UN Sanctions and the Prevention of Conflict

A Thematic Paper for the United Nations - World Bank Study on Conflict Prevention

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About this Paper

The new UN Secretary-General, António Guterres, has made prevention his top priority. Conflict prevention is now understood not only in terms of averting the outbreak, but also the continuation, escalation and recurrence, of conflict.[*] The Secretary-General has recognised that in order for the UN to shift from its current, largely reactive, posture to a prevention-oriented approach, it will need to better integrate its peace and security, development and human rights pillars of work.[†] Sustaining peace and sustainable development will need to work hand in glove, rather than along two separate tracks as has often been the case in the past. In an effort to help shift the system toward this new approach, the UN and the World Bank are undertaking a joint flagship study on Preventing Violent Conflict. This thematic paper on UN sanctions and the prevention of conflict was produced as a backgrounder for the UN-World Bank study.

Introduction

This article explores how and why different types of UN sanctions contribute to conflict prevention in intra-state conflicts. While acknowledging their potential contribution, the Security Council has not yet fully utilized UN sanctions towards conflict prevention, even though high-level UN officials have noted such potential. Former UN Deputy-Secretary General, Jan Eliasson, for example, highlighted the 'prevention' potential of UN sanctions at the opening of the 2014 High Level Review of UN Sanctions. DSG Eliasson stated that "sanctions are not only punitive" but are also designed to "support governments and regions working towards peaceful transition."[1] The Security Council has repeatedly echoed DSG Eliasson's view that its sanctions are of a "preventive nature."[2] Recently, also the Security Council has collectively acknowledged that sanctions "can contribute to create conditions conducive to the peaceful resolution … and support conflict prevention."[3]

It is surprising that the vast academic and policy-oriented literature on sanctions has not yet captured the preventative effects of UN sanctions. While much of the literature centers on the issue of whether or not sanctions are effective, sanctions design or the due process aspects of targeted sanctions, the question of how sanctions could contribute to conflict prevention in different stages of conflict has largely been ignored. To fill this gap, we argue that UN sanctions can play a productive role in efforts to de-escalate conflict, cease hostilities and bolster peace-building. Yet, the Council should articulate how sanctions are expected to reduce conflict and sanctions should be incorporated into broader conflict prevention strategies, aligned with other tools, clearly explained and accompanied by an impact analysis.

UN sanctions revolve around the idea that political and economic pressure on key individuals and groups – rather than on states as a whole – and sectoral bans rather than comprehensive trade embargoes – can induce policy change or dry up conflict financing, while minimizing detrimental effects on the wider populations.[4] Sanctions are employed to compel a target to change its behavior, to constrain the target's activities, or to stigmatize the target and reinforce norms.[5] The Council has employed sanctions to address intra-state conflicts in sixteen cases, the majority of which were in Africa.[6] In some cases, these sanctions were aligned with other tools. In Afghanistan, sanctions were combined with diplomacy and negotiations, in Côte d'Ivoire and Libya with a Council-mandated multinational use of force and in Guinea-Bissau with regional and international pressure to restore constitutional order.[7]

However, sanctions are often applied only once violent conflict has escalated. The Council's highly politicized decision-making prevents it from adjusting its sanctions regimes to changing conflict dynamics and concurrent prevention initiatives. Systemic forces, such as the illicit trafficking networks, often compromise sanctions' efficacy. Moreover, even targeted sanctions can still produce unintended socio-economic effects, such as expanding existing illicit markets and criminal networks.[8] These side effects have the potential to weaken the social and economic fabric and may undermine conflict resolution.

The article is organized as follows. We first assess how the Security Council applies the different sanctions tools and what their potential to prevent conflict could be. Then we study how sanctions could prevent conflict in four crucial stages, including outbreak, escalation, continuation and recurrence of conflict, while recognizing that violent conflict is not necessarily a linear process. We look at the role UN sanctions have and could play in each of these stages. Our analysis is based on UN documents, press reportage, and personal interviews. We also draw on the Targeted Sanctions Consortium (TSC) database on all cases of UN targeted sanctions after 1990.[9] While not primarily focusing on prevention, the database allows us to investigate to what degree the Council's objectives were achieved and the contribution of UN sanctions to that outcome. We conclude with seven policy recommendations for maximizing the effectiveness of UN sanctions to prevent conflict.

The Sanctions Tool Box

Once the Security Council decides to establish a sanctions regime, designers can levy several tools for the prevention of conflict. The Security Council has imposed arms embargoes in twenty-one cases (fifteen intrastate conflicts), making arms embargoes the most frequently applied sanctions measure.[10] The potential to prevent conflict with an arms embargo lies in reducing a target's ability to engage in violent conflict through restricting its access to arms. Of the twenty-one cases in which the Council has imposed arms embargoes, they were applied to all parties in 10 cases,[11] only the government in 5 cases[12] and only non-state actors in 6 cases.[13] Over time, the Security Council frequently decides to exempt the government, as occurred in the cases of Sierra Leone, Somalia and the DRC.[14] It is disputed whether or not arms embargoes on all parties cement military asymmetries in favor of a government, as was discussed in Yugoslavia[15] and Libya[16] – and a major reason that the US opposed an arms embargo in Syria.[17] The "mutually hurting stalemate" thesis suggests that warring parties need to be in a situation where escalation will not lead to a likely battlefield victory and the conflict inflicts pain.[18] Hence, negotiations become an alternative to fighting. Tipping the conflict in favor of one actor might undermine the prospects of settlement.

But often regions subjected to UN arms embargoes are already awash with weapons and have porous borders. Armed groups have often acquired arms through illicit trade with army members (Somalia, DRC) and by looting or the seizing of army' or rebel groups' stockpiles (South Sudan, DRC).[19] Arms embargoes are more likely to be effective when the Council combines raising the black market price of arms through an arms embargo with targeting the resources used to purchase weapons (whether through a commodity ban or an asset freeze).[20] Such was the case in Sierra Leone: first the Council imposed secondary sanctions on Liberia, an important source of arms and financing for armed groups. Subsequently, the Council placed an embargo on diamonds – the main export commodity used by rebels to purchase arms.

