

Collective Sanctions as Peaceful Coercion: Lessons from the United Nations Experience

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I. Introduction

Economic sanctions have become important instruments in the arsenal of international actions taken against deviant governments. In situations where purely diplomatic initiatives are deemed insufficient, but where military action is not quite justified, sanctions are often considered the optimal tool. Recent interest in the resort to international sanctions, however, has raised practical questions about their utility as lawful instruments of foreign policy. This is particularly so given the often-held presumption that economic sanctions are ineffective and simply do not work.¹ The increased tendency by the United Nations since 1990 to use collective sanctions accordingly invites queries into the roles that international organisations can play in effectively implementing sanctions. At the same time, questions surface about how consensus might be fashioned through international means to create the political will necessary for transforming sanctions into more effective instruments of lawful foreign policy coercion.

This study seeks to address these queries with a view to exploring conditions, factors and situations that can enhance or detract from the effectiveness of lawful international sanctions. Toward this end, Part II examines the nature of sanctions as instruments of foreign policy. The focus here falls on the notion of effectiveness and rationales that governments use to employ sanctions. The third section assesses the lawful institutionalisation of sanctions, especially within the United Nations framework. Here the intent is to posit specific conditions that can enhance the effectiveness of an international sanctions operation. Part IV then analyses various criteria drawn from recent UN sanctions experience that can contribute to the effectiveness of collective sanctions. Finally, some lessons and trends regarding resort to collective

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1 See generally Hufbauer GC, Schott JJ and Elliott KA, *Economic Sanctions Reconsidered: History and Current Policy*, 2nd ed (1990). For a variety of views, compare the statements of panellists in "Do Sanctions Work? Economic Sanctions as a Tool of US Foreign Policy", Conference Summary of the American Enterprise Institute for Public Policy Research Discussion, Washington, DC, 28 April 1995.

economic sanctions as international security regimes are set out as conclusions for critical reflection.

II. The Nature of International Sanctions

Supplying a precise definition for sanctions is complicated by the decentralised nature of the international system. The international system for regulating State conduct is not endowed with sophisticated law-making and law enforcement procedures like those associated with sanctions within States.

The term "sanctions" under international law generally refers to coercive measures, taken by one State or in concert by several States, which are intended to convince or compel another State to desist from engaging in acts violating international law. Sanctions consequently can assume several dimensions: they may be military, involving the use of armed force; they may be diplomatic or political; they may be cultural; or (often the case in recent years) they can involve economic coercion. International sanctions are thus penalties imposed by States as the designated consequence of some other State's failure to observe international standards or legal obligations.² Sanctions thus entail a designated means (often economic) to a preferred end (the deviant State's return to acceptable behaviour).

The notion of sanctions in this treatment spotlights the economic dimension—that is, the economic means used to punish governments for violating rules of law. These means include, *inter alia*, boycotts, embargoes, freezing assets, travel restrictions, financial restrictions on the flow of currencies, and the elimination of transportation, mail service and other means of communication to and from the target State. Finally, this study deals with the multilateral, collective use of sanctions, rather than unilateral economic efforts by one government to coerce another government.

A. The effectiveness of sanctions

The imposition of sanctions can be a complex and costly process for enjoining States. Some comment is therefore necessary about the results of this process and the effectiveness of sanctions. It is important to note at the outset that effectiveness might not necessarily be synonymous with the notion of "success". It is entirely possible that sanctions could be effective in terms of breaking commercial relations, imposing economic costs, and fulfilling a punitive role, yet ultimately not be successful in achieving their stated political objectives.³

2 In reference to sanctions operations in this study, an "enjoining State" indicates a State that is actively applying sanctions. The "target" is the State against which the penalties are being imposed.

3 See Damrosch LF, "The Collective Enforcement of International Norms Through Economic Sanctions" (1994) 8 *Ethics & International Affairs* 59; Joyner CC, "The Transnational Boycott as Economic Coercion in International Law: Policy, Place, and Practice" (1984) 17 *Vanderbilt Journal of Transnational Law* 205 at 225–27; and White ND, "Collective Sanctions: An Alternative to Military Coercion?" (1994) 12 *International Relations* 75.

When considering effectiveness, the goals and objectives of a sanctions operation should be considered. If sanctions are used simply by the imposers as a signal that some State's particular course of action is unacceptable, then it may not be necessary to calculate the actual economic impact of the measures on that target State. Mere imposition of the sanctions achieves the main objective. If, however, sanctions also are meant to bring about an actual policy shift by the target State, such as withdrawal of troops or cessation of hostilities, then it becomes essential to consider carefully whether economic penalties wrought by the sanctions will be sufficient to produce that result.

Several conditions can increase the likelihood that a sanctions operation will be effective. First, sanction measures should be imposed quickly, and they should be sweeping in scope. Secondly, international support for those measures must be strong, despite any domestic costs inflicted on enjoining States. Thirdly, the enjoining governments must maintain their determination to achieve their goals over time. Finally, it is important to determine that the target State actually is vulnerable to sanctions. This means that the deviant State must be dependent on international trade and have little chance of developing self-sufficiency in the domestic production of embargoed goods or of successfully pursuing international strategies to evade the sanctions, for example, by encouraging cheating among enjoining States, or by smuggling goods in across local borders.

The effectiveness of international sanctions can also be adversely affected by certain unintended events that might occur in the target State. It is conceivable that sanctions might actually produce a stronger sense of internal solidarity among the population in the target State by generating a "rally-around-the-flag" effect. The extent to which a targeted population is willing to accept lower standards of living will directly impact upon how much economic punishment is required to produce a successful sanctions effort.⁴ It is also possible that sanctions may generate domestic efforts in a target State to attain self-sufficiency, either by beginning or increasing production of certain goods and services so as to offset economic effects caused by the sanctions. This strategy seems likely to lessen economic hardships and dissipate the impact of sanctions in that society.

For sanctions to be successful, they must be effective. Yet the objectives of an international sanctions operation must be carefully weighed to determine what threshold might represent attainment of an acceptable level of economic and political effectiveness. The effectiveness of sanctions thus becomes self-defining. Even so, one should be cautious in basing such an assessment on goals publicly stated by governments; such goals can, of course, be intentionally exaggerated.⁵ While international sanctions are not likely to lead to the overthrow of some deviant government—nor are most sanctions operations intended to do so—considerable economic costs can still be extracted and political isolation of that government can be achieved.

4 Smeets M, "Economic Sanctions Against Iraq: The Ideal Case?" (1990) 24(6) *Journal of World Trade* 105 at 115.

5 This notion has been aptly dubbed the "bulls'-eye fallacy". See Daoudi MS and Dajani MS, *Economic Sanctions: Ideals and Experience* (1983), p 168.

B. Rationales for sanctions

As instruments of self-help in international law, sanctions can serve several objectives and goals. In some cases, they may be pre-emptive in design. That is, sanctions might be imposed as a disincentive aimed to dissuade a government from committing an illegal act or to deny a government the achievement of its objective after it has committed an unlawful act.⁶ More often, though, sanctions assume a punitive nature. Sanctions become the “penalty attached to transgression and breach of international law” in the form of “punitive actions initiated by a number of international actors, particularly a world organisation such as the League of Nations or the United Nations, against one or more States for violating a universally approved charter, as inducements to follow, or refrain from following, that particular course of conduct and conform with international law”.⁷ Punishment thus becomes coupled with the intent of an enjoining State to inflict sufficient economic harm so as to compel a change in the behaviour of the target State.

Use of economic sanctions as an instrument to force a redirection in a target State’s policy may have a broad range of objectives, which can span from the aim to effect a relatively minor shift in policy, to a major development involving massive troop withdrawals or even changes in leadership. While such instrumental objectives are implicit in most instances of sanctions, other goals may also come into play. Perhaps most salient among these is to send a clear signal to the target State that its behaviour is unacceptable to the international community. In this manner, notice is served that further unlawful action or continuation of the present unlawful action could lead to more serious measures being taken against that deviant government.

Economic sanctions supply a useful function by providing a means to demonstrate disapproval that is stronger than diplomatic protest, but falls short of armed force. This function can also facilitate successful satisfaction of domestic pressures in an enjoining State, where its population has demanded some action by the government against an international transgressor.⁸ The decision to impose sanctions against a target State does not come without costs to enjoining States, however. Lost trading opportunities, suspended contracts and elaborate implementation mechanisms can result in significant costs, which vary according to an enjoining State’s size and relationship to the target State. The fact is that governments are aware of these costs, yet go on to implement international sanctions in spite of them. This reality underscores the legal determination and political will of enjoining States to demonstrate in concert their sharp disapproval of an offending State’s actions.⁹

6 Royal Institute of International Affairs, *International Sanctions* (1938), p 14.

7 Daoudi and Dajani, n 5 above, p 8.

8 When used to satisfy domestic pressures, there is a danger that the national government may present over-inflated goals to the population. In doing so, the domestic situation may be worsened if the sanctions are unable to achieve such goals. See Leyton-Brown D (ed), *The Utility of International Economic Sanctions* (1987), p 306.

