

Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses

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Economic sanctions have become a popular multilateral and bilateral enforcement measure in the 1990s. Their efficacy is doubtful along with their moral superiority over military force. Substantial suffering by vulnerable groups in Iraq, former Yugoslavia, and Haiti has led to a 'bust' for this foreign policy tool. Sanctions can be designed to be more effective and less inhumane than they are at present, but much more research is required about their precise impact on civilians and on targeted regimes. Early post-Cold War euphoria is giving way to more realistic and subtle assessments of the pluses and minuses of economic and military coercion.

Non-Forcible Sanctions in the 1990s

Since the end of the Cold War, economic coercion has become a popular response to myriad threats to international peace and security.¹ Sanctions are no longer the virtual dead letter of the UN Charter. In 45 years, the Security Council used them only against Rhodesia in 1966 and South Africa in 1977. Since 1990, the council has invoked them over a dozen times, including comprehensive sanctions against Iraq, former Yugoslavia, and Haiti. In Africa, regional organizations imposed them, first in Burundi and later in Liberia and Sierra Leone. At the bilateral level, Haas has caricatured Washington's 'sanctioning madness' (Haas, 1997: 4) while Senator Helms has debunked an 'epidemic' (Helms, 1999) that

includes American cities passing sanctions against countries like Nigeria and Burma.

The new pattern distinguishes itself from the old not only by the frequency with which sanctions have been imposed, but also by the wide range of purposes that they serve, the centerpiece of efforts to repel aggression, restore democracy, condemn human rights abuse, and punish regimes harboring terrorists and international war criminals (Stremlau, 1996). In addition to states, the Khmer Rouge and UNITA have also been targets.

Growing misgivings about consistency and transparency (Conlon, 1995; von Braunmühl & Kulesa, 1995) have been exacerbated because sanctions often entail such civilian suffering as to overshadow any potential political success (Müller & Müller, 1999). Former UN Secretary-General Boutros-Ghali captured the troubling tensions of a 'blunt instrument' that afflicts vulnerable groups, complicates the work of

¹ The author draws upon arguments from co-authored publications (Minear et al., 1997, 1998; Weiss et al., 1997).

humanitarian agencies, causes long-term damage to the productive capacity of target nations, and penalizes neighbors (Boutros-Ghali, 1995: 25–28, paragraphs 66–76). He stopped short of rejecting sanctions but urged reforms, as has the Red Cross Movement. The International Federation of Red Cross and Red Crescent Societies (IFRC) concluded that sanctions have resulted in only minimal political dividends with exorbitant human costs (Schaar, 1995). The International Committee of the Red Cross (ICRC) has viewed sanctions as yet another of the ‘hard choices’ facing humanitarians (Minear, 1998).

Sanctions can be designed to be more effective and less inhumane than they are at present, but considerable investigation is required. As background to a research agenda about the trade-offs between civilian pain and political gain, this article first examines the expansion and contraction in enthusiasm about sanctions as a foreign policy tool.

The ‘Boom’

Three reasons explain the expanded use of sanctions in the post-Cold War era. First, there is the newfound willingness by the community of states to intrude in issues that were once off-limits. Sanctions are another indicator that sovereignty is no longer sacrosanct.

Second, ‘security’ has widened beyond military threats to include socio-economic, environmental, and especially humanitarian ones. Broadening the agenda became official in Boutros-Ghali’s 1992 *An Agenda for Peace*, which responded to a special Security Council mandate including ‘non-military’ threats to security.

Third and probably most important, states are rarely willing to pay the costs of vigorous intervention. The UN’s performance in former Yugoslavia demonstrated that

collective spinelessness, not collective security, is in vogue. Ironically ‘prevention’ is a favorite new expression in public policy discourse, which is accompanied by indifference and ineptitude when faced with the Rwandan genocide. Sanctions are ideal when governments have no perceived vital interests. Means become ends. Non-forcible sanctions give politicians the ability to ‘do something’ and engage in cheap moralizing but refrain from serious engagement.

