

# UN Targeted Sanctions

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*Qualitative Dataset*

*June 2014*

# Al-Qaida/Taliban

## Overview

**Status:** Ongoing

**Duration:** 15 October 1999 – present (14 years +)

**Objective:** Counter-terrorism

**Sanction types:** Individual (asset freeze, travel ban), Diplomatic (limit diplomatic representation), Sectoral (arms embargo, aviation ban), Commodity (heroin processing chemical ban)

- Territorial delimitation during EP2 (areas of Afghanistan under Taliban control)

**Non-UN sanctions:** Regional (EU), Unilateral (US, UK, other)

**Other policy instruments:** Diplomacy, legal tribunals, threat of force, use of force, covert measures

## Background

In August 1998, the US embassies in Dar es Salaam, Tanzania and Nairobi, Kenya were bombed. Afghanistan under the Taliban was mentioned as a haven for terrorists in UNSCR 1193 in August 1998. In November of the same year, Usama bin Laden was indicted by the US for his involvement in the bombings. UNSCR 1214 (December 1998) included a long list of grievances against the Taliban in addition to its provision of sanctuary to terrorists.

## Episode 1 (15 October 1999 – 19 December 2000)

### Summary

The UNSC imposed targeted sanctions on the Taliban regime (in control of Afghanistan at the time) for its refusal to turn over bin Laden for prosecution (UNSCR 1267).

### Purposes

Coerce the Taliban to turn over bin Laden, constrain the Taliban from engaging in a variety of proscribed activities (particularly as haven for terrorism), and signal the Taliban for its violation of a large number of norms (on terrorism, the cultivation of drugs, the ongoing armed conflict, kidnapping of diplomatic personnel, and the treatment of women).

### Sanction type

Aviation ban on aircraft owned, leased, or operated by the Taliban and asset freeze on the Taliban regime.

### Effectiveness

#### Coercion (Ineffective)

**Policy outcome:** 1/5, Taliban refused to extradite bin Laden.

**UN sanctions contribution:** 2/5, UN sanctions were not the primary tool for coercion; international diplomacy and US unilateral sanctions appeared more significant at the time (US legal proceedings were focused on bin Laden, not the Taliban).

#### Constraint (Ineffective)

**Policy outcome:** 2/5, Restrictions on Ariana Airlines forced the Taliban to find new sources of supply (Viktor Bout).

**UN sanctions contribution:** 4/5, UN sanctions multi-lateralized US unilateral measures (affecting the Gulf and western China).

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, UNSCRs (1214 and 1267) clearly articulated violation of norm against terrorism under Chapter VII, but degree of stigmatization was limited (Taliban increased their proscribed activities and became increasingly intransigent).

**UN sanctions contribution:** 5/5, The UNSCRs were the principal mechanism for communicating the international norm against terrorism, and Taliban was strongly stigmatized.

### **Unintended consequences**

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, increase in human rights violations, strengthening of political factions, humanitarian consequences.

### **UN resolutions**

Date	Resolution	Description
15.10.1999	UNSCR 1267	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes aviation ban on Taliban owned, leased or operated aircrafts and specifies humanitarian and religious exemptions (pending Committee approval)</li><li>Imposes financial asset freeze on the Taliban</li><li>Urges MS to consider further measures against Usama bin Laden and his associates</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Delays sanctions imposition (until 14.11.1999)</li><li>Establishes Sanctions Committee and specifies its mandate</li><li>Requests MS reporting</li></ul>

## **Episode 2 (19 December 2000 – 11 September 2001)**

### **Summary**

Following the continued refusal of the Taliban to turn over Usama bin Laden for prosecution, its reluctance to engage in a broader peace process, and its threats to destroy part of Afghanistan's cultural and historical heritage, the UNSC passed UNSCR 1333 in December 2000, expanding the sanctions against the Taliban and broadening them to bin Laden and Al-Qaida.

### **Purposes**

Coerce the Taliban to turn over bin Laden and close terrorist training camps on its territory, constrain both the Taliban and Al-Qaida from engaging in proscribed activities (particularly terrorism), and signal both the Taliban and Al-Qaida about a growing number of norm violations.

### **Sanction type**

Expansion of the existing aviation ban (from aircraft owned by the Taliban to landing anywhere in the territory controlled by them) and individual/entity asset freeze (to bin

Laden and Al-Qaida as an organization). Newly imposed arms imports embargo on the Taliban (and areas of the country controlled by them), diplomatic sanctions on the Taliban (closure of Taliban offices in MS territory), and a ban on a substance used in the processing of heroin (acetic anhydride).

## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 1/5, Taliban refused to extradite bin Laden and indeed became more closely aligned with him during this episode.

**UN sanctions contribution:** 0/5, Additional sanctions pushed the Taliban closer to bin Laden.

### Constraint (Mixed effectiveness)

**Policy outcome:** 3/5, Ariana Airlines was fully grounded during this episode, but the other sanctions appeared to inconvenience, rather than constrain, the targets.

**UN sanctions contribution:** 4/5, Sanctions appear critical to grounding of Ariana Airlines.

### Signaling (Mixed effectiveness)

**Policy outcome:** 3/5, Clear articulation of violation of norm against terrorism and further isolation of the Taliban, but degree of stigmatization felt by the targets was limited.

**UN sanctions contribution:** 4/5, Expansion of sanctions against Taliban and extension to Al-Qaida was the principal mechanism for diffusing the international norm. However, Taliban behavior also contributed to its stigmatization internationally.

## Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, increase in human rights violations, strengthening of political factions, humanitarian consequences.

## UN resolutions

Date	Resolution	Description
19.12.2000	UNSCR 1333	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes arms imports embargo to the territory of Afghanistan under Taliban control, including technical advice, assistance, or training related to military activities (1 year), and specifies humanitarian and protective use exemptions (pending Committee approval)</li> <li>Decides all MS shall withdraw any officials, agents, advisers, and military personnel advising Taliban on military or related security matters</li> <li>Imposes closure of Taliban offices in MS territory (1 year) and urges reduction of MS diplomatic staff at Taliban missions and posts</li> <li>Imposes closure of Ariana Afghan Airlines offices in MS territory (1 year)</li> <li>Imposes financial asset freeze on Usama bin Laden and associates, including Al-Qaida (1 year)</li> <li>Imposes chemical acetic anhydride imports ban to the territory of Afghanistan under Taliban control (1 year)</li> </ul>

		<ul style="list-style-type: none"> <li>• Enlarges UNSCR 1267 aviation ban to Taliban controlled territory of Afghanistan (1 year) and specifies humanitarian, religious, and conflict resolution exemptions (pending Committee approval)</li> <li>• Urges travel ban on senior Taliban officers</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Delays sanctions imposition (1 month)</li> <li>• Establishes Committee of Experts and specifies its mandate</li> <li>• Modifies Sanctions Committee mandate</li> <li>• Requests MS reporting</li> </ul>
30.07.2001	UNSCR 1363	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Establishes a monitoring mechanism (Monitoring group in New York &amp; Sanctions Enforcement Support Team) and specifies its mandate (until 19.01.2002)</li> <li>• Urges and invites MS reporting</li> </ul>

### Episode 3 (11 September 2001 – 17 June 2011)

#### Summary

Following the attacks of 11 September 2001, the UNSC passed several important resolutions (all unanimous) significantly enhancing its efforts to counter terrorism. UNSCR 1368 broadly authorized military intervention (“take all necessary steps to respond”), 1373 established the global CT regime (with innovative new monitoring and enforcement measures), 1386 legitimized ISAF intervention, and 1390 added an indefinite travel ban and arms embargo on AQ. There was a significant increase in the number of individuals and entities designated during this period from 156 to more than 500 at one point during the episode, beginning with the first round of new designations made on 8 October 2001.

Following litigation in a number of key implementing states over due process violations associated with the individual designation process, the UNSC passed a series of resolutions introducing procedural reforms and increasing the transparency of its operations. UNSCR 1617 (29 July 2005) spelled out explicit criteria for listing, UNSCR 1730 (December 2006) created a focal point mechanism within the Secretariat to receive petitions for de-listing, UNSCR 1822 (June 2008) mandated periodic reviews of all designations, and UNSCR 1904 (December 2009) created an Office of Ombudsperson to review petitions for de-listing. Each of these resolutions was adopted unanimously. This episode represented an attempt to focus the targeting of the regime and increase/maintain its legitimacy. There was also evidence of an emerging differentiation between Al-Qaida and the Taliban that picked up pace toward the end of the episode.

Targeted assassination campaigns through drone attacks by the United States became more prominent in the Afghanistan-Pakistan border (especially toward the end of the episode), considerably harming the senior leadership of Al-Qaida. In May 2011, Usama bin Laden was killed in Pakistan in an attack by US Special Forces.

#### Purposes

Constrain AQ from being able to commit additional acts of terrorism and signal AQ and the global community about the unacceptability of acts of terrorism. At the same time,

reassure domestic constituencies that something was being done about global terrorism, and address domestic human rights communities that adequate due process measures were in place.

### Sanction type

Continuation of previously imposed asset freeze and arms imports embargo on Usama bin Laden, Al-Qaida, Taliban, and associates. Diplomatic sanctions (closure of Taliban offices in MS territory) and ban on chemical used in heroin processing (acetic anhydride) expired in December 2001 and aviation ban was lifted in January 2002 (following Taliban overthrow in November 2011). Newly imposed travel ban on Usama bin Laden, Al-Qaida, Taliban, and associates.

### Effectiveness

#### **Coercion (N/A)**

**Policy outcome:** N/A, Individuals and supporters became the principal focus of coercion, but in order to constrain AQ/T. Individuals designated became unable to access their funds in some countries, others were deterred from providing continuing support.

**UN sanctions contribution:** N/A.

#### **Constraint (Effective)**

**Policy outcome:** 5/5, AQ had very limited access to formal sector financial institutions; had limited funds to transfer; complained of limits on funds; moved to decentralized, locally sourced financing; change of strategy of Al-Qaida, both in its sources of financing (toward crime and local sources) and in the location of many of its attacks (increasingly in the developing world); at the beginning of the episode, AQ was still directing and financing attacks (Bali 1); by the middle, there was no evidence of direct command and control or financing from AQ central (Bali 2, Madrid, London); there was evidence of disruption of plots due to financial intelligence; AQ central virtually disappeared as a command and control center during this episode.

**UN sanctions contribution:** 3/5, Other factors, such as the NATO military intervention, clearly played a key role in the disruption of the organization and its change of strategy (at least at the outset); use of drones played a key role in the disruption of the organization; support of military operations in various parts of the world increasingly important against affiliated entities (Somalia, Yemen).

#### **Signaling (Effective)**

**Policy outcome:** 5/5, AQ was strongly stigmatized and isolated, as were its principal financial supporters; strong reinforcement of norm against terrorism.

**UN sanctions contribution:** 3/5, Creation of a global sanctions regime was critical for signaling AQ, its associates, and the global community about the norm against terrorism, but AQ actions and their repercussions played an increasingly important role in stigmatizing the group over the course of the episode (attacks on Muslims, attacks on soft targets in the developing world, diffuseness of attacks, i.e. not focused on the US).

### Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, increase in human rights violations, humanitarian consequences, strengthening instruments of the security apparatus of senders, harmful effects on neighboring states, increase in international regulatory capacity in different issue domains, increase in international

enforcement capacity in different issue domains, resource diversion, significant administrative burden on implementing states, human rights implications for sending states, decline in the credibility and/or legitimacy of UN Security Council, reduction in Islamic charitable giving.