The Security Council has imposed asset freezes in sixteen conflicts (twelve intrastate conflicts),[21] to prevent the escalation and continuation of conflict. Asset freezes are

meant to restrict a target's ability to fund violent activities such as procuring arms, recruiting needed mercenaries, paying foot soldiers or otherwise undermining stability. For example, the Security Council froze the assets of Liberian President Charles Taylor in 2004[22], former Prime Minister of Côte d'Ivoire Laurent Gbagbo, in 2011,[23] as well as Houthi leader Abdulmalik al-Houthi and former Yemeni President Abdullah Saleh in 2015.[24] In some cases, asset freezes have also been applied to key decision makers' family members assuming that diverting funds to relatives provided a means to evade an assets freeze.[25] Moreover, sanctions have been used to freeze accounts of entire governments.

Since the late 1990s, commodity bans have been applied in eight UN sanctions regimes (seven intrastate conflicts).[26] As a lesson from the sanctions on all trade in Iraq and Yugoslavia, the goal of targeted commodity bans was to limit or prevent the trade in those commodities that constituted primary sources for financing conflict. The first such case was Angola. In 1998, the Council sanctioned the diamond trade to prevent UNITA from funding its war effort. In the following years, the Council also imposed sanctions on conflict resources such as diamonds in Sierra Leone, Côte d'Ivoire and Liberia, timber in Liberia and charcoal in Somalia. Over time, the Council has shifted towards sanctioning only the profits from natural resources exploitation and has added trade in conflict resources as a designation criterion for seven targeted sanctions regimes.[27] Biersteker et al. (2016) find that commodity sanctions are particularly effective in constraining targets from escalating and/or continuing conflict. Yet, targets can shift to other funding sources, smuggle natural resources, or benefit from the unwillingness or inability to implement sanctions. For instance, while the charcoal embargo on Somalia has reduced charcoal exports, it has not constrained Al-Shabaab because it shifted from charcoal trading towards taxing charcoal traders and trade in agriculture.[28]

Travel bans, imposed in fifteen sanctions regimes (twelve intrastate conflicts)[29] and almost always in combination with an asset freeze, are meant to curtail the movement of key individuals. In theory, these bans can help prevent the mobilization and cross-border cooperation of armed groups and disrupt the activities of trading networks, recruiters and middlemen. However, travel bans have not always proved effective due to porous borders, insufficient monitoring and low levels of implementation. The Al-Qaida expert panel suggested that "there have been few results to point to in the way of (…) listed individuals stopped at borders."[30] The Sudan expert panel has repeatedly noted that the four individuals banned from travelling have crossed state borders on multiple occasions.[31] These examples highlight that the potential of travel bans might lie in stigmatizing targets, which in turn could deter others.

UN Sanctions and the Conflict Cycle

Security Council Resolution 2282 (2016) describes sustaining peace as including "activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict."[32] In the following, we study how the tool of UN sanctions could prevent conflicts in each of these stages.

Preventing Outbreak

UN sanctions have little role to play in preventing the outbreak of conflict. This is because the Security Council can only act once a situation is deemed to rise to the level of a "threat to international peace and security."[33] It is inherently difficult to rally Council members behind adding a conflict to the Security Council's agenda as long as armed conflict is only a possibility rather than a manifest reality. Therefore, conflicts tend to only appear on the Security Council's agenda after they have reached a state of conflict management.[34] However, the mere threat of sanctions may have a deterrent effect during this pre-conflict stage.[35] One leading sanctions expert has even argued that sanctions are most effective prior to their imposition.[36]

The Iran sanctions regime, although about non-proliferation rather than about conflict prevention, is an example of how the threat of UN sanctions could help prevent the outbreak of conflict. The "snap back" provision was a key feature of adapting the Iran sanctions regime to the 2015 Joint Comprehensive Plan of Action (JCPOA). This provision may help in deterring conflict by incentivizing Iran's compliance with the terms of the agreement. According to the terms of Security Council resolution 2231 (2015) endorsing the agreement, any JCPOA participant State can notify any "significant non-performance" to the Security Council. Council members must then vote on a resolution to continue in effect the termination of sanctions. If a resolution has not been adopted within 30 days of the notification, sanctions are automatically reinstated.[37] In effect, a single permanent member with veto power can trigger the re-imposition of pre-JCPOA sanctions on Iran.[38] The threat of the return of previous sanctions is serving to incentivize Iran's compliance, and may thus prevent the outbreak of conflict between Iran and member states bent on arresting its proliferation sensitive nuclear activities.

In Burkina Faso, the AU's threat of triggering large-scale economic and political sanctions was "pivotal in getting the country's new military leaders to hand over power to a civilian-led political transition, thus averting further chaos and a high risk of violence."[39] Although this example regards AU sanctions, it illustrates the potential in using the threat of sanctions as leverage to prevent conflict. In other cases including Côte d'Ivoire, Sierra Leone and Guinea-Bissau the threat of and eventual imposition of AU sanctions had not worked, the AU would have come to the Security Council to complement its existing efforts by requesting complementary UN sanctions.[40]

The impact of the threat of UN sanctions may intensify once regional sanctions have been imposed, as UN sanctions have followed regional or sub-regional African sanctions in more than half of past cases. In cases where UN and regional or sub-regional African sanctions have been applied in tandem, the UN sanctions followed the imposition of AU, or Economic Commission of Western African States (ECOWAS) measures.[41] Thus the presence of regional sanctions, in the context of conflicts in Africa, may provide the conditions needed by the Security Council to proceed with the application of UN measures.[42]

Once a situation is on the Security Council's agenda, sanctions can actually be imposed. On average it takes 13 months from the time the Council is seized of a situation to the time it imposes sanctions.[43] Usually Council members will threaten the imposition of, for instance, "further measures," "appropriate additional measures under Article 41", or "measures, including targeted sanctions" before imposing sanctions.[44] There may be some value in creating a sanctions regime as a deterrent mechanism, even without issuing designations. Indeed, when the Security Council first establishes a sanctions regime, it can either immediately place individuals and entities under sanctions, or it can simply establish criteria for which individual or group can be added to a sanctions list. Taking the latter step can signal to government elites, factions, or armed groups that, if they misbehave, the Council may activate sanctions against them. Thus, even sanctions regimes that have yet to issue designations may shift actors' calculations.

