

## **Keynote Address**

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### **Final Expert Seminar on Smart Sanctions -- The Next Step: Arms Embargoes and Travel Sanctions**

Bonn International Center for Conversion  
Berlin, Germany  
3-5 December 2000  
[presented on 3 December 2000]

**Introduction - Sanctions in Context - A Complex, Flawed, but Indispensable Tool**  
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## **Introduction**

I wish to express my deep gratitude to the Bonn International Center for Conversion for inviting me as the keynote speaker this evening. I have been an admirer of the work of BICC for many years in many fields of international peace and security and wish in particular to acknowledge the excellent work of Herbert Wulf and Michael Brzoska. BICC in many ways epitomizes the benefits that civil society can bring to discussions in the area of international peace and security, especially in the field of disarmament.

Smart sanctions -- the focus of this seminar -- are among the most important issues on the international security agenda today. The effort is in response to a growing demand throughout the world for creative new measures to promote, defend, and eventually to enforce global norms. The Bonn-Berlin process is certainly an important event for the United Nations, given that the achievement of virtually all the most fundamental goals of the UN Charter requires and assumes

a collective capacity to implement global norms -- a capacity that includes, but is by no means limited to, the use of sanctions.

These challenges are particularly acute in the field of disarmament, which consists of a multiplicity of binding legal obligations that all states have a significant interest in preserving. In the event of violations, the international community has long recognized the need to preserve sanctions as a vitally important alternative to the use of force in implementing such obligations.

Our current age is a time of persistent armed conflicts both among and inside nation states. Yet as the conflicts rage on, it sometimes seems that we are hearing more about the scourge of sanctions than the wars they are intended to deter or to resolve. Some informed observers have declared this period the "Sanctions Decade." In the minds of many, the very mention of the word "sanctions" conjures up images of gross humanitarian hardships and counter-productive policies. The mantra, "sanctions don't work," continues to be heard loudly and clearly. And in too many cases, an objective reading of the facts would support such a conclusion.

## Sanctions in Context

So regardless of one's viewpoint about sanctions, there could scarcely be any serious disagreement about the need to reconsider both the potential and the limitations of sanctions as a means to curb the scourge of war and to advance other global norms. As a step forward, we might first place multilateral sanctions into their proper historical context. It is quite true that the UN imposed more sanctions during the 1990's than in previous years.

Yet one must also consider how rare it is that the UN has chosen to employ the sanctions tool. SIPRI, for example, has just reported that there were 27 "major armed conflicts" in 1999 alone. According to a study conducted at Uppsala University, there were 108 armed conflicts that took place in 73 locations around the world between 1989 and 1998. Thus, despite the existence of well over a hundred major conflicts in the last decade, sanctions were only employed in eleven cases and -- of these -- only eight involved arms embargoes. This hardly constitutes evidence of any sanctions epidemic.

In most cases, these sanctions were not universally implemented, were not incorporated into domestic laws, were premised on imprecise or variable goals, were devised with little attention to the practical realities of implementation by national and international authorities, and were often filled with loopholes. Last March, the chairman of the UN sanctions committee on Angola, Ambassador Robert Fowler submitted a report to the Security Council documenting many of such difficulties encountered in the course of implementing UN sanctions against UNITA. Given such findings and the persistence of numerous armed conflicts elsewhere in the world, future historians of global norms may well look back upon the 1990's more as the Decade of Inaction and Impunity. Such a legacy is already painfully evident in the case of the genocide in Rwanda.

The Bonn-Berlin process seeks to improve the sanctions instrument by making it more effective

and less destructive of other norms and values that we all treasure. This is the right goal indeed, a goal that stands the best possible prospect of cultivating a foundation of strong political support. It recognizes the importance of active involvement and leadership by the P-5 states, support from the countries neighbouring a sanctioned state, cooperation of the targeted state's major trading partners, the active involvement of regional and international organizations, and last but not least, constructive contributions from NGOs. It also recognizes the vital importance of an informed public.

