

PRESENTATION TO THE UN SECURITY COUNCIL WORKING GROUP ON  
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1. Perspective on my Experience

I should begin by making clear the background of experience which I have on the issue of UN sanctions within the Arab world. I have been working on the politics of the Arab world for about 30 years, and have a particular interest in the three Arab states which have been subject to UN sanctions. This is the context in which I chose to write a book seeking to draw conclusions about the impact of sanctions on the three countries.

**Iraq**, I have written on previously, but I have also been going to the country regularly both before and after the Gulf War. My most recent visit was in March of this year. My contacts in the country are such that I can move around fairly freely, talking to who I want to talk to. On my last visit I had a prolonged meeting with Deputy Prime Minister Tariq Aziz, among other officials.

**Libya**, I have also been visiting for some twenty years, and in recent years I have been there for a significant visit at least once a year. My contacts in the country again are such that I have no problem in meeting people at all levels. I held a meeting with Mu'ammur al-Qadhafi in November 1998, at the time when Libya was moving, towards acceptance of the Anglo-American proposals which led to the handover of the two accused of the Lockerbie bombing.

**Sudan**, I lived in for 8 years at an earlier stage of my academic career, teaching at the University of Khartoum, and I have written a book about Sudanese politics. My social and practical contacts with Sudan have remained strong, partly as a result of my wife being Sudanese.

It seems to me that the experience of these three countries is particularly important in the evaluation of sanctions as a whole. I hope it will be clear, therefore, that any comments which I have to make are not based on any armchair theorising but stem from prolonged experience with the realities of society, politics and economics in these three countries as they wrestle with the impact of sanctions.

The main conclusions which have come from my work can be found in the documents which I have circulated, but I would like to pick out and lay emphasis on some of the themes which I believe are of relevance to the concerns of your group.

## **2. Two Different Levels Needs to be Considered in Assessing the Utility of Sanctions**

Assessments of the utility of sanctions do, I believe, have to take into consideration that there are two very different dimensions of utility. Both dimensions relate, of course, to the role of sanctions in fostering the creation of a stable international order. But they do have different *foci*.

**The first dimension** concerns whether sanctions are achieving the immediate goals envisaged in the Security Council resolutions which imposed them: i.e. forcing a state which is judged to have transgressed international norms to take specific measures in compliance with these norms.<sup>1</sup>

**The second dimension** concerns the impact of sanctions on wider dimensions of the international order, as defined by the United Nations Charter and associated covenants and conventions. The wider dimensions cover both international stability (have the sanctions contributed to, or detracted from, the stability of the region and the wider international system?), and the values which are deemed fundamental to a stable international order (have the sanctions buttressed respect for human rights?).

It is quite possible that the utility considerations on the second dimension may differ substantially than those on the first. In other words, even if sanctions are effective in bringing about compliance with the Security Council's resolutions, they may still be damaging to the prospects for a stable international order - creating social and international divisions which undermine international stability.

It is perhaps the second of the two dimensions which is worthy of the most attention, in so far as it contains many diverse and complex aspects - where the effects of sanctions need to be followed through carefully.

### **3. Conclusions from the Sanctions Experience in Iraq, Libya and Sudan**

**On the first dimension (i.e. whether sanctions have actually brought about compliance with Security Council resolutions), the conclusion is broadly positive, but not straightforward.**

It is true that Iraq, Libya and Sudan have all, in different ways, complied with some of the key requirements in the relevant Security Council resolutions related to them. Iraq has over a prolonged period gradually fulfilled most of the disarmament requirements and has accepted Kuwaiti sovereignty and the demarcated border; Libya has handed over for trial the two accused of Lockerbie; and it is widely acknowledged that Sudan, while not handing over for trial those accused of the assassination attempt on President Mubarak, has fulfilled the requirement to stop "assisting, supporting and facilitating terrorist activities".

Whether sanctions are the key element which has brought about these outcomes, however, is not necessarily so clear.

**In the case of Iraq** (and I intend to put the emphasis here rather differently than in the documents I circulated, in order to make my point clearer), there can be little doubt that sanctions have constituted one of the main factors

encouraging the Iraqi government to comply with the requirements of Resolution 687.

The significance of this factor, however, has been greatly diminished by the limited gains which Iraq could achieve by compliance with the requirements of 687 (at least in the perception of the Iraqi state).