Yet, to be viewed as credible by conflict parties, a sanctions regime must soon establish the linkage between creating a sanctions regime and issuing concrete designations. The sanctions regime regarding the conflict in Yemen, for example, had been criticized for a failure to adequately shift the incentives of warring parties through the swift application of asset freezes and travel bans, due to the fact that over a year passed before the first designations were made.[45]

Overall, sanctions are unlikely to be applied to prevent the outbreak of conflict, given the Council's limitations at this early stage. However, a sanctions threat, particularly when regional sanctions already exist, may contribute to changing actors' risk calculation. Both threat and establishment, however, must be credible. Sanctions are time-sensitive and conflict actors will quickly begin to doubt its credibility.

Preventing Escalation and Continuation

By the time UN sanctions regimes are established, conflict situations have almost always become entrenched. But even though sanctions are most often imposed "mid-conflict", they can still assist in stemming escalation. First, UN sanctions can help keep levels of conflict in check through shifting conflict actors' incentives away from violence. Conflict actors must, at multiple points throughout a conflict, decide whether or not violence is a more effective means of achieving their goals than institutional routes, negotiation, and other non-violent means. Sanctions, can serve as one additional counterweight in conflicts actors' risk assessments. Sanctions, however, are not sufficient as a counterweight. They must be applied in conjunction with other tools such as peacekeeping, national, regional and/or international judicial processes, use of force, and other appropriate inducements. Second, UN sanctions can help prevent conflict escalation through cutting off much needed sources of funds, arms and soldiers. For a conflict to escalate there need to be channels of wider mobilization of recruits, financial resources and arms.[46]

Third, the Council now regularly includes designation criteria proscribing specific violations of international human rights and humanitarian law. Perpetrators can be put under travel bans, have their assets frozen, or see their suppliers discouraged from selling them much needed arms or equipment due to the fear of being sanctioned themselves. Respective designation criteria include serious violations of human rights and international humanitarian law, recruiting child soldiers, targeting of children, attacks on schools and hospitals, targeting of civilians, ethnic- or religious-based violence and sexual violence. Currently, seven of the 13 existing sanctions regimes contain such designation criteria. While the inclusion of listing criteria is a remarkable trend, no individual has been listed solely based on human rights violations. In few cases human rights violations have been added to the "narratives" (i.e. justification) for listing.[47] This might be partially attributed to the difficulty of obtaining the names of perpetrators, the difficulty of proving violations[48] and the lack of political appetite to designate or accept designations according to such criteria.[49] To this end, the Council could more frequently follow up with such designations to give meaning to its increasing focus on human rights. In this context, the Panel of Experts can provide useful information on instances of human rights violations. For instance, in the DRC sanctions regime, the Council explicitly mandated the Group of Experts to investigate such violations.[50] This would allow other UN actors to prevent and protect affected population as an early-warning mechanism.

Finally, sanctions can provide a temporary accountability mechanism within conflicts, when judicial processes are absent or compromised. For example, the Security Council applied sanctions on the instigators of the 2012 coup d'état in Guinea-Bissau, to deter these individuals and others from staging a subsequent coup.[51] The sanctions helped reinforce a relatively nascent (but progressively strengthening) norm against unconstitutional changes of government. Paul Collier suggests that the likelihood of a subsequent coup increases by 150 percent within the first year of a coup.[52] The Security Council has endorsed the view of the AU that unconstitutional changes of government lead to increased violence and welcomed "preventive measures" by the AU and sub-regional organizations against such coups.[53] The role of sanctions in Guinea-Bissau is significant for their role in helping counter-balance the heightened risk of violence, in coordination with regional and sub-regional African-led efforts. The particular regime was minimalist; it consisted of a travel ban placed on 11 members of the military command deemed responsible for the initial coup. While these constitute the "lightest" sanctions measures in existence across all 13 current sanctions regimes, they were sufficient to elicit the following Secretary-General's assessment in 2015, three years after the initial imposition of sanctions:

From the perspective of the people of Guinea-Bissau, the United Nations sanctions (…) are widely regarded as the only serious measure holding the coup leaders accountable for their actions. Aside from the sanctions against the designated individuals, ordinary citizens have not yet seen the perpetrators of the coup or the perpetrators of human rights violations face serious consequences. The sanctions are therefore seen by the public as an important accountability measure that supports the broader reconciliation process.[54]

But stigmatizing key players through sanctions may not always deter the use of violence. One study estimates that in 13 percent of cases, UN sanctions result in an unintended "rally around the flag" effect, in which support for the targeted leader grows rather than diminishes as a result of sanctions.[55]

Sanctions interventions aimed at preventing the continuation of conflict (i.e. accelerating conflict resolution) often require deeper analysis of the political economy of the conflict and careful decisions about which conflict parties should be targeted. Before imposing sanctions in the throes of an ongoing conflict, there must be an understanding of what is fueling and financing the conflict: How do conflict parties perceive their chances on the battlefield versus at the negotiation table? Should the Security Council target only a government, or armed groups fighting a government, or balance its approach? Is there clear support for a government and its goal to re-establish control over a territory? In the following, we describe some of the most innovative and effective sanctions interventions based on a deeper analysis of the political economy of conflict.