9 See Renwick R, *Economic Sanctions* (1981), p 86; and Leyton-Brown, n 8 above, p 305.

In a broader sense, sanctions aim to isolate the target State legally and politically from the rest of the international community and thereby deprive it of the benefits of international intercourse. In this connection several varieties of sanctions can be distinguished. First, there are moral and diplomatic sanctions that have as their objective the effective isolation of the target State in terms of public opinion or official diplomatic recognition. The intended effect here is to cut off international commercial intercourse. Universal non-recognition since the 1970s of black Bantustans in South Africa is a notable example. Secondly, there are economic sanctions that seek to achieve political goals through isolation of the target State's economy by using techniques such as boycotts, embargoes, blockades, asset freezes, financial transaction restrictions and other economic tactics. The ongoing sanctions imposed by the United Nations against Iraq, Libya and Serbia typify this type of sanction. Unilateral economic sanctions are those imposed by one State, often as a tool of its particular foreign policy, and have often been considered as a method of economic warfare.¹⁰ Examples of such unilateral economic coercion include the ongoing United States' embargo of Cuba and its strategic embargoes against the Soviet Union and East European governments during the Cold War era. Thirdly, there are "positive" sanctions, or measures that seek to alter behaviour by offering attractive benefits. These include economic inducements such as favourable trade arrangements or increased flows of foreign aid. Examples here include massive assistance given by the United States to both Israel and Egypt to encourage peaceful relations through mutual adherence to the 1979 Camp David Peace Accords, or the recent US economic grants to North Korea in order to dissuade that government from constructing nuclear reactors capable of producing weapons-grade fissile materials.¹¹

In general, then, the rationale for imposing international economic sanctions comes down to disapproval. Sanctions are targeted collectively against a deviant State to demonstrate world condemnation of that State, with the principal objective of compelling that deviant government to comply with international rules and to return to the bounds of permissible conduct. The effectiveness of sanctions as instruments of international economic coercion has been enhanced considerably by growing commercial interdependence among all States throughout this century.

III. Contemporary Institutionalisation of Sanctions

The political authority and legitimacy of contemporary economic sanctions have been strengthened by their formal international institutionalisation within the United Nations framework. In framing the Charter of the United Nations, special attention was given to the use of economic sanctions as part of a more

10 For the use of boycotts as coercion, see Joyner, n 3 above, pp 205–86.

11 For further treatment of "positive" economic sanctions, see Doxey M, "International Sanctions: A Framework for Analysis with Special Reference to the UN and Southern Africa" (1972) 26 *International Organization* 527 at 528 and Ellings R, *Embargoes and World Power: Lessons from American Foreign Policy* (1985), p 4.

sophisticated system of collective security. The aims of the organisation, detailed in Articles 1 and 2, stress the maintenance of international peace and security and recognise the sovereign equality of Member States.¹² Chapter VI of the Charter conveys the obligation of pacific settlement of disputes and outlines appropriate procedures to that end.

Under Article 24, chief responsibility for the maintenance of international peace and security is bestowed upon the Security Council.¹³ This organ is comprised of 15 members, of which five are permanent members with a veto power (namely, China, France, Russia, the United Kingdom and the United States) with 10 other rotating members. Decisions of the Security Council are binding upon Member States of the United Nations and carry the full weight of international law in accordance with Article 25.¹⁴

The "teeth" of the Charter are rooted in Chapter VII, Articles 39 through 42. The Security Council, by virtue of Article 39, is to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and may enact provisional measures under Article 40 while examining the situation further and before implementing more severe actions.¹⁵ Use of economic sanctions, expressed as "the complete or partial interruption of economic relations", is authorised to the Council under Article 41, as are similar measures "not

12 Article 1 of the United Nations Charter provides in relevant part that:

The Purposes of the United Nations are:

1. To maintain international peace and security and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;...

Article 2 provides in relevant part that:

1. The Organization is based on the principle of the sovereign equality of all its Members...
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action....

13 Article 24 provides in relevant part that:

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf....

14 In full, Article 25 provides: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". Due to the political paralysis of the Security Council during the Cold War, however, the General Assembly occasionally attempted to address threats to the peace and to enact sanctions through passage of a resolution. Nevertheless, such resolutions were strictly recommendations and did not obligate members in the manner of a Security Council decision.

15 UN Charter, Article 39.

involving the use of armed force".¹⁶ Should provisional measures prove ineffective, the Security Council is to decide upon appropriate steps under Article 41 to give effect to its decisions. Article 42 also allows the Security Council to authorise "such action by air, sea, or land forces as may be necessary" that could be carried out by member forces should measures taken under Article 41 prove to be unsuccessful.¹⁷

The framers originally intended to create a body capable of implementing Security Council decisions through the use of force, when properly authorised. Articles 43–50 describe the configuration of such a system comprised of "armed forces, assistance and facilities" and call for the negotiation of agreements with members concerning the formation of such an armed force.¹⁸ These plans for military contingency have remained dormant throughout the United Nations' experience, a situation attributable largely to realities of the sovereign State system, Cold War antagonisms, and the reluctance of members to place their own armed forces under the command of an international body. It is consequently not surprising that Article 42, which authorises the Security Council to use force, has never been purely invoked by that organ.¹⁹

The UN Charter also provides several mechanisms intended to induce compliance with its principles and aims. Article 6 empowers the General Assembly to expel a member from the organisation, with the recommendation of the Security Council, if consistent violation of the principles of the Charter is

16 In full, Article 41 provides:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

17 Article 42 provides in full that:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

18 UN Charter, Article 43.

19 See n 17 above. The closest instance was that of Korea (1950–54), when the Security Council acknowledged that a breach of the peace had occurred and recommended use of force by UN members to oppose North Korean forces invading the South. See SC Res 82 (25 June 1950) and SC Res 83 (27 June 1950). Action by the United Nations in the case of Korea nonetheless fell far short of the full implementation of Security Council powers under Article 42: The United States furnished nearly all the men and equipment used in the conflict, and command of the operation remained with President Truman and the United States Joint Chiefs of Staff, not with the Secretary-General or the UN Military Staff Committee.

demonstrated.²⁰ Members which have been the target of enforcement action by the Council may also have their membership suspended by the General Assembly, with the recommendation of the Security Council, under the terms of Article 5.²¹ Voting privileges in the General Assembly may also be suspended under Article 19 if the member is “in arrears in the payment of its financial obligation to the Organization...[and if] the amount of the arrears equals or exceeds the amount of contributions due from it for the preceding two full years”.²² Though action has never been taken under Articles 5 or 6, the General Assembly has at times considered pursuing punitive actions against some States on grounds of Article 19.²³

Resort to collective sanctions as an enforcement action under Chapter VII has been taken only on select occasions by the Security Council. The first action came in 1966, when comprehensive mandatory economic sanctions were imposed on Rhodesia after a unilateral declaration of independence from Britain by the government of Ian Smith.²⁴ The measures, which were intensified over time, lasted 13 years but were less than successful.²⁵

20 In full, Article 6 states that:

A member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

21 Article 5 provides in full that:

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

22 UN Charter, Article 19.

23 Political problems may be caused, however, by the application of this article to a major international actor with a sizeable contribution. See generally Fleischhauer C, “Inducing Compliance” in Schachter O and Joyner CC (eds), *United Nations Legal Order* (1995), p 231.

24 See SC Res 221 (9 April 1966) and SC Res 232 (16 December 1966).

25 Sanctions against Rhodesia were imposed by UN SC Res 232 (1966). SC Res 221 (1966) actually strengthened the sanctions operation, as it authorised Great Britain’s interception of ships carrying oil to the port of Beria. SC Res 253 (29 May 1968) imposed a total ban on imports to and exports from Rhodesia, and created a special sanctions committee.

A major factor in the porous nature of the sanctions was the non-participation of some nations in the sanctions effort, particularly South Africa, as well as other factors relating to goals, costs to senders, and the development of evasion strategies by the target. In addition the United States passed special domestic legislation that exempted Rhodesian chrome imports from the sanctions. See Doxey M, “International Sanctions in Theory and Practice” (1983) 15 *Case Western Reserve Journal of International Law* 273 at 276–77; and Renwick, n 9 above, pp 25–58.

Other Security Council sanction actions taken against Rhodesia are contained in SC Res 333 (22 May 1973), SC Res 388 (6 April 1976) and SC Res 463 (2 February 1980).

The second instance involved an arms embargo against South Africa, which was imposed in 1977.²⁶ The UN Security Council never imposed comprehensive mandatory economic sanctions against South Africa, most probably due to that country's importance in the world's supply of minerals needed by industrialised economies.²⁷ Voluntary sanctions, however, were called for in 1985 by the Security Council.²⁸ This action was taken to express international protest against the white minority government's apartheid policies and human rights abuses. UN sanctions against South Africa were fully lifted with the advent of black majority rule there in 1994.²⁹ Both the Rhodesian and South African episodes established sanctions committees that were charged with monitoring implementation and compliance with the measures.

The third sanctions effort authorised by the Security Council, and the most sweeping to date, is that still being applied to Iraq, on account of its invasion of Kuwait in August 1990.³⁰ Given the unprecedented international consensus for

26 SC Res 418 (8 November 1977) ordered universal application of a mandatory arms embargo on South Africa.

27 For elaboration of this thesis, see Doxey MP, *International Sanctions in Contemporary Perspective* (1987), ch 9: "The Case of South Africa".

