restore democracy in Haiti in accordance with Resolution 940 (1994). Further, he stated that there were twenty countries which assured United States that they would join the multinational force. On 17 September 1994, the United States President sent a high level diplomatic mission as a last minute effort to resolve the Haitian conflict. The mission was headed by former President of the United States, Jimmy Carter. After two days of intensive negotiations, an agreement was reached. According to this agreement, General Cedras was to resign from his post and a general amnesty to the army would be granted. These should be implemented on or before 15 October, 1994.<sup>25</sup> Further Haitian army and police agreed to cooperate with the United Nations Mission in Haiti to establish 'stability and secure environment'. On 19 September, 1994, the Special Representative for Haiti Mr. Caputo resigned from his post on the ground of changing

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25. Ibid., p.201.

context of the Haitian situation. The United Nations Secretary-General accepted the resignation with deep regret. On 23 September 1994, a new Special Representative Mr. Khdar Brahimi, former Minister of Foreign Affairs, Algeria was appointed.<sup>26</sup> On 10 October 1994, Haitian Parliament passed a legislation to grant general amnesty to the army. On 15 October, 1994, General Raul Cedras resigned from his post. At the request of President Aristide, the President of Panama agreed to give asylum to Lieutenant-General Cedras and Brigadier-General Biambi. Earlier Colonel Francois has gone to the Dominican Republic. On 15 October, 1994, after the departure of military leadership President Aristide arrived at Haiti and assumed power after three years of exile.<sup>27</sup> On the same day the United Nations Security Council adopted Resolution 948 (1994) by a vote of 14 in favour, 0 against and 1 abstention (Brazil). The resolution welcomed President Aristide and asked the Member-States to lift the sanctions against Haiti.<sup>28</sup>

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26. Ibid., p.202.

27. Ibid., p.203.

28. Resolution 948(1994) of 15 October 1994, n.13, p.42

### **Effectiveness of the Sanctions**

Haiti is a tropical country with an area of 27,500 square kilometres and a population of 6 million people. It is situated on the Caribbean Island of Hispaniola and shares the border with Dominican Republic. Most of the Haitian people were brought as slaves centuries ago. Till 1990, the per capita annual income was \$ 360. Coffee was the main export item but it was replaced by sugar, in recent years. Illiteracy was estimated during 1990s to be between sixty-five per cent to ninety per cent. The infant mortality rate and life expectancy was comparable with poorer African countries.<sup>29</sup>

The sanctions against the illegal regime in Haiti can be divided into two phases: the pre-13 June, 1993 phase (OAS sanctions) and the post- 13 June, 1993 phase (United Nations sanctions). After the military coup in 1991, the Organization of American States (OAS) imposed sanctions against the illegal regime. The target of the sanctions was Haitian military. As a general principle of sanctions, the target regime can shift the effects of sanctions on the population. This was witnessed in the Haitian case. For

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29. Pamela Constable, n.3, p.177.

instance, though the sanction mandate did not include the basic commodities, their prices soared high. Therefore, the poor were affected at the very beginning of the imposition of sanctions.

As "The Economist" reported, inflation was at an annual rate of forty per cent. The Haitian currency had fallen from 7.5 to more than 10 Gourders against the dollar. One of the important export-oriented sectors was the assembling plant. Because of the ban on exports 25,000 lost their jobs. Even the professionals such as engineers and doctors were affected by the embargo. Further, "the sanctions damaged the economy and impoverished the common people and it was profitable for a tiny group of people, in charge of the country."<sup>30</sup>

#### **Violation of the Sanctions**

Till 1993 June, the sanctions against Haiti were not universal. Therefore, some leakages took place. Although the Organization of American States imposed sanctions on Haiti, some of Haiti's neighboring countries violated the sanctions. For example, there was plenty of 'embargo busting' by

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30. "Haiti still Embargoed," The Economist, (London), vol.325, no.7780, October 10, 1992, pp.51-52.

way of Venezuela or the island of Cureaco and Trinidad. Even lorries were carrying contraband goods from the Dominican Republic.<sup>31</sup> Even the officers in charge of ports and customs services charged for the contraband goods entering the country. Since the sanction of the Organization of American States was not universal, the European Community rejected those sanctions. Although the United Nations General Assembly resolution asked the Member-States to take measures against the Haitian military regime it was not obligatory. Moreover, the European Community stated that the sanctions would contravene the agreement with Haiti under the Lome Convention. Although most of the aid had been stopped after the coup, yet the Haitian government received some aid through private agencies. For example, United States gave around \$ 62 million in 1992 through private agencies.<sup>32</sup>

From November 1991 to March 1992 the United State General Accounting Office Report stated that the ships from Latin America, Europe and Africa were carrying goods to Haiti. The goods included Argentine steel and even French perfume. Almost one million barrels of oil reached Haiti

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31. Ibid., p.52.

