

**Smart Sanctions, The Next Step:  
Arms Embargoes and Travel Sanctions**

**Second Expert Seminar, Berlin, December 3-5, 2000**

**A BRIEF OVERVIEW OF SECURITY  
COUNCIL APPLIED SANCTIONS**

*An informal background paper prepared by the United Nations Sanctions Secretariat,  
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## **Executive Summary**

Sanctions should be resorted to under Chapter VII of the United Nations Charter when considered by the Security Council to be absolutely necessary. Once the Council has decided on a set of mandatory measures, all States should support the effective implementation of such measures and cooperate with the Sanctions Committee and its Secretariat. Ideally, when new sanctions regimes are established, they should be endowed with a credible monitoring arm and the Sanctions Secretariat should be equipped with the necessary resources and specialized expertise to enable it to administer effectively the sanctions regime. The Secretariat should be ready to undertake, at the request of the Security Council or of the respective Sanctions Committee, analysis and assessment of the effectiveness of the mandatory measures, their possible humanitarian impact on the civilian population as well as the collateral effects they may have on third States. The sanctions instrument could be further enhanced and applied with more specificity and selectivity based on a careful analysis of the situation and taking into account the special characteristics of the targeted regime or group. Smart sanctions alone may not be sufficient to induce compliance by the target with the Council's resolutions. For this reason, they must be complemented by other inducement efforts. The value of smart sanctions lies in the fact that they would be sharply focused on the targeted leadership or group, with little if any negative impact on civilian populations and third States. In addition to being an effective means of conflict resolution, targeted or "smart" sanctions, could be an important part of an overall strategy for preventive diplomacy.

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# **I. BASIC INFORMATION ON SECURITY COUNCIL SANCTIONS REGIMES**

## **A. Current Sanctions Regimes**

### **IRAQ**

#### ***The imposition of sanctions***

Following the invasion of Kuwait by Iraq on 2 August 1990, the Security Council, on 6 August, adopted resolution 661 (1990), imposing under Chapter VII of the Charter comprehensive and mandatory sanctions on Iraq and deciding not to recognize any regime set up in Kuwait by the occupying Power. The Council also established a committee (known informally as the Sanctions Committee) to monitor implementation of the sanctions, which prohibited the export of all commodities and products from Iraq, and the sale and supply of all products and commodities, including weapons and other military equipment, as well as the transfer of funds, to Iraq. Exceptions to the sanctions regime were made for supplies intended strictly for medical purposes and for certain basic foodstuffs.

On 25 August 1990, in resolution 665 (1990), the Council called upon Member States co-operating with the Government of Kuwait and deploying maritime forces to the area to use such measures as might be necessary "to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990)." The Council also requested Member States to use, as appropriate, the Council's Military Staff Committee to coordinate their actions.

The Security Council addressed the humanitarian situation in Iraq and Kuwait in its resolution 666 (1990), adopted on 13 September 1990, in which it instructed the Sanctions Committee to keep the situation regarding foodstuffs in Iraq and Kuwait under constant review, paying particular attention to children under 15 years of age, expectant mothers, nursing mothers, the sick and the elderly.

On 25 September 1990, in its resolution 670 (1990), the Security Council explicitly confirmed that the sanctions against Iraq applied "to all means of transport, including aircraft" and elaborated further measures affecting shipping and air transport. Specifically, the Security Council decided that States would "deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances" and that States were to deny overflight permission to any aircraft destined to land in Iraq or Kuwait. The Council also called upon States to detain any ships of Iraqi registry which entered their ports and were in violation of the sanctions resolution.

## ***Sanctions regime after the liberation of Kuwait***

Following the successful liberation of Kuwait, the Security Council adopted, on 3 April 1991, resolution 687 (1991) which represented one of the most complex and far-reaching sets of decisions ever taken by the Council. The resolution sought to involve Iraq co-operatively in post-war measures to build lasting peace and stability in the region. At the same time, enforcement measures remained in effect, including the sanctions regime and the Council's authorization to Member States to use "all necessary means" to uphold Iraqi compliance.

The 34 operative paragraphs of the resolution were divided into nine parts and set out in great detail the terms for a formal cease-fire to end the conflict and restore security and stability to the area. Its major requirements included boundary settlement and peacekeeping aspects, the elimination of weapons of mass destruction, the non-acquiring by Iraq of nuclear-weapons capability, the return of Kuwaiti property, creation of the Compensation Fund and repatriation issues. As far as the sanctions are concerned, the Security Council decided, under section F of the resolution, that the measures first imposed under resolution 661 (1990) against exports to Iraq would not apply to foodstuffs and to materials and supplies for essential civilian needs, and that it would review this part of the sanctions regime every 60 days, taking into account the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Council for the purpose of determining whether to reduce or lift the prohibitions. The Council also stated that the ban on Iraqi oil exports would be lifted once the Council approved the program for the Compensation Fund called for in section E, and once it agreed that Iraq had completed all the actions pertaining to the weapons provisions of resolution 687 (1991). In the mean time, exceptions to the oil embargo would be approved by the Sanctions Committee when needed to assure adequate financial resources to provide for essential civilian needs in Iraq. Also in section F, the Council specified the categories of weapons to which the arms embargo mandated by resolution 661 (1990) should continue to apply.

By resolution 700 (1991), the Council approved the guidelines, which itemized the types of arms, *matériel* and activities proscribed by the Council and defined the responsibilities of the Sanctions Committee in this regard. The provisions relating to both the oil and the arms embargoes would be reviewed by the Council every 120 days, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region. By resolution 715 (1991), adopted on 11 October 1991, the Security Council, inter alia, requested the Sanctions Committee, the Special Commission and IAEA to develop a mechanism for monitoring future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions.

By resolution 1051 (1996), adopted on 27 March 1996, the Security Council established an export/import monitoring mechanism for dual-use items (contained in Annex 1 of S/1995/1017). The mechanism was developed pursuant to paragraph 7 of resolution 715

(1991) by the Sanctions Committee together with the Special Commission and the Director-General of the IAEA. By the same resolution, the Security Council also approved the general principles to be followed in implementing the monitoring mechanism contained in the letter from the Chairman of the Special Commission to the Chairman of the Sanctions Committee (Annex to S/1995/1017).

By resolution 1115 (1997), adopted on 21 June 1997, the Security Council decided not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) until after receipt of the consolidated progress report of the Special Commission, due on 11 October 1997, at which time the reviews would resume in accordance with resolution 687 (1991).

By resolution 1134 (1997), adopted on 23 October 1997, the Security Council expressed the firm intention, if the Special Commission reported that Iraq was not in compliance with paragraphs 2 and 3 of resolution 1115, or if the Special Commission did not advise the Council in the report of the Executive Chairman due on 11 April 1998 that Iraq was in compliance with paragraphs 2 and 3 of resolution 1115 (1997), to adopt measures which would oblige all States to prevent without delay the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who were responsible for or participated in instances of non-compliance with paragraphs 2 and 3 of resolution 1115 (1997). By the same resolution, the Council also decided not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) until receipt of the consolidated progress report of the Special Commission, due on 11 April 1998, after which time the reviews would resume in accordance with resolution 687 (1991), beginning on 26 April 1998.

By resolution 1137 (1997), adopted on 12 November 1997, the Security Council decided, in accordance with paragraph 6 of resolution 1134 (1997), that States should without delay prevent the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who were responsible for or participated in instances of non-compliance detailed in paragraph 1 of the resolution, and requested the Sanctions Committee to develop guidelines and procedures as appropriate for the implementation of those measures. By the same resolution, the Council also decided that the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) should resume in April 1998 in accordance with paragraph 8 of resolution 1134 (1997), provided that the Government of Iraq had complied with paragraph 2 of the resolution.

Since the Council received a report in which the Executive Chairman of the Special Commission reported on 6 May 1998 that the requirements of paragraph 6 of resolution 1137 (1997) were sufficiently implemented (S/1998/377), the prohibitions concerning Iraqi officials contained in paragraph 4 and 5 of the resolution were terminated one day after his report was received (no official document to this effect was issued). By resolutions 1154 (1998), 1194 (1998) and 1205 (1998), the Council reaffirmed its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the

prohibitions referred to in that resolution and noted that by its failure so far to comply with its relevant obligations Iraq had delayed the moment when the Council could do so. Pursuant to paragraph 21 of Resolution 687 (1991), the Security Council has so far conducted 40 reviews of the sanctions regime established in paragraph 20 of the resolution. No modification of the sanctions regime resulted from these reviews.