28 Voluntary, selective sanctions were authorised against South Africa by SC Res 569 (26 July 1985). Other sanctions resolutions related to the South African situation are SC Res 558 (13 December 1984) and SC Res 591 (28 November 1986).

29 Recent developments in South Africa involving the dismantling of the apartheid system have resulted in lifting these international sanctions, done by SC Res 919 (25 May 1994). See also Mathabane M, "The World After Sanctions", *New York Times*, 29 July 1991, p A15 and "UN Economic Curbs on Pretoria Are Lifted", *New York Times*, 9 October 1993, p A8.

30 On 1 August 1990, Iraqi tanks and troops invaded and quickly conquered its small but oil-rich neighbour, Kuwait. In response to the urgent request of Kuwait, the Security Council convened on 2 August 1990 to consider the invasion of that State by Iraqi forces. The Council adopted SC Res 660 (2 August 1990), citing its authority under Articles 39 and 40 and announcing its determination that a breach of international peace had occurred. The resolution condemned the invasion, called for the immediate withdrawal of Iraqi troops from Kuwait, and announced that the Council would meet as necessary to ensure compliance with that mandate. SC Res 660 (1990), reprinted in (1990) 29 ILM 1325.

This action by the Security Council initiated a protracted series of at least 16 resolutions aimed at condemning various policies and activities by Iraq and at taking measures to compel that government to cease, desist and amend its transgressions against Kuwait, and later, human rights abuses against its own citizens. Taken in tandem, these Security Council resolutions established the legal mandate through which international economic sanctions were prosecuted against Iraq.

The Council subsequently adopted SC Res 661 (6 August 1990), which imposed comprehensive economic sanctions against Iraq and Kuwait under Chapter VII of the Charter. See SC Res 661 (1990), reprinted in (1990) 29 ILM 1325. The Council also established a Sanctions Committee to monitor implementation of and compliance with the mandatory measures. The prescript of this resolution furnishes the foundation upon which the sanctions regime against Iraq was constructed. For discussion see Stromseth JE, "Iraq's Repression of Its Civilian Population: Collective Responses and Continuing Challenges", in Damrosch LF (ed), *Enforcing Restraint: Collective Intervention in Internal Conflicts* (1993), p 77.

condemnation of Iraq and the impressive scope of UN-approved actions taken against that State, certain lessons from the Iraqi experience for UN sanctions operations in general are apparent. The caveat here, of course, is that broad inferences as rules for any or all sanctions operations are limited; the circumstances impelling sanctions against Iraq are particular to that case alone.³¹

The “Year of the Security Council Sanction” might be an apt description of 1992, since on at least four occasions during that year the Council invoked its authority under Chapter VII and decided to impose special sanctions against certain States. In January 1992, the Security Council imposed sanctions in the form of a mandatory arms embargo against Somalia.³² The rationale for doing so stemmed from the internal violence in that country, and the aim of “establishing peace and stability” there.³³ Another UN Security Council order imposed sanctions against Libya in March³⁴ on account of that government’s support of international terrorism and its refusal to surrender to the United States or to the United Kingdom two Libyan nationals indicted for the bombing of the Pan Am 103 aircraft over Lockerbie, Scotland in December 1989.³⁵ The Security Council then imposed sanctions in April 1992 against the government of Serbia in reaction to its aggression against and massive violations of human rights in Bosnia and Herzegovina.³⁶ These sanctions followed a general and

31 Other relevant sanctions resolutions adopted by the Security Council to deal with Iraq include SC Res 670 (25 September 1990), SC Res 686 (2 March 1991), and SC Res 687 (3 April 1991).

32 SC Res 733 (23 January 1992).

33 SC Res 733 (1992), para 5. For discussion, see Clark J, “Debacle in Somalia: Failure of the Collective Response” in Damrosch, n 30 above, p 205.

34 SC Res 748 (31 March 1992) reprinted in (1992) 31 ILM 749.

35 Other Libyan-related sanctions resolutions include SC Res 731 (21 January 1992) and SC Res 883 (11 November 1993). For an assessment of the international legal implications of this episode, see Joyner CC and Rothbaum W, “Libya and the Aerial Incident at Lockerbie: What Lessons for International Extradition Law?” (1993) 14 *Michigan Journal of International Law* 222.

36 See SC Res 713 (25 September 1991), SC Res 757 (30 May 1992), and SC Res 787 (16 November 1992) all reprinted in (1992) 31 ILM 1427. The Serbian parties to the conflict in Bosnia were seen by the Security Council as the principal perpetrators of the war. Accordingly, comprehensive mandatory economic sanctions were imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro). These sanctions included the prohibition of all trade and financial transactions with the Federal Republic of Yugoslavia (FRY), a total ban on flights to and from the territory of the FRY and the obligation by UN Member States to reduce diplomatic, cultural and sporting contacts with that State.

In response to continued belligerence of the Bosnian Serbs, stronger sanctions were authorised by the Security Council against the FRY on 17 April 1993, which went into effect on 27 April. See SC Res 820 (17 April 1993). These 1993 UN sanctions include a worldwide freeze on all Yugoslav assets, and seizure of all Yugoslav aircraft, ships, trucks and other vehicles on foreign territory. In addition, the new sanctions ban shipments of most goods by air, land, and water to and from Yugoslavia, block shipping through Yugoslavia via the Danube River, forbid foreign vessels from approaching within 12 miles of Yugoslavia’s Adriatic coast, and specify strict new penalties for persons or States that violate the trade ban. Medicine, food and humanitarian supplies and service are exempt from the

complete arms embargo on the former Republic of Yugoslavia that had been approved by the Security Council in September 1991.³⁷ The fourth episode came in November 1992, as the Security Council directed a sanctions action against Liberia.³⁸ Like Somalia, the internal turmoil in Liberia had disintegrated into wide civil war. In reaction the Council imposed an arms embargo "for the purposes of establishing peace and stability" there.³⁹

The Security Council also actively imposed sanctions during 1993. In June 1993 the Security Council determined that the military government in Haiti and its human rights abuses against the Haitian people constituted a Chapter VII threat to international peace and security. Accordingly, the Council authorised sanctions against Haiti to further the "emerging right to democratic governance" there.⁴⁰ The sanctions implemented a mandatory oil and arms embargo against Haiti to pressure the de facto government into permitting the return of Haiti's elected President, Father Jean-Bertrand Aristide, who had been deposed in a military coup in September 1991.⁴¹ These measures were lifted with the return of the Haitian government to Aristide in September 1994.⁴²

Another set of limited sanctions were imposed in June 1993 against Rwanda, as the Security Council mandated the UN Observer mission sent there to verify that no military assistance, especially that of "lethal weapons and ammunition", was crossing Rwanda's borders.⁴³ Tragically, the mandatory arms embargo came too late to deter the genocidal murder of some 500,000 Rwandans during 1993 and the humanitarian crisis since then in the refugee camps along the Rwanda-Zaire border.⁴⁴ Similarly, renewed civil war in Angola provoked the Security Council to take action against that State later that year. In September 1993 sanctions were imposed under Chapter VII in the form of an embargo on arms and related material, military assistance, petroleum and petroleum products.⁴⁵ This UN embargo, which specifically was targeted at the National Union for the Total Independence of Angola (UNITA), applies to all Angola,

sanctions. See Ottaway DB, "New Yugoslav Sanctions Take Effect", *Washington Post*, 27 April 1993, p A-1. See also Steinberg JB, "International Involvement in the Yugoslavia Conflict" in Damrosch, n 30 above, p 27. For an assessment of the human rights implications of the Bosnian tragedy and the motivations for UN sanctions, see Joyner CC, "Enforcing Human Rights Standards in the Former Yugoslavia: The Case for An International War Crimes Tribunal" (1994) 22 *Denver Journal of International Law and Policy* 235.

37 SC Res 713 (25 September 1991).

38 SC Res 788 (19 November 1992).

39 SC Res 788 (19 November 1992), para 8.

40 SC Res 841 (16 June 1993), reprinted in (1993) 32 ILM 1206. See Franck TM, "The Emerging Right to Democratic Governance" (1992) 86 *American Journal of International Law* 46 at 46.

41 SC Res 841, n 40 above. Other Security Council resolutions relating to the UN sanctions imposed against Haiti included the following: SC Res 861 (1993); SC Res 873 (1993); SC Res 875 (1994); SC Res 917 (1994); and SC Res 944 (1994).

42 SC Res 944 (1994).

43 SC Res 846 (22 June 1993), para 3.

44 See also SC Res 812 (12 March 1993).

45 SC Res 864 (15 September 1993).

save for a list of designated entry places provided by the Angolan government. The embargo remains in force to date.⁴⁶

IV. Enhancing the Effectiveness of Collective Sanctions

A. Components of a sanctions operation

The array of economic measures available to the United Nations for strengthening the effectiveness of a Security Council-mandated sanctions operation is impressive. In the first instance, a boycott can be implemented against a target State's commerce. A complete prohibition on the import of all commodities and products originating in the target State can be imposed by Security Council resolution.⁴⁷ Such action should be directed at halting sales of critical commodities needed by the target State for securing foreign exchange earnings. No exceptions should be granted to the boycott. Even so, the Security Council could authorise the designated Sanctions Committee to approve exceptions in order to permit adequate financial resources by the target State for meeting essential medical and humanitarian needs.⁴⁸ Any associated activities by nationals of Member States intended to promote the export or shipment of prohibited commodities and products should be forbidden.