UN sanctions applied to the Angolan intrastate conflict were pivotal in breaking the continuation of conflict. The imposition of an arms embargo and a commodity ban on the main funding source (diamonds) significantly weakened the anti-government armed group UNITA. These sanctions helped tip the balance of power in the government's favor and convinced UNITA to end the violence and, after the killing of its leader, Jonas Savimbi, sue for peace through a negotiated settlement.[56]

Similarly, UN sanctions applied in Sierra Leone between 2000 and 2002 contributed to re-establishing government control throughout Sierra Leone and encouraged the demobilization and disarmament of armed groups.[57] In particular, the measures were aimed at constraining the ability of the major rebel groups (Revolutionary United Front (RUF)'s and former coup leaders) to challenge the Government of Sierra Leone by limiting their access to resources, arms, training and safe havens.[58] As in Angola, the Security Council targeted the main rebel groups' key source of funding in Sierra Leone: diamonds. In 2000, the Council applied an embargo on the import of rough diamonds from Sierra Leone, following observations from the Panel of Experts that the sale of diamonds was funding conflict activities.[59] The Government was exempted from this ban once a reliable certificate of origin program had been established.[60] The diamond embargo was quite effectively enforced and, as a result, significantly weakened major rebel groups relying on the sale for arms procurement.[61] The sanctions on Sierra Leone were reinforced by the use of "secondary" sanctions. In 2001, the Security Council applied secondary sanctions on the neighboring country of Liberia, in light of that government's significant role in fueling the conflict in Sierra Leone through support for the RUF.[62] The Liberian Government's support included the provision of arms, military training and safe havens for RUF fighters, all in contravention to UN sanctions regarding Sierra Leone. By curtailing support from the RUF's main benefactor, the UN sanctions significantly weakened the RUF's ability to carry out its activities against the Sierra Leonean government.[63]

Secondary sanctions were also used to constrain Eritrea's ability to militarily support armed groups against the Somali transitional government.[64] Even though existing sanctions on Somalia prohibited the sale of arms or assistance to armed groups within Somalia, the Government of Eritrea was accused of violating these restrictions.[65] In response, the Council imposed secondary sanctions on Eritrea (including an arms embargo, travel ban and assets freeze). However, recipient groups, such as al-Shabaab, had access to other sources of financing, including through levying taxes. Hence, the reduction in support from Eritrea less effectively constrained al-Shabaab than in secondary sanctions did in Sierra Leone/ Liberia.[66]

Security Council sanctions against the Taliban are another example of how sanctions could contribute to ceasing violent conflict through incentivizing reconciliation. Even though the sanctions did not achieve their objective, due to factors that lay beyond their design, resolution 1988 (2011) provides a useful example of an effort to shift the calculations towards a negotiated settlement. Sanctions were first imposed in 1999, with the objective of inducing the Taliban regime to extradite Osama bin Laden. Within months, the regime (an arms embargo, asset freeze and travel ban) was expanded to include the Al Qaida and its associates. Following 9/11, the regime was extended globally and later to groups such as Boko Haram and ISIL (Da'esh). In 2011, the Security Council decided to split this sanctions regime: one focusing on the Taliban and a second on Al Qaida and associated groups. The rationale was to provide a pathway towards de-listing for Taliban members willing to reconcile, renounce violence and sever ties to transnational terrorism. A precondition for the Taliban to participate in the Afghan peace talks had been the prospect of being taken off the sanctions list.[67]

Yet the reconciliation process never quite gained traction, even though the Taliban's conditions for peace talks had been partially met (delisting of 30 individuals, release of Taliban prisoners, exchange of five Taliban prisoners for a US soldier).[68] The Taliban has created alternative streams of revenue, which rendered the asset freeze and commodity ban ineffective. Despite reports about frozen assets, the UN expert group noted that "the Taliban have established a fairly sophisticated system to generate resources inside [Afghanistan]." This includes the exploitation of natural resources, poppy cultivation, drug trafficking, abductions, and other criminal activities.[69] Thus, in combination with the prospective US troop withdrawal from Afghanistan, internal Taliban divisions, the Taliban war economy and ideological factors led them to conclude that they had more to gain by fighting then by suing for peace with the goal of having sanctions lifted.[70]

The failure – to date – of providing incentives to the Taliban to engage in reconciliation does not mean that the re-design from a punitive to a reconciliation tool does not provide a model that may well prove effective in other settings. In fact, the Security Council could consider designing sanctions measures to incentivize participation in peace processes more often, but these would have to be carefully crafted.[71]
To conclude, sanctions are important in contributing to de-escalation and the discontinuation of conflict. Sanctions help to de-escalate conflicts through shifting instigators' interests against violence through fear of falling under sanctions or through the desire to lift them. They also contribute through drying up conflict resources, reinforcing human rights norms, and, on occasion, through providing accountability mechanisms following norm violations. UN sanctions also contribute to diminishing conflict through long-term targeting of conflict financing, networks, and sources of arms.

In this stage, the purposes of sanctions should complement peacekeeping missions, forces or mediation to not work at cross-purposes.

Preventing Recurrence

Once fighting has subsided and a peace agreement is signed, sanctions have been used to enhance post-conflict peacebuilding efforts in eight different settings.[72] Thomas Biersteker identifies two pathways through which sanctions can enhance peacebuilding, namely the containment of potential spoilers, and pressuring a transitional government to implement important objectives.[73] Yet, more data and evidence are needed to evaluate under which conditions these pathways work. This research gap reflects a broader lack of research at the sanctions and peacebuilding intersection on how and why sanctions have supported or frustrated peacebuilding efforts.