### UN resolutions

Date	Resolution	Description
08.10.2001	SC 7166	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds new individual and entity designations to the consolidated list (two more rounds of designations followed within a month, in SC 7180 and 7206) [following the 9/11 terrorist attacks]</li> </ul>
20.12.2001	UNSCR 1386	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes International Security Assistance Force (ISAF) to maintain security in Kabul and surrounding areas (6 months)</li> </ul>
15.01.2002	UNSCR 1388	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Terminates the closure of Ariana Afghan Airlines and exempts them from UNSCR 1267 aviation ban and financial asset freeze</li> </ul>
16.01.2002	<b>UNSCR 1390</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Continues UNSCR 1267 and 1333 financial asset freeze (new wording)</li> <li>Imposes arms imports embargo on Usama bin Laden, Al-Qaida, Taliban, and associates (individuals and entities)</li> <li>Imposes travel ban on Usama bin Laden, Al-Qaida, Taliban, and associates (individuals)</li> <li>Terminates UNSCR 1267 aviation ban</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Modifies Sanctions Committee mandate (cooperation with the UNSCR 1373 Counter Terrorism Committee)</li> <li>Extends Monitoring Group mandate (1 year)</li> <li>Sets sanctions review (1 year)</li> <li>Requests MS reporting</li> </ul>
20.12.2002	<b>UNSCR 1452</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Terminates the UNSCR 1267 humanitarian exemption to asset freeze</li> <li>Adds UNSCR 1267 and 1390 financial asset freeze exemptions for basic expenses (absence of a negative decision within 48 hours) and extraordinary expenses (pending Committee approval)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Specifies criteria for optional additions of account payments and interests</li> <li>Modifies Sanctions Committee mandate</li> </ul>
17.01.2003	UNSCR 1455	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Decides to improve the implementation of UNSCR 1267, 1333 and 1390 measures</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Monitoring Group mandate (1 year)</li> <li>Requests Committee to communicate the designations list to MS every 3 months</li> </ul>
13.10.2003	UNSCR	<u>Procedural:</u>

	1510	<ul style="list-style-type: none"> <li>• Extends and expands mandate of ISAF beyond Kabul and its environs (1 year)</li> </ul>
30.01.2004	UNSCR 1526	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Decides to improve the implementation of UNSCR 1267, 1333 and 1390 measures</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Strengthens Sanctions Committee mandate</li> <li>• Establishes Monitoring Team (18 months) and specifies its mandate</li> <li>• Requests MS reporting</li> </ul>
29.07.2005	UNSCR 1617	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Specifies indicators for “association” (i.e. designation)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Monitoring Team mandate (17 months)</li> <li>• Requests relevant MS informing of those designated</li> <li>• Requires statement of case from MS for designation</li> <li>• Sets sanctions review (17 months)</li> </ul>
22.12.2006	UNSCR 1735	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Clarifies that UNSCR 1267, 1333 and 1390 asset freeze applies to all economic resources</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Specifies information to be provided by MS for the statement of case</li> <li>• Presents cover sheet for listing and specifies criteria for delisting</li> <li>• Allows public release of listing information (MS identification of such parts requested)</li> <li>• Extends and modifies Monitoring Team mandate (18 months)</li> <li>• Extends consideration time for financial exemptions (from 48h to 3 days)</li> <li>• Sets sanctions review (18 months)</li> </ul>
30.06.2008	UNSCR 1822	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Decides Secretariat shall inform relevant MS Permanent missions of delisting within 1 week</li> <li>• Directs the Committee to review all names on the List (2 years) and sets up annual review of names not reviewed in 3 or more years</li> <li>• Extends and modifies Monitoring Team mandate (18 months)</li> <li>• Decides MS shall identify information from statement of case for public release</li> <li>• Sets sanctions review (18 months)</li> </ul>
17.12.2009	UNSCR 1904	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Establishes Ombudsperson and specifies his/her mandate (replacing UNSCR 1730 Focal Point mechanism in receiving delisting requests)</li> <li>• Requires Secretariat to inform permanent mission of a country where designee is (believed to be) located within 3 working days of designation</li> <li>• Directs Committee to make accessible on its website narrative summary of reasons for listing (based on the publicly releasable part of MS statement of case)</li> <li>• Requests Monitoring Team circulation of list of reportedly</li> </ul>



		deceased designees (every 6 months) <ul style="list-style-type: none"> <li>• Extends Monitoring Team mandate (18 months)</li> <li>• Sets sanctions review (18 months)</li> </ul>
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## Episode 4 (17 June 2011 – present)

### Summary

Following changes on the ground and a growing sense that the core purposes of the AQ/T regime had become divergent (constraining AQ and persuading the Taliban to cease fire and join peace talks with the government), the AQ/T regime was separated into two parts. UNSCR 1989 (June 2011) is a continuation of the 1267 regime against AQ. UNSCR 1988 (also June 2011) focused on measures to induce moderate elements of the Taliban to enter negotiations with the Afghan government.

In this period Al-Qaida has continued its long transition towards having a weaker institutional core and a greater focus on regional and local “franchised” activities. The combination of targeted financial sanctions, military intervention and continuous drone attacks in the Afghanistan-Pakistan border has disconnected Al-Qaida’s senior leadership from its ground operators and new recruits.

Al-Qaida’s regional affiliates, such as Al-Qaida in the Islamic Maghreb (AQIM) and Al-Qaida in the Arabian Peninsula (AQAP), have increased their prominence with local and regional terrorist attacks and (often temporary) control of territories in countries like Somalia, Yemen and Mali. They have also become a significant force in Syria and Iraq. During 2013, most of the additions to the 1267 list came from the Sahel region and Syria. As the Monitoring Team argued in 2012, however, while these affiliates continue to proclaim an affiliation with Al-Qaida “they pursue local goals and are bound together more by a shared name and occasional expressions of mutual support than by any common strategy or operational cooperation,” which means that while the Al-Qaida terrorist threat persists, it is less capable and motivated to project its ideology and mount attacks on a global scale. The August 2013 Monitoring Team report concluded that “Al-Qaida’s core has seen no revival of its fortunes over the past six months” and that it had shown “little capability to unify or lead al-Qaida affiliates,” some of whom “have been pushed back by military operations in Mali and Somalia.”

The 1267 regime has also been improved with the strengthening of the Ombudsperson mechanism in UNSCR 1989 (June 2011), which made the Ombudsperson’s decisions final, unless overturned by a consensus in the Committee or a unanimous vote in the Council. This move, which brought the regime’s procedures closer to an independent and binding review process, has increased the legitimacy of the regime in the eyes of different member-states, but not for the European Court of Justice, which significantly ruled in favor of Mr. Kadi in July 2013. While progress has been made, legal challenges with regards to due process remain.

### Purposes

Constrain AQ from being able to commit additional acts of terrorism; signal AQ and the global community about the unacceptability of acts of terrorism (and at the same time to reassure domestic constituencies that something was being done about global terrorism).

## Sanction type

Continuation of ongoing asset freeze, arms imports embargo, and travel ban sanctions measures on Al-Qaida and associates (Taliban sanctions separated into their own sanction regime).

## Effectiveness (as of January 2014)

### **Coercion (N/A)**

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

### **Constraint (Effective)**

**Policy outcome:** 4/5, Al-Qaida core has been constrained in financial and operational terms. Its central leadership has been weakened and financial and operational cooperation between different affiliates globally remains difficult to pursue. This has led to changes of strategy in fundraising (towards criminal and local sources), operations (towards local and regional initiatives) and targets (local and regional targets in Asia and Africa) which have enabled them to commit acts of terrorism and take control of territory (Mali, Yemen, Somalia, Syria, and Iraq).

**UN sanctions contribution:** 3/5, Other factors, such as regular drone attacks, multiple military interventions in regions where AQ affiliates operate have clearly played a key role in the disruption of the core of the organization, and it set-backs for its affiliates in East Africa and the Sahel.

### **Signaling (Ineffective)**

**Policy outcome:** 5/5, AQ is strongly stigmatized and isolated globally, as well as locally, in most regions it operates. While AQ affiliates (through its “franchise” system, such as AQ in the Islamic Maghreb, AQ in the Arabian Peninsula) constitute the majority of new designations, they are still able to mobilize local and regional rivalries on occasion to gain some support for their operations.

**UN sanctions contribution:** 2/5, UN designations have begun to reflect changes within AQ, but AQ actions and their repercussions appear to play a more important role in stigmatizing the group (attacks on Muslims, criminal activities, theological differences, attacks on soft targets in the developing world, diffuseness of attacks, i.e. not retaining a focus on the US).

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
17.06.2011	<b>UNSCR 1989</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Separates Taliban sanctions into their own sanction regime in UNSCR 1988 (2011)</li><li>• Reaffirms UNSCR 1333 and 1390 financial asset freeze, travel ban, arms imports embargo</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Specifies criteria for optional additions of account payments and interests</li><li>• Decides MS shall use standard form for listing, including a narrative summary for listing (publicly releasable parts of</li></ul>

		<p>which will be published on Committee's website)</p> <ul style="list-style-type: none"> <li>• Decides designating MS shall specify the relevant body that may disclose its status as designating State</li> <li>• Specifies delisting procedures (60 days after request unless unanimous Committee decision, SC decision if disagreement)</li> <li>• Clarifies that delisting requests on behalf of the listed cannot come from MS (only from the designees or their legal representatives or estates)</li> <li>• Extends and modifies Ombudsperson and Monitoring Team mandates (18 months)</li> <li>• Sets sanctions review (18 months)</li> </ul>
12.12.2012	<b>UNSCR 2083</b>	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Specifies exceptional unfreezing procedure, not setting a precedence (MS assurances prior to unfreezing that funds not transferred to designees or used for terrorist purposes, unfrozen within 30 days in the absence of objection by Committee member)</li> <li>• Decides asset freeze and travel ban exemptions request shall go through UNSCR 1730 Focal Mechanism (agreement of transit and destination MS required for travel exemptions)</li> <li>• Extends and modifies Ombudsperson and Monitoring Team mandates (30 months)</li> <li>• Sets sanctions review (18 months)</li> </ul>
17.06.2014	UNSCR 2161	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Confirms that travel-related funds, assets, or resources may only be provided in accordance with the travel ban exemption procedure</li> <li>• Urges MS to implement FATF recommendations and best practices for combating money laundering and financing of terrorism and proliferation</li> <li>• Decides MS shall exercise vigilance regarding explosives and their components</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Ombudsperson mandate (30 months)</li> <li>• Extends and modifies Monitoring Team mandate (30 months)</li> <li>• Modifies Focal Point mandate</li> <li>• Modifies the listing procedure</li> <li>• Specifies the delisting procedure</li> <li>• Sets sanctions review (18 months)</li> </ul>

# Angola

## Overview

**Status:** Concluded

**Duration:** 15 September 1993 – 9 December 2002 (9 years 3 months)

**Objective:** Cease hostilities, peace enforcement, democracy support

**Sanction types:** Individual (asset freeze), Diplomatic (limit diplomatic representation, limit travel, visa cancellation), Sectoral (arms embargo, aviation ban, transportation services and equipment ban, mining services and equipment ban), Commodity (petroleum ban, diamond ban)

- Territorial delimitation (UNITA and areas of Angola not under State administration)

**Non-UN sanctions:** Regional (no), Unilateral (missing data)

**Other policy instruments:** Diplomacy, peacekeeping operations, use of force, DDR

## Background

Following independence from Portugal in 1975, Angola experienced years of internal armed conflict between three rival factions involved in the anti-colonial struggle against Portugal: the MPLA (People's Movement for the Liberation of Angola – Labor Party) backed by the former Soviet Union, and its rivals, UNITA (National Union for the Total Independence of Angola) and the FNLA (National Front for the Liberation of Angola) backed by the US, apartheid South Africa, and China. With strong Soviet and Cuban backing, the MPLA emerged as the country's government in 1975, but it faced continuous internal armed opposition from UNITA (which joined forces with the FNLA) for more than two decades. The Bicesse Accords (31 May 1991) provided for a political settlement of the Angolan conflict, including elections under the auspices of the UN (UN Angola Verification Mission, UNAVEM II). Elections were held in late September 1992, the results were disputed by UNITA, and the civil war resumed.

## Episode 1 (15 September 1993 – 28 August 1997)

### Summary

UN targeted sanctions were first threatened in July 1993 and then imposed in September 1993. The Lusaka Protocol (ceasefire and basis for unity government) was signed 20 November 1994. Uneven implementation of the agreement (disputes over ceasefire violations, political form of unity government, and DDR). Government of Unity and National Reconciliation (GURN) launched in April 1997, but was dominated by MPLA.

UNSCRs during the episode included UNSCR 851 (15 July 1993), on the extension of the mandate of UN Angola Verification Mission II, implementation of the Peace Accords for Angola, and explicitly threatening sanctions (an arms embargo), and UNSCR 864 (15 September 1993), on the extension of the mandate of the UN Angola Verification Mission II and arms and oil embargo against UNITA, to go into effect 10 days after the passage of the UNSCR (unless the SG says otherwise) sanctions on UNITA.

## Purposes

Coerce UNITA to cease hostilities, abide by the peace accords, and accept the election results; constrain UNITA from continuing its opposition to the terms of the agreement, and signal UNITA to enforce the peace and accept a political settlement.

## Sanction type

Arms imports embargo and petroleum and petroleum products imports ban to UNITA (except through points of entry named by the Government of Angola).