In January 1999, the Security Council decided to establish three panels on disarmament, humanitarian issues and prisoners of war and Kuwaiti property to discuss options that would lead to the full implementation of all relevant Security Council resolutions concerning Iraq. Ambassador Amorim (Brazil) chaired all three panels. He submitted the panels' reports in the spring of 1999 (S/1999/356), and the Council considered the recommendations contained therein. On 17 December 1999, after several months of intensive consultations, the Security Council adopted resolution 1284 (1999), stressing the need for a comprehensive approach to the full implementation of all relevant Security Council resolutions and Iraqi compliance with these resolutions. The resolution established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to undertake the responsibilities of the former UNSCOM, which was charged with monitoring the elimination of weapons of mass destruction in Iraq. The resolution also removed the ceiling on Iraqi oil exports and provided for additional specific arrangements for facilitating humanitarian supplies to Iraq, including the conditional suspension of the sanctions regime.

### ***Oil-for-Food Arrangements***

In an effort to relieve the suffering of civilians in Iraq and in the Iraq/Turkey and Iraq/Iran border areas, the Security Council devised a scheme - the so-called "oil-for-food" formula - by which exports of Iraqi oil could be used to pay for the provision of foodstuffs and medicines as well as for the Compensation Commission, UNSCOM and other United Nations activities mandated by resolution 687 (1991).

On 15 August 1991, the Security Council adopted resolution 706 (1991), which set out the terms for the limited sale of Iraqi oil and oil products, during a period of six months, primarily to increase the level of funds available for humanitarian programs and for several of the operations mandated by resolution 687 (1991).

On 19 September 1991, the Security Council, in resolution 712 (1991), approved a basic structure for the implementation of resolution 706 (1991). The Council also confirmed that funds from other sources could be deposited in the escrow account as a sub-account and would become immediately available to meet Iraq's humanitarian needs without the deductions specified in the resolutions. By a decision of 15 October 1991 the Sanctions Committee set out a series of procedures to be employed in the proposed scheme of sales. By resolution 778 (1992), adopted on 2 October 1992, the Council decided, inter alia, that all States should transfer to the escrow account provided for in resolutions 706 (1991) and 712 (1991) those funds of Iraq representing the proceeds of sale of Iraqi petroleum or petroleum

products. Resolutions 706 (1991) and 712 (1991) have not been implemented to date.

On 14 April 1995, acting under Chapter VII of the Charter, the Security Council adopted resolution 986 (1995), by which it provided Iraq with another opportunity to sell oil to finance the purchase of humanitarian goods and various mandated United Nations activities concerning Iraq. The new proposal permitted the sale of \$2 billion of Iraqi oil (\$1 billion in each of two 90-day periods) subject to certain conditions additional to those contained in resolutions 706 (1991) and 712 (1991), and reaffirmed "the commitment of all Member States to the sovereignty and territorial integrity of Iraq" and describing the new exercise as "temporary".

On 20 May 1996, a Memorandum of Understanding (MOU) between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995) was concluded (S/1996/356\*). Subsequently, on 8 August 1996, the Sanctions Committee adopted procedures for the discharge of its responsibilities as required by paragraph 12 of Security Council resolution 986 (1995) (S/1996/636\*).

Paragraph 1 of resolution 986 (1995) which authorized States to permit the Import of petroleum and petroleum products originating in Iraq came into force at 00.01 Eastern Standard Time on 10 December 1996 following the submission on 9 December 1996 of the Secretary-General's report to the President of the Security Council pursuant to paragraph 13 of that Resolution (S/1996/1015). By resolution 1111 (1997), adopted on 4 June 1997, the Security Council decided that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, should remain in force for another period of 180 days beginning at 00.01 hours, Eastern Daylight Time, on 8 June 1997. By resolution 1129 (1997), adopted on 12 September 1997, the Security Council decided that the provisions of resolution 1111 (1997) should remain in force, except that States were authorized to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars within a period of 120 days from 00.01. Eastern Daylight Time, on 8 June 1997 and, thereafter, a sum not exceeding a total of one billion United States dollars within a period of 60 days from 00.01 Eastern Daylight Time, on 4 October 1997.

To facilitate and further expedite the processing of humanitarian supplies to Iraq under the oil-for-food Arrangement, the Committee adopted a number of points of understanding in the discharge of its responsibilities in implementation of the oil-for-food programme. By resolution 1153 (1998) the Council endorsed the recommendation of the Secretary-General for a considerable increase of allowable oil sales by Iraq in order to meet the humanitarian needs of the people of Iraq. By resolution 1175 (1998), the Security Council decided that the funds in the escrow account produced pursuant to resolution 1153 (1998) up to \$300 million may be used to meet the expenses that followed directly from contracts for spare parts and equipment for the pipeline. By resolution 1210 (1998) adopted on 24 November 1998, the Security Council decided to extend the oil-for-food programme at the expanded scale, for

another 180-day period. By resolution 1242 (1999) adopted on 21 May 1999, the Security Council once again decided to extend the oil-for-food programme, for another 180-day period.

On 10 December 1999, the Security Council, by its resolution 1281 (1999), extended the oil-for-food programme for a further 180 days starting on 12 December 1999 (phase VII).

On 8 June 2000, the Security Council adopted resolution 1302 (2000) which extended the oil-for-food arrangements for a new period of 180 days beginning on 9 June 2000 (phase VIII). By the same resolution, the Council decided to conduct two thorough reviews of all aspects of the implementation of that resolution during the phase. The first report by the Secretary-General pursuant to paragraph 5 of resolution 1302 (2000) was submitted to the Council on 8 September 2000 (S/2000/857).

Since 22 September 2000, there has been an exponential increase in the number of international flights to Iraq. The Committee is currently considering procedures for dealing with such flights.

### ***Review of sanctions***

Pursuant to paragraph 21 of Resolution 687 (1991), the Security Council has to date conducted approximately 40 reviews of the sanctions regime established in paragraph 20 of that Resolution. No modification of the sanctions regime resulted from these reviews. On 21 June 1997, reviews of sanctions as provided for in paragraphs 21 and 28 of resolution 687 (1991) were suspended by resolutions 1115 (1997), 1134 (1997) and 1137 (1997) respectively.) Sanctions reviews were resumed on 27 April 1998, and suspended again pursuant to paragraph 3 of resolution 1194 (1998) adopted on 9 September 1998.

### ***Reports of the Sanctions Committee***

In accordance with paragraph 6, subparagraph (f), of the guidelines (S/22660, Annex) to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991), approved by Security Council resolution 700 (1991), the Committee reports at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions. The latest report, the thirtieth, was submitted to the Security Council on 9 November 1998.

Pursuant to the Note by the President of the Security Council of 29 March 1995 (S/1995/234), the Committee submitted on 26 August 1996 to the Security Council the first comprehensive report (S/1996/700) on its major activities in the past few years. Three additional annual reports were subsequently submitted to the Security Council (S/1997/672, S/1998/1239 and S/2000/133).

## **LIBYAN ARAB JAMAHIRIYA**

The adoption and imposition of sanctions measures against the Libyan Arab Jamahiriya by the Security Council is a special case which does not imply an internal situation of a country or aggression against another State, but rather its non compliance with a specific demand of the Council, which had determined that terrorist activity against international aviation constituted a threat to international peace and security. The Security Council, having determined that the Government of the Libyan Arab Jamahiriya had failed to comply with its demand for handing over two of its nationals suspected of terrorist activity against international aviation, and acting under Chapter VII of the Charter of the United Nations, by resolution 748 (1992), adopted on 31 March 1992, imposed a regime of mandatory sanctions relating to various aspects of air links with, the supply of arms and military weapons to, reduction and restriction of the activities of the diplomatic and consular missions of and restrictions on the known or suspected terrorist nationals of the Libyan Arab Jamahiriya.

Before adopting resolution 748 (1992), the Security Council, in its resolution 731 (1992) on 21 January 1992, condemned the destruction of Pan American flight 103 and Union de Transports Aériens 772 and strongly deplored the fact that the Libyan Government had not responded effectively to the requests to cooperate fully in establishing responsibility for the terrorist acts referred to above. By resolution 883 (1993), adopted on 11 November 1993, the Security Council, acting under Chapter VII of the Charter of the United Nations, expanded the sanctions against the Libyan Arab Jamahiriya to a freeze on some Libyan assets abroad, tightening of the aerial embargo and banning of certain types of equipment used at oil transportation terminals and refineries.

On 12 August and 9 December 1991, the Security Council held informal consultations pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya in the light of the compliance by the Libyan Government with paragraphs 1 and 2 of the resolution, taking into account as appropriate, any reports provided by the Secretary-General in his role as set out in paragraph 4 of resolution 731 (1992). So far, the Security Council has undertaken 21 such reviews.