Sanctions applied in Liberia from 2003 onward, especially those between 2003 and 2006, are an important example of where such an intervention proved successful in complementing peacebuilding. In 2003, a ceasefire and a comprehensive peace agreement were in place, a national transitional government had been established, and the Special Court of Sierra Leone had indicted former exiled Liberian President Charles Taylor. Yet there were grave concerns regarding how best to maintain the fragile peace and compliance with the peace agreement. The country was awash with arms, mercenaries and rebel groups including supporters of Taylor. Much of the territory lay outside the transitional government's control. Illicit trafficking in natural resources and arms was rampant, and corruption was rife.[74] With the goal of both discouraging potential spoilers and encouraging the transitional government to implement key peacebuilding objectives, the Council imposed a travel ban, arms import embargo and a conditional diamond and timber embargo. Shortly after the imposition of these measures, the Council added an asset freeze on high-risk potential spoilers, including Charles Taylor, his family members, and former high-level officials.[75]

The newly designed travel ban enjoined member states to prohibit potential threats to the peace process in Liberia or those attempting to undermine peace and stability in Liberia and the sub-region, from traveling to or through their territories.[76] This measure was meant to frustrate the movement of armed groups, mercenaries, former President Charles Taylor, his family and his supporters from actions that would derail the peace. This travel ban, combined with the Special Court's indictment, restricted Taylor from returning to Liberia, until, in 2005 an exemption was granted to enable his removal for trial in the Netherlands.[77] The arms embargo restricted the sale of arms to Liberia, with the goal of limiting armed groups' further access to weapons, in the context of on-going DDR programs.[78] This arms embargo exempted the transitional government. The Council provided for lifting the travel ban and arms embargo once the comprehensive peace plan was being fully implemented and DDR and SSR had been completed.[79] The Council requested neighboring UN missions in Sierra Leone and Côte d'Ivoire to assist through sharing information and mandated the UN mission within Liberia to assist with sanctions monitoring.[80]

The Council applied a commodity ban to the export of diamonds[81] and timber[82] from Liberia. Clear criteria were laid out for the lifting of these time-limited commodity bans: the Liberian Government had to develop a certificate of origin scheme for diamond sales and join the Kimberly

Process. Regarding timber, the Government needed to develop transparent and effective management strategies to ensure the profits would serve the Liberian people. These conditional bans were meant to provide incentives to the transitional government to better manage its own natural resources. A 2005 report of the Panel of Experts on Liberia judged that the governments' progress was sufficiently steady and recommended that the Security Council consider lifting the sanctions.[83] The commodity bans were subsequently terminated in 2006 and 2007, respectively. The travel ban, asset freeze and arms embargo were kept in place for an additional ten years due to continued concerns regarding potential spoilers. All sanctions measures were finally lifted in May 2016.

The Council also applied sanctions to support peacebuilding efforts in both Sierra Leone and Côte d'Ivoire. In these cases, the measures were applied to encourage DDR, discourage spoilers, and encourage the newly elected governments to develop provisions for the transparent sale of diamonds.[84] While UN sanctions were first placed on Côte d'Ivoire in 2004, the specific measures imposed following the election of President Alassane Ouattara were aimed at preventing forces loyal to Laurent Gbagbo from destabilizing the country, encouraging them to accept the election results, facilitate DDR, and take control over conflict-fueling natural resources. In case of Sierra Leone, UN sanctions were instrumental in coercing rebel groups to join the peacebuilding process and in constraining spoilers. The sanctions helped in pressing the transitional government to hold local elections, ensure that a meaningful opposition could emerge, and that the war crimes tribunal would not be undermined.[85] Sanctions regimes in both countries have since been terminated.[86]

In summary, UN sanctions have shown fairly high degrees of effectiveness in constraining would-be spoilers of cease fires and peace processes in Liberia, Sierra Leone and Cote d'Ivoire. Simultaneously, these sanctions measures helped incentivize transitional governments to take necessary steps to properly implement such agreements and necessary reforms to ensure the success of peacebuilding efforts.

A Note on Unintended Consequences

The application of UN sanctions can produce unintended consequences, which, in turn, can exacerbate structural and systemic conflict risks. Most notorious are the humanitarian consequences of the trade embargo placed on Iraq in 1990. Critics argue that sanctions restricted necessary food imports in a country which imported 70 percent of its foodstuffs. This embargo is faulted with contributing to extreme rates of infant mortality.[87] Another structural impact of sectoral embargoes on commodities and arms was the increase in corruption and illicit trafficking. In former Yugoslavia, the embargo contributed to the proliferation of black markets and corruption.[88] Comprehensive sanctions imposed on Haiti between 1993 and 1994 dramatically weakened the state and the economy, giving rise to massive illicit networks and criminalization of state institutions, undermining the UN's subsequent statebuilding enterprise.[89] Even targeted sanctions, which were designed to reduce unintended socio-economic affects, are still thought to produce unintended humanitarian consequences in 44 percent of targeted sanctions episodes, including those without commodity sanctions.[90]

There have, however, been some initiatives taken to mitigate the socio-economic effects of sanctions measures on the general population through pre-assessment and post-assessment. For example, in 2003, the Security Council was considering imposing a timber embargo on Liberia.[91] Timber was one of the primary sources of funding for the Government of Charles Taylor, which was the target of UN sanctions. The timber industry, however, was also responsible for employing a significant portion of the Liberian population. The Council commissioned the Liberia panel of experts to draft a report on the socio-economic impact of a timber embargo, weighing the impact of such an embargo on the conflict, employment and stability.[92]

The conclusions of the report were mixed. It acknowledged that there were costs and benefits from imposing such a commodity ban:[93]

The departure of some logging companies…has relieved many Liberians of human rights abuses, intimidation of local people and alleged sexual exploitation of women and girls. On the other side, losses of wages and indirect benefits may turn out to be a heavy burden for a population whose economic survival has long been threatened.[94]

Overall, however, the Council decided that the "benefits" of a timber ban outweighed its costs, and imposed it in May 2003. Similar tracking of unintended socio-economic effects of UN sanctions have been mandated or provided in the DRC,[95] DPRK,[96] and, most recently, from the counterterrorism sanctions monitoring team.[97]

Whether or not one agrees with the cost-benefit assessment in these cases,[98] requesting such an expert evaluation should be made standard practice across regimes prior to imposing higher risk measures. Soliciting development expertise in these evaluations would ensure that the assessments capture broader systemic impacts previously ignored.