Let me explain this point. Iraq's primary objective since 1991 (besides the survival of the regime) has in my view been the re-establishment of its sovereignty, both territorial and economic. This has come out clearly from my own contacts with Iraqi decision makers over this period

Yet the lightening or removal of sanctions which has been offer since Resolution 706 of August 1991 (and even up to 1284) has consistently stopped short of guaranteeing the return of that sovereignty - in terms of Iraq being able to use its economic revenues as it sees fit. This issue is, of course, tied up with reparation payments, and by the perceived need on the UN side for Iraqi resources to be used for compensation.

The result is that the lightening or removal of sanctions (without the return of economic sovereignty) has not necessarily been in Iraq's interest. The Iraqi government has clearly believed that more could be gained by seeking to bring down the whole edifice of 687 directly, and not seeking palliatives which would entrench the loss of sovereignty in the long term.

In my view, sanctions had the greatest effect on Iraqi compliance between March and August 1991, before the first oil-for-food resolution was passed. Since then other factors, military and diplomatic, have I believe been more significant.

In short, UN control over Iraqi oil revenues has been the most important item which Iraq wanted ended, but that was not on offer.

In the case of Libya, the framework for the <sup>Lockerbie</sup> trial which the US and Britain eventually proposed in July 1998, and whose acceptance by Libya provided the grounds for the <sup>suspension</sup> ~~lifting~~ of sanctions, was similar to one which Libya itself had been advocating since 1992. Indeed, since 1994, Libya had specifically been indicating that it would accept a trial in a third country, under Scottish law and with Scottish judges.

The 1992 and 1993 Security Council resolutions on Libya also sought an end to Libyan support for international terrorism. There is ample reason to believe, however, that the Libyan government had itself abandoned such support at the end of the 1980s. The demise of the communist regimes of the Soviet Union and eastern Europe, from which Libya had received logistic and intelligence support, together with the more limited role which the revolutionary committees were able to play after 1989, necessitated this change. There were no reports of Libyan continued support for international terrorism over the 1990-2 period.

While the threat of sanctions was certainly effective in 1992 in leading the Libyan government to propose ways out of the dilemma in which it found itself over Lockerbie, with the effects of this continuing through 1993 and early 1994, there is therefore little evidence that it was of any significance in bringing about the final resolution of the problem - which owed more to the change in US/British policy than to any change in the Libyan position.

In the case of Sudan, it does seem clear that the Sudanese government did take concerted action, both when faced with the prospect of sanctions in 1995/6 and in the two years which followed the imposition of sanctions, to distance itself from international terrorism, complying with the Security

Council's requirement that it stop "assisting, supporting and facilitating terrorist activities". I would suggest that since 1998 there has been no evidence that the Sudanese government has been involved in such activities, as is indicated by the improving relations between Sudan and those regional states which had previously accused Sudan of interfering in their internal affairs by supporting opposition Islamists - especially Egypt, Saudi Arabia, Libya and Algeria.

But the sanctions on Sudan were purely diplomatic, carrying no significant economic effects. The Sudanese regime's tendency to ideological-expansionism seems to have been curbed simply by the measure of international opprobrium carried by diplomatic sanctions, however insignificant the practical effects may have been.

**Turning now to the second dimension which needs to be covered in the assessment of the sanctions experience (the wider effects of sanctions on international order and international stability), I believe that there are five broad conclusions which can be drawn - one of which is positive (in other words conducive to international stability) and four of which are negative (in other words harmful to international stability).**

**On the positive side,** it is clear that sanctions have put pressure on the three regimes, enabling their international role to be contained, and thereby limiting the achievement of any objectives which they may have had geared towards the disruption of regional or international stability. Sanctions have forced the regimes to concentrate on their own survival, leaving them with less time and ability to pursue aggressive or expansionist policies directed against neighbouring countries or the wider international community. Sanctions restricting the sale of weaponry have clearly brought about a gradual weakening of the military strength of the country concerned, and hence have blunted the ability of the governments of Iraq and Libya to indulge in aggressive acts against neighbouring states.

As I have already noted, however, sanctions may not have been the only factors encouraging the states concerned to eschew disruptive international policies. And it should also be noted that the case of Sudan shows that diplomatic sanctions may be as effective in achieving containment as economic sanctions.

**On the negative side**, attention is focused on the political and social dynamics which follow from sanctions and which affect the prospects for regional and international stability.

**The first conclusion** is that, economic sanctions have tended to strengthen regimes. Where the regimes concerned have had a record of disrespect for international law and of creating regional instability, and where a change of regime may be beneficial to regional stability, the strengthening of the regimes is clearly damaging to the prospects of stability. Overall, the strengthening of regimes which are cavalier in their treatment of human rights is not conducive either to regional or to international stability. The assumption that sanctions will help the population by opening opportunities for civilian forces to overthrow an oppressive and undemocratic regime is unjustified.