The practical effectiveness of a sanctions operation can also be reinforced by imposing an embargo against the export of goods or services to the target State.⁴⁹ Such a ban would also extend to any activities intended to facilitate the sale or supply of black-listed items to that State. Although an embargo should be total in scope, provisions can be made for possible exceptions on grounds of humanitarian aid or medical supplies. Such exceptions must be authorised by approval of the appropriate Sanctions Committee after consultation with the Security Council.

46 It is unusual for the Security Council to target sanctions against a particular political group, rather than the government of a State. Such an effort by the Security Council can only be successful if it comes with the full cooperation of the government of the State in question. In instances where no stable or effective government structure is in place—for example Somalia during 1993, Liberia during 1993 and Rwanda during the massacres of 1994—enforcement of a UN-mandated sanctions regime against a particular political faction would be impossible to enforce.

47 See eg, SC Res 661 (1990), para 3(a) for the case of Iraq. In the case of Libya, SC Res 748 (1992) aims mainly to deny permission to Libyan aircraft to take off from, land in or overfly States' territory, as well as prohibit the supply and servicing of aircraft and components to Libya. SC Res 748 (1992), para 4. For Serbia, air restrictions are stipulated in SC Res 757 (1992), para 4.

48 See eg, SC Res 687 (1990), para 23 for Iraq; SC Res 748 (1992), para 4(a) for Libya; SC Res 757 (1992), para 5 for Serbia.

49 The sanctions against Haiti illustrate this case. The main thrust of Security Council coercion here was the prohibition against States selling petroleum or petroleum products to Haiti. Prohibitions were also placed on the sale of arms or military equipment to the unlawful Haitian military government. SC Res 841 (1993), para 5.

UN sanctions against a deviant government might also include financial restrictions. To intensify economic isolation, a complete ban could be imposed on all financial transactions and transfers of funds to the target government or to any other entity in that State.⁵⁰

Still another means for enhancing the efficacy of UN-mandated sanctions involves imposition of contract restrictions on pre-sanctions commercial arrangements with the target State. For example, an international sanctions order by the UN Security Council could stipulate that its provisions must be upheld by all governments irrespective of any contract entered into or license granted before the sanctions order was adopted.⁵¹ Such a stipulation would aim to suspend any and all contractual obligations held by States or their nationals with the target State that might undermine the sanctions regime.

Imposition of a multinational naval interdiction, if needed, could be approved by the Security Council to prosecute a sanctions operation. In order to tighten enforcement of the sanctions, cargoes and destinations must be verified by national government officials so that strict compliance with sanctions provisions in the appropriate Security Council resolution can be ensured.⁵² Authorisation can also be given to detain vessels of the target State that are implicated in violating the sanctions order, and which have entered foreign ports.⁵³

To complement the naval interdiction, an air embargo might also be imposed. Under the terms of a sanctions order, governments would refuse permission for take-off of any aircraft from their territory that might carry cargo to or from the target State, unless that shipment had been specially designated and approved in conjunction with authorised humanitarian or medical efforts. States would also deny overflight permission to any aircraft bound for the target State, unless inspection of its cargo at a designated airfield determined that such cargo did not violate sanction prohibitions. Supervision of the air embargo should be entrusted to the Sanctions Committee, which would be authorised to receive reports of implementation measures taken by participating States.⁵⁴

Another aspect of strengthening the effectiveness of a UN sanctions operation involves travel restrictions. As a matter of course, travel restrictions to and from a target State should be imposed on an individual basis by governments, in support of the broader aims of the sanctions program. Notable

50 As, for example, the measures authorised against Iraq in SC Res 661 (1990), para 4 and those against Haiti in SC Res 841 (1993), para 8.

51 This was done in the case of Iraq by SC Res 661, para 5 and for Serbia in SC Res 757, para 11.

52 A naval interdiction was established for Iraq by SC Res 665 (1990), para 1. For Serbia see SC Res 757 (1992), para 12, and for Haiti see SC Res 841 (1993), para 6.

53 In the case of Iraq, see SC Res 670 (1990). For Serbia, see SC Res 787 (1992), paras 12 and 13 and SC Res 820 (1993).

54 In the case of Iraq, an air embargo was imposed by SC Res 670 (1990). Similarly, such an air embargo was the main sanction directed in SC Res 748 (1992) against Libya and by SC Res 757 (1992), para 7(a), against Serbia.

exceptions might be made for diplomatic initiatives and evacuations of third-country nationals.

Imposition and strict enforcement of an embargo on military arms remains critical to any international sanctions effort. The appropriate embargo provision on commodities and products should include weapons or any other military equipment as prohibited items.⁵⁵ Depending on the special circumstances of a target State, this dimension of the operation could be expanded to include a more detailed listing of prohibited items, including conventional arms and ammunition, weapons of mass destruction, ballistic missiles and services related to technical support and training.

B. International enforcement

1. The Sanctions Committee

Monitoring the effectiveness of UN-imposed sanctions is done through the Security Council's creation of a special committee on sanctions, on which are included all members of the Security Council. The mandate of this sanctions committee should include review of the responses from States concerning measures taken in support of the sanctions resolution and acquisition of further information about the implementation process as required.⁵⁶ Observations and recommendations based on the Sanctions Committee's findings can then be conveyed to the Security Council for deliberation and further action, if necessary.

The scope of a Sanctions Committee's activities can be broadened in subsequent resolutions to include regular briefings by the Secretary-General on matters related to humanitarian assistance.⁵⁷ Authority can also be granted to the committee to examine and recommend appropriate action regarding requests made by States under Article 50,⁵⁸ and responsibility can be assigned for monitoring and approving flights by aircraft to or from the target State.⁵⁹ The committee might also be charged with the duty of approving select exceptions in cases of humanitarian assistance.⁶⁰

55 For Iraq, an arms embargo is mandated by SC Res 661 (1990), in para 3. For Libya, an arms embargo is affirmed in SC Res 748 (1992), para 5. For the Federal Republic of Yugoslavia (Serbia), an arms embargo is mandated by SC Res 713 (1992), para 6. An arms embargo comprises the sanctions against in Somalia in SC Res 733 (1992), para 5. Similarly, the arms embargo entails the essential sanction against Liberia in SC Res 788 (1992), para 8.

56 Separate Sanctions Committees have been formed to deal with major sanctions operations. For Iraq, see SC Res 661 (1990), para 6. For Libya, see SC Res 748 (1992), para 9. For Serbia, see SC Res 724 (1992), para 5(b) and SC Res 757 (1992), para 13. For Haiti, see SC Res 841 (1993), para 8.

57 For example, this was done for Iraq through SC Res 666 (1990), para 3.

58 See SC Res 669 (1990), at Preamble, para 5.

59 For Iraq, see UN SC Res 670 (1990), para 3; for Serbia, see SC Res 757, para 13.

60 Such exceptions are exemplified for Iraq by SC Res 687 (1990), paras 20 and 23; for Serbia by SC Res 757 (1992), para 13; and for Haiti by SC Res 841 (1993), para 10(d).

The ability of a sanctions committee to facilitate implementation of the sanctions by national governments is carried out largely through the reporting requirement⁶¹ and the possibility of inflicting negative publicity on governments whose efforts fall short of the requirements.

2. *The Military Staff Committee*

The Military Staff Committee (MSC) was created by the UN Charter for the purpose of advising the Security Council on military matters, particularly as regards the command and deployment of military forces under Council control. Article 47(2) of the Charter specifies that the MSC is comprised of the chiefs of staff of the five permanent members of the Security Council, or their representatives. The Chairmanship rotates on a monthly basis.

Paralysis of the Security Council during the Cold War decades, coupled with the failure to develop the military arm of the Council as envisaged in Articles 43 to 48 of the Charter, has rendered the MSC moribund. It does meet, but only occasionally, on a junior level, without any pressing mandate or decision-making authority. The recent UN sanctions operations have prompted agreement by the United States and Russia to re-examine the MSC in light of coordinating States' implementation of the military-related provisions of Security Council resolutions,⁶² but no new sanctions role yet has been assigned to the MSC. In point of fact, the committee's precise usefulness for enforcing UN sanctions efforts remains undefined.

The Sanctions Committee and the MSC are both intended as mechanisms designed to coordinate and facilitate the implementation of sanctions measures by States. The hope here is to make possible a more unified response. As with any international body, however, the power of the Sanctions Committee and MSC rests wholly on the political willingness of governments to delegate authority to them and thereby to accept their decisions and guidance. As one might have anticipated, that power has been noticeably limited in recent UN sanctions efforts, as national governments have preferred to retain operative control of sanctions operations through their own domestic laws and regulations.

C. National enforcement

The enforcement measures treated thus far consist largely of decisions taken by the United Nations Security Council under the mandate and authority of relevant provisions in the UN Charter. Importantly, these measures are binding upon member governments and carry the full force of law. The effects of sanctions measures, however, cannot be appreciated without noting that their actual implementation must take place at the national level. It is at the level of individual State governments where Security Council orders are translated from

61 Reporting requirements are found in the following cases: For Iraq, SC Res 687 (1990), para 6; for Libya, SC Res 748 (1992), paras 8 and 9. For Serbia, SC Res 757 (1992), paras 12 and 13; and for Haiti, SC Res 841 (1993), para 10.