A Note on the Council's "Selective Security"[99]

An analysis of sanctions "effectiveness" in contributing to conflict prevention would be incomplete without acknowledging their political context. For every intrastate conflict in which the Council has responded, there are many others in which the Council does not act. In ten out of the 25 most deadly conflicts since 1990, the Security Council could not agree on any action.[100] The political will of all five veto-wielding permanent members is essential for imposing sanctions. Consider two on-going conflicts: Syria and Ukraine. In both, sanctions and even their threat were taken off the policy table. In Syria alone, the conflict has since gone on to cost the lives of nearly half a million people.

In August 2011, a European-sponsored draft resolution foresaw the imposition of UN sanctions on Syria, including an assets freeze and travel ban on 22 individuals and four entities, an arms embargo, and the establishment of a sanctions committee and a panel of experts.[101] However, due to Russian opposition, the drafters dropped the sanctions provisions[102] and instead formulated a threat that in case of non-compliance, the Council would "consider its options, including measures under Article 41 of the Charter."[103] In this

early stage, sanctions may have shifted Assad's calculation regarding his odds on the battlefield versus those at the negotiation table. Even an arms embargo may have mitigated the conflict. It would have stigmatized the Assad regime and also signaled to the opposition that the great powers would not supply them with arms. But the Russian Federation and China vetoed this resolution. Four subsequent draft resolutions were tabled that included a threat to impose sanctions ("measures according to article 41" or "further measures") on the Assad regime in 2012, 2016 and 2017.[104] Russia and China rejected each of these resolutions. This signaled to the Assad regime that it would not need to weigh the risks of possible UN sanctions. Seemingly, these failed attempts even encouraged the regime towards bolder actions, based on the assumption that it had a considerable degree of immunity vis-à-vis Council interference.[105]

Similarly, while Ukraine has been on the Council's agenda since the Russian occupation of Crimea Peninsula, UN sanctions have not even been considered due to a likely Russian veto.[106] As a result, "the Council and the UN system more broadly loses its leverage when the parties to a conflict realise that there are divisions among Council members that can be exploited to their benefit."[107]

Policy Recommendations

We argued that UN sanctions can be productive in efforts to deescalate conflict, cease hostilities and bolster peace-building efforts. We also highlighted the risks of applying sanctions, and the need to monitor and adjust for unintended effects. Based on these observations, we conclude with seven recommendations for maximizing the effectiveness of UN sanctions in broader prevention policy efforts:

I. Clear analysis by the Council on how sanctions are expected to reduce conflict: The Security Council, as the architect of UN sanctions regimes, should articulate a clear way forward in terms of how sanctions are expected to reduce conflict. This analysis should consider the political economy of conflicts, the balance of forces on the ground, and also how UN sanctions could reinforce other conflict resolution efforts.

II. Improved coordination of UN sanctions with other UN conflict resolution tools: Sanctions seem to contribute to prevention most effectively if they are deployed coherently with other tools including mediation, regional sanctions, secondary UN sanctions, peacekeeping, peace enforcement, and national and international judicial processes. The presence of UN sanctions (and unilateral sanctions) on Iran and the incentives they placed on the Iranian government, were an important factor for a nuclear deal to follow. Yet, much more needs to be understood about how and when such tools should be deployed in tandem. Examining how sanctions and mediation processes could work better together should be a priority. However, many factors remain unknown: how should the Council time the application of both sanctions and mediation? What coordination should there be between mediators and the Council? And under what conditions might sanctions hurt mediation?

III. Clear and consistent communication of the criteria for avoiding sanctions imposition or for having sanctions lifted: One of sanctions' primary contributions to prevention is

their ability to shift the cost-benefit calculation of conflict parties towards choosing non-violent conflict resolution. But for incentives to work, the Council must more clearly and consistently communicate how sanctions could be avoided, what behavior might lead to being designated, and the actions required to be removed from a sanctions list.[108] This is especially relevant for implementation overreach. When companies, banks, and governments refuse to do business with relatives, groups or countries not explicitly designated, this may add "teeth" to the measure but can also compromise the legitimacy of the very tool, according to customary international norms of due process. Implementation overreach, however, must be balanced with the more widespread challenge of under-implementation.

IV. Better incentivizing implementation: While the Security Council mandates sanctions, member states are responsible for implementing them. Even the best designed, timed and coordinated sanctions measures can suffer from a widespread failure to implement. The Security Council has not used the full range of methods available to encourage the implementation of its own decisions. Secondary sanctions, in the case of Liberia/Sierra Leone and Eritrea/Somalia, have proved successful in restricting border state violations and the Council should consider using secondary sanctions more deliberately. There is much debate amongst whether a lack of political will or a lack of capacity drives low implementation rates. A rigorous and comprehensive needs assessment exercise could provide the basis for meeting the most pressing capacity challenges.

V. Systematic tracking and minimizing unintended collateral effects: There is a misplaced perception amongst some sanctions advocates that with targeted sanctions, unintended humanitarian consequences disappeared. Although unintended consequences were reduced, they did not vanish for both commodity sanctions and other targeted sanctions measures. Accordingly, there is an ongoing need to monitor targeted sanctions regimes for possible socio-economic effects on both those targeted and more broadly. Examples of

past monitoring efforts exist, as with the experts' assessment of a proposed timber ban in Liberia and the Secretary-General's assessment of a proposed natural resource ban in the DRC. But the practice of mandating such assessments both prior to and following sanctions measures should be a regular practice rather than an exception. The 25 member Inter-Agency Working Group on UN Sanctions could serve as a venue for both soliciting and processing such inputs.

VI. Providing an additional accountability mechanism: National courts, regional mechanisms and the International Criminal Court already provide avenues for holding perpetrators to account in the midst of (long-term) conflict. Sanctions can complement accountability efforts. Though a far cry from judicial procedures, the (threat of) imposition of sanctions on those violating international humanitarian and human rights law (such as through recruiting child soldiers or attacking humanitarian works) can function as a short-term accountability mechanism. Already, half of the existing sanctions regimes contain human rights violations designation criteria. While these have yet to be applied to key perpetrators, their inclusion in sanctions regimes is a laudable attempt to promote international norms within conflicts.