## Effectiveness

### **Coercion (Ineffective)**

**Policy outcome:** 2/5, UNITA agreed to a process, but there were frequent violations during the episode (particularly with regard to ceasefire and DDR).

**UN sanctions contribution:** 3/5, The Angolan government captured UNITA's HQ 10 days before UNITA signed the Lusaka Protocol, but sanctions and the threat of further sanctions also played a role in unsettling UNITA commanders about maintaining access to weapons.

### **Constraint (Mixed effectiveness)**

**Policy outcome:** 3/5, Weapons remained available (from Zaire), but some diminution of the conflict at times during the episode.

**UN sanctions contribution:** 3/5, Sanctions and the threat of further sanctions had, according to HRW, a psychological impact on UNITA leadership about maintaining access to weapons.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Norms stated in UNSCR, but ambivalence from the US and support from African allies ameliorated.

**UN sanctions contribution:** 3/5, Sanctions and the threat of further co-existed with ongoing negotiations.

## Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, strengthening of political factions.

## UN resolutions

Date	Resolution	Description
15.09.1993	<b>UNSCR 864</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes arms imports embargo and petroleum imports ban to UNITA, except through points of entry named by the Government of Angola</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Delays sanctions implementation (10 days)</li><li>Establishes Sanctions Committee and specifies its mandate</li><li>Requests MS reporting</li></ul>

## Episode 2 (28 August 1997 – 12 June 1998)

### Summary

Following US frustration with Savimbi's foot-dragging and a growing concern that the MPLA was moving toward a peace through war strategy, new sanctions were added to support the peace process (with a two month delay in implementation) to pressure UNITA to implement more effectively key elements of the Lusaka Protocol (negotiated late in 1994). There are some concessions from UNITA, but not full implementation. This creates the appearance of UNITA not acting in good faith and civil war continued during the episode.

Relevant UNSCRs during the episode included UNSCR 1127 (28 August 1997), which imposed sanctions, but with one month delay in implementation; UNSCR 1130, which postponed sanctions for another month; and UNSCR 1135, which applied the sanctions.

### Purposes

Coerce UNITA to implement the peace agreement (Lusaka Protocol), cease hostilities, engage in effective DDR, and implement provisions relating to the formations of a Government of Unity and National Reconciliation (GURN); constrain UNITA from continuing its opposition to the terms of the agreement, and signal UNITA to enforce the peace and accept democratization.

### Sanction type

Ongoing arms imports embargo and petroleum and petroleum products imports ban to UNITA. Newly imposed aviation ban on UNITA (except through points of entry named by the Government of Angola), and diplomatic sanctions on UNITA (travel ban on senior UNITA officials and their adult family members, suspension or cancellation of their travel documents, and closure of all UNITA offices).

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Some UNITA concessions, but not implemented in good faith during the episode, tactical ceasefire in March 1998, but UNITA maintained 30 to 50K forces during this period.

**UN sanctions contribution:** 3/5, The Angolan government used the sanctions to its advantage militarily.

#### **Constraint (Mixed effectiveness)**

**Policy outcome:** 3/5, Some demobilization, some increase in costs of target (diplomatic diversions, renaming of closed consulates).

**UN sanctions contribution:** 3/5, The Angolan government used the sanctions to its advantage militarily.

#### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, UNITA was increasingly isolated (UNSCR 1127 increasingly focused on UNITA), but initially benefits from a rally round the flag moment from its leadership.

**UN sanctions contribution:** 3/5, The Angolan government used the sanctions to its advantage militarily.

## Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, strengthening of political factions.

## UN resolutions

Date	Resolution	Description
28.08.1997	<b>UNSCR 1127</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes a travel ban and suspension or cancellation of travel documents of senior UNITA officials and their adult family members and specifies exemption for those necessary for full functioning of Government of Unity and National Reconciliation, National Assembly, and the Joint Commission</li><li>• Imposes closure of all UNITA offices</li><li>• Imposes aviation ban on UNITA and the use of flag vessels or aircrafts to/from Angola, including components, insurance, servicing and engineering (except through named points of entry provided by the Government of Angola)</li><li>• Specifies exemptions on the basis of medical emergency and humanitarian need (pending Committee approval)</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Delays sanction implementation (1 month)</li><li>• Requests MS reporting</li></ul>
29.09.1997	UNSCR 1130	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Further postpones the imposition of measures from UNSCR 1127 (1 month)</li></ul>
29.10.1997	UNSCR 1135	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Authorizes the imposition of sanctions specified in UNSCR 1127 on the following day (30.10.1997)</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Requests MS reporting</li></ul>

## Episode 3 (12 June 1998 – 12 January 1999)

### Summary

Parties agreed to a timetable for implementing the Lusaka Protocol, but the deadline for completing the peace process (28 February 1998) was not met. UNITA became a legal political party in March, but retained elite fighting units and 20,000 troops. UNITA leadership specifically condemned for its failure to de-militarize (implement DDR) in UNSCR 1173.

Two months later UNITA attacked government forces, seized one-third of the territory ceded to the government, the GURN fell apart (UNITA ministers expelled from the government), splits began to appear within UNITA; the FNLA also split into two factions, and a second UNITA faction emerged. Government resumed a full military strategy against UNITA in December 1998.

### Purposes

Coerce UNITA to cease hostilities and implement the peace agreement (demilitarization, acceptance of GURN presence); constrain UNITA from being able to act autonomously



and signal both parties to refrain from excessive use of force that might undermine the peace process.

### Sanction type

Ongoing arms imports embargo, petroleum and petroleum products imports ban, and aviation ban on UNITA (except through points of entry named by the Government of Angola), and diplomatic sanctions on UNITA (travel ban on senior UNITA officials and their adult family members, suspension or cancellation of their travel documents, and closure of all UNITA offices). Newly imposed asset freeze on UNITA, senior UNITA officials, and their adult family members, diamond exports ban, and prohibition on supply of mining and ground or waterborne transportation services and equipment into UNITA controlled areas.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Asset freeze and especially diamond sanctions prompted Savimbi to break the agreement, a split emerged within UNITA.

**UN sanctions contribution:** 4/5, Target acknowledged the significance of diamonds sanctions, but UNITA was also driven militarily from access to diamond areas.

#### **Constraint (Effective)**

**Policy outcome:** 4/5, Revenues from diamonds were reduced, and split developed within UNITA (which was taken advantage of by the Angolan government).

**UN sanctions contribution:** 4/5, Acknowledgment by the target about the significance of diamonds, but UNITA also driven militarily from access to diamond areas.

#### **Signaling (Effective)**

**Policy outcome:** 4/5, Savimbi branch of UNITA became increasingly isolated (only UNITA referenced as principal party in UNSCR 1173).

**UN sanctions contribution:** 4/5, Target acknowledged the significance of diamonds sanctions, but UNITA was also driven militarily from access to diamond areas.

### Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, decline in the credibility and/or legitimacy of UN Security Council.

### UN resolutions

Date	Resolution	Description
12.06.1998	UNSCR 1173	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes financial asset freeze on UNITA, senior UNITA officials and their adult family members</li><li>• Prevents official contacts with UNITA leadership in areas of Angola not under State administration and specifies exemption for representatives of GURN, UN, and Lusaka Protocol</li><li>• Imposes diamond exports ban, applying to diamonds not controlled by GURN Certificate of Origin regime</li><li>• Imposes mining equipment and services imports ban to areas of Angola not under State administration</li><li>• Imposes ban on ground or waterborne transportation</li></ul>



		<p>equipment or services in areas of Angola not under State administration</p> <ul style="list-style-type: none"> <li>• Adds medical and humanitarian sanctions exemptions (no-objection procedure)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Delays sanctions implementation (13 days)</li> <li>• Requests GURN designation of areas of Angola not under State administration</li> <li>• Requests MS reporting</li> </ul>
24.06.1998	UNSCR 1176	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Further postpones the imposition of measures from UNSCR 1173 (1 week)</li> <li>• Requests MS reporting</li> </ul>

## Episode 4 (12 January 1999 – 9 December 2002)

### Summary

The shooting down of the second of two UN aircraft over UNITA controlled territory prompted strong reaction from UNSC (UNSCR 1221). Given the return to full-scale war, UN peacekeepers were removed in February 1999.

Canadian Ambassador Robert Fowler assumed chair of Angola Sanctions Committee in January, which sets up two expert panels in May (one on financing of UNITA and another on arms, later merged). This results in a major strengthening of the sanctions regime in terms of implementation at the UN level. The PoE “Fowler Report” is released and created a storm of protest by naming and shaming of African heads of state for their role in undermining UN sanctions. UNSC sets up a mechanism for monitoring sanctions violations (threat of secondary sanctions) in April 2000, but no secondary measures imposed.

Sanctions were continued in December 2000, and there was evidence that sanctions monitoring had disrupted UNITA’s supply lines. A December 2001 offensive against UNITA ended with Savimbi (and his Vice President’s) death in February 2002.

Phase out – A truce quickly followed in March, negotiations in April, and UNITA dismantled its armed wing in August. UN lifted sanctions in December 2002.

UNSCRs during the episode included UNSCR 1221 (January 1999) which expressed outrage and specifically named Savimbi and UNSCR 1237 (May 1999), which created a panels of experts. In March 2000 the “Fowler Report” S/2000/203 was released. Following this, UNSCR 1295 (April 2000), established a monitoring mechanism and UNSCR 1448 (December 2002) terminated sanctions immediately before Angola joined the UNSC.

### Purposes

Coerce UNITA to cease hostilities and implement the peace agreement; constrain UNITA from being able to act autonomously; stigmatize UNITA and its supporters in other African countries (including heads of state).

## Sanction type

Ongoing arms imports embargo, petroleum and petroleum products imports ban, and aviation ban on UNITA (except through points of entry named by the Government of Angola), asset freeze on UNITA, senior UNITA officials, and their adult family members, diamond exports ban, prohibition on supply of mining and ground or waterborne transportation services and equipment into UNITA controlled areas. Travel ban on senior UNITA officials and their adult family members and visa cancelation measures were suspended in May 2002 and lifted later that year, in November. Diplomatic sanctions on UNITA in the form of limitations of diplomatic representation persisted until the end of the sanctions regime.

## Effectiveness

### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Sanctions contributed to shifting the balance of forces, but Savimbi showed no sign of concessions before his death.

**UN sanctions contribution:** 2/5, Ultimately, the use of force was decisive.

### **Constraint (Effective)**

**Policy outcome:** 5/5, Diplomatic sanctions terminated much of UNITA's official presence abroad; diamond sanctions weakened the prospects of UNITA's raising of funds; squeezing the financial sources led to no salt, no beer, and demoralization of Savimbi's forces.

**UN sanctions contribution:** 4/5, Acknowledgment by the target of the impact of sanctions.

### **Signaling (Effective)**

**Policy outcome:** 5/5, Savimbi became the principal target and was thoroughly isolated by UNSCR 1221.

**UN sanctions contribution:** 4/5, Diplomatic pressure was also significant.

## Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, decline in the credibility and/or legitimacy of UN Security Council, increase in international enforcement capacity in different issue domains.