This observation about the strengthening of regimes as a result of economic sanctions is, of course, quite widespread in the literature on sanctions, but I think it is important to explain precisely why economic sanctions have had this effect - at least in the two countries subject to economic sanctions in my area (Iraq and Libya). Without understanding why it is not possible to draw any useful conclusions as to forms of sanctions which may not strengthen regimes.

There are three processes through which the strengthening can occur. **First**, the impact of the sanctions on the population tend to make peoples even more dependent on the government than before, mainly for provision

of the basic rations needed for survival. The rationing system, specifically, becomes an effective instrument for control. This happened in both Iraq and Libya.

**Second**, economic sanctions can strengthen a regime's ideological legitimacy. If the regime has projected itself to its population through an ideology built around nationalism, where external powers (especially Western powers) are seen as imperialist crusaders intent on undermining local sovereignty and indigenous interests, then the imposition of Western-orchestrated UN sanctions will reinforce the regime's central ideological message. The regime's analysis of the international order will carry conviction. The Iraqi and Libyan regimes have both purveyed, from their inceptions, a nationalistic ideology of the kind I have described. The imposition of sanctions, therefore, can be and has been used by the Iraqi and Libyan regimes to buttress popular acceptance of the core ideology and to mobilise popular support for the regimes.

Perceptions that sanctions are not genuinely international sanctions, but are the creature of one or more Western powers intent on weakening Iraq, have of course been critical in enabling the Iraqi regime to mobilise support. And the same has been true, in a more limited manner, in Libya.

**Third**, a regime can gain some credit domestically through the skill with which it defends itself against what may be perceived by substantial parts of the population as an external onslaught. Its ability to manoeuvre successfully so as to build up an element of support in the international community, to withstand and circumvent the blockade, to bring in the basic goods needed by the population, and perhaps to throw doubt on the legality of what is being done to the country, can all strengthen popular support for the regime. This factor has been evident in both Iraq and



Libya, and is I believe insufficiently recognised outside of those countries. Regime abilities are not necessarily viewed negatively, from within.

It is useful to contrast what has happened in Iraq and Libya as a result of economic sanctions with what has happened in Sudan as a result of diplomatic sanctions, and in the absence of their economic counterpart. In Sudan the focus of debate over the country's future, both domestically and internationally, has come to centre on the critical issues of human rights and democratisation. In contrast to the situations in Iraq and Libya, the sanctions to which Sudan was subject did not strengthen the regime, nor did they lead to a further weakening of the country's civil institutions and society, increase social antagonism, or give strength to disintegrative forces which would have made a negotiated settlement to the country's existing divisions yet more difficult to resolve. The challenge constituted by sanctions could not be met by mobilising national outrage at, and international sympathy over, the suffering caused by sanctions, because it was clear to all that the suffering did not stem from diplomatic sanctions. The sanctions were a symbol of international disapproval with the regime, and the only effective way for the regime to counter this was to attempt to show that its practices cohered with procedures and values maintained elsewhere.

No doubt the significance of this dimension should not be exaggerated. The actual human rights situation in the country has not necessarily improved, but the regime has at least found the need to make use of the discourse of human rights, cultural pluralism and democratisation.

**The second negative conclusion is that economic sanctions have an adverse impact on the social basis necessary for democratisation. This adverse impact has two dimensions. The first stems from the social divisions opened up by sanctions – between rich and poor, and between different**

regional and ethnic/religious components of the population. Sanctions benefit some parts of the population and harm others, or else inflict harm to varying degrees, thereby deepening inter-communal suspicion, jealousy and antipathy. The intense competition for scarce resources encourages a narrow communal solidarity, based on an individual's tribal/sectarian/regional identity, not an identification with the wider multi-ethnic and multi-religious community. The polarisation to extremes and the high level of tension within society prevent the development of attitudes and values essential to democracy – especially the willingness to abide by democratic procedures in determining who should be entitled to wield political power.

It was certainly my strong perception in Iraq in March of this year that a peaceful transition of any kind in present circumstances is impossible: Iraq is a seething cauldron, under a tightly-controlled surface.

The second dimension concerns the effect on the institutions of civil society. Under comprehensive economic sanctions (of the kind imposed on Iraq), the mass of the population is reduced to a hard struggle for immediate survival, with insufficient medicine to maintain health. People are unlikely to have the time or the energy to involve themselves in the interest groups, professional associations etc, which constitute civil society. Yet civil society forms the basis on which democratisation processes have often been constructed. There can be little doubt that, if there were to be a change of regime in Iraq today (writing in the year 2000), the prospects for a new regime operating a viable liberal democracy are less strong than they would have been ten years previously.