VII. Tracking systemic factors fueling conflict, political dynamics permitting: Only the counter-terrorism sanctions regime is focused on a transnational or systemic threat. As a result, its sanctions monitoring team has a global mandate. All other UN sanctions regimes are tied to geographically-fixed conflicts, even though regional and transnational factors fuel many of these conflicts. Council members concerned with overreach have rebuffed the Secretariat's recommendations for more cross-case investigations of conflict-fueling factors. Adding a transnational lens to sanctions experts' investigative, monitoring, and analysis mandates, and intensifying cooperation among expert panels to track transnational sources of funding, arms trafficking, and networks of middlemen would better enable sanctions to complement prevention causes.

ENDNOTES

*   Security Council Resolution 2282 (27 April 2016).

†   Guterres highlights the importance of recognizing the links between peace and sustainable development, UN News Centre, 24 January 2017.

1.   Statement by former DSG Jan Eliasson at High-Level Review of Sanctions, 28 May 2014, available at: http://www.hlr-unsanctions.org/statements/dsg

2.   Resolutions S/RES/1735 (2006), preamble; S/RES/1822 (2008), preamble, S/RES/2083 (2012), preamble.

3.   Resolution S/RES/2171 (2014).

4.   Brzoska M (2003) From Dumb to Smart? Recent Reforms of UN Sanctions. Global Governance 9: 519–535.

5.   Biersteker T Eckert S, Tourinho M and Hudakova Z (2013) The Effectiveness of United Nations Targeted Sanctions: Findings from the Targeted Sanctions Consortium. Geneva, Providence, Rhode Island; for a different categorization, see Wallensteen P and Grusell H (2012) Targeting the Right Targets? The UN Use of Individual Sanctions. Global Governance 18(2): 207–230.

6.   Somalia/Eritrea, Liberia, Angola, Rwanda, Sierra Leone, Democratic Republic of the Congo, Côte d'Ivoire, Libya II, Sudan/Darfur, South Sudan, Guinea-Bissau, Central African Republic, Haiti, Former Yugoslavia, Yemen. See Charron, A (forthcoming): The Evolution of Intrastate Conflict Sanctions Regimes: From Stopping Violence to Peacebuilding and Beyond, In: von Einsiedel, Sebastian/Lopez, George: The Sanctions Enterprise.

7.   Charron A and Portela C (2015) The UN, regional sanctions and Africa. International Affairs 91(6): 1369–1385.

8.   Eriksson M "The Unintended Consequences of UN Targeted Sanctions," pp. 203.

9.   Targeted Sanctions Consortium Database: http://graduateinstitute.ch/home/research/centresandprogrammes/international-governance/research-projects/UN_Targeted_Sanctions/targeted-sanctions-consortium-da.html; View also: http://sanctionsapp.com.

10.   Based on TSC database plus Southern Rhodesia and South Africa. Data excludes the non-proliferation regimes DPRK and Iran. Thomas Biersteker, with the assistance of Zuzana Hudáková, "Types of UN Targeted Sanctions and their Effectiveness" Research Note, The Graduate Institute, Geneva, Note prepared for the Sanctions Unit of the UN Secretariat, New York, 23 July 2014.

11.   **Central African Republic, Cote d'Ivoire, Haiti, Liberia, Libya II, Rwanda, Sierra Leone, Somalia, Yugoslavia I, and Yugoslavia II**. Intrastate conflicts in bold.

12.   Al-Qaida/Taliban, Ethiopia-Eritrea, Libya I, Southern Rhodesia, South Africa.

13.   **Angola**, **DRC**, Iraq, **Sudan/Darfur**, **Taliban**, **Yemen**. Intrastate conflicts in bold.

14.   S/RES/1132 (1997); S/RES/733 (1992); S/RES/1493 (2003); S/RES/1171 (1998); S/RES/2093 (2013); S/RES/1807 (2008)

15.   United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour, Case study: Former Yugoslavia, 1991–96, available at http://books.sipri.org/files/misc/UNAE/SIPRI07UNAEYug.pdf

16.   Telegraph (2011): France supplying weapons to Libyan rebels, available at: http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8606541/France-supplying-weapons-to-Libyan-rebels.html

17.   Guardian (2013): US pushes Europe to amend arms embargo on Syrian rebels, available at: https://www.theguardian.com/world/2013/may/22/syria-arms-embargo-rebels

18.   Zartman, William (2008), 'Ripeness': The Importance of Timing in Negotiation and Conflict Resolution, see: http://www.e-ir.info/2008/12/20/ripeness-the-importance-of-timing-in-negotiation-and-conflict-resolution/

19.   Expert reports S/2011/738, para. 563, S/2008/274, para. 124, S/2014/770 para. 68, S/2007/132 para. 90, S/2015/656 para. 64, S/2015/656 para. 64.

20.   Cross-case analysis of TSC database.

21.   **Angola**, Al/Qaida-Taliban, **Central African Republic**, **Cote d'Ivoire**, **DRC**, **Haiti**, Iraq II, Lebanon, **Liberia**, Libya I, **Libya II**, **Somalia**, **South Sudan**, **Sudan/Darfur**, **Taliban**, **Yemen**. Intrastate conflicts in bold.

22.   S/RES/1532 (2004)

23.   S/RES/1975 (2011)

24.   S/RES/2216 (2015)

25.   S/RES/1975 (2011); S/RES/1532 (2004)

26.   **Angola, Cote d'Ivoire, Haiti, Liberia,** Libya I, **Libya II, Somalia, Sierra Leone,** also Security Council Report (2015) UN Sanctions: Natural Resources, available at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_4_sanctions_2015.pdf; The Council had previously imposed commodity sanctions on Southern Rhodesia, S/RES/232 (1966).