## UN resolutions

Date	Resolution	Description
12.01.1999	UNSCR 1221	<u>Substantive:</u> <ul style="list-style-type: none"><li>The leader of UNITA, Jonas Savimbi, is mentioned in the text of the resolution as not complying with UNSCR 1219 demands</li></ul>
07.05.1999	UNSCR 1237	<u>Substantive:</u> <ul style="list-style-type: none"><li>Identifies the UNITA leadership of Jonas Savimbi as primarily responsible for the deteriorating situation in Angola</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Expert Panels (6 months) and specifies their mandate</li></ul>
18.04.2000	UNSCR 1295	<u>Substantive:</u> <ul style="list-style-type: none"><li>Reiterates previously imposed sanctions, encourages and invites further steps in their implementation</li></ul> <u>Procedural:</u>

		<ul style="list-style-type: none"> <li>Establishes a monitoring mechanism (6 months) and specifies its mandate</li> </ul>
23.01.2001	UNSCR 1336	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends monitoring mechanism mandate (3 months)</li> </ul>
23.04.2001	UNSCR 1348	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends monitoring mechanism mandate (6 months)</li> </ul>
19.10.2001	UNSCR 1374	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends monitoring mechanism mandate (6 months)</li> </ul>
18.04.2002	UNSCR 1404	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends monitoring mechanism mandate (6 months)</li> </ul>
17.05.2002	<b>UNSCR 1412</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Suspends UNSCR 1127 travel ban and suspension or cancellation of travel documents of senior UNITA officials and their adult family members (for 90 days)</li> <li>Sets suspension review (before 90 days)</li> </ul>
15.08.2002	UNSCR 1432	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Extends suspension of UNSCR 1127 travel ban and suspension or cancellation of travel documents (for 90 days)</li> </ul>
18.10.2002	<b>UNSCR 1439</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Terminates UNSCR 1127 travel ban and suspension or cancellation of travel documents as of 14.11.2002 (end of suspension period specified in UNSCR 1432)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Sets review of remaining sanctions from UNSCR 864, 1127 and 1173 (before 19.11.2002)</li> <li>Extends and modifies monitoring mechanism mandate (2 months)</li> </ul>
09.12.2002	<b>UNSCR 1448</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Terminates remaining sanctions</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Dissolves Sanctions Committee</li> <li>Decides to reimburse MS who provided voluntary contributions to the UN Trust Fund</li> </ul>

# Central African Republic

## Overview

**Status:** Ongoing

**Duration:** 5 December 2013 – present (less than 1 year)

**Objective:** Cease hostilities, peace enforcement, peace building, human rights

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo)

**Non-UN sanctions:** Regional (AU), Unilateral (no)

**Other policy instruments:** Peacekeeping, DDR, diplomacy

## Background

Throughout much of its 50+ year history, the Central African Republic has experienced violence, rebellions, and coups (four of the country's five presidents since independence were removed from power through unconstitutional means). Despite vast natural resources, CAR is one of the poorest countries in the world. Armed incursions by foreign militia and rebel groups (including the LRA, led by Joseph Kony) particularly on the borders with Sudan/Darfur, South Sudan, and Chad, contribute to instability. The United Nations has had political and peace missions in CAR for more than 15 years.

In December 2012, violence escalated in the CAR. The Séléka rebel coalition (a loose alliance of three predominantly Muslim rebel groups) emerged, unhappy over the lack of implementation of previous peace agreements (13 April 2007 peace agreement with the government and the 2008 Libreville Comprehensive Peace Agreement). Beginning on 10 December, Séléka attacked and seized control of several towns in northern CAR, prompting Security Council attention and press statements on 19 and 27 December condemning the attacks. Intervention by Chad and the Economic Community of Central African States (ECCAS) led to negotiations with the Bozizé government in January 2013; a ceasefire agreement and the Libreville Agreements of 11 January 2013 initiating a three-year power-sharing arrangement to form a unity government resulted (endorsed in UNSCR 2088, 24 January 2013).

The plan failed, however, (Bozizé's refused to engage in peaceful transition; ECCAS failed to monitor the agreement; and Séléka maintained advantage on the ground) and fighting resumed. Rebels seized power 24 March causing President Francois Bozizé to flee; Séléka rebel leader Michel Djotodia became president. On 25 March, the AU suspended CAR and imposed sanctions (travel restrictions and an asset freeze) on seven Séléka leaders. The Kimberley Process suspended CAR from trading in diamonds in May.

Throughout 2013, the situation significantly deteriorated with increased instability, widespread human rights violations, and massive displacement of population. Notwithstanding ongoing diplomatic attempts and even some agreement (N'Djamena Declaration of 18 April 2013 recognizing the Djotodia government), Séléka's inability to govern led to a breakdown of law and order, lack of basic services (water, sanitation, security, education) and further splintering of the rebel coalition. Insecurity has strongly affected humanitarian access, forcing relief organizations (many who have been targets of attacks) to scale down or suspend their activities, while the need for humanitarian assistance has grown to more than half of the 4.6 million population; 20% of the population has fled, fueling the humanitarian and regional crisis and the potential for mass atrocities.

Séléka's rise also transformed the conflict in a sectarian direction, fueling tensions between Christians (80% population) and the minority Muslim population. Although President Djotodia dissolved Séléka in September, members of the group dispersed into the countryside and have committed mass atrocities. Executions, rape and looting by ex-Séléka fighters after the coup and disbanding have fomented religious tension where Christian militias ("anti-Balaka") have been formed to fight the Muslim Séléka.

On 10 October, the Security Council adopted UNSCR 2121, reinforcing the United Nations Integrated Peacebuilding Office in CAR (BINUCA) and expressing readiness to consider "appropriate measures" against those fuelling violence. The Council also supported deployment of the African-led International Support Mission in the Central African Republic (MISCA), reinforcing and strengthening the joint efforts of the AU and ECCAS.

## **Episode 1 (5 December 2013 – present)**

### **Summary**

In response to escalating violence and widespread human rights abuses in CAR, the Security Council unanimously adopted UNSCR 2127 on 5 December 2013 which: 1) imposed an embargo on the supply of arms and related material of all types with certain exceptions (UN authorized international military forces and CAR security forces, if approved in advance by the sanctions committee); 2) authorized states to seize & dispose of prohibited items; and 3) established a sanctions committee and panel of experts to monitor implementation. It also expressed the UN's "strong intent" to consider imposing "targeted measures, including travel bans, and asset freezes, against individuals who act to undermine the peace, stability and security."

The resolution also authorized the deployment of the Africa-led International Support Mission in the Central African Republic (MISCA) and French troops already there to protect civilians, stabilize the country and create conditions conducive to providing humanitarian assistance, and neutralize armed groups. The SG was also asked to undertake contingency preparations for its possible transformation into UN peacekeeping operation.

The National Transitional Council designated a new head of state (Catherine Samba-Panza) and government on 20 January, and an International Commission of Inquiry was appointed to investigate human rights abuses. The continuing deterioration of the security situation into widespread religious and ethnic violence, however, led to the adoption of UNSCR 2134 on 28 January 2014: 1) extending BINUCA; 2) authorizing the use of force by EU troops; and 3) authorizing travel bans and asset freezes against individuals undermining peace, threatening the transitional political process, and committing atrocities.

### **Purposes**

Coerce the transitional authorities to implement transitional arrangements and deter individuals from threatening the political process and committing violence; Constrain parties (especially former Séléka and "anti-Balaka" militia groups) from engaging in

violence; and signal support for regional+ peacekeeping operations (AU/France/EU and ECCAS) and transitional and peace agreements.

### Sanction type

Arms imports embargo (excepting government forces under SSR with Committee approval) and travel ban and assets freeze against individuals undermining peace and stability, threatening transitional agreements, or fueling violence.

### Effectiveness as of January 2014

#### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Despite political instability and violence, 20 January 2014 appointment of new president and government could result in future progress toward implementation of transitional arrangements.

**UN sanctions contribution:** 1/5, Insufficient time for sanctions to have much effect, diplomatic negotiations and presence of military forces on the ground (including the French) more significant to the outcome.

#### **Constraint (Ineffective)**

**Policy outcome:** 1/5, Security and humanitarian situation continues to deteriorate with escalating violence and human rights abuses by Séléka and anti-Balaka groups.

**UN sanctions contribution:** 1/5, Insufficient time for sanctions to have much effect; region is awash in arms; presence of military forces on the ground (including the French) more significant to the outcome.

#### **Signaling (Ineffective)**

**Policy outcome:** 3/5, UN authorization of African-led Mission signaled support for regional (AU and ECCAS) peacekeeping operations, and reinforced transitional and peace agreements. Specific naming of Séléka and the anti-Balaka militias provided some stigmatization.

**UN sanctions contribution:** 2/5, Other measures (peacekeeping mission) were more significant.

### Unintended consequences

Insufficient information available at present.

### UN resolutions

Date	Resolution	Description
05.12.2013	UNSCR 2127	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes arms imports embargo to CAR (1 year), including related assistance, and specifies exemptions for MISCA and other approved forces; non-lethal equipment and assistance for humanitarian and protective use (pending Committee approval); personal use protective clothing for UN personnel, media, humanitarian and development workers, and associated personnel; international patrolling; SSR related supplies to CAR security forces (pending Committee approval)</li> <li>Authorizes MS to seize, register and dispose of items prohibited under arms imports embargo upon discovery</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Establishes Sanctions Committee and specifies its mandate</li> </ul>

		<ul style="list-style-type: none"> <li>• Establishes Panel of Experts (13 months) and specifies its mandate</li> <li>• Authorizes deployment of MISCA (1 year) and French forces supporting it (temporary period), and specifies MISCA mandate</li> <li>• Requests French reporting and calls for MS reporting</li> </ul>
28.01.2014	<b>UNSCR 2134</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 2127 arms imports embargo (1 year) and adds exemption for EU operations</li> <li>• Imposes travel ban (1 year) and specifies humanitarian, religious, peace, national reconciliation, and regional stability exemptions</li> <li>• Imposes financial asset freeze (1 year) and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> <li>• Delineates designation criteria</li> <li>• Authorizes EU operation in CAR</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Specifies criteria for optional additions of account payments and interests</li> <li>• Extends Panel of Experts mandate (1 year)</li> <li>• Requests EU reporting and calls for MS reporting</li> </ul>
10.04.2014	UNSCR 2149	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Authorizes MINUSCA to monitor UNSCR 2127 arms imports embargo implementation, including inspection, seizure and disposal of such arms</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Establishes MINUSCA (until 30.04.2015) and specifies its mandate and troop level, extending French forces mandate (until 30.04.2015)</li> <li>• Subsumes BINUCA into MINUSCA and specifies that authority transfer takes place before 15.09.2014</li> <li>• Requests French reporting</li> </ul>

# Côte d'Ivoire

## Overview

**Status:** Ongoing

**Duration:** 15 November 2004 – present (9 years +)

**Objective:** Cease hostilities, peace enforcement, support peace building, democracy support, human rights

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo), Commodity (diamond ban)

**Non-UN sanctions:** Regional (EU, AU, some missing data), Unilateral (US, UK, other)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, threat of force, use of force, DDR

## Background

Following a disputed election outcome in 2000, fighting erupted between forces associated with the victor, Laurent Gbagbo, and Alassane Outtara (barred from contesting the election). A power sharing arrangement was negotiated in November 2001, followed by a peace agreement in January 2003 (the Linas Marcoussis Agreement).

## Episode 1 (15 November 2004 – 1 February 2005)

### Summary

The UN authorized a PKO to reinforce the peace agreement in March 2004 (UNSCR 1528). Following an attack on French forces enforcing aspects of the Linas Marcoussis Agreement in November of 2004, sanctions were first imposed through UNSCR 1572 (November 2004).

### Purposes

Coerce government of CDI to enforce peace agreement and hold presidential elections; constrain parties to the conflict with arms embargo; signal parties of the conflict to cease hostilities and accept the terms of the peace agreement.

### Sanction type

Arms imports embargo on all parties to the conflict, individual/entity asset freeze, and travel ban against individuals threatening peace and national reconciliation process, engaging in serious human rights and international humanitarian law violations, publicly inciting hatred and violence, or violating sanctions measures.

### Effectiveness

#### Coercion (Ineffective)

**Policy outcome:** 1/5, No positive movement toward convening of elections.

**UN sanctions contribution:** 1/5, Individual sanctions, but no names designated; no evidence of enforcement of arms embargo; presence of French and ECOWAS forces.

#### Constraint (Ineffective)

**Policy outcome:** 1/5, No discernible constraints experienced by the target, given the limited enforcement of the arms embargo.

**UN sanctions contribution:** 1/5, No designations, no enforcement.



### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Individual sanctions were delayed 30 days and then not implemented by the Sanctions Committee, no evidence of target stigmatization.

**UN sanctions contribution:** 2/5, Minor, due to the French use of force in response to attacks.

### **Unintended consequences**

Insufficient information available at present.