32. "Desperate Voyagers", The Economist, (London), vol.326, n.7794, 16 January, 1993, p.16.

from half a dozen countries.<sup>33</sup> Pamela Constable argues that the United States administration did not put more pressure on Haitian military because of 'Aristide's controversial personality'. Most of United State's officials privately said of Aristide's stubbornness during the negotiations. He even refuted mob violence and human rights violations, which took place during his rule.<sup>34</sup> Table I shows how the sanctions affected during the period 1991-92. Regarding Organizations of American States (OAS) sanctions on Haiti, Mr. Werleigh puts it

"It was believed that the dependency of the Haitian economy for its fuel, industrial products and even for food on the outside world, it would force the coup leaders to agree for negotiations. But the Organization of American States (OAS) did not have any structure to implement and control the embargo. It was fully dependent on the Member-States to respect it."<sup>35</sup>

The internal political parties of the Organization of American States (OAS), members opposed the sanctions because they did not want to lose their profits for the sake of

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33. Pamela Constable, n.3, p.183.

34. Ibid., p.184.

35. Claudette Antoine Werleigh, "The Use of Sanctions in Haiti: Assessing the Economic Realities", in David Cortright and George A Lopez ed., Economic Sanctions: Panacea or Peace Building in a Post Cold War World? (Boulder, 1995), p.164.



restoring Haitian democracy.

## **Phase Two**

The second phase of the sanctions started when the United Nations Security Council imposed mandatory measures by its Resolution 841 (1993). Unlike the leaky embargo initially imposed by the Organization of American States (OAS), the United Nations Security Council's coercive measures (trade embargo) started to work. It could be derived from Brigadier-General Cedras signing an agreement with Aristide on 3 July 1993. Even he accepted to "proportionnalise" his army and police.<sup>36</sup>

## **Agriculture**

Agriculture, though a primary sector was never an important element in the export trade. Even Haiti was importing food grains to be self-sufficient. There was a shortage of seeds, fertilizers and pesticides. Therefore sanctions had a negative impact on farmers. "Extortion" was the common practice in rural areas. When the sanctions hit

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36. "Talk Loudly and Carry a Twig", The Economist, (London), vol.329, No.7833, 16 October 1993, p.44.

hard, the Haitian government imposed arbitrary taxes on rural population which included tax on vending posts, mills and roads to market places.<sup>37</sup>

#### **Industries and other sectors**

In Haiti there were not many industries except assembling plants which were badly affected by the sanctions. In the beginning of the sanctioning years more than 25,000 jobs were lost. In course of time it went upto 150,000. Sanctions affected different groups of people. Among them, industrial workers were the first target. Informal sectors such as shoemaking and street vending were the most affected. These sections were forced to slow down or cease their activities because of law and order problems.

After the reimposition of sanctions, Haitian economy came to a grinding halt as fuel supply ran out; petrol was to be found only in black market (1 gallon of petrol cost \$ 9). Port-au-Prince, Haiti's capital, had ten hours of electricity supply per day during the sanctioning years. Even international food distribution programme was in jeopardy

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37. Werleigh, n.35, p167.

due to lack of transport facilities.<sup>38</sup> Public health was badly affected by the sanctions. Hospitals ran out of medicines and other facilities right from the initial stages. The Economist reported that there was a sharp rise in infant mortality rate and unpreventable diseases such as measles.<sup>39</sup>

### **Lessons From Haiti**

The underdevelopment of Haiti is a recent phenomena. The corrupt military joined with a minority business elite and damaged the country's economy. This process received momentum during the Duvalier family's regime. The colonial economy was not replaced by the independent Haitian rulers. Even after the dethronement of Baby Doc's regime in 1986, continued instability prevailed.

Politics and economy are inextricably linked with one another. In these circumstances, during the sanctioning years, Haitian military converted the country into one of the major drug transshipment points in the world. Cocaine was the major item to be used. Through drug trafficking

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38. "Cedras Thumbs his Nose", The Economist, (London), vol. 329, no. 7836, November 6, 1993, p.43.

39. The Economist, 21 May 1994, p.51.

Haitian military earned \$ 100 million per year.<sup>40</sup>

One can draw the following lessons from the Haitian case : (1) All parties responsible for implementing sanctions must clearly demonstrate strong and decisive political will; (2) There must be a clear and common objective; (3) There must be complete cooperation from neighbouring countries. Otherwise, sanctions will fail to bring their intended result.<sup>41</sup>

The Haitian case was an example for cooperation between the United Nations and a regional organization (OAS), which did not happen earlier. For any sanctions episode to be successful, (especially, the multilateral sanctions), determination among the senders is important. However, it was found to be lacking in the Haitian episode. For example, when the Organization of American States (OAS) imposed sanctions, countries like Venezuela (one of the members of the OAS) sent oil to Haiti. The able cooperation of the member states of organization (senders-in this case OAS and UN) is another important requisite for the success of the sanctions. In the Haitian case there was leakage in the

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40. Werleigh, n.35, p.168.

41. Ibid., p.170.

embargo due to non-availability of structure and control mechanism.