62 See Lewis P, "Soviets Seek Meeting of UN Military Panel", *New York Times*, 11 October 1990, p A19 and Lewis P, "US Seeks to Revive Panel that Enforces UN Decrees", *New York Times*, 19 September 1990, p A11.

fiats into viable sanctions policies. Indeed, it is at the national level where decisions to comply with and enforce sanctions orders become critical considerations.

Each national government has developed its own particular means for implementing United Nations sanctions. Take, for example, the United States. The United States Government, as a leading advocate in recent years for imposing sanctions against deviant States, finds its legislative basis for implementing sanctions in four principal acts, three of which were invoked in responding to recent crises pertaining to Iraq, Libya, Serbia and Haiti. The International Emergency Economic Powers Act (IEEPA)⁶³ authorises the President to investigate, regulate, or prohibit transactions with a particular country if a situation exists which threatens American national interests. To invoke these powers, a national emergency must be declared through the issuance of an Executive Order in accordance with the National Emergencies Act (NEA).⁶⁴ Authorisation to impose sanctions in accordance with a mandatory decision by the UN Security Council is also granted to the President by virtue of the United Nations Participation Act (UNPA).⁶⁵ Although not invoked during recent UN sanctions episodes, additional basis for the regulation of economic relations is provided by the Trading with the Enemy Act (TWEA),⁶⁶ which becomes operable only after a formal declaration of war by the Congress.

While each State retains the sovereign right to implement international sanctions however it sees fit, the fact remains that participating governments must legislate the ways and means to enforce UN-mandated sanctions regulations. Whether by executive degree or legislative fiat, this facet of an international sanctions operations remains crucial for ensuring its enforcement.

Notwithstanding the critical role of national enforcement, the importance of international coordination should not be undervalued. Coordinated administration and oversight remain essential for the effectiveness of a sanctions regime, especially given inherent differences in existing national legislation, individual legislative processes, and bureaucratic capabilities to adjust to complex implementation measures.

V. Factors Strengthening Enforcement of Sanctions

Having set forth the scope, authority, and implementation of international sanctions, it is useful to consider how practical enforcement can be made to actually work. Underlying this analysis is a fundamental set of questions: Why do governments opt to comply with a Security Council order for sanctions against a certain State? What makes a particular case so different from others, such that numerous national governments might be persuaded to undertake sanctions against a target State and in fact will take national action to implement

63 50 United States Code (USC), ss 1701-06 (1982).

64 50 USC ss 1601-51.

65 22 USC ss 287-87(e).

66 50 USC App 5(b) (1982).

and enforce such sanctions? What combination of political, legal and economic factors can enhance the political efficacy for an international sanctions mandate, and how might those factors be translated into viable policy preferences in the future?

To address these questions, a number of factors bolstering the effectiveness of international sanctions are first examined, after which the means applied for enforcement of a sanctions operation are assessed. Treatment is then given to considerations that could lure governments into intentionally violating UN sanctions efforts. Finally, before drawing lessons from recent UN sanctions episodes, the conditions that impinge upon the political effectiveness of sanctions are gauged in order to point up obstacles that can impact upon official assessments of a sanctions regime.

A. Inducing State compliance

The real effectiveness of international sanctions essentially turns on the decision-makers in national governments, who must weigh the likely costs versus benefits for a particular policy in light of their State's national interests. Several factors must be taken into account by a government in deciding whether to support international legal principles, or to improve potential economic benefits by ignoring or violating such principles. Indeed, resort to sanctions and inducements by international bodies such as the United Nations represents an explicit attempt to alter this cost-benefit calculation. In the case of sanctions, penalties that would make violation costly are detailed, whereas in the case of inducements, benefits are offered with the intention of enhancing the value of compliance.⁶⁷

It is often suggested that compliance with international legal principles is usually the norm, and that governments voluntarily give up anarchy and accept international law as the price of membership in international society.⁶⁸ The calculus by a government to comply with a UN sanction order, however, may not be perceived as being so simple or straightforward a shared duty. Certain considerations can sway a government's decision in either direction. Included among such factors are:

- (1) Knowledge of both the norm in question and the penalty for violation;
- (2) The status of the authority in terms of legitimacy;
- (3) The status of the norm;
- (4) The motivation and competence of the authority to detect violation of the norm, to apply sanctions, and to effectively enforce the sanctions;
- (5) The estimated impact of the sanctions on the State; and

67 See Young O, *Compliance and Public Authority: A Theory with International Application* (1979), pp 20-21.

68 See generally Henkin L, *How Nations Behave*, 2nd ed (1979); and Joyner CC, "International Law and the Conduct of Foreign Policy" paper prepared for the Conference on International Law and Australian Foreign Policy, Australian Defence Force Academy, 10 July 1995, Canberra, Australia.

(6) The value of the non-conforming conduct.⁶⁹

It seems a reasonable presumption that governments implicitly or explicitly assess these variables in deciding the values and virtues of compliance. Given that most international law actually is obeyed routinely by governments, several factors figure into this cost-benefit decision and explain why compliance is usually the preferred choice. These factors often become grounded in political pragmatism.

1. *Self-interest*

The international system is comprised of independent sovereign States. Such polities would appear to have little incentive to accept obligations to a system of international law unless certain real, tangible benefits were perceived as being derived. To sway a government's decision to comply, these benefits would have to outweigh clearly perceived advantages to be gained from violating norms.

High among the benefits derived from compliance is the predictability of interrelations that adherence to international legal rules brings. International law establishes a framework for conducting orderly relations with other States, including the facilitation of such important activities as trade, diplomatic exchanges, and travel. The notion of reciprocity also comes into play, as it creates expectations on the part of governments that others will comply with international norms as well. By so doing, each government may partake in certain benefits from international intercourse that otherwise would not be attainable.⁷⁰

Economic considerations weigh heavily in consideration of national interest and carry great influence on a State's decision to comply. In most cases, the growing interdependence of the world economy creates a common desire among governments for friendly and cooperative relations in order to foster productive economic intercourse. Organisations such as the International Monetary Fund, World Bank, and International Civil Aviation Organization confer particular benefits to members, but can impose the penalty of exclusion on States who fail to comply with norms, thus causing them to forfeit the benefits.

In the case of contemporary UN sanctions, self-interest plays a pre-eminent role. In each sanctions case, governments perceive that a fundamental norm of international order, namely Article 2(4) of the UN Charter,⁷¹ has been violated, and that a legal remedy is required. It is this condition that permits the Security Council to resort to a Chapter VII use of economic sanctions against a government seen to be engaged in such unlawful activities. Some governments may be concerned about becoming the target of UN punitive measures

69 Doxey M, n 11 above, pp 532-35.

70 For instance, there are the benefits of diplomatic and sovereign immunities.

71 Article 2(4) is the key provision in the UN Charter prohibiting the use of force. In full, it provides that:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

themselves, and can thus be persuaded to uphold the sanctions, thereby validating the legal rules involved.

2. Peer pressure and public opinion

The political effectiveness of sanctions may also be bolstered from peer pressure and public opinion at both the domestic and international levels. Governments are concerned about national honour and prestige. Thus they often opt to take the particular course of action that they perceive as optimally benefiting their standing in the world community.

Public opinion in one State can demand a response by the nation's leadership to a brutal or repulsive act by another government, resulting in sanctions measures. Fear of acting in opposition to world public opinion may likewise produce similar effects. As a prime example, the international effort against Saddam Hussein gained considerable momentum when allied prisoners of war were paraded before Iraqi television cameras as the world watched in horror and outrage.

3. Ethics and morality

While it remains difficult to speak of a single code of international ethics, some notion clearly exists of a body of international standards being widely accepted by States. In a real sense, these standards are linked to world public opinion, which is said to reflect the conscience of mankind. More concretely, however, the standards set by international law in the form of treaties, custom, and general principles of law convey a sense of the "values" adopted by the world community. Among such values are included peaceful relations, non-intervention, respect for human rights, peaceful settlement of disputes, and respect for national sovereignty.

In this connection, the brutal invasion of a tiny State by an aggressive neighbour led by a man portrayed as a murderous dictator can easily be seen as shocking the conscience of nations. The subsequent looting of Kuwait, gross mistreatment of hostages, the "human shield" policy, and bellicose statements from Baghdad accomplished little in the way of reassuring the world community that Iraq would conform to international standards. The desire of some governments to alert Iraq as well as the rest of the world that such activities were wholly inappropriate became a real factor in galvanising compliance with the UN sanctions effort. The senseless terrorist violence of bombing a civilian aircraft no doubt contributed to making the case for sanctions more compelling against Libya. Similarly, widespread reports of murder, torture, rape, mass executions, and other brutalities of "ethnic cleansing" by Serbians against Bosnian Muslims during 1992-93 shocked the conscience of public opinion, and persuaded governments to use the Security Council to enact international sanctions against Serbia. Finally, in the case of Haiti, those sanctions were premised on the need to halt the "climate of fear of persecution and economic dislocation, which could increase the number of Haitians seeking refuge in

neighbouring Member States".⁷² In essence, this objective became widely translated into the need to restore democratic government to the island.