At each review, the members found that conditions did not exist for modifying the regime of sanctions established by the Council in paragraphs 3 to 7 of resolution 748 (1992). On 6 March 1998, the Council conducted, in informal consultations, the 18th review of the sanctions regime and again decided that conditions did not exist for modifying the measures imposed by the Council. It was, however, also agreed to hold a formal meeting of the Council on 20 July 1998 in order to allow for a public debate on Libya. At the meeting, several aspects of the sanctions regime on the Libyan Arab Jamahiriya was discussed at this meeting, including the recent decision of the International Court of Justice with regard to the Lockerbie issue.

At the 3920th meeting of the Security Council, held on 27 August 1998, the Security Council adopted resolution 1192 (1998) by which it, inter alia, reaffirmed that the measures set forth in resolutions 748 (1992) and 883 (1993) remain in effect and binding on all Member States. It also reaffirmed the provisions of paragraph 16 of resolution 883 (1993), and decided that the aforementioned measures should be suspended immediately if the Secretary-General reported to the Council that the two accused with the bombing of Pan Am flight 103 had arrived in the Netherlands for the purpose of a trial before the court described in paragraph 2 of resolution 1192 (1998), or have appeared for trial before an appropriate court in the United Kingdom or the United States, and that the Libyan Government had satisfied the French judicial authorities with regard to the bombing of UTA 772 (SC/6566).

On 5 April 1999 the Members of the Security Council welcomed the report of the Secretary-General on the arrival in the Netherlands for the purpose of trial of the two persons charged with the bombing of Pan Am flight 103, as well as on the cooperation of the Libyan Government with the French judicial authorities with regard to the bombing of UTA 772. On 8 April 1999, the Council adopted a Presidential Statement, in which it noted that the conditions for suspending the wide range of aerial, arms and diplomatic measures against the Libyan Arab Jamahiriya had been fulfilled as of 5 April, 1400 hours EST. Furthermore, On 9 July 1999, the Council adopted a second Presidential Statement in which it welcomed the positive developments identified in the Secretary-General's report of 30 June, as well as Libya's commitment to further implement resolution 748 (1992) and 883 (1993) by continuing cooperation to meet all their requirements. It also reaffirmed its intention to lift as soon as possible the measures it imposed in 1992 and 1993.

## **SOMALIA**

The sanctions against Somalia were imposed by the Security Council on 23 January 1992 as a response of the international community to the rapid deterioration of the situation in that country involving bloody factional fighting resulting in heavy loss of human life and widespread material damage and a consequent refugee crisis. The Council determined that such a situation constituted a threat to international peace and security, and acting under Chapter VII of the Charter of the United Nations, by resolution 751 (1992), imposed a general and complete embargo on all deliveries of weapons and military equipment to Somalia. The engagement of the Organization of the Islamic Conference, the Organization of African Unity and the League of Arab States in national reconciliation, unity and political settlement in Somalia, was strongly encouraged by Security Council resolution 746 (1992) adopted on 17 March 1992.

By resolution 767 (1992), adopted on 27 July 1992, the Security Council stressed the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia. By resolution 794 (1992), adopted on 3 December 1992, the Security Council, acting under Chapter VII and VIII of the Charter, called upon States, nationally or through regional agencies or arrangements, to use such

measures as may be necessary to ensure strict implementation of resolution 751 (1992). The same appeal was reiterated in resolution 775 (1992), adopted 28 August 1992 and in subsequent resolutions 814 (1993), 886 (1993), adopted on 26 March 1993 and 18 November 1993, respectively. The Council also reaffirmed this request to States in its resolutions 897 (1994) and 923 (1994), 954 (1994) adopted on 4 February 1994, 31 May 1994, 4 November 1994, respectively.

At the 4066th meeting of the Security Council, held on 12 November 1999 in connection with the Council's consideration of the item entitled "The situation in Somalia", the President of the Security Council read out a statement on behalf of the members of the Council, strongly calling upon all States to observe and improve the effectiveness of the arms embargo imposed by resolution 733 (1992) of 23 January 1992 and to refrain from any actions which might exacerbate the situation in Somalia. The Council urged Member States having information about violations of the provisions of resolution 733 (1992) to provide this information to the Sanctions Committee, with a view to supporting its work (S/PRST/1999/31).

## **ANGOLA**

It should be noted that the Security Council sanctions imposed by resolution 864 (1993), on 15 September 1993, were targeted only at the National Union for the Total Independence of Angola (UNITA) which disputed the results of the United Nations supervised elections in 1991. The regime of mandatory sanctions against UNITA comprises the sale or supply to UNITA of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the afore-mentioned, as well as of petroleum and petroleum products. The Security Council has been monitoring the situation in Angola closely and by the resolutions listed below, inter alia, encouraged the Government of Angola and UNITA to consolidate the peace process at a faster pace on the basis of the "Acordos de paz", the Lusaka Protocol and relevant Security Council resolutions.

By its resolutions 890 (1993), 903 (1994), 922 (1994), 932 (1994), 945 (1994), 976 (1995), 1045 (1996), 1055 (1996), 1064 (1996), 1075 (1996) and 1087 (1996), the Security Council reaffirmed the obligation of all States to implement fully the sanctions provisions of resolution 864 (1993). The Council also decided, in view of the direct negotiations continuing between the parties involved, not to impose the additional measures against UNITA contained in paragraph 26 of resolution 864 (1993). In resolutions 1055 (1996), 1064 (1996), 1075 (1996) and 1087 (1996), the Council reiterated that continuing acquisition and delivery of weapons to Angola would be contrary to paragraph 12 of resolution 976 (1995) and would undermine confidence in the peace process. In resolutions 1075 (1996), 1098 (1997), and 1102 (1997), the Security Council expressed its readiness to consider the imposition of additional measures against UNITA, including, inter alia, those specifically mentioned in paragraph 26 of resolution 864 (1993).

On 28 August 1997, the Security Council, acting under Chapter VII of the Charter of the

United Nations, by resolution 1127 (1997), imposed additional measures against UNITA such as restrictions on the travel of senior members of UNITA and adult members of their immediate families, the closing of UNITA offices, the prohibition of flights of aircraft by or for UNITA and the supply of any aircraft or aircraft components to UNITA and the insurance, engineering and servicing of UNITA aircraft. The foregoing measures do not apply to cases of medical emergency or to flights or aircraft carrying food, medicine, or supplies for essential humanitarian needs, as approved in advance by the Security Council Committee established pursuant to resolution 864 (1993) concerning the Situation in Angola. By paragraph 2 of resolution 1130 (1997) and paragraph 6 of resolution 1135 (1997) of 29 September and 29 October 1997 respectively, the foregoing measures came into force on 30 October 1997.

On 12 June 1998, the Security Council, acting under Chapter VII of the Charter of the United Nations, unanimously adopted resolution 1173 (1998) which requires States, except Angola, to freeze UNITA funds within their territory and ensure that those funds are not made available directly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997). It also requires States, in areas of Angola to which State administration has not been extended, to take the necessary measures to prevent all official contacts with UNITA leadership, to prohibit the import of diamonds from Angola that are not controlled through the Government's Certificate of Origin; to prohibit the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services as well as motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services. The foregoing measures came into force on 1 July 1998.

Further, the Council, by resolution 1221 (1999) expressed its readiness to consider the imposition of additional measures, including in the area of telecommunications, on the basis of a report to be prepared by the Committee, drawing on the expertise of relevant bodies and organizations, including the International Telecommunication Union. The Council also encouraged the Chairman of the Committee to consult with the Organization of African Unity (OAU) and the Southern African Development Community (SADC) on ways to strengthen the implementation of the measures. In accordance with paragraph 8 of Security Council resolution 1221 (1999), the Committee submitted its report to the Council (S/1999/147), supporting recommendations made by the Secretary-General in his report (S/1999/49), on, inter alia, improving the implementation of the measures imposed on UNITA. The Security Council, at informal consultations held on 18 February 1999, considered and approved the Committee's report and endorsed the recommendations contained therein (S/1999/168). Paragraph 8 of Security Council resolution 1229 (1999) of 26 February 1999 endorsed the recommendations contained in the report of the Committee and reiterated its readiness to take steps to reinforce the measures against UNITA, as well as called upon all Member States to implement fully these measures.

On 7 May 1999, the Council adopted resolution 1237 (1999), which, inter alia, endorsed

visits by the Chairman of the relevant Sanctions Committee, to Angola and other concerned countries to discuss ways to improve the implementation of the measures imposed against UNITA. Subsequently, the Chairman made a visit to the region (S/1999/644) and one to Europe and Algeria (S/1999/829). The resolution also established expert panels to undertake studies to trace violations in arms trafficking, oil supplies and the diamond trade, as well as the movement of UNITA funds. Their mandate is specified in paragraph 6 of the aforementioned resolution.