### **UN resolutions**

Date	Resolution	Description
15.11.2004	UNSCR 1572	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes arms imports embargo to Côte d'Ivoire, including military assistance, advice or training (13 months) and specifies exemptions for UNOCI and French forces, humanitarian or protective use, evacuation of nationals and process of restructuring defense and security forces under Linas-Marcoussis Agreement (pending Committee approval)</li><li>Imposes travel ban (1 year) and specifies humanitarian, religious, peace, and national reconciliation exemptions (pending Committee approval)</li><li>Imposes financial asset freeze (1 year) and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li><li>Delineates designation criteria</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Delays the imposition of travel ban and financial asset freeze (1 month)</li><li>Establishes Sanctions Committee and specifies its mandate</li><li>Sets sanctions review (13 months)</li><li>Requests MS concerned reporting</li></ul>
01.02.2005	UNSCR 1584	<u>Substantive:</u> <ul style="list-style-type: none"><li>Authorizes UNOCI and French forces to support the implementation of UNSCR 1572 arms imports embargo</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Group of Experts (6 months) and specifies its mandate</li><li>Requests French Government reporting</li></ul>
03.06.2005	UNSCR 1603	<u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes High Representative for the Elections (until elections) and specifies his/her mandate</li><li>Extends UNOCI and French forces mandates (21 days)</li><li>Requests French Government reporting</li></ul>
24.06.2005	UNSCR 1609	<u>Procedural:</u> <ul style="list-style-type: none"><li>Extends and modifies UNOCI and French forces mandates (7 months)</li><li>Increases UNOCI personnel</li><li>Authorizes temporary redeployment of military and civilian police personnel among UNMIL, UNAMSIL and UNOCI</li></ul>
18.10.2005	UNSCR	<u>Procedural:</u>

	1632	<ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (until 15.12.2002)</li> </ul>
21.10.2005	UNSCR 1633	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Supports establishment of International Working Group</li> <li>• Reaffirms its readiness to impose sanctions against any person blocking implementation of the peace process, determined responsible for serious human rights and international humanitarian law violations, publicly inciting hatred and violence, or violating the arms embargo</li> </ul>

## Episode 2 (1 February 2005 – 15 December 2005)

### Summary

Citing repeated violations of the ceasefire agreement, implementation capacity at the UN level was strengthened with the creation of a Panel of Experts (PoE), the granting of an enforcement role for PKO and French forces, and threat of additional sanctions, in UNSCR 1584.

### Purposes

Coerce the government to enforce the peace agreement signed in 2003 (support government of national unity, DDR, hold presidential elections); constrain all parties to the conflict with a more strongly enforced arms embargo, and signal parties of the conflict to cease hostilities and accept the terms of the peace agreement.

### Sanction type

Ongoing arms imports embargo on all parties to the conflict, travel ban, and individual/entity asset freeze.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, No positive movement toward convening of elections, but following ECOWAS, UNSCR 1633 recognized the difficulty and legitimized Gbagbo's mandate for an additional year.

**UN sanctions contribution:** 2/5, Regional initiatives by ECOWAS and other countries (Mbeki in April 2005) appeared more significant; no individuals targeted to date.

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, Increase in costs could be managed by target because of the availability of weapons stock in the country.

**UN sanctions contribution:** 3/5, Implementation was good according to PoE, but weapons were widely available and borders unregulated (reference to both Liberia and Sierra Leone in UNSCR 1584); sanctions reinforced DDR efforts.

#### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Norm poorly articulated (due to ambiguity of goals, absence of designations, and lack of focus in target selection); but signaled support for regional initiatives; UNSCR 1633 (following ECOWAS) legitimated Gbagbo's decision to postpone elections.

**UN sanctions contribution:** 3/5, Mediation efforts by ECOWAS and other parties and presence of peacekeeping forces both significant.

## Unintended consequences

Strengthening of authoritarian rule, increase in the growth of the state role in the economy.

## UN resolutions

Date	Resolution	Description
15.12.2005	<b>UNSCR 1643</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze (1 year)</li> <li>Imposes rough diamonds exports ban from Côte d'Ivoire</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Group of Experts (6 months) and specifies its mandate</li> <li>Sets sanctions review (1 year)</li> <li>Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
14.09.2006	UNSCR 1708	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (3 months)</li> </ul>
01.11.2006	UNSCR 1721	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Extends International Working Group (IWG) role and stresses the mandate of the Prime Minister</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Renews and modifies High Representative for the Elections (established by UNSCR 1603) mandate (1 year)</li> <li>Requests IWG, AU, and ECOWAS reporting</li> </ul>
15.12.2006	<b>UNSCR 1727</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze and UNSCR 1643 diamond exports ban (until 31.10.2007)</li> <li>Delineates designation criteria</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends and modifies Group of Experts mandate (6 months)</li> <li>Sets sanctions review (by 31.10.2007)</li> <li>Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
20.06.2007	UNSCR 1761	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (until 31.10.2007)</li> </ul>
16.07.2007	UNSCR 1765	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Renews UNOCI and French forces mandates (6 months)</li> <li>Terminates High Representative for the Elections mandate</li> </ul>
29.10.2007	<b>UNSCR 1782</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze and UNSCR 1643 diamond exports ban (1 year)</li> <li>Delineates criteria for further designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (1 year)</li> <li>Sets sanctions review (1 year)</li> <li>Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
29.10.2008	<b>UNSCR 1842</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1572 arms imports embargo, travel ban and</li> </ul>

		asset freeze and UNSCR 1643 diamond exports ban (1 year) <ul style="list-style-type: none"> <li>• Delineates criteria for further designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
29.10.2009	<b>UNSCR 1893</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze and UNSCR 1643 diamond exports ban (1 year)</li> <li>• Introduces diamond exports ban exemption for scientific research and technical information</li> <li>• Delineates criteria for further designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
15.10.2010	<b>UNSCR 1946</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze and UNSCR 1643 diamond exports ban (until 30.04.2011)</li> <li>• Introduces arms imports embargo exemption for non-lethal equipment for Ivorian security forces</li> <li>• Delineates criteria for further designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (until 30.04.2011)</li> <li>• Sets sanctions review (by 30.04.2011)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>

### Episode 3 (15 December 2005 – 20 December 2010)

#### Summary

Following a PoE report in early November 2005 that suggested diamonds were an illegal source of funds for weapons acquisition by the Forces Nouvelles (FN), and a Kimberley Process Plenary Meeting later in November 2005 linking illicit trade in diamonds with conflicts throughout the region, a diamond embargo was added to existing measures (UNSCR 1643, 15 December 2005) and the first designations (3) were made on 6 February 2006.

Other relevant UNSCRs during the period included UNSCR 1727 (December 2006), concerned with access to military installations, weapons depots. Initially, the militias failed to disarm, but began by 2007. Following a March 2007 power sharing agreement (the Ouagadougou Agreement), disarmament began in earnest in May of 2008. Between 2008 and 2010, the UNSC passed a series of UNSCRs, extending mandates, but also demanding access to military installations (which were thwarted by the government).

After years of delay, Presidential elections were finally held in October of 2010. Gbagbo won a plurality of the vote (38%) in the first round, but lost to Ouattara in the direct run-

off in November. Outtara was declared victor in the UN-certified run-off election in December 2010.

### Purposes

Coerce the government to enforce the peace agreement first signed in 2003 and to hold presidential elections; constrain parties to the conflict by enforcing the arms embargo and supporting DDR processes, and signal parties of the conflict to cease hostilities and accept the terms of the peace agreement.

### Sanction type

Ongoing arms imports embargo on all parties to the conflict, travel ban, and individual/entity asset freeze. Newly imposed rough diamonds exports ban.

### Effectiveness

#### **Coercion (Effective)**

**Policy outcome:** 4/5, Elections were finally held in December of 2010, but they were delayed five times during the long episode and the post-election crisis reveals a lack of commitment to democratic processes.

**UN sanctions contribution:** 3/5, Sanctions co-existed with, and reinforced, the mediation efforts (particularly the Ouagadougou power sharing agreement).

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, Neither the diamond embargo nor the arms inspections facilitated a significant reduction in access to weapons by the government or rebel group.

**UN sanctions contribution:** 4/5, Sanctions were necessary for constraint and indirectly acknowledged by the target (given government evasion of inspections and diversion of trade in diamonds).

#### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Norm was articulated, but not well (because so many different norms were invoked in UNSCRs over the five year period of the episode), yet some stigmatization from delays in holding elections.

**UN sanctions contribution:** 3/5, Due to mediation efforts underway (Ouagadougou).

### Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, harmful effects on neighboring states, increase in international regulatory capacity in different issue domains, resource diversion.

### UN resolutions

Date	Resolution	Description
20.12.2010	UNSCR 1962	<u>Procedural:</u> <ul style="list-style-type: none"><li>• Sets new UNOCI troop sizes</li><li>• Extends redeployment of UNMIL to UNOCI and authorizes additional UNOCI personnel deployment (1 month)</li><li>• Renews UNOCI mandate under UNSCR 1933 and extends French forces mandate (until 30.06.2011)</li></ul>
19.01.2011	UNSCR 1967	<u>Procedural:</u> <ul style="list-style-type: none"><li>• Authorizes additional UNOCI personal deployment (until 30.06.2011)</li><li>• Extends the UNSCR 1951 redeployment from UNMIL to UNOCI</li></ul>

		and authorizes transfer of 3 armed helicopters with crew (1 month)
16.02.2011	UNSCR 1968	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Authorizes Secretary-General to extend temporary redeployment from UNMIL to UNOCI (3 months)</li> </ul>
30.03.2011	UNSCR 1975	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Imposes financial asset freeze and travel ban on newly designated individuals (Gbagbo and his circle)</li> </ul>

## Episode 4 (20 December 2010 – 28 April 2011)

### Summary

Gbagbo and Ouattara both declared victory in December 2010. The Independent Election Commission declared Ouattara the winner of the run-off election and the results were recognized by ECOWAS and the AU. Gbagbo refused to accept the result and violence ensued.

UNSCR 1962 (20 December 2010) urged Gbagbo and his supporters to accept the electoral results. UNSCR 1975 (30 March 2011) imposed an asset freeze and travel ban on Gbagbo, his wife, and 3 of their key supporters.

### Purposes

Coerce Gbagbo to accept the results of the UN certified election, constrain Gbagbo and his supporters from opposing the electoral results, and signal support for peace enforcement and democratic transition.

### Sanction type

Ongoing arms imports embargo on all parties to the conflict, travel ban, individual/entity asset freeze, and rough diamonds exports ban.

### Effectiveness

#### Coercion (Ineffective)

**Policy outcome:** 4/5, Ouattara installed as President following ECOWAS closing of Central Bank and Gbagbo's arrest by French/UN/rebel forces.

**UN sanctions contribution:** 2/5, Changes on the ground were decisive militarily; rescinding Gbagbo's authority to access funds from the Central Bank also appears to have been a critical factor in undermining the regime.

#### Constraint (Ineffective)

**Policy outcome:** 5/5, Rescinding Gbagbo's authority to access funds from the Central Bank appears to have been a critical factor in constraining the Gbagbo regime; e.g. Gbagbo's reliance on extortion from prominent businesses for financial support in April.

**UN sanctions contribution:** 2/5, UN sanctions followed measures taken by regional organizations in Africa and Europe.

#### Signaling (Effective)

**Policy outcome:** 5/5, Norm clearly articulated and target (former President Gbagbo) fully stigmatized by being added to a UN sanctions list and referred to the ICC.

**UN sanctions contribution:** 4/5, Designation of both Gbagbo and his wife were significant.

## Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, increase in human rights violations, harmful effects on neighboring states, strengthening of political factions, resource diversion, humanitarian consequences.

## UN resolutions

Date	Resolution	Description
28.04.2011	<b>UNSCR 1980</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze and UNSCR 1643 diamond exports ban (1 year)</li> <li>• Adds supply of vehicles to Ivorian security forces to UNSCR 1572 arms imports embargo and decides that UNSCR 1572 arms embargo exemption procedure shall apply only to Ivorian SSR</li> <li>• Delineates criteria for further designations</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (3 months)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
26.04.2012	<b>UNSCR 2045</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Replaces UNSCR 1572 arms imports embargo with a new arms imports embargo (1 year), excluding security and military training, advice, expertise and supplies of civilian vehicles to the Ivorian security forces</li> <li>• Specifies humanitarian, peacekeeping, and Ivorian security forces arms imports embargo exemptions</li> <li>• Renews UNSCR 1572 and 1975 financial asset freeze and travel ban and UNSCR 1643 diamond exports ban (1 year)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
25.04.2013	<b>UNSCR 2101</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 2045 arms imports embargo, UNSCR 1572 and 1975 financial asset freeze and travel ban and UNSCR 1643 diamond exports ban (1 year)</li> <li>• Specifies arms imports embargo exemptions for UNOCI and French forces, humanitarian or protective use, evacuation of nationals and supplies to Ivorian security forces of arms and lethal equipment for SSR and non-lethal equipment for public order and law enforcement (pending Committee approval)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
29.04.2014	<b>UNSCR 2153</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 2045 and 2101 arms imports embargo (1 year) and specifies exemptions for Ivorian security forces,</li> </ul>