The reluctance of the United States prolonged the Haitian crisis. Werleigh argued that "the combination of diplomatic and economic measures could have been effective"<sup>42</sup> Though diplomatic and economic measures had been taken, it occurred late during the crisis. If these measures had been implemented earlier, the period of the sanctions may have been shorter. From the United Nations and Organization of American States point of view, the sanctions were successful-because it fulfilled their objective (restore democracy). Sanctions damaged Haitian economy which was already on the verge of crumbling.

As mentioned earlier, the trade embargo (against Iraq and Federal Republic of Yugoslavia) leads to contraband trade. This was true in the Haitian case. There was a similarity between Cold War sanctions (sanctions against Rhodesia and South Africa) and sanctions against Haiti i.e., all the three sanctions were supported by the people of those countries. Due to the non-availability of data, it would be difficult to measure the impact of sanctions on

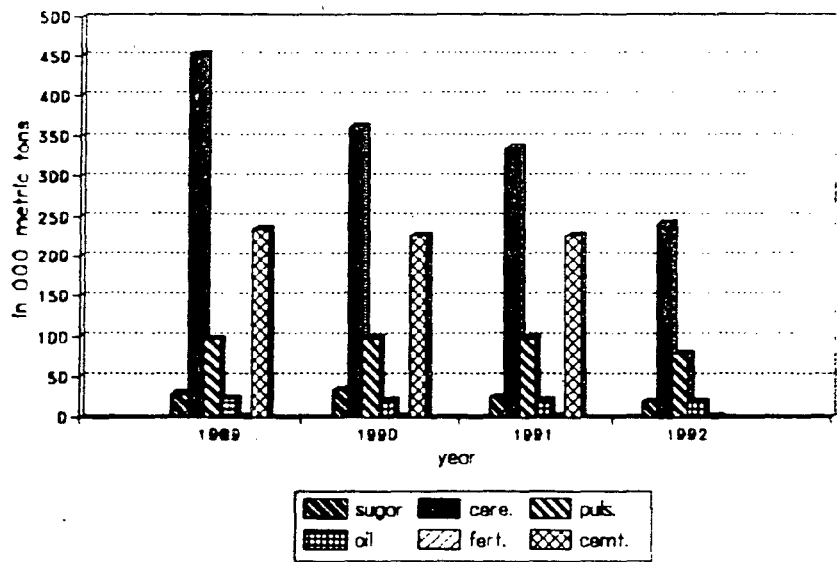
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42. Ibid., p.170.

Haitian military and its withdrawal from the Haitian politics.

FIG. 1.

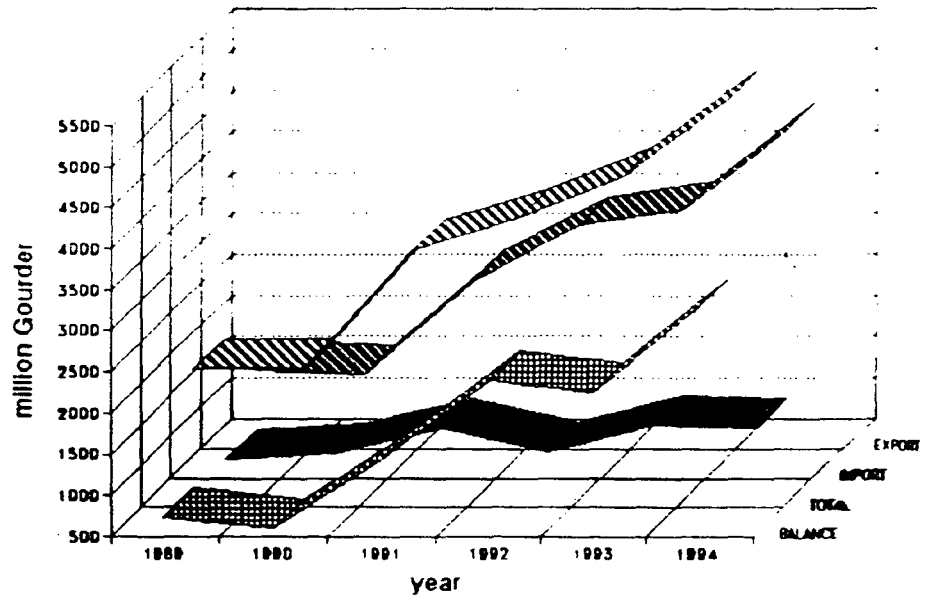
AGRICULTURAL AND INDUSTRIAL PRODUCTION OF HAITI (1989-92)



SOURCE: STATISTICAL YEARBOOK, U.N., 1994.

FIG. 2.