Subsequently, in May 1999, the Chairman visited Angola, Botswana, the Democratic Republic of Congo, Namibia, South Africa, Zambia and Zimbabwe and submitted his report to the Council (S/1999/644). On 18 January 2000, Ambassador Fowler, Chairman of the Committee, outlined the results of his recent visit to Angola, which included 15 hours of interviews with former military officers and officials of UNITA. Videotaped excerpts of these interviews were played to members in the Council Chamber. They provided details of UNITA's financial network, its use of diamonds as currency for purchasing weapons, and the role of weapons brokers and of mercenaries used for training soldiers.

On 15 March 2000, the Security Council considered in an open briefing the report of the Panel of Experts established pursuant to resolution 1237 (1999) on the situation in Angola (S/2000/203), introduced by Ambassador Fowler, Chairman of the Angola Sanctions Committee.

On 18 April, the Council adopted resolution 1295 (2000) which requested the Secretary-General to establish a monitoring mechanism composed of five experts, for a period of six months, to collect additional relevant information and investigate relevant leads initiated by the Panel of Experts, and to report to the Committee with a view to improving the implementation of the measures imposed against UNITA. In this context, on 13 July 2000, the Secretary-General appointed Ambassador Juan Larrain (Chile) as Chairman of the Monitoring Mechanism, and Christine Gordon (United Kingdom), James Manzou (Zimbabwe), Ismaila Seck (Senegal) and Ambassador Lena Sundh (Sweden) as the other expert members (S/2000/677).

In accordance with Security Council resolution 1295 (2000) concerning the situation in Angola and resolution 1306 (2000) concerning the situation in Sierra Leone, requesting the Secretariat to publicize the Security Council measures imposed on UNITA and the RUF, and following the inscription of "The Role of Diamonds in Fuelling Conflicts" on the agenda for the 55<sup>th</sup> session of the General Assembly, on 11 September 2000, Ambassador Paul Heinbecker (Canada), Chairman of the Angolan Sanctions Committee, Ambassador Juan Larrain (Chile), Chairman of the Angolan Monitoring Mechanism and Ambassador Martin Chungong Ayafor (Cameroon), Chairman of the Panel of Experts on Sierra Leone, held a press conference and launched the release of an information pamphlet on "Conflict Diamonds, Sanctions and War", to be distributed to some 1,600 NGO's, the press and other members of the public at large.

The first interim report of the Monitoring Mechanism was submitted to the Security Council on 25 October 2000, by the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola (S/2000/1026). The final report of the Monitoring Mechanism (whose mandate is being extended) appeared on 21 December 2000 (S/2000/1225).

## **RWANDA**

The Security Council adopted the sanctions measures in the case of Rwanda as a response of the international community to the internal situation in that country resulting in the death of many thousands of innocent civilians, the internal displacement of a significant percentage of the Rwandan population, and the massive exodus of refugees to neighbouring countries. The Security Council, disturbed by the magnitude of the human suffering caused by the conflict in Rwanda and concerned that the continuation of the situation in that country constituted a threat to peace and security in the region, and acting under Chapter VII of the Charter of the United Nations, by resolution 918 (1994), adopted on 17 May 1994, imposed a regime of mandatory sanctions against Rwanda relating to the sale or supply to Rwanda of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts. The support by the Security Council for the efforts of the Organization of African Unity (OAU) and its organs, as well as the efforts of the Tanzanian Facilitator, in providing diplomatic, political, and humanitarian support for the implementation of the relevant resolution of the Council, should be noted.

By resolution 872 (1993), the Security Council established the United Nations Assistance Mission for Rwanda (UNAMIR). By resolution 997 (1995), the Security Council affirmed that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolutions 918 (1994) applied to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply was for the purpose of the use of such arms or matériel within Rwanda. In the same resolution, the Council called upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel were not transferred to Rwandan camps within their territories. By resolution 1005 (1995), the Security Council, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), approved the supply of appropriate amounts of explosives intended exclusively for use in established humanitarian demining programs. By resolution 1011 (1995), the Rwanda Sanctions Committee is required to report to the Council on notifications received from States on the export of arms and related matériel to Rwanda as well as notifications of imports of arms and related matériel made by the Government of Rwanda. Accordingly, four notifications received by the Committee were reported to the Security Council (S/1996/329/Rev.1, S/1996/3967Rev.1, S/1996/407/Rev.1 and S/1996/697). Also, the Secretary-General was requested to report to the Council within 6 months of the date of adoption of the resolution, and again within 12 months, regarding, in particular, the export of arms and related matériel to the

Government of Rwanda, on the basis of reports submitted by the Committee. The reports are contained in documents S/1996/202, S/1996/663/Rev.1 and S/1996/663/Rev.1/Add.I.

In accordance with paragraph 8 of the resolution, the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related matériel to the Government of Rwanda were terminated on 1 September 1996, following consideration of the second report of the Secretary-General, and subsequently no notifications are required to be submitted by States of exports from their territories of arms or related matériel to the Government of Rwanda or by the Government of Rwanda of imports of arms and related matériel. However, the above restrictions remain in effect against Rwanda, with a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces for use in Rwanda, and all States should continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda, if such sale or supply is for the purpose of the use of such arms or matériel within Rwanda. By resolution 1013 (1995), the Committee is required to collate and provide to the International Commission of Inquiry information in its possession relating to the mandate of the Commission, i.e., on the sale or supply of arms and related matériel to former Rwanda government forces in the Great Lakes Region in violation of resolutions 918 (1994), 997 (1995) and 1011 (1995). Accordingly, the Committee provided the Commission with relevant information, as required, on 24 November and 4 December 1995. By resolution 1053 (1996), adopted on 23 April 1996, the Security Council expressing its determination that the prohibition on the sale or supply of arms and related matériel to non-governmental forces for use in Rwanda should be implemented fully in accordance with resolution 1011 (1995), called upon all States, in particular in the region, to prevent military training and the sale or supply of weapons to militia groups or former Rwandan government forces, and to take the necessary steps to ensure the effective implementation of the arms embargo, including by creation of all necessary national mechanisms for its implementation.

## **LIBERIA**

The sanctions against Liberia were imposed by the Security Council as a response of the international community to the serious deterioration of the internal situation in the country. By resolution 788 (1992), adopted on 19 November 1992, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a general and complete embargo on all deliveries of weapons and military equipment to Liberia.

By resolution 813 (1993), the Security Council called upon all States strictly to abide by and comply with the general and complete embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and reiterated its call on member States to exercise self-restraint in their relations with all parties to the Liberian conflict, in particular to refrain from providing any military assistance to any of the parties and also to

refrain from taking any action that would be inimical to the peace process. By the same resolution, the Security Council welcomed the continued efforts of the Economic Community of West African States (ECOWAS) and the Organization of African Unity towards a peaceful resolution of the Liberian conflict. By resolution 866 (1993), the Security Council decided to establish the United Nations Observer Mission in Liberia (UNOMIL). UNOMIL is the first peace-keeping mission undertaken by the United Nations in Cooperation with another organization, in this case ECOWAS. By resolution 950 (1994), the Security Council called on all Liberians to seek political accommodation and national reconciliation and called once again upon all States strictly to abide by and comply with the general and complete arms embargo imposed by resolution 788 (1992). By resolution 1001 (1995), the Security Council reminded all States of their obligations in this regard, and to bring all instances of violations of the arms embargo before the Committee established pursuant to resolution 985 (1995) of 13 April 1995. The same appeal was reiterated by the Security Council in its resolutions 1014 (1995), 1020 (1995), 1041 (1996) and 1059 (1996).

By resolution 1071 (1996), the Security Council stressed the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992), to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Committee established pursuant to resolution 985 (1995). The same appeal was reiterated by the Security Council in its resolutions 1071 (1996), 1083 (1996), 1100 (1997) and 1116 (1997).

## **SUDAN**

The Security Council has adopted certain measures against the Sudan but has not established a sanctions committee. The Council determined that the Government of the Sudan had not complied with its request set out in paragraph 4 of resolution 1044 (1996), of 1 January 1996, in which it condemned the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995, and called upon the Government of the Sudan to comply with the requests of the Organization of African Unity without further delay, to undertake immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the above mentioned assassination attempt. The Government of the Sudan claims that its investigations in respect of two of the suspects have produced no trace of their presence in the Sudan and that the identity of the third suspect is unknown.

On 26 April 1996, the Security Council adopted, on the basis of the report of the Secretary-General of 11 March 1996 (S/1996/179), resolution 1054 (1996) by which the Council, acting under Chapter VII of the Charter of the United Nations, adopted measures against the Sudan consisting of significant diplomatic reductions in the number and the level of the staff at Sudanese diplomatic missions and consular posts and restriction or control of the

movement of all such staff who remained in the territory of other States, para 3 (a). Further, the Council imposed restrictions on the entry into or transit through the territory of other States of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces, para 3 (b). In this regard States were requested to report to the Secretary-General on the steps they had taken to implement these measures. This request was reiterated in resolution 1070 (1996), adopted by the Council on 16 August 1996. To date, 66 replies have been received from States. These replies have been initially published as documents of the Security Council and later reflected in the reports of the Secretary-General and its addenda (S/1996/541 and Add. 1-3, S/1996/940 and Add. 1). The Council also called on all international and regional organizations not to convene any conferences in the Sudan.