		<p>UNOCI and French forces supporting them, (prior Committee notification) MS evacuation of nationals, and SSR exempt items in Annex (which require prior Committee approval)</p> <ul style="list-style-type: none"> <li>• Renews UNSCR 1572 and 1975 financial asset freeze and travel ban (1 year)</li> <li>• Terminates UNSCR 1643 diamond exports ban</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (13 months)</li> <li>• Specifies arms imports embargo notification and approval procedure (timing, relevant information, intended purpose and modifications)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requires Ivorian authorities DDR and SSR reporting</li> <li>• Requests Côte d'Ivoire and French reporting</li> </ul>
28.04.2015	<b>UNSCR 2219</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 2045, 2101 and 2153 arms imports embargo (until 30.04.2016) and specifies exemptions for Ivorian security forces, UNOCI and French forces supporting them, MS evacuation of nationals, and SSR exempt items in Annex (which require prior Committee approval)</li> <li>• Renews UNSCR 1572 and 1975 financial asset freeze and travel ban (until 30.04.2016)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (until 30.05.2016)</li> <li>• Sets sanctions review (by 30.04.2016)</li> <li>• Requires Ivorian authorities DDR and SSR reporting</li> <li>• Requests Côte d'Ivoire and French reporting</li> </ul>

## Episode 5 (28 April 2011 – present)

### Summary

Ouattara was inaugurated President in May of 2011, but peace enforcement sanctions remained in place to inhibit potential spoilers. In September 2011 a Truth, Reconciliation and Dialogue Commission was launched, and, in November 2011, Gbagbo was handed over to the International Criminal Court in The Hague to face charges of crimes against humanity. In December 2011, Ouattara and his allies secured a majority in Parliamentary elections following a boycott of the election by Gbagbo supporters. In June of 2012, the Interior Minister declared that a plot by Gbagbo supporters to overthrow the Ouattara government was foiled, a plot which, according to the BBC, was linked to Liberian mercenaries and Ivorian militias accused of killing seven UN peacekeepers and eight civilians earlier in the month. Gbagbo supporters met with and sought support from members of the military junta that overthrew the government in Mali and also formed a strategic command to destabilize the Ouattara government. In September/October 2012, the border with Ghana was closed for two weeks following a deadly attack on an army checkpoint in the border town of Noe. Gbagbo's wife, Simone, became the first woman to be indicted by the ICC for war crimes on 23 November 2012.

A sharp increase in banditry in the north was noted during 2013, linked to former fighters not reintegrated in the DDR program, drawing on access to weapons from the



Sahel. The GoE Report of October 2013 doubted that the government would be able to meet the DDR objectives spelled out in UNSCR 2112 (30 July 2013), and by the end of 2013 only about 9000 of 65,000 had been demobilized. The report also expressed concerns about the continued smuggling of diamonds (despite general compliance with the Kimberley Process certification scheme), and while noting progress in stabilizing the security situation along the borders with Ghana and Liberia, there were charges from Ghana that the Ivoirian government was sending Liberian mercenaries to kidnap pro-Gbagbo refugees residing in Ghana. The government of Cote d'Ivoire filed a motion to dismiss the ICC arrest warrant against Simone Gbagbo, but proceedings continued against her husband in the Hague.

UNSCR 1980 (28 April 2011) renewed the pre-existing sanctions, but relaxed the arms embargo on government forces (authorizing an exemption, if the UN sanctions committee approves). UNSCR 2045 (26 April 2012) renewed the individual sanctions against Gbagbo and his close supporters, continued the sanctions on diamond exports, and maintained the arms embargo, as relaxed in 2011. UNSCR 2101 (25 April 2013) maintained the existing sanctions regime for one more year (to April 2014), but slightly altered the notification scheme to ensure that Member States delivering non-lethal law enforcement equipment notify the Sanctions Committee directly. UNSCR 2112 (30 July 2013) extended the mandate of the UNOCI (UN operations in the country) for an additional year.

### Purposes

Coerce all parties to the conflict (particularly Gbagbo supporters) to accept electoral results and engage in political processes and, as a secondary objective, for the Outtara government to pursue core peacebuilding objectives (hold parliamentary elections, abide by international human rights norms, meet the standards of Kimberley Process certification, and complete SSR and DDR in a transition to a consolidated democracy; constrain Gbagbo forces from utilizing force to challenge the Outtara government; signal support for peaceful democratic change of power.

### Sanction type

Ongoing arms imports embargo (from April 2002 targeting only non-governmental entities), travel ban, individual/entity asset freeze, and rough diamonds exports ban.

### Effectiveness (as of January 2014)

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Gbagbo supporters boycotted the parliamentary elections and some Gbagbo supporters continued to resist militarily and remained a threat to peace and reconciliation. The Outtara government, not the principal target of sanctions, held parliamentary elections, initiated a Truth and Reconciliation Commission, cooperated with DDR and SSR activities and generally abided by international human rights norms in pursuit of core peacebuilding goals, but there are questions about the slow pace of reconciliation, the lack of progress in both DDR and SSR, and despite progress on Kimberley Process certification, the government's failure to address diamond smuggling. **UN sanctions contribution:** 3/5, Sanctions appear to be supporting the activities of other agents and actors involved in peacebuilding, including UNOCI, ECOWAS.

#### **Constraint (Mixed effectiveness)**

**Policy outcome:** 3/5, The boycott of parliamentary elections in December 2011 and military challenges on both the western and eastern borders suggest Gbagbo supporters were constrained, but still able to engage in military challenges to the government.

**UN sanctions contribution:** 3/5, Sanctions reinforced the outcome of military action and the ICC referral.

### **Signaling (Ineffective)**

**Policy outcome:** 4/5, Gbagbo was strongly stigmatized with the ICC referral, but this may have prompted potential spoilers to try to destabilize the regime, and some armed resistance has continued on the border.

**UN sanctions contribution:** 2/5, ICC referral sent a more powerful signal to other potential spoilers than sanctions.

### **Unintended consequences**

Increase in criminality and corruption, harmful effects on neighboring states, increase in the role of the state in the economy, decline in the credibility/legitimacy of the UN Security Council.

### **UN resolutions**

Date	Resolution	Description
28.04.2011	<b>UNSCR 1980</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1572 arms imports embargo, travel ban and asset freeze and UNSCR 1643 diamond exports ban (1 year)</li> <li>Adds supply of vehicles to Ivorian security forces to UNSCR 1572 arms imports embargo and decides that UNSCR 1572 arms embargo exemption procedure shall apply only to Ivorian SSR</li> <li>Delineates criteria for further designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (1 year)</li> <li>Sets sanctions review (3 months)</li> <li>Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
26.04.2012	<b>UNSCR 2045</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Replaces UNSCR 1572 arms imports embargo with a new arms imports embargo (1 year), excluding security and military training, advice, expertise and supplies of civilian vehicles to the Ivorian security forces</li> <li>Specifies humanitarian, peacekeeping, and Ivorian security forces arms imports embargo exemptions</li> <li>Renews UNSCR 1572 and 1975 financial asset freeze and travel ban and UNSCR 1643 diamond exports ban (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (1 year)</li> <li>Sets sanctions review (1 year)</li> <li>Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
25.04.2013	<b>UNSCR 2101</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 2045 arms imports embargo, UNSCR 1572 and 1975 financial asset freeze and travel ban and UNSCR 1643 diamond exports ban (1 year)</li> </ul>

		<ul style="list-style-type: none"> <li>• Specifies arms imports embargo exemptions for UNOCI and French forces, humanitarian or protective use, evacuation of nationals and supplies to Ivorian security forces of arms and lethal equipment for SSR and non-lethal equipment for public order and law enforcement (pending Committee approval)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requests MS concerned, French Government and Kimberley Process reporting</li> </ul>
29.04.2014	<b>UNSCR 2153</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 2045 and 2101 arms imports embargo (1 year) and specifies exemptions for Ivorian security forces, UNOCI and French forces supporting them, (prior Committee notification) MS evacuation of nationals, and SSR exempt items in Annex (which require prior Committee approval)</li> <li>• Renews UNSCR 1572 and 1975 financial asset freeze and travel ban (1 year)</li> <li>• Terminates UNSCR 1643 diamond exports ban</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (13 months)</li> <li>• Specifies arms imports embargo notification and approval procedure (timing, relevant information, intended purpose and modifications)</li> <li>• Sets sanctions review (1 year)</li> <li>• Requires Ivorian authorities DDR and SSR reporting</li> <li>• Requests Côte d'Ivoire and French reporting</li> </ul>

# Democratic People's Republic of Korea (DPRK)

## Overview

**Status:** Ongoing

**Duration:** 14 October 2006 – present (7 years +)

**Objective:** Non-proliferation

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo, proliferation sensitive goods and technology, bunkering ban), Commodity (luxury goods ban), Financial sector restrictions (financial services, transfers, and public support, including bulk cash, export credits, guarantees, and insurance)

**Non-UN sanctions:** Regional (EU), Unilateral (US, some missing data)

**Other policy instruments:** Diplomacy

## Background

In January 2003, the DPRK officially withdrew from the Non Proliferation Treaty (NPT), becoming the first signatory country to do so. Six-Party (US, China, Russia, South Korea, DPRK, and Japan) Talks began in August 2003, aimed at getting the DPRK to end its nuclear weapons program and re-join the NPT in return for assistance and security guarantees. Four rounds of talks took place from 2003 to 2005, resulting in a September 2005 announcement that DPRK agreed to a process to end its nuclear program, re-join the NPT, and allow IAEA monitors to return. Negotiations were suspended in November 2005, however, following the US imposition of unilateral financial sanctions against Banco Delta Asia (BDA), a Macau bank the US accused of engaging in money laundering and counterfeiting activities and in which DPRK had \$25 million. The relationship between US sanctions and Six-Party Talks is contested: Bush officials claim lifting the BDA sanctions provided leverage to restart negotiations, while some attribute DPRK's abandonment of the Six-Party Talks to the unilateral sanctions. In February 2006 High-level talks between Japan and the DPRK, the first since 2003, failed to yield agreement on key issues, including the fate of Japanese citizens abducted by North Korea.

In July 2006, the DPRK launched seven ballistic missiles, ending an eight-year moratorium on missile launches. Ten days later, the Security Council passed UNSCR 1695, condemning the launches and calling on States "to exercise vigilance and prevent missile and missile-related items, materials, goods and technology being transferred to DPRK's missile or WMD programmes."

## Episode 1 (14 October 2006 – 13 April 2009)

### Summary

Pyongyang proceeded to test a nuclear device on 9 October 2006, and, five days later, UNSCR 1718 was adopted, imposing sanctions on the export of conventional weapons, WMD and missile-related goods, as well as "luxury goods." UNSCR 1718 also authorized the freezing of assets and a prohibition on travel of individuals designated. The lifting of the sanctions was tied to return to the Six-Party Talks).

There was little evidence of enforcement of the UN sanctions (no list of targets was identified, no expert group appointed, and the definition of luxury goods, the key

sanction, was left to national discretion), perhaps because the goal was to induce DPRK back to negotiations.

The Six-Party Talks resulted in an agreement in February 2007 on a plan to shut down nuclear facilities in exchange for the release of the BDA funds, fuel aid, and steps toward the normalization of relations with the United States and Japan. Talks continued in March 2007 and, in June 2007, IAEA inspectors arrived in DPRK for first time since 2002. DPRK shut down its plutonium plant at Yongbon in July 2007, handed over 18,000 pages of documents regarding its nuclear program in May 2008, destroyed the cooling tower at Yongbon in June 2008, and declared its nuclear facilities. By late 2008, failure to reach agreement on a verification protocol prompted a downward spiral in negotiations.

### **Purposes**

Coerce DPRK to stop nuclear tests/missile launches, end WMD programs, retract NPT withdrawal, and return to Six-Party Talks; constrain DPRK access to military and proliferation technology, and signal support for non-proliferation norms, specifically NPT.

### **Sanction type**

Arms imports and exports embargo on specific weapons (high end military equipment: battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems defined by UN Registry on Conventional Arms), proliferation sensitive goods and technology imports and exports ban, luxury goods ban, and asset freeze and travel ban on individuals contributing to nuclear proliferation and their family members.

### **Effectiveness**

#### **Coercion (Mixed effectiveness)**

**Policy outcome:** 3/5, DPRK returned to negotiations, destroyed a cooling tower, shut down a plant, turned over 18,000 pages of documents, and agreed to denuclearization plan and process to achieve 1718 conditions, but the talks ultimately broke down in December 2008 and DPRK subsequently resumed its missile and nuclear programs.

**UN sanctions contribution:** 3/5, Because sanctions were not rigorously implemented and enforced, it appears that the US unilateral sanctions and desire for US engagement/removal from state sponsors of terrorism list may have been more significant than UN sanctions in returning DPRK to negotiations.

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, Little evidence of constraining effect on North Korea, other than luxury goods being stopped from some countries.