The ‘Bust’

Although increasingly popular in the 1990s, expectations about their impact have been scaled down for four reasons. First, flaws affect their efficacy and equity. Sanctions have vastly differing impacts depending on the economic, geographic, and political profiles of targets. Countries depending on a single export or on massive imports of food are likely to be most affected, while those with multiple borders are able to engage in sanctions busting. Efficacy is reduced when target governments do not have strong opposition movements. Moreover, arms embargoes can hurt one side more than the other, as evidenced by maintaining Serbia’s military advantage over Croatia and Bosnia in Yugoslavia’s wars. The built-in rigidities – once passed, modifications require a Security Council decision – and the ad hoc nature of their design and administration are further weaknesses.

Second, a common problem in evaluating any multilateral effort resides in the ambiguities in language and measurement of results, but success with sanctions is rare. Were UN efforts (including sanctions) from 1991 to 1995 in former Yugoslavia a success because they avoided a wider conflict in Europe, or a failure because member states did not stand up to aggression, the forced movement of peoples, and ethnic cleaning? In Iraq, if destroying weapons of mass

destruction is the aim, sanctions have been helpful. If Hussein's elimination is sought, sanctions have failed and could never succeed.

Gauging effectiveness usually relies on the pioneering work about unilateral sanctions by Hufbauer and colleagues at the Institute for International Economics (IIE) that shows an overall success rate of only 34% for 116 cases of sanctions from 1914 to 1990 (Drury, 1998; Hufbauer, et al., 1990: 2). An updated forthcoming publication more or less confirms the original data, but others believe success to be less frequent (particularly if criteria for effectiveness are stringent) and ironically most likely in multi-party democracies (Nossal, 1999; Pape, 1997). Doxey, the *doyenne* of sanctions scholars, argues that they are capable of achieving only 'slap on the wrist' gains (Doxey, 1996: 5). Falk eschews military intervention but concedes that economic sanctions 'cannot be effective, or that it is hard to make them effective' (Falk, 1992: 1).

Third, action by the Security Council is questionable because its present composition undermines legitimacy. The lack of representativeness and the dominance by the Permanent Five (P5), especially Washington, foster resentment and skepticism.

Fourth, sanctions have become less acceptable to many because of the growing unwillingness to inflict civilian pain for doubtful political gain. Suffering by vulnerable groups has led to a groundswell of concern, if not moral revulsion, about squeezing civilians in the dim hopes that they will rise up and overthrow a regime or its policies.

Assured Civilian Pain Versus Doubtful Political Gain: Promising Research Topics

A review of multilateral sanctions against South Africa, Iraq, former Yugoslavia, and

Haiti suggests that sanctions in and of themselves did not bring desired changes. To varying degrees, they spurred processes of compromise and contributed to political efforts. The contribution was substantial in the case of South Africa, considerably less in Iraq and Yugoslavia, and non-existent in Haiti. At the same time, sanctions always caused civilian pain, ranging from justifiable in South Africa to intolerable in Iraq.

In South Africa, substantial political gain was achieved without life-threatening suffering; in fact, the black majority supported sanctions and even benefited from increased employment resulting from import substitution. In Iraq, sanctions figured in occasional minor concessions by the regime while exacerbating lethal suffering; scant political gain was achieved at unacceptably high human costs. In former Yugoslavia, sanctions were among many factors contributing to the political settlement at Dayton while causing serious but seldom life-threatening hardships; political gains were modest, but so too was the civilian pain resulting from sanctions. In Haiti sanctions helped bring the military junta to the bargaining table, but not to step down; their contribution to the final settlement was virtually nil, while the humanitarian cost was staggering.

That economic coercion is an increasingly popular policy measure with such serious effects for vulnerable groups should entice researchers to address six topics.

Methodological Issues

Is it possible to overcome seemingly insurmountable social science barriers? Assessing the negative humanitarian consequences of economic sanctions raises questions about cause and effect. The research puzzle is complicated because multi-causality operates in each case, which also has distinctive features; and multifaceted measurement is required across a large list of indicators.