By resolution 1070 (1996), adopted on 16 August 1996, the Security Council decided that all States should deny aircraft permission to take off from, land in, or overfly their territories if the aircraft was registered in the Sudan, or owned, leased or operated or substantially owned or controlled by the Government or public authorities of the Sudan. However, the adopted sanctions measures were to enter into force pending a decision by the Council, within 90 days after the date of the adoption of resolution 1070, unless the Council decides before on the basis of a report by the Secretary-General (S/1996/940 of 14 November 1996). The aforementioned measures were not imposed against the Sudan.

## **SIERRA LEONE**

The Security Council, gravely concerned at the continued violence following the military coup of 25 May 1997, determining that the situation in Sierra Leone constitutes a threat to international peace and security in the region and deploring the fact that the military junta had not taken steps to allow the restoration of the democratically-elected Government and a return to constitutional order, imposed sanctions against Sierra Leone by resolution 1132 (1997) adopted on 8 October 1997.

Acting under Chapter VII of the Charter of the United Nations, the Security Council imposed an oil and arms embargo, as well as restrictions on the travel of members of the military junta of Sierra Leone and adult members of their families. It also established a Security Council Sanctions Committee to monitor the implementation of the sanctions. The Committee was also authorized to approve applications, on a case-by-case basis, by the democratically elected Government of Sierra Leone for the importation into Sierra Leone of petroleum and petroleum products as well as applications by any other government or by United Nations Agencies for the importation of petroleum or petroleum products into Sierra Leone for verified humanitarian purposes, or for the needs of the Military Observer Group of ECOWAS (ECOMOG). This resolution also authorized ECOWAS under Chapter VIII of the Charter of the United Nations, to ensure strict implementation of the arms embargo and the supply of petroleum and petroleum products, which would involve inspection of incoming ships where necessary, and in conformity with applicable international standards. ECOWAS is also required to report every 30 days to the Sanctions Committee on all activities undertaken in this

regard.

At the 3861st meeting of the Security Council, held on 16 March 1998, the Council unanimously adopted resolution 1156 (1998) which, among other issues, welcomed the return to Sierra Leone of its democratically elected President on 10 March 1998 and terminated with immediate effect the prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products as contained in its resolution 1132 of 8 October 1997 (SC/6486).

The members of the Security Council held informal consultations on 6 April 1998 pursuant to paragraph 17 of resolution 1132 (1997) as well as paragraph 4 of resolution 1156 (1998), by which the Council decided to conduct a thorough review 180 days after the adoption of resolution 1132 (1997) and on the basis of the most recent report of the Secretary-General on the measures imposed by paragraphs 5 and 6 against Sierra Leone.

After hearing all the opinions expressed in the course of consultations the Council unanimously decided to continue the review of the prohibitions referred to in resolution 1132 (1997) other than those terminated by paragraph 2 of resolution 1156 (1998), in accordance with paragraph 17 of resolution 1132 (1997) and to follow developments and further discussion with the Government of Sierra Leone, as required.

At the 3889th meeting of the Security Council, held on 5 June 1998, the Council unanimously adopted resolution 1171 (1998) by which it terminated the prohibitions stated in paragraphs 5 and 6 of resolution 1132 (1997), and imposed prohibitions on the sale and supply of arms and related matériel to non-governmental forces in Sierra Leone. The Military Observer Group of the Economic Community of West African States (ECOMOG) and the United Nations in Sierra Leone are exempt from these prohibitions. The resolution also prevents the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front (RUF). The Council also decided that the Committee established by resolution 1132 (1997) should continue to undertake the tasks referred to in paragraph 10 (a), (b), (c), (d), (f) and (h) of that resolution in relation to paragraphs 2 and 5 of resolution 1171 (1998).

On 16 September 1998, the Security Council, at its 3927th meeting, adopted resolution 1196 (1998), by which it requested Security Council Sanctions Committees related to Africa, to include in their annual reports a section on implementation, strengthening and violations of arms embargoes. It should be noted that the Sierra Leone Committee since its inception had already established, as per paragraph 4 of the above resolution, liaison with regional and subregional organizations for the implementation of monitoring violations of the embargo on that country.

The Security Council adopted resolution 1306 (2000) on 5 July 2000 imposing a ban on the direct or indirect import of rough diamonds from Sierra Leone not controlled by the Government of Sierra Leone through a Certificate of origin regime. An arms embargo

and selective travel ban on non-governmental forces were already in effect under resolution 1171 (1998) of 5 June 1998.

In accordance with paragraph 12 of resolution 1306 (2000), the Sierra Leone Sanctions Committee held exploratory hearings on 31 July and 1 August 2000 (S/2000/1150) to assess the role of diamonds in the Sierra Leone conflict and the link between trade in Sierra Leone diamonds and trade in arms and related materiel in violation of resolution 1171 (1998), involving representatives of interested States and regional organizations, the diamond industry and other relevant experts. In accordance with paragraph 19 of the same resolution, the Secretary-General on 2 August 2000 established a panel of experts (S/2000/756) to: a) Collect information on possible violations of the arms embargo and the link between trade in diamonds and trade in arms and related matériel; b) Consider the adequacy of air traffic control systems in the region; c) Report to the Council with observations and recommendations.

The panel is composed of the following members: Martin Chungong Ayafor (Cameroon – Chair); Atabou Bodian (Senegal – expert from ICAO); Johan Peleman (Belgium – expert on arms and transportation); Harjit Singh Sandhu (India – expert from Interpol); Ian Smillie (Canada – expert on diamonds).  
recommendations. **The Panel of Experts' report was submitted on 20 December 2000 (S/2000/1195).**

## **THE FEDERAL REPUBLIC OF YUGOSLAVIA / KOSOVO**

Because of the situation in Kosovo, the Security Council in its resolution 1160 (1998) requested all states to prevent the sale or supply to the FRY, including Kosovo, of arms and related materiel of all types and spare parts thereto and arming and training for terrorist activities there.

By resolution 1186 (1998), the Security Council decided to include in the mandate of UNPREDEP the tasks of monitoring and reporting on illicit arms flows and other activities that are prohibited under resolution 1160 (1998).

By resolution 1199 (1998) the Security Council recalled the obligations of all States to implement fully the prohibitions contained in resolution 1160 (1998) and requested States to pursue all means to prevent funds collected on their territory from being used to contravene resolution 1160 (1998).

Regarding the monitoring of the above prohibitions imposed by the Security Council, the Committee established pursuant to resolution 1160 (1998), presently relies on reports submitted by the Danube Commission, the EU, NATO, OSCE, WEU and UNPREDEP, as well as on information retrieved from public sources.

On 26 February 1999, the Committee approved its initial report to the Council, covering the work of the Committee from its establishment in April 1998 until the end of December 1998 (S/1999/216). By its resolution 1244 (1999), in preambular paragraphs 2 and 3, the Security Council recalled the above resolutions and regretted that they were not complied with. By paragraph 16 of the resolution, the Security Council exempted arms and related matériel from the established prohibitions for the use of the international civil (UNMIK) and military (KFOR) presences. On 27 June 2000, the Committee adopted its annual report covering the Committee's activities in 1999 (S/2000/633). On 27 June 1999, the Committee approved its annual report covering the Committee's activities in 1999 (S/2000/633).

## **AFGHANISTAN**

In response to the failure of the Taliban authorities to respond to the demands contained in paragraph 13 of resolution 1214 (1998), the Security Council adopted, on 15 October 1999, resolution 1267 (1999), by which it requested that the Taliban turn over Usama bin Laden, without further delay, to the appropriate authorities. Since the Taliban did not comply with this obligation, the measures contained in paragraph 4 (a) and (b) of resolution 1267 (1999) entered into effect on 14 November 1999, i.e. a flight ban on any aircraft owned, leased or operated by or on behalf of the Taliban, as well as a freeze on funds directly or indirectly owned or controlled by the Taliban.

The Afghanistan Sanctions Committee adopted its Guidelines for the conduct of its work on 1 February 2000. The Committee also designated aircraft in accordance with paragraph 6 (e) of resolution 1267 (1999) and issued two press releases to this effect. In addition, the Committee has designated funds and other financial resources to be frozen, in accordance with paragraphs 4 (b) and 6 (e) of the same resolution.

Pursuant to paragraph 4 (a) of resolution 1267 (1999), the Committee authorized, on 4 February 2000, the request by the Taliban for ninety round trips in two phases for Ariana Afghan Airlines to transport 12,000 Afghan pilgrims to perform the Hajj. The operation has been carried out smoothly without any irregularities reported by the monitoring authorities (UNDP/ICAO).