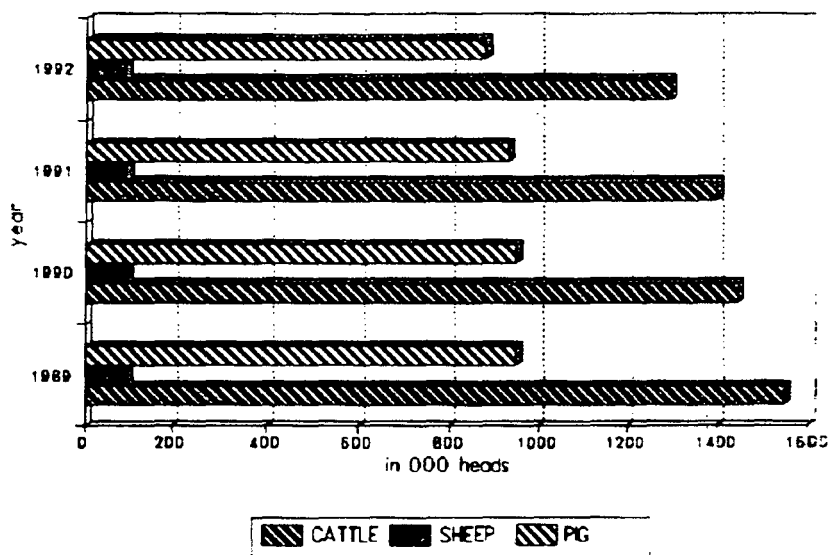
TRADE BALANCE OF HAITI 1989-94



SOURCE: INTERNATIONAL TRADE STATISTICS YEARBOOK, U.N., 1995

FIG. 3.

LIVESTOCK POPULATION OF HAITI  
1989-92



SOURCE: STATISTICAL YEARBOOK, U.N., 1994.

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## CHAPTER FIVE

### CONCLUSION

The main aim of foreign policy is to protect the national interest. To achieve this purpose, countries adopt various strategies, such as diplomatic efforts, cultural relations, economic sanctions and at times even war. The twentieth century has witnessed various conflicts which have had an impact on foreign policy strategies. The increase in economic interdependency has increased the popularity of economic statecraft as an instrument of foreign policy.

Great Britain was the first country to adopt sanctions as a part of its foreign policy. Since early 1920s Britain imposed sanctions 22 times. In international politics Great Powers have often used economic tools to influence the smaller powers. For example, by offering trade concessions or abolishing trade tariffs. At the same time to express their dissatisfaction over the policies of their friendly nations, they send signals by cutting aid, cultural or diplomatic relations.

The end of World War II brought a new element in world politics: the emergence of Superpowers and their ideological struggle. Therefore, United States imposed sanctions 77 times till 1990. United States used sanctions to achieve its objectives which included destabilizing the regime of the target nations, protecting human rights, preventing nuclear

proliferation and eliminating international terrorism. Even the former Soviet Union imposed sanctions, mostly against recalcitrant satellites. Thus sanctions are used to achieve foreign policy goals.

World War I brought to an end the old 'system of alliances' and 'arms race'. The founding-fathers of the League of Nations identified 'collective approach' as a way to resolve disputes. It was based on 'one for all and all for one' approach. Therefore, sanctions were identified as a non-violent weapon to help settle conflicts and further, they were used to punish delinquent member-states.

In 1936, Italy was the first country, to face collective sanctions due to its invasion of Ethiopia. However, the League could not implement the sanctions properly due to lack of co-operation among the member states. The League sanctions failed in their objective of exhorting Italy to withdraw its forces from Ethiopia. The reasons for the failure included: (1) absence of an oil embargo against Italy; (2) absence of a naval blockade to stop the Italian forces from entering Ethiopia; (3) violation of the sanctions by the non-Member-States such as United States, Germany and Japan; (4) absence of a ban on the use of Suez canal; (5) lack of a proper implementation

mechanism; and (6) a lack of political will among the members like Britain and France. One of the major causes for the failure of the League of Nations was not that it imposed sanctions against Italy but that they were not imposed earlier.

By the end of World War II, the United Nations took over the principal function of the League : maintenance of international peace and security. The United Nations Charter adopted the League's system of 'collective security' as a means to settle disputes. Chapter VII of United Nations Charter advocates the use of sanctions prior to military action. In the United Nations era, the efficacy of multilateral sanctions has increased because: (1) almost all the nations are members of the United Nations; (2) diplomatic sanctions were added in Chapter VII of United Nations Charter, which were absent not in the League's Covenant; (3) the Charter authorises United Nations Security Council to use military force against target countries; (4) the United Nations Security Council's authority to take coercive measures against any state requires only an affirmative vote of the council, but in the League's Council unanimity was a prerequisite.

Sanctions under the United Nations can be divided into two phases: (1) sanctions during the Cold War era (1945-90); and (2) sanctions during the post-Cold War era (since 1990s). Decolonization is one of the objectives of United Nations. In order to fulfill this objective the United Nations Security Council imposed sanctions against Rhodesia in 1965. In contrast, South Africa was the only country to face the United Nations General Assembly sanctions, which were voluntary. In 1977, the United Nations Security Council imposed arms embargo against South Africa. However, it failed to take economic measures due to a lack of consensus among the Member-States.

The drawbacks in these cases were: (1) violation of sanctions by some of the Member-States, especially some of the western powers; (2) absence of a legal regime to control the multinational corporations, especially in the South African case; (3) refusal by the United Nations Security Council to use military force; (4) Cold War rivalry obstructed the United Nations action in all conflicts.