I note in this respect not only the fine work of BICC, but also the work of other non-profit organizations like the International Peace Academy, the British American Security and Information Council (BASIC), SIPRI, the Joan B. Kroc Institute for International Peace Studies, the U.S. Fourth Freedom Forum, and numerous other groups and individuals worldwide that have been constructively engaged in the problem of improving sanctions. All together, these groups have not only advanced our collective understanding of the problems and potential of sanctions, but have also provided a potentially powerful network of support for effective policies in this field.

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## **A Complex, Flawed, but Indispensable Tool**

The maintenance of global norms and the deterrence of future violations depend not just on the legitimacy of the norms themselves, but also upon the willingness and ability of the world community to act in the face of actual or threatened violations of those norms. Chapter VII of the Charter provides authority for the Security Council to enforce the norms against threats to the peace, breaches of the peace, or acts of aggression through the imposition of legally-mandated costs. Such sanctions may involve a number of enforcement measures up to and including the use of force. When implemented on the basis of an international consensus, and when credibly and effectively imposed, such costs can both redress and deter grievous wrongs.

Yet when they lack credibility or are imposed as blunt instruments, sanctions can also create new wrongs. Your task -- indeed our collective responsibility -- has not been to criticize the sanctions tool simply because it has at times been unwisely used, but to understand how, why, when, and where sanctions can work well in serving the collective good.

The complexity of the subject matter of this Seminar is difficult to over-state. One of the most vexing questions about sanctions concerns their externalities or unintended effects. While sanctions may well impose palpable costs for illicit behavior, they also have resulted in significant costs for those who impose sanctions. Some sanctions have resulted in unanticipated burdens upon innocent civilians. And they have, by most assessments, demonstrated at best a mixed track record of effectiveness in influencing their targets and advancing international peace and security.

Some sanctions have also resulted in economic costs for third-party states -- at times, these costs can be quite severe. On 12 October, Bulgaria informed the Sixth (Legal) Committee of the UN General Assembly that its costs as a third State affected by Security Council sanctions were over \$10 billion. The UN's Special Committee on the Charter has included a recommendation in its most recent annual report concerning a methodology for assessing the consequences incurred by third States as a result of sanctions. Under Article 50 of the Charter, any state may consult with the Security Council with regard to the solution of any "special economic problems" that may arise from sanctions mandated by the Council. Yet it is clear that there has so far been far more consultation than actual compensation.

But the complexity does not end here. It extends also to the wide range of stake-holders in the sanctions process -- these include the UN, other international and regional organizations, nation states, companies and entrepreneurs, non-governmental organizations, and, at times, even individual persons. Each has its own interests, its own priorities, and its own motivations to act or not to act.

Yet another level of complexity is added by the difficulties of measurement. The frequent imprecision of the goals of sanctions complicates the task of setting standards for gathering and evaluating evidence of their success or failure. Our ability to attribute positive effects specifically to discrete sanctions initiatives is still in its infancy. Thus despite all our best efforts, we still find ourselves dealing with a problem that remains ill-defined, in an environment characterized by high uncertainty, unpredictability, and high stakes. We know that sanctions must be integrated into a larger strategy of conflict prevention and resolution, yet we have little agreement on what that larger strategy either is or should be.

Further complicating matters, sanctions have become politicized to an extraordinary extent in recent years. Both the partisans and critics of sanctions share some responsibility for permitting this diplomatic instrument to become the object of sloganeering. Such an environment is not at all conducive to objective assessments about sanctions, either in terms of their past impacts or their future potential.

Also, if we are to assess closely the effects of sanctions in accomplishing this aim, it seems only fair and appropriate that we would also have to assess just as carefully the costs and benefits of alternatives to sanctions. In short, inducements, military force, and other such alternatives might "not work" either, while producing their own harmful side effects.

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## **The Move to Smart Sanctions**

Since few observers would wish to argue that all sanctions should be abandoned, the obvious challenge is how to make sanctions work better. Hence we encounter the international effort now underway at the international, regional, and state levels to develop the notion of "smart" or

"targeted" sanctions. If sanctions had been better designed, implemented, enforced, and adjusted than they have yet been, then there would arguably be no need for anything called "smart sanctions." In such circumstances, all sanctions would be smart sanctions. Yet the problems in each of these areas are now well known and the ultimate basis of smart sanctions is now quite apparent: their secret lies in understanding.