**The third negative conclusion** is that economic sanctions undermine the long-term political stability of the states on which they are imposed, with likely

repercussions on the stability of the wider region. The deterioration of the central infrastructure and services is crucial to this process, for these are the elements which give the state its effective coherence. The central dynamic keeping a country together, therefore, can be critically weakened. The feeling among different population groups that they benefit from being part of the country can be destroyed. Such dangers are of particular relevance in Iraq, but they constitute a danger in Libya also. Where the sanctions are accompanied by external policies which prevent the state from maintaining its control over part of the country (as in the case of the Kurdish areas of Iraq), the impact is likely to be particularly serious for long-term national integration.

It may be contended that this enables states to be re-formed on a more realistic basis than before, with autonomy or independence granted to ethnic or religious groupings which do not identify their interests with the state. Yet to carry through the dismantling of a state under these conditions would be highly problematic and disruptive to regional stability.

**The fourth negative conclusion** (and one which is less often pointed out) is that sanctions delay the development of frameworks of regional cooperation (in both security and economic fields) which could underpin the stability of a region. For as long as a state is under UN sanctions, other regional states will be constrained from seeking collaborative links with it. The concerns of the regional states themselves may also, of course, inhibit cooperation – they may fear the effects of cooperating with a state which is perceived as pursuing aggressive and expansionist designs. But the external discouragement certainly acts as one more factor making regional security and economic cooperation more difficult to achieve.

If it is true, therefore, that the stability of North Africa and the Middle East can be enhanced by the creation of regional structures through which security can be managed and economic interchange enhanced, then prolonged periods in which sanctions are maintained are disruptive to prospects for stability. Integrative links drawing Iraq into close collaboration with its Gulf neighbours, Libya into similar collaboration with the other states of North Africa, and Sudan into systems of cooperation with the Horn of Africa and with Egypt (as well as across the Red Sea), would bring substantial benefits. Economic cooperation and security cooperation are likely to be mutually-reinforcing.

**I should point out**

that the points which I have made are all concerned with the practical effects which sanctions have, I have not introduced any of the moral and legal arguments which are also sometimes brought into discussion about sanctions (as in Marc Bossuyt's working paper presented to the UN's Economic and Social Council, Sub-Commission on the Protection of Human Rights, or in the report on proportionality and sanctions prepared for the Save the Children Fund by Therese O'Donnell).

Nonetheless, it is worth noting that the moral and legal arguments may have direct practical effects, undermining the perceived legitimacy and coherence of sanctions and therefore the ability of the international system to maintain sanctions regimes.

**4. Conclusions on Future Use of Sanctions, Based on the Experience of the Sanctions Imposed on Iraq, Libya and Sudan**

The need for reconsidering, refining and adapting the use of sanctions by the UN Security Council is clear: the effects of sanctions on large numbers of innocent civilians affects the credibility of the UN as a whole. Yet the UN does clearly need to have instruments through which it can deter states from pursuing paths which endanger international stability, and through which it can promote humanitarian welfare. Sanctions of some

form must clearly play a part in this. Indeed, the need for an effective form of sanctions for the promotion of stability and humanitarian welfare is perhaps greater than ever before.

What is required now, therefore, is a clear perception of how sanctions can be used in furthering international order and stability without the ill-effects which have been identified from the existing experience. I would draw the following conclusions from the experience of the three countries with which I have been concerned.

1. **Before sanctions are imposed, account should be taken not only of their ability to bring about compliance with the specific requirements to be laid out in the relevant Security Council resolution, but also of the long-term effects which that form of sanctions may have on the dynamics of national politics and regional stability.** Sanctions which are clearly disruptive of regional stability in the long-term must be avoided.
2. **Sanctions which damage the health, education and social welfare of the mass of the population should be avoided.** The experiences of both Iraq and Libya indicate that such damage does not necessarily lead to compliance with Security Council, and can create long-term destabilising dynamics nationally and regionally. The likely effects may depend on the character of the regime (which makes my next point particularly relevant).
3. **Sanctions need to be bespoke to individual situations. The character and content of sanctions in any situation must be dependent on a proper considerations of what will be effective in that specific context.** What might have been effective in South Africa under apartheid would not necessarily work in Iraq or Libya, due to the different relationship between people and regime.