The four cases concern countries with multiple causes of suffering: war (Iraq, Yugoslavia); political and economic repression (Haiti, South Africa); and changing world economic circumstances (Yugoslavia, South Africa). Hypothesizing about the negative humanitarian impacts of sanctions necessarily involves maneuvering on the tricky slopes of the counter-factual. Sanctions may serve as a catalyst for worsening socio-economic and related conditions; or they may exacerbate one or more deteriorating conditions that already exist in the economic sphere ('the straw that breaks the camel's back'); or sanctions may generate structural change in the economy by shifting resources and the means by which they are distributed. Moreover, an ideal research world would contain meaningful data about a sufficiently large number of cases to permit comparative analyses.

Another part of the methodological puzzle concerns establishing indicators to reflect changes over time in the status of civilians. Data in sanctioned countries are sparse, unavailable to international organizations, or manipulated for political purposes. In addition, multiple factors are involved in worsening a population's condition, which complicates disaggregating the consequences resulting from sanctions, war, political repression, military spending, social policies, and poverty. Although 'pure' disaggregation is impossible, useful assessments can result from 'thick description'.

Each sanctions imposition, like each target country, is unique; but it should be feasible to establish a cluster of indicators to guide future data collection as was attempted after the fact for an edited volume (Weiss et al., 1997). Economic, socio-demographic, and health data can capture the direct and secondary impacts of sanctions on individuals; and socio-humanitarian data can measure coping with the added stress. These four clusters could be

used to assess the physical integrity of individuals and, more subjectively, quality of life. The combination of trends could suggest when a society moves from discomfort to catastrophe. Also, society-wide data are desirable to capture the macroeconomic picture (the rate of inflation, the situation of the currency internally and worldwide, employment, industrial and agricultural output, and purchasing power).

Within a targeted country, three variables are relevant when judging civilian reactions to sanctions. The first is 'rally-round-the-flag'. Leaders of a sanctioned regime sometimes use the shared sense of misery to broaden political support; and often sanctions may release energy to counteract the economic effects – for example, this was the case in Rhodesia and South Africa with the creation of import-substitution industries. The second domestic variable concerns determining whether sanctions permit a targeted government to condemn opponents and reward corrupt supporters by allocating scarce resources. The third links internal change with sanctions that may increase or decrease the viability of political opposition or reform.

Individual countries often have distinct motives and interests in imposing or lifting sanctions and in ensuring their implementation. The extent to which partners share views rather than paper over differences can be decisive in holding together diplomatic coalitions. Recent cases are too divergent to establish whether sanctions are more effective against a target (or, alternatively, attract greater international cooperation) when invoked to punish violators of human rights, to persuade states to denuclearize, or to convince leaders to hand over suspected international terrorists. However, all these objectives are still more likely than toppling regimes. When sanctions are so geared, their impacts on civilians are riskier, unless a population is willing to undertake revol-

ution – for which there is no historical example.

Whether sanctions ‘succeed’ depends on the goals against which they are measured. Beyond officially declared purposes, they may also deter other potential offenders, raise the costs of non-compliance, isolate miscreants, demonstrate resolve to allies or domestic constituents, send symbolic messages, and enhance respect for international norms. If sanctions are largely expressive and meant to signal international disapproval of a particular regime or its abusive behavior, for example, the solidarity of states imposing them is itself an indicator of success. Although analyses often note the importance of other goals, they never examine them in any detail. Future inquiry could more usefully gauge these ‘other’ impacts rather than pointing to the obvious inability of sanctions by themselves to change a regime or its aberrant policies.

Targeted Sanctions and Incentives

Is there common ground between those who oppose sanctions because of their inhumane consequences and those who support them as a tool of statecraft irrespective of their impact on civilians? Accountability and transparency require assessment, but a more promising line of investigation is examining whether sanctions stand alone as *the* policy against a targeted state or are part of a larger mix of carrot-like (involving persuasion and incentives) or stick-like (involving coercion through military force) policies. Although sanctions alone have seldom brought about major policy changes, they may make a difference when blended with other international actions. Economic coercion may encourage political compromise or spark dialogue and negotiation; the calculation in Tripoli that led to the extradition of two Libyan nationals allegedly involved in the Lockerbie bombing is illustrative.