**UN sanctions contribution:** 2/5, UN sanctions were poorly implemented, US unilateral financial sanctions are most significant.

#### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Non-proliferation norm clearly articulated by unanimous UNSC resolution; unprecedented support from China to sanction North Korea; but unclear degree of stigmatization experienced by DPRK.

**UN sanctions contribution:** 4/5, Ban on luxury goods aimed at leadership and supporters represents important signal; diplomatic pressure, Six-Party Talks also underway.

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
14.10.2006	<b>UNSCR 1718</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"><li>• Imposes arms imports and exports embargo on specific arms (battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems) and related materiel, including training, advice and services or assistance</li><li>• Imposes ban on WMD-related items, materials, equipment, goods and technology (as set out in documents S/2006/814 and S/2006/815) imports and exports, including training, advice, services or assistance</li><li>• Imposes ban on luxury goods imports</li><li>• Imposes financial asset freeze and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment – (pending Committee approval)</li><li>• Imposes travel ban (those designated and their family members) and specifies humanitarian, religious, judiciary, and objectives of the present resolution exemptions (pending Committee approval)</li><li>• Calls upon MS inspection of cargo to and from DPRK, as necessary</li></ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"><li>• Establishes Sanctions Committee and specifies its mandate</li><li>• Calls for MS reporting</li></ul>

## Episode 2 (13 April 2009 – 7 March 2013)

### Summary

Negotiations continued in early 2009, but after the DPRK launched a long-range missile over Japan in early April 2009, a Security Council Presidential Statement on 13 April condemned the North Korean launch and called for the 1718 committee to list entities subject to sanctions. On 14 April, the DPRK released a statement immediately ceasing cooperation with the IAEA inspectors, pulling out of the Six-Party Talks, and resuming its nuclear enrichment program. The Sanctions Committee made its first designations on 24 April 2009. The DPRK conducted an underground nuclear explosion 25 May, and fired three short-range missiles on 26 May.

UNSCR 1874 was passed on 12 June 2009 enhancing the enforcement of sanctions. In July 2009, the 1718 Committee designated an additional 5 individuals and 5 entities and goods subject to sanctions, and the following month, a panel of experts was appointed to monitor implementation. Enhanced enforcement by late 2009 resulted in increasing number of inspections of DPRK ships and planes due to suspicious cargo and seizures.

DPRK missile tests and its demands for a peace treaty with the US and for an end of sanctions continued into 2010. On 26 March 2010, DPRK sank the South Korean warship Cheonan, further delaying bilateral talks with South Korea and prompting US to impose additional financial sanctions against those trafficking in arms and engaged in illicit activities. In November 2010, a visit by Sid Hecker (Stanford physicist, invited by the DPRK) indicated a surprising degree of progress in enrichment at Yongbyon and new uranium enrichment facilities. In 2011, Chinese diplomatic efforts focused on return to Six-Party talks, but talks remained stalled.

In December 2011, Kim Jong-il died and his youngest son, Kim Jong-un succeeded him. In early 2012, the DPRK and the US agreed on food aid in return for North Korea agreeing to a moratorium on uranium enrichment and missile testing, a return of IAEA inspectors to Yongbyon, and a resumption of the Six-Party Talks. On 16 March 2012, North Korea announced it was planning to launch a satellite to commemorate the late founder Kim il-Sung's 100th birthday. Notwithstanding widespread warnings that such an action would negate the agreement, DPRK proceeded with the unsuccessful launch on 13 April 2012. In response, the Security Council issued a Presidential Statement on 16 April condemning the launch as a violation of previous resolutions and in May the Committee designated three new entities.

In December 2012 North Korea launched a rocket using ballistic missile technology, this time successfully, to carry what it called a “weather satellite.” The Security Council passed UNSCR 2087 (22 January 2013) that condemned the launch and demanded that the DPRK not launch any other missiles and not conduct any nuclear tests. It also added four individuals to the list and 6 entities and clarified some implementation procedures for existing sanctions. On 12 February, the DPRK conducted its third test of a nuclear device, the first since 2009 and estimated to be twice as large as its previous tests. UNSCRs during the episode included UNSCR 1874 (June 2009), which tightened sanctions on arms transfers and WMD and missile-related goods; and created a panel of experts; called on states to deny financial assistance, including credit and loans for trade, freezing of assets, and training that could contribute to North Korea’s proliferation activities. The resolution contained specific measures for the inspection of DPRK’s cargo vessels and airplanes suspected of carrying nuclear or military material. UNSCR 2087 (22 January 2013) condemned the 2012 missile launch and demanded that the DPRK refrain from any further launches, nuclear tests, or other provocations.

### **Purposes**

Coerce DPRK to stop nuclear tests/missile launches, end WMD programs, retract NPT withdrawal, and return to Six-Party Talks; constrain DPRK access to military and proliferation technology, and signal support for non-proliferation norms, specifically the NPT.

### **Sanction type**

Ongoing arms imports and exports embargo on specific weapons (expanded to all arms except small arms, light weapons, and related materiel for which Committee notification is required), proliferation sensitive goods and technology imports and exports ban, luxury goods ban, asset freeze, and travel ban. Newly imposed bunkering ban (if reasonable grounds for sanctions violation).



## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 1/5, Despite occasional (and short-lived) diplomatic engagements throughout the episode, the DPRK has, according to the Panel of Experts, “continued to reject and to violate Security Council Resolutions.” In spite of the UN resolutions and widespread international protest, the DPRK has repeatedly tested ballistic missile technology and detonated another nuclear device in February 2013.

**UN sanctions contribution:** 3/5, While UN sanctions have been an important tool to coerce the target, other sanctions, international pressure and diplomatic efforts (particularly from China) have also been significant to the outcome.

### Constraint (Mixed effectiveness)

**Policy outcome:** 3/5, According to the panel of experts, international efforts appear to make it more difficult and expensive for the DPRK to continue its nuclear and missile programs. However, they also indicate adaptation by DPRK in sanctions evasion techniques, and that arms exports continue (though partly constrained by the sanctions). November 2010 revelations (the Hecker report) regarding ability of DPRK to construct uranium facility in face of sanctions and continued progress of ballistic missiles program indicated limited constraining impact.

**UN sanctions contribution:** 4/5, UN sanctions were primary instruments of constraint, other sanctions have also played an important role in constraining DPRK’s nuclear program.

### Signaling (Mixed effectiveness)

**Policy outcome:** 3/5, Non-proliferation norm was continuously articulated by consistent and unanimous responses by the Council against tests conducted by the DPRK, but the strength of the signal remained limited, since measures have not gone beyond improved enforcement, repeated condemnations and moderate increases in the targets designated.

**UN sanctions contribution:** 4/5, Sanctions are a primary means for signaling the non-proliferation norm, but diplomatic pressure has also played an important role.

## Unintended consequences

Increase in corruption and criminality, increase in international regulatory capacity in different issue domains, increase in international enforcement capacity in different issue domains, resource diversion, decline in the credibility and/or legitimacy of UN Security Council.

## UN resolutions

Date	Resolution	Description
13.04.2009	PRST 7	<u>Substantive:</u> <ul style="list-style-type: none"><li>Decides to designate entities and goods (designations announced on 24.4.2009 in Press Release SC/9642)</li></ul>
12.06.2009	UNSCR 1874	<u>Substantive:</u> <ul style="list-style-type: none"><li>Expands UNSCR 1718 arms and WMD embargo to include all arms and related materiel, as well as related financial transactions, technical training, advice, services or assistance related to the provision, manufacture, and maintenance except for small arms, light weapons and their related materiel – for these Committee notification is required (5 days)</li></ul>



		<ul style="list-style-type: none"> <li>• Expands UNSCR 1718 list of prohibited items to include also items listed in INFCIRC/254/Rev.9/Part 1a and INFCIRC/254/Rev.7/Part 2a</li> <li>• Imposes prohibition on provision of bunkering services (such as fuel, supplies or servicing) to DPRK vessels if reasonable grounds for sanctions violation, unless necessary for humanitarian purposes or until inspected and seized and disposed of if necessary</li> <li>• Authorizes MS to seize and dispose of items in sanctions violation and calls for MS inspection if reasonable grounds for sanctions violation</li> <li>• Calls upon further financial restrictions</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Establishes Panel of Experts (1 year) and specifies its mandate</li> <li>• Requires MS reporting following an inspection</li> </ul>
07.06.2010	UNSCR 1928	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (1 year)</li> </ul>
10.06.2011	UNSCR 1985	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (1 year)</li> </ul>
12.06.2012	UNSCR 2050	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (1 year)</li> </ul>
22.01.2013	<b>UNSCR 2087</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Imposes financial asset freeze and travel ban on new designees (listed in Annex I and II)</li> <li>• Expands UNSCR 1718 list of prohibited items to include also items listed in INFCIRC/254/Rev.11/Part 1 and INFCIRC/254/Rev.8/Part 2 and S/2012/947</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Clarifies methods of disposal</li> <li>• Calls for MS reporting</li> </ul>

### Episode 3 (7 March 2013 to the present)

#### Summary

Following the third North Korean nuclear test in February 2013, the US and China jointly drafted UNSCR 2094 (7 March 2013). The resolution targeted North Korean financial institutions and overseas cash couriers, tightened inspection procedures for ships and air cargo, and encouraged Member States to exercise enhanced vigilance over DPRK diplomatic personnel. Drawing on provisions in the Iran sanctions regime, the resolution calls on states to prohibit DPRK banks from operating on their territory and of their own financial institutions of operating in the DPRK, if there is any reason to suspect they could contribute to the DPRK's nuclear or ballistic missile programs. The resolution also added 3 individuals and 2 entities to the list, bringing the totals to 12 individuals and 19 corporate entities.

Significantly, the Bank of China severed its ties with Pyongyang, and there were reports of significant enforcement by China of the new restrictions on DPRK financial institutions. China tried to breathe life into the Six Party Talks in September 2013, convening a commemorative ceremony marking the tenth anniversary of the launch of the talks in 2003. North Korea's First Vice Minister called for a resumption of dialogue

without preconditions and Pyongyang's chief nuclear envoy made a trip to Beijing. North Korea restarted its Soviet-era nuclear reactor in Yongbon in the fall of 2013.

### **Purposes**

Coerce DPRK to cease nuclear tests/missile launches, end WMD programs, retract NPT withdrawal, and return to Six-Party Talks; constrain DPRK access to military and proliferation technology, and signal support for non-proliferation norms, specifically the NPT.

### **Sanction type**

Ongoing arms imports and exports embargo, proliferation sensitive goods and technology imports and exports ban, luxury goods ban, asset freeze, travel ban, bunkering ban (if reasonable grounds for sanctions violation). Newly imposed financial sector restrictions (financial services, transfers, and public support, including bulk cash, export credits, guarantees, and insurance).

### **Effectiveness (as of January 2014)**

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Despite occasional (and short-lived) diplomatic engagements, there has been no breakthrough, or return to the Six Party Talks or evidence that the DPRK has scaled back its proscribed activity. Reports that it has resumed its Yongbon facility suggest the opposite.

**UN sanctions contribution:** 3/5, While UN sanctions have been an important tool to coerce the target, other unilateral sanctions (including from China), international pressure and diplomatic efforts (particularly from China) have also been significant to the outcome.

#### **Constraint (Mixed effectiveness)**

**Policy outcome:** 3/5, According to the June 2013 Panel of Experts report, while sanctions have not stopped DPRK's nuclear and ballistic missile programs, they have "in all likelihood considerably delayed (North Korea's) timetable and, through the imposition of financial sanctions and the bans on the trade in weapons, has choked off significant funding which would have been channeled into its prohibited activities."

**UN sanctions contribution:** 4/5, UN sanctions were primary instruments of constraint, other sanctions, particularly from China, have also played an important role in constraining DPRK's nuclear program.

#### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Non-proliferation norm was continuously articulated by consistent and unanimous responses by the Council against tests conducted by the DPRK, but the strength of the signal remained limited, since measures have not gone beyond repeated condemnations and moderate increases in the targets designated.

**UN sanctions contribution:** 4/5, Sanctions are a primary means for signaling the non-proliferation norm, but diplomatic pressure has also played an important role.

### **Unintended consequences**

Increase in corruption and criminality, increase in international regulatory capacity in different issue domains, increase in international enforcement capacity in different issue domains, resource diversion, significant burden on implementing states.