The announcement of withdrawal of former Soviet Union's troops from Afghanistan was the death knell of Cold War. The end of the Cold War, reunification of Germany and various disarmament agreements between the United States and former

Soviet Union created some form of 'cooperative security arrangement'. Thus, it paved the way for United Nations to actively involve in pacific settlement of disputes.

During the post-Cold War era the scope of sanctions has increased. Iraq's case is the first in this order. In 1991, the Security Council imposed comprehensive mandatory sanctions through its Resolution 687(1991). Despite having accepted Kuwait's sovereignty and the demarcation of the boundary between Iraq and Kuwait, sanctions still continue. The government of Iraq used sanctions to rally the masses around its flag.

The mobilization of world public opinion to support sanctions against Iraq was not a feature of the previous sanctions. Illegal trans-border trade is another major obstacle for implementing the sanctions. This was true in almost all the cases such as Federal Republic of Yugoslavia (Serbia and Montenegro), Iraq and Haiti. Neighbouring countries' cooperation is essential, failing which sanctions could be violated easily.

Time factor is important, because if sanctions are prolonged it would damage the target country's economy. For example, in Haitian case, the Organization of American States and the United Nations sanctions continued for more

than three years. The sanction partially damaged the economy and at the same time the ruling family, clan or group exploited the situation. In almost all the cases, since United Nations does not have its own military force, monitoring the sanctions became a difficult task.

Identifying vulnerable areas to impose sanctions is crucial because countries like Iraq though facing an import embargo manage to produce food grains of its own. Therefore identifying vulnerable areas and import mechanisms are essential for the effective implementation of sanctions.

Although United Nations imposed arms embargo on Liberia, Somalia and Khmer Rouge occupied Cambodia to resolve the conflicts, it did not impose the same against Afghanistan and Rwanda. United Nations objectives in the Haitian case were to restore democracy and protect human rights. At the same time in Myanmar, where pro-democracy struggle is going on since early 1990s, United Nations did not respond in a similar manner. United Nations can use sanctions to prevent nuclear proliferation and environment problems. Thus in the post-cold war era sanctions can be identified as a mean to resolve conflicts to the extent of exerting pressure on target-nations.

## APPENDICES



APPENDIX I

TABLE I : LIST OF SANCTIONS 1914-1990

| Case number | Principal sender                     | Target country                            | Active years | Goals of sender country  |
|-------------|--------------------------------------|---|--------------|--|
| 14-1        | United Kingdom                       | Germany                                   | 1914-18      | Military victory   |
| 17-1        | United States                        | Japan                                     | 1917         | (1) Contain Japanese influence in Asia;<br>(2) Persuade Japan to divert shipping to Atlantic                               |
| 18-1        | United Kingdom                       | Russia                                    | 1918-20      | (1) Renew support for Allies in World War I;<br>(2) Destabilize Bolshevik regime   |
| 21-1        | League of Nations                    | Yugoslavia                                | 1921         | Block Yugoslav attempts to wrest territory from Albania; retain 1913 borders   |
| 25-1        | League of Nations                    | Greece                                    | 1925         | Withdraw from occupation of Bulgarian border territory   |
| 32-1        | League of Nations                    | Paraguay and Bolivia                      | 1932-35      | Settle the Chaco War   |
| 33-1        | United Kingdom                       | USSR                                      | 1933         | Release two British citizens   |
| 35-1        | United Kingdom and League of Nations | Italy                                     | 1935-36      | Withdraw Italian troops from Abyssinia   |
| 38-1        | United Kingdom and United States     | Mexico                                    | 1938-47      | Settle expropriation claims  |
| 39-1        | Alliance Powers                      | Germany, later Japan                      | 1939-45      | Military victory   |
| 40-1        | United States                        | Japan                                     | 1940-41      | Withdraw from Southeast Asia   |
| 44-1        | United States                        | Argentina                                 | 1944-47      | (1) Remove Nazi influence;<br>(2) Destabilize Perón government   |
| 46-1        | Arab League                          | Israel                                    | 1946-        | Create a homeland for Palestinians   |
| 48-1        | United States                        | Netherlands                               | 1948-49      | Recognize Republic of Indonesia  |
| 48-2        | India                                | Hyderabad                                 | 1948         | Assimilate Hyderabad into India  |
| 48-3        | USSR                                 | United States, United Kingdom, and France | 1948-49      | (1) Prevent formation of a West German government;<br>(2) Assimilate West Berlin into East Germany                         |
| 48-4        | USSR                                 | Yugoslavia                                | 1948-55      | (1) Rejoin Soviet camp;<br>(2) Destabilize Tito government   |
| 48-5        | United States and COCOM              | USSR and COMECON                          | 1948-        | (1) Deny strategic materials;<br>(2) Impair Soviet military potential  |
| 49-1        | United States and CHINCOM            | China                                     | 1949-70      | (1) Retaliation for Communist takeover and subsequent assistance to North Korea;<br>(2) Deny strategic and other materials |
| 50-1        | United States and United Nations     | North Korea                               | 1950-        | Withdraw attack on South Korea   |