Policymakers and scholars increasingly

are attracted by ‘smart’ sanctions, but such measures require substantially more tweaking before they can be taken seriously (Lopez & Cortright, 1997). Smart sanctions single out groups and individuals responsible for wrongdoing and pinpoint elite needs and desires. With such information, it is possible to fashion policies that frustrate their satisfaction while identifying pro-reform or opposition constituencies within a targeted country and supporting them.

In theory, political authorities can craft sanctions that apply pressure on wrongdoers and do not unduly and adversely affect civilian populations or weaken opposition movements. Smart sanctions thus would target better the wealthy and powerful to apply coercive pressure while sparing vulnerable populations. Achieving greater political gain with less civilian pain would clearly enhance multilateral moral credibility.

Smarter sanctions include freezing foreign assets, withholding credits and loans, prohibiting investments, and restricting travel, commerce, and communications. One intriguing finding from the IIE is that financial sanctions succeed in 41% of cases versus 25% for trade sanctions (Hufbauer et al., 1990: 63), although the result may be discounted as financial sanctions normally follow a general trade embargo (Dashti-Gibson et al., 1997).

Sanctions also stand to benefit from being understood in the context of carrots-and-sticks. Effective diplomacy, as George (1991) has emphasized repeatedly, requires inducements for cooperation and punishments for resistance. The Carnegie Commission on Preventing Deadly Conflict examined inducement strategies in combination with sticks (Cortright, 1997). The effective use of sanctions as a diplomatic tool requires that compliance be acknowledged and reciprocated; and cooperation theory teaches that a *quid pro quo* can generate additional momentum. In the case of sanc-

tions, easing pressure in response to partial steps toward compliance may generate additional gestures. Sanctions against Iraq have ignored this dynamic.

The hope of avoiding adverse humanitarian consequences and tightening the screws on elites is enticing. Switzerland has taken the lead on financial sanctions in the Interlaken Process, and Britain on trade. However, restrictions on travel, communications, and commerce are mild inconveniences that will hardly hurt targets enough to alter behavior. Moreover, the theoretical attractiveness of financial sanctions is diluted by practical difficulties. The USA has developed an effective system of tracking and freezing assets, but other countries lack comparable resources and skills. Not only dubious offshore, but also European banking centers are reluctant. Another serious shortcoming for multilateral efforts is the inability of the UN to act quickly, which permits transgressor regimes and elites to move assets with impunity.

Making Sanctions More Palatable

Is it feasible to mitigate the worst aspects of sanctions on vulnerable groups, especially gendered impacts (Buck et al., 1998)? Humanitarian exemptions bridge achieving political objectives and protecting the rights of civilians. Provisions for exemptions are included in most Security Council sanctions resolutions, and administrative procedures have improved in recent years with the provision of food and medicine under general (for example, Sierra Leone) or specific regulations (for example, Iraq in the oil-for-food program).

Procedures can be cumbersome and aid agencies still encounter difficulties in obtaining approval for some exempted supplies. Although the fungibility of food and medicine are complicating factors (Førland, 1991, 1993), nonetheless greater simplicity, consistency, and transparency are indispens-

able to a fairer regime. Preoccupied with process, sanctions committees neglect larger problems of commercial and governmental violations in the form of black-marketing, illicit trade, and corruption. The UN report outlines the advantages and disadvantages of three different policy options for managing exemptions that necessitate additional analyses:

- The institution-specific option, preferred by many major UN-affiliated agencies, minimizes administrative burdens and affirms the importance of humanitarian activities. Its disadvantages include a lack of Security Council control, the possibility that agencies may import more than needed, and the fact that unaffiliated agencies are still required to seek specific approval.
- The item-specific approach saves administrative time and resources and enables more consistency. However, case-by-case review is still necessary (for example, for dual-use items), and governments may be reluctant to give up the prerogative of making specific determinations.
- The current practice of country-specific exemptions takes into account the idiosyncratic nature of each crisis and retains control over the type and quantity of exemptions. Disadvantages include the massive volume of communications, time, expense, and inattention to broader policy concerns.