Thanks to some useful research and some practical experience in implementing sanctions in the 1990s, we now understand that sanctions are not always the necessary or sufficient tool for the job of enforcing community norms. We know now that sanctions do not simply have one goal, but many. At a minimum, these would include changing the behaviour of a target state or non-state actor, signaling the resolve of the world community to enforce an important norm, fulfilling a legal obligation, protecting a vulnerable or weak group from oppression, and establishing a prelude to some future diplomatic action. We know that states often disagree amongst themselves over the goals of sanctions, when those goals have been achieved, and how long they should be enforced before a reasonable judgment of effectiveness is possible. We know that negative reactions to sanctions -- especially unanticipated costs imposed on the innocent -- not only undercut the effectiveness of a sanction, but also erode its political base and hence its longevity.

All of this new understanding is the result of a learning process, a process that the Bonn-Berlin process has reinforced enormously in just a few short years. Your focus has been on arms embargoes and travel embargoes, two sanctions instruments that have considerable potential to be implemented without severe secondary effects upon society at large or neighbouring states. Your work has deepened our understanding of the specific circumstances in which these targeted sanctions stand the best chance of producing desired effects. You have pointed the way for much-needed improvements in institutional capacity at the national, regional, and international level. You have wisely concentrated upon the discovery of practical measures that will be useful in real-world conditions -- this is especially evident in your work on a model sanctions resolution for consideration by the Security Council.

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## Sanctions and the Rule of Law

What you are doing, in short, is moving the world community closer to the realization of a bona fide rule of law in international affairs. In "We the People" -- more popularly known as the Millennium Report -- the Secretary-General stated that:

*Taking a long-term view, the expansion of the rule of law has been the foundation of much of the social progress achieved in the last millennium. Of course, this remains an unfinished project, especially at the international level, and our efforts to deepen it continue.*

The world now finds itself in a period of transition between a world of nation states that had its origin at the Peace of Westphalia over 350 years ago and an increasingly interdependent and globalized world under law. Yet the older world -- with its core concept of sovereignty -- remains very much with us today. The "Agenda for Peace" reports issued by then-Secretary-General Boutros Boutros-Ghali in 1992 and 1995 stated respectively that "the foundation stone of this work is and must remain the state" and that "Governments are central" to all the activities in the Agenda for Peace. In fact, in many cases, it is the lack of state capacities -- for example, customs facilities, border patrol resources, national databases, and national transportation systems -- that has eroded the effectiveness of sanctions, a point well underscored in the Fowler Report.

The work of the present Seminar underscores the abiding truth in such findings -- as the numerous proposed administrative and regulatory reforms for sanctions highlight the vital importance of nation states improving their own institutional capacity to monitor, implement, and enforce sanctions. The great challenge ahead thus lies not in superseding the nation state but in encouraging all such states to act in accordance with and for the advancement of agreed global norms.

One cannot of course predict the precise shape of the world to come. But regardless of the specific outcome -- whether it be a world organized on the Westphalian model or a more centralized form of global governance -- it is scarcely conceivable that either such system can do without sanctions as a fundamental instrument of enforcement. The more we contemplate a world without credible means of enforcement -- or a world that enforces its norms only through the threat or use of military force -- the more we can all come to recognize the unique contributions that sanctions can make in leading to a world that is more peaceful, secure, and just.

## Conclusion

Your collective efforts will, therefore, be more important than ever to audiences well beyond this hall. They will be of particular interest to the disarmament community, which is facing difficult challenges of enforcing an array of disarmament agreements by means short of war. While the UN Charter explicitly allows the Security Council to authorize the use of force to maintain or restore international peace and security, the world has learned much over the years about the limits of military force as a means to guarantee compliance with disarmament agreements and the rule of law. This history inevitably brings us back to the subject of sanctions and how they can be improved to accomplish such solemn collective ends by peaceful means.

As Secretary-General Kofi Annan has recently reminded us, the greatest test of a community is -- in his words -- "how it upholds its norms." I wish you the greatest of success in the challenging journey ahead as you explore this precise issue. For the results of your deliberations will help in shaping what kind of international community we will share together in the years ahead and

ultimately pass on to future generations. In an age of persisting conflicts and increasingly dangerous weapons, this is a test we cannot afford to fail.

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