| Case number | Principal sender                          | Target country             | Active years                    | Goals of sender country  |
|-------------|---|----------------------------|---------------------------------|--|
| 51-1        | United Kingdom and United States          | Iran                       | 1951-53                         | (1) Reverse the nationalization of oil facilities; (2) Destabilize Mussadiq government                                   |
| 54-1        | USSR                                      | Australia                  | 1954                            | Repatriate a Soviet defector   |
| 54-2        | India                                     | Portugal                   | 1954-61                         | Assimilate Goa into India  |
| 54-3        | Spain                                     | United Kingdom             | 1954-84                         | Gain sovereignty over Gibraltar  |
| 54-4        | United States and South Vietnam           | North Vietnam              | 1954-                           | (1) Impede military effectiveness of North Vietnam; (2) Retribution for aggression against South Vietnam                 |
| 56-1        | United States                             | Israel                     | 1956-63 (intermittent episodes) | (1) Withdraw from Sinai; (2) Implement UN Resolution 242; (3) Push Palestinian autonomy talks                            |
| 56-2        | United Kingdom, United States, and France | Egypt                      | 1956                            | (1) Ensure free passage through Suez Canal; (2) Compensate for nationalization   |
| 56-3        | United States                             | United Kingdom and France  | 1956                            | Withdraw from Suez   |
| 56-4        | United States                             | Laos                       | 1956-62                         | (1) Destabilize Prince Souvanna Phouma government; (2) Destabilize General Phoumi government:                            |
| 57-1        | Indonesia                                 | Netherlands                | 1957-62                         | Control of West Irian  |
| 57-2        | France                                    | Tunisia                    | 1957-63                         | Halt support for Algerian rebels   |
| 58-1        | USSR                                      | Finland                    | 1958-59                         | Maintain pro-USSR policies   |
| 60-1        | United States                             | Dominican Republic         | 1960-62                         | (1) Cease subversion in Venezuela; (2) Destabilize Trujillo government   |
| 60-2        | USSR                                      | China                      | 1960-70                         | (1) Retaliation for break with Soviet policy; (2) Impair Chinese economic and military potential                         |
| 60-3        | United States                             | Cuba                       | 1960-                           | (1) Settle expropriation claims; (2) Destabilize Castro government; (3) Discourage Cuba from foreign military adventures |
| 61-1        | United States                             | Ceylon                     | 1961-65                         | Settle expropriation claims  |
| 61-2        | USSR                                      | Albania                    | 1961-65                         | (1) Retaliation for alliance with China; (2) Destabilize Hoxha government  |
| 61-3        | Western Allies                            | German Democratic Republic | 1961-62                         | Berlin Wall  |
| 62-1        | United States                             | Brazil                     | 1962-64                         | (1) Settle expropriation claims; (2) Destabilize Goulart government  |
| 62-2        | United Nations                            | South Africa               | 1962-                           | (1) End apartheid; (2) Grant independence to Namibia   |

| Case number | Principal sender                                  | Target country                               | Active years | Goals of sender countries   |
|-------------|---|--|--------------|---|
| 62-3        | USSR  | Romania                                      | 1962-63      | Limit economic independence   |
| 63-1        | United States                                     | United Arab Republic                         | 1963-65      | (1) Cease military activity in Yemen and Congo; (2) Moderate anti-US rhetoric                   |
| 63-2        | Indonesia   | Malaysia                                     | 1963-66      | Promote "Crush Malaysia" campaign   |
| 63-3        | United States                                     | Indonesia                                    | 1963-66      | (1) Cease "Crush Malaysia" campaign; (2) Destabilize Sukarno government                         |
| 63-4        | United States                                     | South Vietnam                                | 1963         | (1) Ease repression; (2) Remove Nhu; (3) Destabilize Diem                                       |
| 63-5        | United Nations and Organization for African Unity | Portugal                                     | 1963-74      | Free African colonies   |
| 64-1        | France  | Tunisia                                      | 1964-66      | Settle expropriation claims   |
| 65-1        | United States                                     | Chile  | 1965-66      | Roll back copper price  |
| 65-2        | United States                                     | India  | 1965-67      | Alter policy to favor agriculture   |
| 65-3        | United Kingdom and United Nations                 | Rhodesia                                     | 1965-79      | Majority rule by black Africans   |
| 65-4        | United States                                     | Arab League                                  | 1965-        | Stop US firms from implementing Arab boycott  |
| 67-1        | Nigeria   | Biafra                                       | 1967-70      | End civil war   |
| 68-1        | United States                                     | Peru   | 1968         | Forgo aircraft purchases from France  |
| 68-2        | United States                                     | Peru   | 1968-74      | Settle expropriation claims   |
| 70-1        | United States                                     | Chile  | 1970-73      | (1) Settle expropriation claims; (2) Destabilize Allende government                             |
| 71-1        | United States                                     | India and Pakistan                           | 1971         | Cease fighting in East Pakistan (Bangladesh)  |
| S-1         | United States                                     | Countries supporting international terrorism | 1972-        | Overview  |
| 72-1        | United Kingdom and United States                  | Uganda                                       | 1972-79      | (1) Retaliation for expelling Asians; (2) Improve human rights; (3) Destabilize Amin government |
| S-2         | United States                                     | Countries violating human rights             | 1973-        | Overview  |
| 73-1        | Arab League                                       | United States and Netherlands                | 1973-74      | (1) Retaliation for supporting Israel in October war; (2) Restore pre-1967 Israeli borders      |
| 73-2        | United States                                     | South Korea                                  | 1973-77      | Improve human rights  |