An intriguing research task concerns analyzing the actual experience of the oil-for-food program in Iraq. For the first time, a targeted country paid the expenses of UN monitoring, reparations, and humanitarian goods. Iraq refused the plan, originally offered in August 1991, as an infringement on its sovereignty but finally relented in 1996. The sanctions themselves are reported to have cost some US\$120 billion in lost oil revenues, but the oil-for-food program

had processed by the end of 1998 close to US\$10 billion through the UN's escrow account.

The future of the experiment is in question, and such a procedure would be less workable in a country without such a substantial foreign-exchange export as oil. Nonetheless, this program is an example of international monitoring, compliance, and funding with a humanitarian twist. Alternatives to ease sanctions all include ways to monitor money that Iraq would earn if it sold oil more freely.

Pre-Assessment

Can the impact on vulnerable groups be measured? There is rarely a baseline against which to gauge a deterioration in living standards caused by economic coercion. Even with a limited number of indicators, monitoring changes over time in controversial baseline data against specified change indicators is a major research and organizational challenge. Yet, the notion is to inject an independent input into the UN system's pre-assessment and monitoring capabilities in order to anticipate and track sanctions impacts and encourage ameliorative action for five categories:

- For public health, change indicators include increases in infant deaths, wastage, and stunting of children; decreased visits to medical facilities; reported cases of previously eradicated diseases; a rise in the percentage of low-weight infants; and a deterioration in water supply or quality.
- Economic indicators include adverse changes in income distribution, declining availability of essential goods, and a change in the urban/rural population mix.
- Population indicators include increased involuntary population flows and the creation or rapid expansion of refugee

camp or concentrations of internally displaced persons.

- Indicators for governance and civil society include increased crime and repression, fewer independent civic organizations, and the suppression of political parties and independent media.
- The key indicator of humanitarian activities is an increased inability of agencies to meet the needs of growing numbers of people requesting assistance.

Moral Dilemmas

Who should assume responsibility for the consequences of sanctions? Proponents blame reprobate regimes. They bring sanctions upon themselves, have the ability to remove them by changing objectionable policies, and allocate scarce resources to exacerbate suffering. Iraqi children are dying not because sanctions have curtailed financial and commercial transfers, but because Saddam Hussein has poured resources into opulent palaces, rebuilt his military, and continued to develop weapons of mass destruction. Baghdad publishes appalling statistics on child mortality but lets food and medicines rot in warehouses and postpones purchasing vital goods permitted through limited oil sales. Critics, in contrast, see the suffering occasioned by Security Council decisions as the responsibility of member-states. As dislocations are a necessary part of economic coercion, those states approving sanctions can not feign surprise at suffering. Indeed, having embraced sanctions, they are obliged to seek to delimit their human costs (Gordon, 1999).

The use of sanctions raises quandaries that have and should motivate ethical inquiry. Some commentators judge them as morally justifiable only for such higher purposes such as halting aggression or preventing repression. Damrosch (1993) argues that sanctions lose their justification if they drive living standards below subsistence. Christiansen & Powers (1995) reason that

sanctions may not deprive people of the basic right to life and survival, and countries imposing sanctions should aid affected populations. Patterson (1995) asserts that sanctions should stand in sharp distinction to the use of military force, whereas too often they are a prelude to war.

Sanctions have little or no foundation in international humanitarian or human rights law (Schrijver, 1994). But 'since sanctions are imposed as a substitute to the use of armed force ... general principles of international law should apply *a fortiori*' (UN Office, 1999: 7). Codification could and should provide a guarantee to civilians of the basic right of survival. '[F]uture cases of sanctions could be assessed according to universal criteria', writes Normand (1996: 43), 'in contrast to the current situation in which sanctions increasingly are imposed without reference to any legal or ethical standards'. Laws and conventions do not in and of themselves change behavior, but formalized standards merit support and research.

The US Catholic Conference's response in the 1960s to the nuclear era provides a helpful insight. The bishops acknowledged moral flaws and ethical shortcomings in American nuclear weapons policy that reflected both history and *Realpolitik*. Their conditional moral acceptance of the role of nuclear weapons was accompanied by specific criteria to judge the morality of deterrence.