4. *Legitimacy of authority*

Sanctions have often been employed as instruments of foreign policy by an individual government in pursuit of its own national ends. A marked distinction must be drawn between such unilateral cases of economic coercion, which fall more under techniques of economic warfare, and the mandatory enforcement actions taken by the Security Council in accordance with the UN Charter. The latter holds an authoritative basis in a multilateral treaty that is binding upon nearly all the world community. This fact of near universality thereby conveys an extraordinary degree of legitimacy for that act throughout the international system. The fundamental concept at work here is *pacta sunt servanda*, the principle that treaties agreed to in good faith are legally binding on the parties.⁷³ The UN Charter is such an agreement, and all members are obligated to abide by the decisions of the Security Council as lawful commands.

When weighing whether to comply with UN sanctions, governments clearly are mindful of the duty under international law to uphold their treaty obligations, lest their national credibility be damaged with regard to the fulfilment of other obligations. The Security Council reminds States of this principle in each sanctions resolution, which calls for the participation of all States in the sanctions effort and specifically implies that violators themselves could be made subject to Security Council action.

Taken together, these factors concerning national self-interest, international peer pressure, domestic and world public opinion, the notion of international "justice" and the lawful basis of authority can all combine to enhance the political effectiveness of Security Council sanctions. Each factor has been evidenced in recent UN sanctions episodes. Moreover, each has contributed to the development of a salient international effort both to induce compliance by other States and to enforce the respective sanctions regulations.

5. *Intimidation through enforcement means*

The actual means by which international sanctions can be enforced by enjoining governments take various forms, on different levels. On each level, a government may be embarrassed into stricter compliance if exposed as being derelict in its enforcement duties.

Financial and trade restrictions will likely be enforced at the national level, since such transactions are regulated by the domestic laws of States. At the international level, perhaps the most visible means of enforcement will be the naval interdiction. Naval forces, comprised of warships from various governments, should be authorised to use the minimum force necessary to halt any shipments of cargo in violation of the UN resolutions. Signals to suspect

72 SC Res 841, Preamble.

73 This is also related to the "law abiding habit" of nations. See Higgins AP, *The Binding Force of International Law* (1910), p 36; Young, n 67 above, p 24.

vessels would first be given by radio, loudspeaker, flags, or other means, including warning shots across the bow. Suspicious ships could then be boarded to inspect the cargo.⁷⁴ Vessels found in violation of the sanctions can either be turned away or impounded by the interdiction force.

An international sanctions effort can also be assisted by reconnaissance technology. Observation aircraft and satellites can be used to monitor aircraft, ships, and vehicles attempting to break the embargo. By publicly announcing suspected violations, enforcer governments hope to embarrass a delict government such that it will enact tighter national enforcement measures, and comply more diligently with the sanctions.

B. Factors inducing violation

There are instances when a government might conclude, based upon its appraisal of the cost-benefit question, that violation of international law produces greater advantages than does compliance. If, for instance, a government seeks to aggrandise power or territory, or hopes to gain some more immediate geopolitical advantage, national interest might be perceived as overriding international obligations. Factors that might particularly appeal to a decision not to comply would include excessive economic costs from the sanctions, lack of political will on the part of the government, lack of clarity of norms allegedly violated and insufficient commitment among States to generate an international consensus to impose sanctions.

1. Costs

The cost dimension is especially salient as a consideration. It is not unusual for international sanctions to spin-off very high costs on enjoining States, which can exact weighty impacts on their national economies. Furthermore, if costs are high, and the sanctions effort persists over a prolonged period, the likelihood progressively grows that an enjoining State's resolve will weaken. Such a situation might also occur if the burden of sanctions is disproportionately distributed among the enjoining governments.⁷⁵

74 See Gordon MR, "Navy Begins Blockade Enforcing Iraq Embargo", *New York Times*, 17 August 1990, p A10.

75 These negative costs were apparent in Romania's response to the Iraqi sanctions. Although Romania did in fact join the sanctions effort, its government, in detailing national implementation measures to the Sanctions Committee, stressed the extreme difficulties caused by the UN enforcement action to its economic reform program. In particular, Romania cited losses and expenses of \$2.9 billion, broken down as follows:

- \$1.7 million—Iraqi debt to Romania, to have been paid by oil shipments;
- \$46.1 million—goods specially designed for Iraq and Kuwait with no other export market;
- \$142.6 million—value of interrupted construction projects and technical assistance in Iraq;
- \$64.7 million—value of abandoned equipment and material in Iraq;
- \$200.6 million—bank guarantees and blocked assets;

The importance of the cost consideration is addressed by Article 50 of the UN Charter, which allows States to request assistance if they are adversely affected by mandatory enforcement measures.⁷⁶ Such requests are reviewed by the appropriate Sanctions Committee,⁷⁷ and liability for damages may be assessed against the target State. The Security Council may also create a compensation fund and establish procedures for lodging claims.⁷⁸ Other measures taken by States to lessen the economic impacts on enjoining States include increased opportunities to offset displaced goods and low-cost lending by the International Monetary Fund and the World Bank.⁷⁹

2. Political will

A second factor that can induce violation of sanctions is the lack of political will of a particular government. Even if a State has the necessary implementation mechanisms in place in its domestic law, the degree to which such measures are enforced depends mainly on the earnest commitment of the leaders of that government. Reluctance to enforce regulations might not be expressed in public statements supporting the sanctions, but they will become evident by a government's lengthy delays in actually implementing sanctions regulations.⁸⁰

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- \$746 million—increased price of crude oil from August to December 1990 as compared to pre-crisis levels.

Given these costs, government officials forecast a negative impact of 14 per cent on the GNP of Romania. Clearly, when States face costs of this magnitude, the decision to comply will be far more problematic. See "Security Council Committee Established by Resolution 661 (1990) Concerning the Situation Between Iraq and Kuwait" UN Doc S/AC.25/53 (1990), (reply of the Romanian Government to a Security Council questionnaire concerning the implementation of Council Resolution 661).

76 In full, Article 50 provides that:

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

77 See "Remarks of Gilberto Schlittler" (1991) 85 *Proceedings of the Annual Meetings of the American Society of International Law* 175–81.

78 SC Res 687, paras 18 and 19.

79 See Nanda V, "The Iraqi Invasion of Kuwait: The UN Response" (1991) 15 *Southern Illinois University Law Journal* 431; and Ibrahim YM, "OPEC To Increase Oil Output to Offset Losses From Iraq", *New York Times*, 30 August 1990, p A1.

80 Examples of this situation in the case of Iraq were evidenced in the actions of Jordan and Germany. Jordan, a border State and major trading partner of Iraq, found itself in a difficult position given its economic ties and the intense domestic pressures from its large Palestinian community, which supported Iraq. The result was a delay in implementing Resolution 661 in order to "study" it more closely. See Treaster JB, "Goods Reach Iraq Through Jordanian 'Back Door'", *New York Times*, 15 August 1991, p A19. Germany, on the other hand, was accused of permitting its nationals through lax enforcement to conduct trade with Iraq after the imposition of sanctions. Press reports alleged that at least 12 firms had broken the embargo, but that the German government's resolve was not sufficient to tighten enforcement of the restrictions. See Widman M, "German Business Groups

The willingness of governments to apply and enforce sanctions is of course the key to making a UN sanctions functionally effective. Words from a Security Council resolution are not sufficient to impose sanctions. Action by member governments to that end is necessary. If that action does not come from a government because it lacks the political commitment to make it happen, a UN sanctions effort will be debilitated that much more.

3. *Weak international consensus*

A third factor sometimes complicating the effectiveness of a UN action relates to the strength of international consensus supporting the goals, objectives, and means of the sanctions effort. The absence of clearly defined intentions could weaken the effort by creating a situation in which governments are asked to expend great time and expense to support of an ill-conceived enforcement action. Given the extraordinary degree of consensus and broad support for imposing UN sanctions, this factor has yet to arise as a significant impediment for some sanctions, for example, those against Iraq or Libya.⁸¹ In the case of Serbia, however, the politically-involved role of Russia has proved far more problematic and has made sanctions against the Federal Republic of Yugoslavia notably less than successful.

C. The balance sheet

Analysis of contemporary UN sanctions episodes points up particular lessons from those cases, as well as general trends for the broader notions of security regimes and compliance enforcement. The effectiveness of UN-mandated sanctions appears more enhanced under certain conditions and circumstances. Accordingly, some specific observations concerning the scope and efficacy of international sanctions operations can be posited.

1. Governments appear more likely to respond positively to and mobilise for sanctions when an action by another government explicitly and overtly violates international norms. Iraq's invasion of Kuwait, for instance, was widely viewed as a flagrant violation of the territory of a sovereign State and was justified by

Calling for Tighter Controls on Exports", *Journal of Commerce and Commercial*, 30 January 1991, p 5A.

Subsequent reports indicate that Iran may be importing oil from Iraq in violation of the sanctions regulations. See Smith RJ, "Iraq Shipped Oil to Iran, US Alleges", *Washington Post*, 31 March 1993, p A1.