4. Sanctions should be implemented within a framework where the population of the state can perceive them as being grounded in international law, and not the product of manipulation by one or more great powers. My strong impression is that in Iraq, over the years since sanctions were first imposed, there have been fewer and fewer Iraqis who have seen sanctions as the impersonal and objective product of international law. The result has been that popular solidarity with the regime, against sanctions, has strengthened. The chances of sanctions working decreases when the population has this perception. (My next point suggests one way in which perceptions of overall international responsibility for sanctions can be strengthened).
  
5. Sanctions need to be time-limited, especially if they are likely to have an impact on the population as a whole. This should not imply that they can not be continued after a specified time, but rather that the Security Council as a whole takes direct responsibility for such continuation. If sanctions are not time-limited, their continuation is not dependent on the approval of all of the permanent members of the Council. In such a situation, they can appear to the recipient country (both the government and the people), and perhaps to other regional states and populations, to constitute a weapon used by an individual power for the pursuit of its own interests. It is clear that in both Iraq and Libya, the regimes have drawn strength through purveying the perception that sanctions are indeed a weapon of particular Western powers, and not an expression of the will of the international community. A strong ground for mobilisation against sanctions has thus been created.

Time-limitation would be less important for sanctions which have little impact on the majority of the population. Nonetheless, the continuation of sanctions when it is clear that nothing can be gained from their continuation does take away from the seriousness with which this instrument for enforcing international order is regarded. The diplomatic sanctions which remain in

force against Sudan are a case in point: there is no rationale to their continuation.

6. **States under sanctions need to be given a clear incentive to comply with the requirements of the relevant Security Council resolutions. Sanctions resolutions should not, therefore, contain punitive measures against which a state has no redress within the context of the resolutions.** I pointed out earlier that Resolution 687, imposing the existing sanctions framework on Iraq, also imposed reparations - from which Iraq had no escape. The incentive for Iraq to comply with the requirements on disarmament, recognition of Kuwaiti sovereignty etc. was reduced. Clear pathways need to be laid down, and clear incentives offered, for governments under sanctions to comply with reasonable requirements.
  
7. **The effectiveness of sanctions will be enhanced if substantial parts of the populations within the state concerned regard them as favouring their own interests.** While the issue of using Security Council resolutions to enforce respect for human rights within a country may be contentious, there is a strong case for the link to human rights to be made when a state has contravened international law in other ways. The absence of any requirements with regard to the human and political rights of the Iraqi population, and the relegation of human rights concerns to another resolution (688) which had no provision for enforcement or implementation, meant that the people of Iraq had nothing to gain from the difficulties faced by the regime. The UN system was not promising to help protect them in this new situation.

The Security Council could have established a monitoring organisation, with similar means of implementation and enforcement as those enjoyed by UNSCOM, to cover Iraq's compliance with international covenants related to human rights - most of which Iraq had signed. Compliance with the UN

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for example, could have been made a requirement for Iraq, in the same way as the destruction of chemical and biological weapons was. Nor would this emphasis on human and political rights necessarily have involved any intensification of the confrontation between Iraq and the UN Security Council. Paradoxically, the Iraqi government was itself, in mid-1991, seeking to find a new political basis to the regime, had opened talks with the Kurdish leaders, and had announced that Iraq was moving towards democratisation. It had also accepted the establishment of UNHUCs on its territory, knowing that this opened the way to a wider international involvement with humanitarian issues in the country.

8. **Diplomatic sanctions, and sanctions targetted at those in governmenal authority, have shown themselves to be effective in the case of Sudan, and the further development of smart sanctions of these types needs to be given attention.** The more that the hurtful effects of sanctions, if only in terms of perceptions of being perceived internationally as wrong-doers, can be brought home to those in power, avoiding damage to the population, the more effective sanctions are likely to be.
9. **To avoid damage to populations where sanctions do affect large sections of the population, a sanctions regime needs to have the means to monitor health and welfare conditions continually, and must be able to repond quickly and effectively if conditions are deteriorating - including the removal of any elements of the sanctions regime which have been shown to be harmful.**
10. **The critical requirement now with regard to Iraq is for the international community to withdraw from measures which intensify the problems of political transition, and to find frameworks within which the living conditions of populations can be improved, human rights concerns can be**



addressed and regional stability can be forwarded. In practice, it would be impossible even to initiate this process without a preparedness to draw the Iraqi government into discussion.

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<sup>i</sup> Chapter VII of the United Nations Charter states, in Article 39: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken..., to maintain or restore international peace and security”.