| Case number | Principal sender         | Target country                            | Active years | Goals of sender country   |
|-------------|--------------------------|---|--------------|---|
| S-3         | United States and Canada | Countries pursuing nuclear weapons option | 1974-        | Overview  |
| 74-1        | United States            | Turkey                                    | 1974-78      | Withdraw Turkish troops from Cyprus   |
| 74-2        | Canada                   | India                                     | 1974-76      | (1) Deter further nuclear explosions;<br>(2) Apply stricter nuclear safeguards          |
| 74-3        | Canada                   | Pakistan                                  | 1974-76      | (1) Apply stricter safeguards to nuclear power plant;<br>(2) Forgo nuclear reprocessing |
| 75-1        | United States and Canada | South Korea                               | 1975-76      | Forgo nuclear reprocessing  |
| 75-2        | United States            | USSR                                      | 1975-        | Liberalize Jewish emigration  |
| 75-3        | United States            | Eastern Europe                            | 1975-        | Liberalize Jewish emigration  |
| 75-4        | United States            | South Africa                              | 1975-82      | (1) Adhere to nuclear safeguards;<br>(2) Avert explosion of nuclear device              |
| 75-5        | United States            | Kampuchea                                 | 1975-79      | (1) Improve human rights;<br>(2) Deter Vietnamese expansionism                          |
| 76-1        | United States            | Uruguay                                   | 1976-81      | Improve human rights  |
| 76-2        | United States            | Taiwan                                    | 1976-77      | Forgo nuclear reprocessing  |
| 76-3        | United States            | Ethiopia                                  | 1976-        | (1) Settle expropriation claims.<br>(2) Improve human rights                            |
| 77-1        | United States            | Paraguay                                  | 1977-81      | Improve human rights  |
| 77-2        | United States            | Guatemala                                 | 1977-86      | Improve human rights  |
| 77-3        | United States            | Argentina                                 | 1977-83      | Improve human rights  |
| 77-4        | Canada                   | Japan and European Community              | 1977-78      | Strengthen nuclear safeguards   |
| 77-5        | United States            | Nicaragua                                 | 1977-79      | (1) Destabilize Somoza government;<br>(2) Improve human rights                          |
| 77-6        | United States            | El Salvador                               | 1977-81      | Improve human rights  |
| 77-7        | United States            | Brazil                                    | 1977-84      | Improve human rights  |
| 78-1        | China                    | Albania                                   | 1978-83      | Retaliation for anti-Chinese rhetoric   |
| 78-2        | United States            | Brazil                                    | 1978-81      | Adhere to nuclear safeguards  |
| 78-3        | United States            | Argentina                                 | 1978-82      | Adhere to nuclear safeguards  |
| 78-4        | United States            | India                                     | 1978-82      | Adhere to nuclear safeguards  |
| 78-5        | United States            | USSR                                      | 1978-80      | Liberalize treatment of dissidents (e.g., Shcharansky)                                  |

| Case number | Principal sender              | Target country | Active years | Goals of sender country  |
|-------------|-------------------------------|----------------|--------------|--|
| 78-6        | Arab League                   | Egypt          | 1978-83      | Withdraw from Camp David process   |
| 78-7        | China                         | Vietnam        | 1978-88      | Withdraw troops from Kampuchea   |
| 78-8        | United States                 | Libya          | 1978-        | (1) Terminate support of international terrorism;<br>(2) Destabilize Gadhafi government  |
| 79-1        | United States                 | Iran           | 1979-81      | (1) Release hostages;<br>(2) Settle expropriation claims   |
| 79-2        | United States                 | Pakistan       | 1979-        | Adhere to nuclear safeguards   |
| 79-3        | Arab League                   | Canada         | 1979         | Retaliation for planned move of Canadian embassy in Israel from Tel Aviv to Jerusalem  |
| 79-4        | United States                 | Bolivia        | 1979-82      | (1) Improve human rights;<br>(2) Deter drug trafficking  |
| 80-1        | United States                 | USSR           | 1980-81      | (1) Withdraw Soviet troops from Afghanistan; (2) Impair Soviet military potential  |
| 80-2        | United States                 | Iraq           | 1980-        | (1) Terminate support of international terrorism;<br>(2) Renounce chemical and nuclear weapons                                   |
| 81-1        | United States                 | Nicaragua      | 1981-90      | (1) End support for El Salvador rebels; (2) Destabilize Sandinista government  |
| 81-2        | United States                 | Poland         | 1981-87      | (1) Lift martial law;<br>(2) Free dissidents;<br>(3) Resume talks with Solidarity  |
| 81-3        | United States                 | USSR           | 1981-82      | (1) Lift martial law in Poland;<br>(2) Cancel USSR-Europe pipeline project;<br>(3) Impair Soviet economic and military potential |
| 81-4        | European Community            | Turkey         | 1981-82      | Restore democracy  |
| 82-1        | United Kingdom                | Argentina      | 1982         | Withdraw troops from Falkland Islands  |
| 82-2        | Netherlands and United States | Suriname       | 1982-88      | (1) Improve human rights;<br>(2) Limit alliance with Cuba and Libya  |
| 82-3        | South Africa                  | Lesotho        | 1982-86      | (1) Return refugees suspected of antistate activities;<br>(2) Destabilize Chief Jonathan   |
| 83-1        | Australia                     | France         | 1983-86      | Stop nuclear testing in the South Pacific  |
| 83-2        | United States                 | USSR           | 1983         | Retaliation for downing of Korean airliner   |