By its resolution 1333 (2000) of 19 December 2000, the Security Council imposed an arms embargo and travel restrictions against the Taliban.

## **ERITREA AND ETHIOPIA**

By resolution 1298 (2000), the Security Council established a Sanctions Committee to monitor the implementation of the prohibitions contained in paragraph 6 of the resolution: the sale or supply to Eritrea and Ethiopia of arms and related matériel of all types and the provision to Eritrea and Ethiopia of technical assistance or training related to the prohibited

items.

## **B. Terminated Sanctions Regimes**

### **THE FORMER YUGOSLAVIA**

#### ***Arms embargo***

As part of an effort by the United Nations, the European Community (now the European Union) and the Conference on Security and Cooperation in Europe to restore peace and dialogue in the then Yugoslavia (former Socialist Federal Republic of Yugoslavia), the Security Council unanimously adopted, during its meeting at the ministerial level on 25 September 1991, resolution 713 (1991) imposing a general and complete embargo on all deliveries of weapons and military equipment to the country. On 15 December 1991, the Security Council established a Committee to undertake a number of tasks related to the implementation by States of the arms embargo (resolution 724 (1991)). By resolution 727 (1992), adopted on 8 January 1992, the Council decided that the arms embargo applied in accordance with paragraph 33 of the Secretary-General's report S/23363 (i.e. to all areas that had been part of the former Yugoslavia).

Following the initialling of the Dayton Peace Agreement, the Council adopted on 22 November 1995, resolution 1021(1995), by which it set out the terms and timing for the termination of the arms embargo. On 14 December 1995, the Secretary-General informed the Security Council that the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and other parties thereto had formally signed the Peace Agreement on that day in Paris. Accordingly, 13 March 1996 was determined to be the date of termination of the arms embargo, with the exception of heavy weapons (as defined in the Peace Agreement), ammunition, mines, military aircraft and helicopters. Following the receipt by members of the Security Council of the reports dated 13 June and 17 June 1996 (documents S/1996/433 and S/1996/442, respectively) from the Secretary-General on the implementation of Annex 1-B (Agreement on Regional Stabilization) of the Dayton Peace Agreement, the Chairman of the Committee informed all States by a note verbale dated 18 June 1996 (SCA/96(4)), that all provisions of the arms embargo had been terminated. The President of the Security Council made a similar statement to the press.

#### ***Sanctions against the Federal Republic of Yugoslavia and the Bosnian Serb Party***

Following the eruption of a military conflict in Bosnia and Herzegovina, the Security Council imposed, under resolution 757 (1992), adopted on 30 May 1992, a wide range of economic, trade, cultural and other sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro). In taking the decision, the Council deplored, *inter alia*, the fact that its earlier demands, in particular, immediate cessation of fighting in Bosnia and Herzegovina, immediate cessation of all forms of interference from outside Bosnia and Herzegovina and

action regarding units of the Yugoslav People's Army (JNA) in Bosnia and Herzegovina, had not been complied with.

Subsequently, the Council addressed the issue of the supply to the FRY of commodities and products for essential humanitarian need (resolution 760 (1992) of 18 June 1992) and, by resolution 787 (1992) of 16 November 1992, prohibited the transshipment through the FRY of certain products unless authorized by the Sanctions Committee, called upon States to use necessary measures to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992), and reaffirmed the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube was in accordance with the resolutions of the Security Council. In January and February 1993, the Council was seized of the sanctions violations on the Danube (Presidential Statements S/25190 of 28 January 1993 re: Yugoslav vessels carrying oil from Ukraine and S/25270 of 10 February 1993: the detention of Romanian vessels on the Danube by the authorities of the FRY).

Reacting to the unabated conflict in Bosnia and Herzegovina and to the non-acceptance by the Bosnian Serb party of the peace plan (S/25479), the Council adopted, on 17 April 1993, a ground-breaking resolution 820 (1993), making sanctions against the FRY virtually comprehensive and simultaneously strengthening their implementation. In addition, the Council put in place certain requirements regulating the shipments to and through areas in Croatia and Bosnia and Herzegovina, controlled by the local Serb authorities.

In October 1993, the Council considered, under the item "Navigation on the Danube," the blockade of foreign vessels in the portion of the Danube flowing through the FRY, as well as the imposition of tolls on such vessels by the authorities of the FRY (Presidential Statement S/26572 of 1 October 1993). In March 1994, the Council was seized of the sanctions violation on the Danube by the Bulgarian convoy "Han Kubrat," which delivered a shipment of 6,000 tons of diesel oil to the FRY (Presidential Statement PRST/10 of 14 March 1994).

Facing the refusal of the Bosnian Serb party to accept the territorial settlement proposed by the "contact group" countries, the Security Council adopted, on 23 September 1994, resolution 942 (1994), reinforcing and extending the measures with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. (The Council reviewed these measures, without change, on four occasions, in January, May and September 1995, and in January 1996.)

On the same day, welcoming the decision by the authorities of the FRY to support the proposed territorial settlement and the decision to close the international border between the FRY and the Republic of Bosnia and Herzegovina with respect to all goods except certain humanitarian items, the Council adopted resolution 943 (1994), by which it suspended, for an

initial period of 100 days, certain prohibitions against the Federal Republic of Yugoslavia including the ones relating, *inter alia*, to civilian passenger flights to and from Belgrade. By resolutions 970 (1995) of 12 January 1995, 988 (1995) of 21 April 1995, 1003 (1995) of 5 July 1995 and 1015 (1995) of 15 September 1995, the Council consecutively extended the suspension of these measures on the basis of reports by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, certifying that the authorities of the FRY were effectively implementing their decision to close the above border.

Following an appeal from UNICEF and on the recommendation of the Yugoslav Sanctions Committee, the Security Council authorized, by adopting on 14 December 1994 resolution 967 (1994), the export of 12,000 vials of diphtheria anti-serum from the Federal Republic of Yugoslavia (Serbia and Montenegro), which were urgently needed in certain Eastern European countries.

On the recommendation of the Yugoslav Sanctions Committee, which had been approached by Romania, supported by other riparian States and the Danube Commission, the Security Council adopted on 11 May 1995 resolution 992 (1995), which came into force on 23 June 1995, allowing vessels of the Federal Republic of Yugoslavia (Serbia and Montenegro) to use the Romanian locks of the Iron Gates 1 system, on the left bank of the Danube, while repairs were carried out to the locks on the right hand bank. The resolution remained in force until the sanctions were suspended under resolution 1022 (1995).

Following the initialling of the Dayton Peace Agreement, the Security Council adopted on 22 November 1995 resolution 1022 (1995), by which it decided a) to suspend indefinitely with immediate effect most of the sanctions against the Federal Republic of Yugoslavia and stipulated the terms of the re-imposition of the sanctions as well as of their termination; b) that the above suspension should not apply to the measures against the Bosnian Serb party until the latter met certain obligations, c) that all funds and assets previously frozen or impounded pursuant to resolutions 757 (1992) and 820 (1993) would be released by States, provided certain conditions were met.

The measures imposed on the Bosnian Serb party were suspended indefinitely starting on 27 February 1996, after the Security Council was informed, through the appropriate political authorities, that, in the assessment of the commander of the Implementation Force in Bosnia and Herzegovina, Bosnian Serb forces had withdrawn behind the zones of separation established in the Peace Agreement.

.. According to paragraph 4 of resolution 1022 (1995), the Council decided to terminate the sanctions against the FRY and the Bosnian Serb party on the tenth day following the occurrence of the first free and fair elections provided for in the Dayton Peace Agreement (House of Representatives of Bosnia and Herzegovina, Presidency of Bosnia and Herzegovina, House of Representatives of the Federation of Bosnia and Herzegovina, National Assembly and the Presidency of the Republica Srpska, and, if feasible, for cantonal

legislatures and municipal governing authorities).

At its 142nd meeting, on 19 September 1996, the Committee considered a report of the Copenhagen round table on the United Nations sanctions in the case of the former Yugoslavia, which was hosted by Denmark and held under the auspices of the Organization for Security and Cooperation in Europe (OSCE) on 24 and 25 June 1996. At the round table, representatives and experts from 29 countries, as well as from the Secretariat of the United Nations, humanitarian agencies, the European Union, OSCE, North Atlantic Treaty Organization, Western European Union and the Danube Commission, directly involved in various aspects of the implementation of the sanctions, had expressed their views on lessons learned from the Yugoslav sanctions experience. The Committee decided to transmit the report to the President of the Security Council. to be brought to the attention of the members of the Council (S/1996/776).