The civilian consequences of economic sanctions lead some critics to favor removing such arrows from the international policy quiver. Rather than a knee-jerk rejection, researchers rather should identify conditions under which sanctions may be employed morally and measures to strengthen accountability for their use. Otherwise, there is a single coercive option military force.

'Humane' Military Force

Can military force be more humane than

economic sanctions? Chapter VII of the UN Charter contains two enforcement provisions, Article 41's 'not involving the use of armed force' and Article 42's 'action by air, sea, or land forces'. The numbering of the articles implies a sequence, and many critics of the Gulf War argued that economic sanctions were not used for long enough before the bombing began.

The actual language of Article 42 states that 'should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate', military force may be used. Here another concern arises. Which type of enforcement entails less suffering for civilians? If sanctions produce as much or more suffering than military force, which is more sensible? If sanctions are painful and virtually certain to be unsuccessful and armed force will be required eventually, is military intervention not desirable sooner rather than later?

Although they often are meant to 'punish' (Nossal, 1989), economic sanctions appear attractive relative to more ostensibly draconian military alternatives. Yet, short-term suffering and longer-term structural damage from sanctions can be as harmful as war. The negative impact on nutrition, health, and other social services as well as on basic infrastructure have been most thoroughly documented in Iraq, where sanctions have caused more deaths than Operation Desert Storm. In Haiti, the use of economic sanctions followed the sequence enshrined in the Charter but led to massive displacement, destroyed the economy, and contributed to environmental deterioration before US military force was invoked.

It is true that humanitarian concerns often stand behind support for economic sanctions – that is, civilian pain in the short term is thought to produce humanitarian gains over the longer haul by eliminating weapons of mass destruction or halting

ethnic cleansing. The empirical evidence for affecting such change is meager; and, in addition, the ethical considerations are made even more complex because suffering is likely to outweigh potential, uncertain gains.

It thus is crucial for humanitarians of all stripes, including pacifists, to re-examine their almost universal preference for non-forcible over forcible sanctions. Most readers of these pages have a visceral preference for nonviolence. However, it is impermissible to cede to what normally would be a virtue if such an approach leads to more violence and conflict than is necessary or undermines local coping capacities more than an alternative. A preference to avoid military force no longer appears unequivocally noble should civilian damage from a so-called non-forcible coercive effort be more substantial than from a forcible alternative. Benign motivations are insufficient if the results are dreadful – just as evil motivations are sufficient if the results are beneficial.

The calculations are tortuous and the mathematics inexact. But the challenge is to determine whether the greatest good (or the least harm) for the greatest number over the longer term would be better served by rapid and vigorous military intervention to enforce legitimate international decisions rather than slow, and not necessarily less violent, economic coercion. Paradoxically, in certain contexts the use of multilateral military force may emerge as a possibly more humane option than its supposedly non-forcible relative.

Conclusion

The prevailing orthodoxy is that direct trade-offs exist between political gain and civilian pain – sanctions succeed precisely to the extent that they occasion suffering. Humane sanctions necessarily will be ineffective while effective sanctions cannot avoid being inhumane.

Yet, sanctions can be designed – indeed, should be designed, if they are to be used at all – so that they are politically effective and attentive to vulnerable populations. The challenge of reducing adverse consequences requires safeguards for civilians and better mechanisms for monitoring impacts and improving the management of exemptions. It also necessitates fundamentally rethinking ethical and political contexts in order to establish humanitarian limits governing sanctions and to examine objectively armed force.

As is the case for just war doctrine, decisions about coercion are highly contextual and require weighing least-bad options that do not not apply a preset formula. Wiener's (1998) 'instrumental humanitarianism' is pertinent here. Too few hypotheses have been tested, and empirical research is necessary to identify experiences that have been more and less successful.

There is considerable doubt that the kind of comprehensive sanctions so quickly enacted against Iraq in August 1990 would be approved today even against a similarly blatant aggressor as Saddam Hussein. In the late 1990s Iraq is to sanctions what Somalia was to peacekeeping in the early 1990s. Good feelings and self-congratulations have given way to less Pollyannaish notions about the pluses and minuses of economic and military coercion.

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