| Case number | Principal sender   | Target country | Active years | Goals of sender country  |
|-------------|--|----------------|--------------|--|
| 83-3        | United States  | Zimbabwe       | 1983-88      | (1) Temper opposition in UN Nations to US foreign policy<br>(2) Resume food shipments to Matabeleland;<br>(3) Apologize for anti-US rhetoric |
| 83-4        | United States and Organization of Eastern Caribbean States | Grenada        | 1983         | Destabilize Bishop-Austin regime   |
| 84-1        | United States  | Iran           | 1984-        | (1) End war with Iraq;<br>(2) Halt attacks on Gulf shipping  |
| 85-1        | United States  | South Africa   | 1985-        | End apartheid  |
| 86-1        | United States  | Syria          | 1986-        | End support of terrorism   |
| 86-2        | United States  | Angola         | 1986-        | Expel Cuban troops   |
| 87-1        | United States  | Panama         | 1987-90      | Destabilize Noriega  |
| 87-2        | United States  | Haiti          | 1987-90      | (1) Improve human rights.<br>(2) Restore democracy;<br>(3) Stop drug smuggling   |
| 87-3        | United States  | El Salvador    | 1987-88      | Reverse amnesty decision   |
| 88-1        | Japan, West Germany, and United States                     | Burma          | 1988-        | (1) Improve human rights.<br>(2) Restore democracy   |
| 88-2        | United States and United Kingdom                           | Somalia        | 1989         | (1) Improve human rights.<br>(2) End civil war   |
| 89-1        | India  | Nepal          | 1989-90      | Reduce ties with China   |
| 89-2        | United States  | China          | 1989-        | Retaliation for Tiananmen Square   |
| 89-3        | United States  | Sudan          | 1989-        | (1) Improve human rights.<br>(2) Restore democracy   |
| 90-1        | United States and United Nations                           | Iraq           | 1990-        | (1) Withdraw from Kuwait.<br>(2) Restore legitimate government.<br>(3) Release hostages  |

APPENDIX II

TABLE II: LIST OF SANCTIONS SINCE 1990

| No. | Sender                              | Target     | Active Years                 | Goals   |
|-----|-------------------------------------|------------|------------------------------|---|
| 1   | The United Nations                  | Iraq       | August 1990 -                | 1. To withdraw Iraqi troops from Kuwaiti territory (comprehensive mandatory sanctions).<br>2. To persuade Iraq to give up its nuclear and biological weapons programme. |
| 2   | The United Nations                  | Yugoslavia | 1991 to June 1996            | 1. To stop the civil war in former Yugoslavia by enforcing an arms embargo (arms embargo).  |
| 3   | The United Nations                  | Yugoslavia | 1992 -                       | 1. In order to prevent Serbia from encroaching on Bosnia-Herzegovina (trade sanctions).   |
| 4   | The United Nations                  | Libya      | March 1992 -                 | 1. To force Libya to surrender two Libyan nationals who were involved in the Lockerbie incident, to the USA (arms and air embargo).                                     |
| 5   | The United Nations                  | Liberia    | November 1992 -              | 1. To bring back peace and put an end to the civil war (arms embargo).  |
| 6   | The United Nations                  | Cambodia   | November 1992 -              | 1. Persuade the Khmer Rouge to participate in the process of democratisation (arms embargo).  |
| 7   | The United Nations                  | Somalia    | January 1992 -               | 1. To bring back peace to the war-torn Republic.  |
| 8   | The Organisation of American States | Haiti      | October 1991 to October 1994 | 1. Restore democracy and bring back President Aristide as President (mandatory sanctions).  |
| 9   | The United Nations                  | Haiti      | June 1993 to October 1994    | 1. Restore democracy and bring back Aristide as President.  |
| 10  | The Commonwealth                    | Nigeria    | May 1996                     | 1. Protect human rights (diplomatic and arms embargo).  |

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