Noting with satisfaction that the elections called for in Annex 3 to the Peace Agreement had taken place on 14 September 1996 in Bosnia and Herzegovina, the Security Council decided by resolution 1074 (1996), adopted on 1 October 1996, *inter alia*, to terminate, with immediate effect, the measures referred to in paragraph 1 of resolution 1022 (1995). The Council thus ended sanctions imposed on the Federal Republic of Yugoslavia and the Bosnian Serb party under the previous relevant resolutions. By resolution 1074 (1996), the Council also decided to dissolve the Committee upon finalisation of its report.

On 15 November 1996, the Committee adopted its final report, which was transmitted to the President of the Security Council on the same day (S/1996/946). The final report of the Committee presents a concise account of its work since 1993 and until the termination of sanctions, in discharging the mandate entrusted to it by the Security Council. This mandate included assistance to States and international organizations in applying the comprehensive sanctions on the Federal Republic of Yugoslavia and the Bosnian Serb party, and the general and complete embargo on all deliveries of weapons and military equipment to the countries of the former Yugoslavia. The mandate also encompassed monitoring and the implementation of these measures in all its aspects.

## **HAITI**

After the military coup d'état in 1991, the international community worked actively to achieve the recovery of the legitimate institutions in Haiti, in particular the return, from exile of the democratically elected President Jean-Bertrand Aristide. In vigorous activity and actions by the Organization of American States, the General Assembly and the Secretary-General of the United Nations, the sanctions adopted by the Security Council and implemented by Member States played a supportive role in this regard.

On 16 June 1993, by resolution 841 (1993), the Security Council imposed a regime of mandatory sanctions against Haiti as a response of the international community to the crisis in

that country. After the legitimate Government of President Jean-Bertrand Aristide was removed, a climate of fear of persecution and economic dislocation of a great number of Haitians seeking refuge in neighbouring countries was causing negative repercussions in the region. The Security Council determined that the situation in Haiti was caused by the illegitimacy of the military government and by its human rights violations against the Haitian people. Sanctions were imposed on the sale or supply of arms and related matériel of all types, including weapons and ammunition, petroleum and petroleum products and the freezing of funds to ensure that they were not made available directly or indirectly to or for the benefit of the de facto authorities in Haiti.

By resolution 861 (1993), adopted on 27 August 1993, the Security Council suspended the sanctions measures against Haiti as a reaction to the conclusion of the Government Island Agreement between the President of the Republic of Haiti and the Commander-in-Chief of the Armed Forces of Haiti and reimposed them by resolution 873 (1993) on 13 October 1993 after determining that the military authorities of Haiti, including the police, had not complied in good faith with the Governors Island Agreement. By its resolution 917 (1994), adopted on 6 May 1994, the Security Council imposed additional sanctions measures, including freezing the funds and financial resources of all officers of the Haitian military and their immediate families and those employed by or acting on behalf of them. By resolution 940 (1994), adopted 31 July 1994, the Council authorized the establishment of the multinational force, mainly to facilitate the departure from Haiti of the military leadership. By resolution 944 (1994), adopted on 29 September 1994, the Security Council decided to terminate all sanctions against Haiti, on the day after the return to Haiti of President Jean-Bertrand Aristide. By resolution 948 (1994), adopted 15 October 1994, the Council welcomed the return of President Aristide to Haiti on the same day and expressed full support for the efforts of the legitimate Government of Haiti in bringing the country out of crisis and returning it to the democratic community of nations.

## **SOUTH AFRICA**

The apartheid racist system in South Africa was imposed in 1948. The first two Security Council resolutions 181 (1963) and 182 (1963) introducing sanctions against South Africa were not adopted under Chapter VII of the United Nations and were only voluntary. It was not until 4 November 1977, that the Security Council, having determined that the policies and acts of the South African Government, the acquisition by South Africa of arms and related matériel constituted a threat to the maintenance of international peace and security, and acting under Chapter VII of the Charter, adopted resolution 418 (1977), by which it imposed mandatory measures on arms and other military supplies to South Africa. However, the Security Council never imposed comprehensive economic sanctions against South Africa. The Security Council decided that all States should cease forthwith any provision to South Africa of arms and related matériel of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, and should cease as well the provision of all types of equipment and supplies, and grants of licensing arrangements, for the manufacture or maintenance of the

aforementioned. Operative paragraph 3 of the same resolution, called on all States to review all existing contractual arrangements with and licenses granted to South Africa relating to the manufacture and maintenance of arms, ammunition of all types and military equipment and vehicles, with a view to their termination. Operative paragraph 4 of the same resolution further decided that all States should refrain from any cooperation with South Africa in the manufacture and development of nuclear weapons.

By resolution 473 (1980) the Security Council called on the Sanctions Committee to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending measures to close all loopholes in the arms embargo, and reinforce and make it more comprehensive. By resolution 558 (1994) adopted 13 December 1984, the Security Council requested States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa. By resolution 591 (1986) adopted on 28 November 1986, the Security Council adopted comprehensive measures recommended by the Committee to close loopholes in the arms embargo, reinforce it and make it more comprehensive. The Security Council, acting under Chapter VII of the Charter of the United Nations, terminated the sanctions against South Africa on 25 May 1994, by its resolution 919 (1994), after the first democratically elected government was formed in South Africa.

## **SOUTHERN RHODESIA**

The sanctions against Southern Rhodesia were the first comprehensive mandatory sanctions in the history of the United Nations, imposed by the Security Council under Chapter VII of the United Nations Charter, as a response of the international community to the declaration of the independence of Southern Rhodesia in 1965 by its racist minority regime. Although no State recognized the self declared independence of Southern Rhodesia, there was a permanent lack of willingness to enforce the sanctions adopted by the Security Council by a number of States, especially by the apartheid regime of South Africa.

In resolution 221 (1966) of 9 April 1966. the Security Council, recalling its resolutions 216 (1965) of 12 November 1965 and 217 (1965) of 20 November 1965 and in particular its call upon all States to do their utmost to break off economic relations with Southern Rhodesia, including an embargo on oil and petroleum products, called upon the Government of the United Kingdom to prevent by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia. Resolution 232 of 16 December 1966 imposed sanctions on commodities in addition to oil; Resolution 253 of 29 May 1968 set up a sanctions committee. The sanctions were lifted by Resolution 460 of 21 December 1979.

## **C. The Impact of Sanctions on Third States (Article 50 of the Charter of the United Nations)**

Under Article 50 of the Charter, countries which find themselves confronted with

special economic problems arising from the carrying out of enforcement measures taken by the Security Council can consult with the Council about a solution to their problems. In the case of **Iraq**, 21 States, as follows, addressed the Council on this basis, the first time in United Nations history that a large number of States had taken such a step: Bangladesh, Bulgaria, Czechoslovakia, Djibouti, India, Jordan, Lebanon, Mauritania, Pakistan, the Philippines, Poland, Romania, Seychelles, Sri Lanka, the Sudan, Syrian Arab Republic, Tunisia, Uruguay, Viet Nam, Yemen and Yugoslavia.

Jordan, having had close economic relations with Iraq prior to the invasion, was particularly hard hit by the imposition of sanctions and was thus the first of the Article 50 applicants to have its case considered by the Sanctions Committee and acted upon by the Council. On 18 September 1990, the Committee appealed to States to provide immediate assistance and, on 24 September, based on the Committee's recommendation, the Security Council asked the Secretary-General to undertake an immediate assessment of Jordan's problems, which he did by dispatching a special representative to visit Jordan from 10 to 15 October (S/21938). With regard to the other States experiencing difficulties, the Security Council, in its resolution 669 (1990), adopted on 24 September 1990, entrusted the Sanctions Committee with the task of examining requests for assistance and making recommendations to the Council for appropriate action.

In the case of the **Former Yugoslavia**, following the receipt of several applications from States under Article 50 of the Charter, the Council adopted, on 18 June 1993, resolution 843 (1993), in which it, *inter alia*, invited the Yugoslav Sanctions Committee, upon completion of the examination of each request, to make recommendations to the President of the Council for appropriate action. Overall, eight countries, namely, Albania, Bulgaria, Hungary, Romania, the former Yugoslav Republic of Macedonia, Slovakia, Ukraine and Uganda submitted such applications. The Committee examined the applications and presented its recommendations (S/26040, S/26040/Add. 1 and S/26040/Add.2) to the Security Council. Under each recommendation, the Committee recognized the urgent need to assist the affected country in coping with its special problems and, *inter alia*, appealed to all States to provide immediate technical, financial and material assistance to the countries in question. By letters dated 6 July, 9 August and 20 December 1993 (S/26056, S/26282 and S/26905, respectively), the President of the Security Council informed the Secretary-General, by agreement of all the members of the Council, of the Committee's recommendations and requested him to implement the actions contained therein as appropriate. The subsequent action taken by the international community has been reflected in a number of reports by the Secretary-General to the General Assembly (A/48/573, A/49/356 and A/50/423). Two reports on the subject matter, submitted to the General Assembly, are contained in documents A/51/317 and A/52/308.