81 Goals can, however, change during the actual sanctions operation. For example, when the Iraqi sanctions began, the goal was chiefly to oust Iraq from Kuwait and to restore Kuwaiti sovereignty. Following the end of the Persian Gulf War in 1991, the subsequent goal of sanctions has become the disarmament of Iraq and inferentially the ouster of Saddam Hussein, albeit no resolution has directly alluded to this possibility. See Hoffman D, "Bush Favors Keeping Most Sanctions On Iraq", *Washington Post*, 21 May 1991, p A16; and Rosenthal A, "US Said to Want Sanctions Kept After A Pullout", *New York Times*, 14 December 1990, p A14. More recently, the United States indicated that it is no longer demanding the removal of Saddam Hussein as a condition for ending the sanctions against Iraq. See Smith RJ, "Clinton Administration Plans to Shift Iraq Policy Focus Away from Saddam", *Washington Post*, 27 March 1993, p A1.

Iraq on highly contentious historical grounds. Likewise, the brutal practices by Serbian forces associated with "ethnic cleansing" against Muslims in Bosnia were seen as egregious violations of human rights. Though less horrendous, the Libyan government's refusal to accede to the Security Council's demand that two of its nationals be surrendered for trial (on charges relating to an act of international mass murder) constituted a clear breach of UN Charter law. Similarly for Haiti, the refusal by its military government to accede to the Security Council's demand that President Aristide be returned to rightful power was a delict. On the other hand, an action that involves complex or convoluted legal questions—or possibly even a legitimate dispute over interpretation of those questions—can impede development of a strong international consensus. The point is that sanctions appear to enjoy greater prospects for implementation when the acts in question clearly violate international norms and standards and shock the "conscience of mankind".

2. For effective sanctions action to occur, it is essential for a consensus to develop promptly. Here, too, the Iraqi and Serbian episodes are apt examples. Iraq was condemned by practically all governments for its invasion of Kuwait very early on, as was the government of Serbia for its complicity in the policy of ethnic cleansing in Bosnia. Swift, sure condemnation leaves no doubt about the international community's opinion. Should delays in implementing sanctions occur, a target government might be able to develop alliances with undecided States. Or it would have additional time to prepare more readily for any forthcoming enforcement action. For Iraq and Serbia, such delays did not occur. Hence, prospects for implementation of and compliance with sanctions apparently tend to increase when international resolve is swift, immediate and consensus-based.

3. Effectiveness is strengthened when sanctions are comprehensive in scope and universal in application. These conditions maximise factors that induce compliance and minimise those which might induce violation. The Iraqi sanctions were unique in that they affected virtually every aspect of economic relations and were applied simultaneously, by practically all governments. Previous sanctions operations against Rhodesia and South Africa had utilised a more gradual approach, often by tightening sanctions piecemeal over time. This strategy had also permitted the target governments extended opportunities to develop evasion strategies. The Iraqi case apparently demonstrates that the effectiveness of enforcement may be heightened when sanctions are comprehensively and universally applied. It remains too early to determine how well this lesson has worked for the sanctions against Libya and Serbia, as well as for the more limited arms embargoes against Somalia, Liberia, Angola or Rwanda.

4. Public opinion can furnish vital support for the force of international law. While this is certainly not always the case, recent sanctions experience strongly suggests that public opinion plays a role in the policy-making process of States. Saddam Hussein's apparent attempts to win international public support were colossal disasters; his "human shield" policy, his television appearance with hostage children, and his parading of coalition prisoners of war before television

cameras—all these developments greatly exacerbated public disapproval of Iraq's regime and thereby strengthened national policies in support of the UN sanctions. The chief lesson drawn from the Iraqi experience seems obvious: when domestic and world public opinion mobilise to support sanctions against a government to enforce its compliance with international norms, the chances for those sanctions eventually succeeding appear considerably enhanced.

5. The United Nations traditionally has not provided an effective mechanism for authoritatively determining either violations of international rules or assigning penalties to be paid for those violations. The inability of the UN's MSC to play a leading role in the coordination of enforcement activities connected with any UN sanctions operation reveals that national sovereignty remains paramount. It concomitantly suggests that prospects for any kind of supranational body capable of enforcing international law remains far distant in the future. Governments of States decide individually whether, what, and how sanctions measures will be implemented and enforced. This situation no doubt will persist. Enforcement measures will continue to be implemented and coordinated principally by individual governments, rather than be wielded as instruments by some supranational police authority.

6. Recent episodes involving UN sanctions indicate that international adoption of sanctions must be backed up with the international commitment to supply the resources necessary to implement them effectively. The development of a multinational coalition that can supply ships, troops and other means of military support will give meaningful clout to a sanctions operations. Such a coalition will also help fill the void left by the lack of a functional military arm of the Security Council. Without such an international commitment, at least for undertaking a strict program of naval interdiction, enforcement of sanctions measures will be difficult. This realisation thus becomes apparent: governments must be willing to commit resources as required, including military equipment, troops or advisors, to ensure success of efforts to enforce sanctions. In the sanctions directed against Libya and Serbia, similar efforts have been less forthcoming. Effectiveness of those sanctions has suffered accordingly.

7. Certain general conclusions about sanctions operations can also be gleaned from the United Nations' experience. One conclusion concerns the need for concurrence on ways and means of making sanctions operations work. When enforcement measures become necessary, governments must deftly handle promoting agreement on key elements of a sanctions operation. Moreover, Security Council resolutions must not be ambiguous about the motives for imposing sanctions against some State. Resolutions must be worded plainly and clearly about the objectives they seek to attain. A fairly specific statement should also be included about the demands on the target State, that is, what the target government is supposed to do in response to the sanctions. To this end, for example, the objectives of the Iraqi, Libyan, Serbian and Haitian sanctions were explicitly defined in Security Council resolutions,⁸² and States—especially

82 Specifically, SC Res 661 (1990) and SC Res 662 (1990) state the determination of the Council to end the invasion and occupation of Kuwait; to restore Kuwaiti

the United States among the Great Powers—took care to foster consensus in the Security Council as the means of enforcement were expanded. Disagreement in any area might have impinged upon the resolve of States to enforce compliance. Successful compliance with a sanctions operation stands a better chance if objectives, goals, and means are clearly defined and agreed upon.

8. Another general observation pertains to the legitimacy of an international sanctions operation. Opportunities for international compliance with sanctions are enhanced when enforcement measures are derived from the lawful exercise of the Security Council's authority and carry the full force of international law. The advantage to this approach is that it provides the highest degree of legitimacy possible in the international system. Recent sanctions taken against Iraq, Somalia, Libya, Serbia, Liberia, Haiti, Angola and Rwanda—as well as earlier efforts against Rhodesia and South Africa—are not simply part of a policy of economic coercion undertaken by some governments. Rather, these sanctions emerged as an assertion of the international community acting through the established structure of the United Nations. If governments choose to violate the measures, they perforce violate the UN Charter. In doing so, those governments abrogate their duty under *pacta sunt servanda* and jeopardise their overall reputation for upholding treaty obligations. Other governments tend to notice such abrogations, and will no doubt take into account that disregard for legal obligations in later dealings with those States.

9. International economic conditions also require important consideration. In a world system comprised of sovereign States, a government is quite likely to support enforcement of sanctions when its interests are adversely affected by the target State's illegal action. Economic issues are particularly vital. Hence, the fact that oil remains directly connected to contemporary global prosperity played a significant part in mobilising actions to be taken against Iraq. That is, the conquest of Kuwait by Iraq undoubtedly created apprehension about an oil-rich Middle East being overrun by a ruthless and uncooperative dictator. This caused serious economic concern throughout the international community, much more so than the economic considerations attendant to sanctions against Libya or Serbia, or during the Rhodesian or South African sanctions cases. When vital international economic interests are threatened by some situation, participation in a sanctions operation aimed at mitigating that situation appears less onerous

sovereignty, independence, and territorial integrity; and to restore the authority of the legitimate government of Kuwait. SC Res 748 (1992) aims to compel Libya to "cease all forms of terrorist action and all assistance to terrorist groups", and to comply with SC Res 731 (1992) in order that two indicted Libyan nationals might be surrendered to France, Great Britain and/or the United States, "so as to contribute to the elimination of international terrorism". For Serbia, sanctions are intended to bring targeted States into compliance with SC Res 752 (1992), such that concerned parties "stop the fighting immediately" and "bring about urgently a negotiated political solution respecting the principle that any change of borders by force is not acceptable" (SC Res 752, para 1). For Haiti, the purpose of sanctions in SC Res 841 (1993) was limited to pressuring the de facto military government to permit the return of President Aristide, who had been overthrown after being democratically elected in 1991.

to most governments. Hence, compliance with sanctions may be facilitated and their political effectiveness enhanced when a target State's deviant action impacts upon economic issues of concern to global prosperity, above and beyond moral, legal, or ethical concerns.