27.   Security Council Report (2015) UN Sanctions: Natural Resources; DRC: S/RES/1857, S/RES/2198.

28.   S/2016/919, paras 82, 128.

29. Al-Qaida/Taliban, **Central African Republic, Cote d'Ivoire, DRC, Guinea-Bissau,** Lebanon, **Liberia, Libya II, Sierra Leone, Somalia, South Sudan,** Southern Rhodesia, **Sudan/Darfur, Taliban, Yemen**. Intrastate conflicts in bold.

30. S/2011/245, para. 9.

31. S/2013/79, paras 147, 149; S/2014/87; S/2015/31.

32. S/RES/2282 (2016)

33. UN Charter, Article 39. See Krisch N (2012) Article 39. In: Simma B et al. (eds) The Charter of the United Nations: A Commentary. Oxford: Oxford University Press, pp. 1272–1296.

34. SCR (2017), Can the Security Council Prevent Conflict?, pp. 4.

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36. Interview with Tom Biersteker, Graduate Institute, Geneva, 2016. See http://graduateinstitute.ch/files/live/sites/iheid/files/sites/internationalgovernance/shared/PSIG_images/Sanctions/Sanctions.pdf

37. Resolution 2231 (2015), paras 11-12, also http://www.securitycouncilreport.org/monthly-forecast/2015-09/iran_11.php

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40. Ibid. pp. 11: http://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3126&context=soss_research

41. Charron A and Portela C (2015) The UN, regional sanctions and Africa, pp. 11-12; TSC database.

42. Ibid., pp. 11-12.

43. USG Jeffrey Feltman Address to Security Council, S/PV.7323, 25 November 2014.

44. S/RES/2051 (2012), para. 6; S/RES/2046 (2012), para. 6; S/RES/1967 (2011), para. 11; S/RES/1564 (2004), para. 14; S/RES/2304 (2016), para. 17.

45. TSC Database/ Yemen/ Episode 1/ Effectiveness; Interviews with members of the Secretariat and Committee members.

46. See discussion of commodity bans (section 0).

47. See Research Report Human Rights and the Security Council – An Evolving Practice, pp. 13-14. Available at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_human_rights_january_2016.pdf

48. S/2015/125, para. 36.

49. Charron A (2011), UN Sanctions and Conflict, pp.101.

50. S/RES/2198 (2015), para. 7f; for Group's report see S/2016/466, paras 182-218.

51. S/2015/619, para. 20.

52. Collier P (2010), Wars Guns, and Votes, pp. 147.

53. S/PRST/2009/11.

54. S/2015/619, para. 20.

55. Eriksson M "The Unintended Consequences of UN Targeted Sanctions," pp. 203.

56. TSC Database/ Angola/ Episode 3/ Effectiveness.

57. S/1998/1171, para. 7. Sanctions were applied alongside UK and ECOMOG military action, which were the drivers in changing the conflict dynamics and enabling the re-establishment of governmental control.

58. Farrall J (2007), pp. 359.

59. S/2000/1195, para. 1.

60. S/2001/1385, para. 3-4.

61. TSC database/Liberia/ Episode 4/Effectiveness/Constraint

62. S/2000/1195, paras. 19-20.

63. TSC database/Liberia/ Episode 4/Effectiveness

64. S/RES/1907 (2009), see paras. 5-10, for example.

65. S/RES/1907 (2009), preambular para. 7; See S/2008/769 for further information.

66. TSC database/Somalia/Eritrea/Episode 3/Effectiveness; S/2009/1907.

67. von Einsiedel S and Romaniuk P (forthcoming), pp. 11–12.

68. von Einsiedel S and Romaniuk P (forthcoming), pp. 10-11.

69. S/2014/402 paras 47-59, see also 2013/656, paras 51-61, S/2015/648, paras 38-49; S/2014/402 para 17.

70. von Einsiedel S and Romaniuk P (forthcoming), pp. 14.

71. von Einsiedel S and Romaniuk P (forthcoming), pp. 11-15.

72. TSC database. Cases are Central African Republic, Cote d'Ivoire, Liberia, Libya II, Iraq (post 2003), Rwanda, Sierra

Leone, Somalia.

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74. Charron A (2013), pp. 80.

75. S/RES/1532 (2004), para. 1.

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82. S/RES/1521 (2004), para. 10.

83. S/2005/206, para. 46.

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90. TSC database; "humanitarian consequences" are defined as "situations in which sanctions are directly linked to the disruption of basic services and the realization of basic needs", TSC codebook, p. 22.

91. S/RES/1478/2003, para. 17.

92. S/RES/1478/2003, para. 19.

93. Interview with report author and former expert panel member.

94. S/2003/779, para. 6.

95. S/RES/1698 (2006), para. 6.

96. Based on preambular paragraph 7 of S/RES/1874 (2009), the DPRK Panel of Experts began reporting on the unintended humanitarian effects of UN sanctions in 2012, S/2012/422, para. 107 – 108.

97. S/RES/2199 (2015), para. 30.

98. Secretary-General's report on the socio-economic effects of natural resource trafficking ban in the DRC, S/2007/68, para. 62, which discusses the detrimental impact on the mining industry.

99. Adam Roberts coined this term, Roberts A (2016), The Use of Force: A System of Selective Security. In: von Einsiedel S, Malone D and Stagno Ugarte B (eds.): The Security Council in the 21st century, pp. 349-371.

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102. SCR, Council Consultations on Syria Resolution, 28 September 2011, available at: http://www.whatsinblue.org/2011/09/consultations-on-syria-2.php

103. Draft resolution S/RES/612 (2011).

104. Draft resolutions S/RES/77 (2012), S/RES/538 (2012), S/RES/846 (2016), S/RES/172 (2017).

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108. For example, preconditions placed on Sierra Leone, Liberia and Cote d'Ivoire for lifting UN sanctions.