In the case of **Haiti**, the Dominican Republic, having had close economic relations with Haiti prior to the imposition of the sanctions on that country, claimed particular economic difficulties as a result of the sanctions. The case was never considered by the Sanctions Committee since it was forwarded to the United Nations after the termination of the sanctions

regime on Haiti.

Arrangements for sanctions impact assessment and follow-up work have been made within the Secretariat and an ad-hoc expert group meeting on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of the sanctions was convened by the Secretary-General from 24 to 26 June 1998 to study the issue of assistance to third States affected by sanctions. The main findings of the group were included in the report of the Secretary-General on the subject (A/53/312), and considered by the Sixth Committee during the fifty-third session of the General Assembly. On 8 December 1998, the General Assembly adopted a resolution on the matter (A/RES/53/107) and decided to transmit the report to the Economic and Social Council for discussion. The Secretary-General's most recent report on the matter (A/54/383) was considered by the Sixth Committee and the relevant draft resolution is pending adoption by the General Assembly.

## **D. Humanitarian Impact of Sanctions**

As shown by the experience gained by the Secretariat in administering the various sanctions regimes, the application of comprehensive sanctions often causes unintended hardships to the civilian population in the target State. In the case of Iraq, the comprehensive sanctions measures had a serious negative impact on the civilian population. As a result, the oil-for-food programme, which is now administered by the Office of the Iraq Programme (OIP), was instituted by the Security Council as a temporary measure designed to alleviate the hardships encountered by the civilian population. In addition, various measures have been adopted by the 661 Committee (Iraq) and its Secretariat with a view to streamlining and speeding up the procedures for the processing of humanitarian exemptions. Similar measures were undertaken by the 724 Sanctions Committee, in the case of the former Yugoslavia; such measures enabled the expeditious processing of applications for humanitarian exemptions.

While the sanctions regime against Libya has a more limited humanitarian impact, the Sanctions Committee Secretariat arranges frequent emergency medical evacuations by air, of Libyan and other nationals, and has made arrangements for the annual Haj pilgrimage to Saudi Arabia. On 19 March 1998, the Libya Sanctions Committee adopted a press release (SC/6488) that among other issues, reiterated its willingness to facilitate travel of Libyan pilgrims to the Haj as well as to continue to consider humanitarian exemptions from the sanctions regime. In this regard, special attention is being given to the readiness of the Committee to agree to replace Libyan air ambulances, upon consideration of the relevant International Civil Aviation (ICAO) assessment report. After reviewing the report submitted by the International Civil Aviation Organization (ICAO), the Committee agreed, in principle, to the

purchase of new aircraft for emergency medical evacuations.

It should be noted that recent resolutions of the Council establishing or modifying existing sanctions regimes in the cases of the Sudan, Angola (UNITA), the military junta in Sierra Leone, the arms embargo in the case of the Federal Republic of Yugoslavia, and most recently in the sanctions imposed against the Taliban in the case of Afghanistan, by design include measures with little or no humanitarian impact on the civilian population. This trend confirms the wish of the Council to focus on measures limiting, as much as possible, the humanitarian impact and other collateral effects of sanctions.

The question still remains, however, whether a more expeditious processing of humanitarian exemptions can provide an adequate safety net under a comprehensive sanctions regime. The experience in Iraq, to date, seems to indicate that even with such enhanced administrative measures, the imposition of "smart" sanctions on decision-making elites offers the best possibility to minimize civilian suffering.

## **II. Lessons Learned in the Implementation of Security Council Sanctions**

The discretionary power of the Security Council to take action under Chapter VII, including the imposition of sanctions, makes it incumbent upon the Council to consider ways to ensure that sanctions can be more effective in inducing the intended change in the behaviour of the target, while inflicting minimum hardships on civilian populations and on neighbouring States. In that respect, sanctions should be used not as a tool for collective punishment but as a device aimed at facilitating the solution of a particular crisis. All political measures should be exhausted before sanctions are imposed and, when imposed, their implementation should be closely linked to a continuous political process to resolve the problem. A sanctions regime should be determined in clear terms and in accordance with strict criteria so as to avoid confusion and guard against an unduly broad interpretation of the text of the resolution and of the scope of the mandatory measures.

On the question of effectiveness of sanctions, it would be desirable for the Council to ensure that the envisaged measures, particularly in the case of an arms embargo, are enforceable. It should be noted that in certain cases the threat of sanctions could be more effective than the actual imposition of sanctions and that "conditional" or "deferred" sanctions should be considered whenever possible.

States are obliged to implement the mandatory measures imposed by the Security Council, but may need assistance in enacting the necessary enabling legislation. Development of more uniform enacting procedures would certainly enhance compliance with Council decisions. International cooperation and consultation in order to harmonize domestic legislation, for example by drafting a model law or an international convention could be of

major assistance.

Once a sanctions regime has been established, it should be endowed by the Security Council with a credible monitoring and enforcement arm and the Secretariat should be equipped with adequate resources and specialized expertise to enable it to administer effectively the sanctions regime.

More rigorous reporting to the sanctions committees by Member States on measures taken domestically to implement the sanctions, as required by the resolutions imposing the sanctions, would enhance the ability of the sanctions committees to monitor the implementation of sanctions.

One way to minimize the adverse humanitarian impact of sanctions is to direct them at specific targets, something that the Council is doing more often in recent times. It should also be borne in mind that broad economic sanctions might not be effective in non-democratic states or in intra-state conflicts where the population has no power to induce a change of conduct on the part of the Government or faction leaders. In this connection, the question may be raised as to how possible it might be to gain the degree of international cooperation necessary to make targeted measures effective and what legal and administrative reforms would be needed at the international level to enhance the feasibility of financial sanctions.

It would also be necessary to look into what countervailing strategies are available to potential targets and whether targeted elites could shelter their financial assets and thus avoid the sting of financial sanctions. Could sanctioning authorities develop their own strategies to defeat such tactics of potential targets?

Regarding the need to minimize the negative effects of sanctions, humanitarian exemptions should be provided for in the relevant Council resolutions. Furthermore, in the course of the implementation of sanctions, an appropriate mechanism could be put in place to provide the Council with periodic evaluations of the effectiveness of the sanctions as well as their humanitarian, socio-economic and political impact. The issue of the impact of sanctions on third states should be looked at, in keeping with Article 50 of the Charter.

Lastly, there is a need to further improve the efficiency of the respective sanctions committees. In that connection, attention may be drawn to the work of the Open-Ended Working Group on an Agenda for Peace and, more specifically, on its recommendations which had been adopted by the General Assembly on the issue of sanctions (GA Resolution 51/242). The Note by the President of the Security Council on the Work of the Sanctions Committees (S/1999/92) has confirmed the agreement of the Council to effect a number of additional improvements to the work of these committees.

### **III. Encouraging 'smarter' sanctions**

The Secretariat has been seeking to encourage efforts by Member States in the direction of targeted or 'smart' sanctions. It has cooperated with the OSCE and the European Union in convening the Copenhagen Round Table, which took stock of lessons learned from the Yugoslav sanctions regime. The report of the Round Table, including its recommendations, was made available to the members of the Security Council (S/1996/776). The Secretariat also assisted in the preparation of the Report on Preventing Deadly Conflict by the Carnegie Commission, which included a chapter on sanctions reform. The main thrust of these efforts is to focus on the design of better-targeted sanctions, which would have little or no humanitarian impact. In this connection, it assisted the Swiss Government in organizing two seminars in Interlaken (in 1998 and 1999) on Targeting Financial Sanctions, and the reports of both meetings were made available to the members of the Security Council. Further, a symposium on Targeted Sanctions, sponsored by eight non-governmental organizations was held in New York on 7 December 1998, again with substantive support from the Secretariat. The Chairmen of the various Sanctions Committees and other members of the Security Council made presentations to the Symposium, and the final report was made available to the members of the Council. In December 1998, the Overseas Development Institute in the United Kingdom organized a seminar in London, with UN participation, which sought to reinforce the current debate on targeted sanctions. With support from the Canadian Government, the International Peace Academy commissioned a study intended to assess the impact of Security Council applied sanctions and to formulate recommendations for possible improvements. In November 1999, the German Government convened, in Bonn, the first of two seminars on 'Smart Sanctions, the Next Step: Arms Embargoes and Travel Bans', intended to facilitate an in-depth consideration of the concept of more effective arms embargoes and travel bans, which could be of assistance to the Security Council in seeking to maintain or restore international peace and security. The final meeting of the "Bonn-Berlin Process" occurred in Berlin from 3 to 5 December 2000. The German Government is expected to submit the findings of the two expert meetings in the Spring of 2001.

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