Since enforcement measures will place certain burdens on enjoining States, the economics of determination should be strong enough to reduce any temptation by governments to avoid participation in the sanctions. Numerous States complying with the Iraqi sanctions measures experienced serious economic repercussions, yet remained steadfast in their support of the enforcement action. Opportunities for enhanced political effectiveness are likely to improve when international determination to punish the violator and to deter future aggression is hard, fast and resolute, irrespective of the economic costs involved.⁸³

10. Another critical consideration turns on the role played by major powers in instigating an international sanctions effort. That the United States has been the "architect" of contemporary UN sanctions operations appears obvious, particularly those efforts against Iraq, Libya, Serbia and Haiti. Great Britain assumed a similar role in the UN sanctions effort against Rhodesia during the late 1960s. The United States, using extensive diplomatic initiatives, political leverage and behind-the-scenes negotiations, seems to have awakened the Security Council from its Cold War slumber and encouraged the most extensive use of its Chapter VII enforcement powers since 1945. Whether these actions produce "successful" results in the long run remains difficult to predict. Still, recent enactment of UN sanctions against certain Member States has clearly been facilitated by political and diplomatic pressure from the dominant Security Council member. One might conclude therefore that opportunities improve for sanctions being effectively implemented when a major power takes the lead in mobilising international action and is able to dissuade or temper political interference by rival powers.

11. The effectiveness of international sanctions is strengthened when economic coercion is carried out by governments that are experienced in sanctions enforcement and possess the required infrastructure and mechanisms to implement sanctions. These conditions, of course, must be augmented by the political will necessary to enforce such measures. The UN sanctions against Iraq, Libya, Serbia and Haiti were implemented swiftly and easily by the United States and other Western governments, due to previous experience and the development of established procedures. For other States, however, the process was more problematic and required new legislative action and extensive assistance with implementation. If adoption of international enforcement measures is to be swift and comprehensive, governments must be prepared to implement and enforce those measures. To this end, the suggestion has been

83 Costs include those to enjoining States, but can also include substantial humanitarian costs in the target State, such as food shortages, health problems, and water purification difficulties. See Murphy C, "Iraqis Say Sanctions Hurt the Wrong People", *Washington Post*, 5 July 1991, p A1; Randal JC, "Iraq Caught in Sanctions Pickle", *Washington Post*, 14 May 1991, p A8.

made for establishing a uniform draft law that would give effect to Security Council resolutions and thereby internationally harmonise national implementation efforts.⁸⁴

12. Regional organisations can play a part in UN sanctions. During the course of the Iraqi operation, a useful role was played by regional organisations such as the European Community and the Western European Union. These organisations became vehicles for implementing European sanctions and demonstrated their worth in providing valuable support to universal enforcement actions.⁸⁵ So, too, were regional efforts significant in the case of sanctions against Haiti. UN sanctions were buttressed by persistent efforts made by the Organization of American States (OAS) to restore the Aristide Government to power. In fact, the OAS under the 1947 Rio Treaty had actually imposed its own sanctions against Haiti prior to those by the Security Council.⁸⁶ Similarly in the case of Liberia, the Eastern Community of West African States played a key role in "peacekeeping" and accommodating a peace process in that country.⁸⁷

This concept of regionalism is perhaps analogous to the "neighbourhood watch" program on the domestic level that seeks to unite residents of a particular neighbourhood in support of city, State, or federal laws. Action by regional organisations therefore assumes an important supplement and added inducement to international enforcement efforts. When genuine involvement by regional organisations in a sanctions operation occurs, members' responses can be harmonised in a forum that is more acceptable to each State and less threatening to its sovereignty.

13. Commitment by the international community must also extend to giving support to States that are adversely impacted by economic repercussions from a sanctions program, but which nonetheless opt to comply with it. No doubt the effectiveness of international sanctions regimes will remain increasingly dependent on mitigating the effects of sanctions on States historically aligned with or bordering on a target State. Serious attention by the Security Council should be given of the economies of these States, in order to prepare inducements that might be needed to keep those governments in line with the sanctions regime. Put bluntly, sanctions are patently weakened if they are not

84 See "Statement of Jeremy Carver" (1991) 85 *Proceedings of the Annual Meetings of the American Society of International Law* 181-83.

85 Interestingly enough, the initiative for imposing trade sanctions against Yugoslavia before the Security Council adopted SC Res 757 (1992) came from a NATO summit held on 8 November 1991. Sanctions were thereupon imposed against Yugoslavia, notwithstanding that as a defence pact NATO does not authorise this power, nor was Yugoslavia a member of NATO subject to collective sanctions, nor was Yugoslavia engaged in an attack on a NATO member that might have triggered some collective actions in self-defence. See (1991) 11 *Bulletin of the European Communities* 91, para 1.4.4.

86 The sanctions by the OAS consisted of a trade embargo, the freezing of Haitian Government assets, the banning of arms sales and the diplomatic isolation of the military junta. OAS Doc MRE/RES/2/91 (8 October 1991). See also UN Doc S/23127 (1991).

87 For discussion, see Wippman D, "Enforcing the Peace: ECOWAS and the Liberian Civil War" in Damrosch, n 30 above, p 157.

widely supported. To ensure such support, the need will always arise to plug leaks in the containment strategy.⁸⁸

In the most extensive case, that of Iraq, the UN Sanctions Committee was entrusted with the task of examining requests from States made under Article 50. Funds to assist such States, however, must originate from members of the international community. If insufficient attention is given to this consideration, governments may be more hesitant to support international action requiring great sacrifice in the future. The costs of domestic economic deprivation would outweigh the benefits of international legal rectitude or political pressure. Stronger international compliance can be won and greater political efficacy of sanctions enhanced, if resolute remedial action and genuine concern by wealthier States is forthcoming for those other countries that experience extreme economic hardships from sanctions enforcement actions.

14. Finally, the Security Council should be given the means to ascertain more precisely the economic, social, and humanitarian impacts made by the sanctions on a target State. Sanctions ostensibly could be made more effective if the Security Council were better informed about the vital sectors of the target State's economy, as well as the effects of sanctions on the general population. Along the same lines, adoption and enforcement by the Security Council of stricter reporting requirements for governments might improve the effectiveness of sanctions by monitoring the actual adherence of States to the collective sanctions mandate.

The point must not be lost that in some cases, UN sanctions might impact more severely on the civilian population of a target State than the offending government, as for example, in the protracted case of Iraq.⁸⁹ International sanctions can exact particularly hard tolls on a civilian population's ability to obtain food, fresh water, medical care, and fuel resources. In addition, unemployment in the target State is likely to rise as domestic industrial production winds down and opportunities for international exports are closed. Such socio-economic considerations invite the need for close cooperation from international humanitarian organisations (for example, the International Red Cross, UNICEF and the UN High Commissioner for Refugees) with the Security Council to monitor carefully the progress of such developments in the target State.

VI. Conclusion

The use of sanctions by the United Nations in recent years provides a means to defend community values by threatening to impose actual penalties on governments who break international rules. As determined by the Security

88 For elaboration of this point, see "Report of the Secretary-General pursuant to the note by the President of the Security Council (S/25036) regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter of the United Nations", UN Doc A/48/573 (1992).

89 This fact has prompted some commentators to assert a lack of confidence in the use of sanctions as instruments of foreign policy. See generally Damrosch LF, "The Civilian Impact of Economic Sanctions" in Damrosch, n 30 above, p 274.

Council, clear acts of aggression (such as Iraq's invasion of Kuwait), or breaches of the peace (such as Serbia's role in the conflict in the former Yugoslavia) or perceived threats to the peace (such as South Africa's practice of apartheid and Libya's refusal to hand over two indicted terrorists) have elicited responses in the form of mandatory sanctions resolutions, which are legally binding upon the UN membership. The desire to temper internal conflict and civil violence in poorer countries has also prompted the Security Council to take more limited, yet still mandatory, sanctions action in the cases of Somalia, Liberia, Haiti, Angola and Rwanda.

Yet, while actively instigating collective economic sanctions since 1990, the record of the United Nations with their enforcement is spotty and lacklustre. Normally sanctions approved by the Security Council have in and of themselves not been successful in substantially altering the domestic conduct or foreign policy behaviour of target States. The economic pressures imposed have been insufficient, and the political will asserted and technical means adopted by the UN membership to repress a target State have been less than universal or steadfast.

Sanctions by the United Nations therefore must be seen as being only a partial success. Sanctions might make life more difficult for a target government by extracting a cost for its deviant behaviour, but often that cost is not high enough to persuasively convince that government to change its ways. Often, too, that cost falls most heavily on the civilian population of the State, rather than on the recalcitrant government itself. UN sanctions thus remain much like a primitive tax on a State for its illicit conduct, rather than a coercive measure that can compel compliance with international norms.

Even so, no State is indifferent or impervious to the political and economic effects of international sanctions, even though those effects may only be less than compelling. All governments depend on foreign trade for securing foreign exchange, obtaining needed imports, acquiring markets for exports, and attracting foreign investment. To the extent that sanctions imposed by the United Nations successfully disrupt those activities, impacts will be felt by a target State. Still, it remains difficult at best to predict—much less gauge with high degrees of accuracy—where, how intensely and to what extent such impacts will be felt by the economy of a target State.

In the end, the political effectiveness of sanctions imposed by the Security Council will be only as strong as UN Member States permit it to be. That is the essence of political effectiveness: States must work together to make sanctions work well.

The key to effectiveness therefore is political will. Members of the Security Council in particular, but all States in the United Nations in general, must exercise sufficient political will, national determination and sometimes economic sacrifice to make international sanctions work. Otherwise, economic sanctions enacted by the United Nations against transgressor governments will remain more symbol than substance, and contribute little toward the attainment of anything approaching a just world order governed by the rule of law.