## UN resolutions

Date	Resolution	Description
07.03.2013	<b>UNSCR 2094</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Imposes financial asset freeze and travel ban on new designees (listed in Annex I and II)</li> <li>• Expands UNSCR 1718 list of prohibited items to include also items listed in Annex III</li> <li>• Imposes travel ban on individuals assisting sanctions evasion or violating UNSCR 1718, 1874, 2087 or 2094, specifying that if such individuals are DPRK nationals, they should be expelled for repatriation to DPRK, unless subject to the delineated exemptions (judicial process, medical, safety, humanitarian, or DPRK representative to the UN conducting UN business)</li> <li>• Clarifies that UNSCR 1718 arms embargo and WMD ban includes also the provision of brokering or other intermediary services</li> <li>• Imposes prohibition on financial services or transfers (including bulk cash), MS provision of public financial support for trade with DPRK (including granting of export credits, guarantees or insurance), that could contribute to DPRK's nuclear or ballistic missile programmes, UNSCR 1718, 1874, 2087 or 2094 prohibited activities or their evasion</li> <li>• Decides all MS shall inspect all cargo to or from DPRK or brokered or facilitated by individuals or entities acting on their behalf if reasonable grounds for sanctions violation, denying ports entry if vessel inspection is refused, unless subject to the delineated exemptions (required for inspection, emergency, return to port of origin)</li> <li>• Specifies some luxury goods subject to UNSCR 1718 luxury goods imports ban (Annex IV)</li> <li>• Calls upon further financial restrictions</li> <li>• Calls upon aviation ban if reasonable grounds for sanctions violation, except for emergency landing</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (until 07.04.2014)</li> <li>• Sets sanctions review (1 year, then annually)</li> <li>• Calls for MS reporting on sanctions non-compliance</li> <li>• Requires MS reporting of refused vessel inspections</li> <li>• Requests MS reporting on transfers of DPRK aircrafts or vessels to other companies and requests Committee to make this information widely available</li> </ul>
05.03.2014	UNSCR 2141	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (1 year)</li> </ul>

# Democratic Republic of Congo (DRC)

## Overview

**Status:** Ongoing

**Duration:** 28 July 2003 – present (10 years +)

**Objective:** Cease hostilities, peace enforcement, democracy support, good governance, human rights

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo)

- Territorial delimitation (North and South Kivu and Ituri, later extended to entire DRC)

**Non-UN sanctions:** Regional (EU), Unilateral (US, UK)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, threat of force, use of force, DDR

## Background

Following years of protracted violence and extreme corruption under the regime of Mobutu Sese Seko, the Democratic Republic of the Congo (DRC) experienced two wars (1996-1997; 1998-2003) involving at least six of its neighbors. Efforts to end the fighting resulted in the Lusaka Ceasefire Agreement, signed by Angola, DRC, Namibia, Rwanda, Uganda and Zimbabwe in 1999. The Security Council deployed the United Nations Organization Mission in the DRC (MONUC) to monitor and support the ceasefire under UNSCR 1258. The ceasefire did not hold and hostilities continued.

Laurent Desire Kabila, then President of the DRC, asked for further intervention by the Security Council. Following a fact finding mission, in February 2000 the Council expressed serious concern at reports of illegal exploitation of natural resources and other forms of wealth in the DRC, including in violation its sovereignty.

The DRC case was preceded by a unique (in terms of most sanctions regimes) three-year period, beginning in 2000, during which many aspects of targeted sanctions were present. These included a Panel of Experts on Natural Resources (PNR) established by a Security Council Presidential Statement that conducted research, identified names of individuals alleged to have participated in illegal exploitation of natural resources, and published reports. In 2002, their report listed more than 50 individuals. In effect, the naming, shaming and stigmatizing of these individuals were perceived by the targets as individual sanctions. The non-sanctions phase prepared political space for a true sanctions regime, beginning in 2003.

## Episode 1 (28 July 2003 – 18 April 2005)

### Summary

An arms embargo (UNSCR 1493) was imposed on all foreign armed groups operating in the eastern region of the DRC and on the non-signatories of the Global and All Inclusive Peace Agreement (GPA) of 2002 that created a power sharing transitional government. UNSCR 1533 created a Sanctions Committee and a Panel of Experts (PoE).

## Purposes

Coerce belligerents to sign and implement the GPA (convene elections) and cease hostilities in the eastern Congo, constrain the capacity of all parties to engage in violence (peace enforcement), and signal parties to the conflict support for peace enforcement.

## Sanction type

Arms imports embargo on all armed groups and militias operating in North and South Kivu and Ituri, as well as groups in DRC not party to the Global and All-inclusive agreement.

## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 1/5, No evidence of any belligerents agreeing to sign the GPA.

**UN sanctions contribution:** 3/5, Sanctions co-existed with MONUC (UN PKO) and GPA (diplomatic efforts).

### Constraint (Ineffective)

**Policy outcome:** 2/5, Some mid-level combatants deserted the rebel groups and there was a general reduction in levels of armed violence (although the war had ended, the region was already awash in arms and armed violence continued in many local areas).

**UN sanctions contribution:** 3/5, Given statements from combatants who felt threatened by the embargo and joined government forces, but the existence of the peace agreement and end of the war also played important roles (even though local armed violence continued).

### Signaling (Mixed effectiveness)

**Policy outcome:** 3/5, Peace enforcement and cessation of hostilities were clearly signaled and some stigmatization of the target through PoE reports; also increased awareness of sanctions regime by regional actors.

**UN sanctions contribution:** 4/5, Sanctions appeared necessary, but not sufficient, and there was some acknowledgement by the target.

## Unintended consequences

Decline in the credibility and/or legitimacy of UN Security Council, rise of new militias.

## UN resolutions

Date	Resolution	Description
28.07.2003	UNSCR 1493	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes arms imports embargo to DRC (1 year), including assistance, advice, or training related to military activities, on all armed groups and militias operating in North and South Kivu and Ituri and on groups in DRC not party to the Global and All-inclusive agreement</li><li>Specifies arms imports embargo exemptions for MONUC, Interim Emergency Multinational Force (Bunia) and integrated Congolese national army and police forces, as well as humanitarian and protective use (with prior Special Representative notification)</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Extends and modifies MONUC mandate (1 year), reconfigures its personnel and authorizes it to assist the Government of</li></ul>

		National Unity and Transition in disarming and demobilizing rebels participating in DDR <ul style="list-style-type: none"> <li>• Sets sanctions review (1 year)</li> </ul>
26.08.2003	UNSCR 1501	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Authorizes states in Interim Emergency Multinational Force (in Bunia after 01.09.2003) to provide assistance to MONUC if it requests them to do so</li> </ul>
12.03.2004	UNSCR 1533	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Authorizes MONUC to seize, collect, and dispose of arms and related materiel in DRC violating UNSCR 1493 arms imports embargo</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Establishes Sanctions Committee and specifies its mandate</li> <li>• Establishes Group of Experts (until 28.07.2004) and specifies its mandate</li> <li>• Requests MS reporting</li> </ul>
27.07.2004	<b>UNSCR 1552</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1493 arms imports embargo and related exemptions (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Re-establishes UNSCR 1533 Group of Experts (until 31.01.2005)</li> <li>• Sets sanctions review (by 01.10.2004, thereafter periodically)</li> </ul>
01.10.2004	UNSCR 1565	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies MONUC mandate and increases its personnel (until 31.03.2005)</li> <li>• Requests Secretary-General to investigate allegations of sexual misconduct and exploitation by MUNOC personnel</li> </ul>

## Episode 2 (18 April 2005 – 31 March 2008)

### Summary

The arms embargo was extended to the entire country (to facilitate SSR and DDR), but exceptions were provided for transition government armed forces being rebuilt as part of a general peacebuilding process (but with onerous processes for verification and advance notification). Individual sanctions (Travel Ban and Asset Freeze) were applied in order to reduce hostilities by militias and foreign armed groups and facilitate a broader political settlement (in particular, to hold scheduled elections).

A new constitution was adopted and approved in 2005, elections were held in July of 2006, and Kabila was declared the victor (over Bemba) in a run-off election in November 2006. Bemba was exiled in April 2007, and another peace pact (between DRC and a rebel faction headed by Nkunda) was signed in January 2008 with the intention of bringing peace to the eastern DRC.

UNSCR 1596 extended the arms embargo to the entire country, requested a list of individuals who impeded SSR and DDR and elections, and provided for exceptions for government forces. UNSCR 1649 applied sanctions to a group of individuals (leaders of armed factions and militias impeding DDR and the political settlement). UNSCR 1698 extended the individual sanctions to leaders engaged in the recruitment of child soldiers.

Sectoral commodity sanctions (that fuel the conflict) were also threatened for the first time.

### Purposes

Coerce belligerent rebel groups remaining outside of the GPA to participate in the political process (especially the elections, and engage in SSR and DDR), constrain the rebels from continuing to participate in hostilities, as well as regional actors from Rwanda and Uganda from supporting them, and signal parties to the conflict support for the legitimacy of the transitional government.

### Sanction type

The ongoing arms imports embargo on non-governmental entities was extended to the entire country (any recipient in DRC). Newly imposed travel ban and asset freeze.

### Effectiveness

#### Coercion (Effective)

**Policy outcome:** 4/5, Major warring factions concluded that elections were preferable to violence, while some others interested in future political careers in the DRC changed their behavior and joined the process.

**UN sanctions contribution:** 3/5, Sanctions contributed to a larger effort during this episode, including increased international attention, DDR, SSR, EU efforts, and elections that signaled the potential for peace; changes in Ituri region were due to numerous small peace agreements with different armed groups.

#### Constraint (Mixed effectiveness)

**Policy outcome:** 3/5, There is limited evidence that total levels of arms were reduced, but there was some evidence of a disruption of the gold trade through Ugandan traders used to finance arms purchases.

**UN sanctions contribution:** 3/5, Given the presence of arms in the region, the porosity of borders, and the problems associated with MONUC forces (low capacity and unwillingness to carry out its mandate) and evidence of the selling of arms to belligerents in the Ituri region during this episode; sanctions disrupted the gold trade.

#### Signaling (Effective)

**Policy outcome:** 4/5, Transition government was signaled as legitimate to domestic, regional, and international actors and targets were identified and stigmatized.

**UN sanctions contribution:** 3/5, Sanctions contributed to a larger diplomatic effort during this episode, including increased international attention, DDR, SSR, EU efforts, and elections that signaled the potential for peace.

### Unintended consequences

Strengthening of authoritarian rule, strengthening of political factions, resource diversion.

### UN resolutions

Date	Resolution	Description
18.04.2005	UNSCR 1596	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes travel ban (1 year) and specifies humanitarian, religious, and peace, national reconciliation and regional stability exemptions (pending Committee approval)</li></ul>



		<ul style="list-style-type: none"> <li>• Imposes financial asset freeze (1 year) and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> <li>• Expands UNSCR 1493 arms imports embargo to any recipient in DRC, reiterating assistance includes financing and financial assistance related to military activities</li> <li>• Specifies arms imports embargo exemptions for MONUC, humanitarian or protective use and related technical assistance and training (with prior Committee notification), and for DRC army and police units that completed integration or operate under Armed Forces or National Police command or are in the process of integration outside North and South Kivu and Ituri district</li> <li>• Decides all future authorized arms shipments will take place through receiving sites designated by Government of National Unity and Transition in coordination with MONUC, and notified in advance to Committee</li> <li>• Decides that governments in the region ensure aircraft operation in accordance with Convention on International Civil Aviation, notify Committee of any violations and maintain registry of all information concerning flights to and from DRC for Committee and Group of Experts review</li> <li>• Decides DRC and states bordering Ituri and the Kivus strengthen customs controls and ensure no means of transportation are violating the arms imports embargo, notifying MONUC of any such violations</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Modifies Sanctions Committee mandate and authorizes it to request information from MS</li> <li>• Re-establishes UNSCR 1533 Group of Experts (until 31.07.2005)</li> <li>• Requests MS reporting</li> </ul>
29.07.2005	<b>UNSCR 1616</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 1493 and 1596 arms imports embargo (1 year)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Re-establishes UNSCR 1533 Group of Experts (until 31.01.2006)</li> </ul>
21.12.2005	UNSCR 1649	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Extends asset freeze and travel ban designation criteria to political and military leaders of: (1) foreign armed groups operating in DRC impeding disarmament, repatriation and resettlement of their combatants, and (2) Congolese militias receiving support from outside DRC, especially those operating in Ituri impeding disarmament, repatriation and reintegration of their combatants (until 31.07.2006)</li> <li>• Adds travel ban exemption for transit of individuals returning to state of their nationality or participating in efforts to bring justice to perpetrators of human rights and international humanitarian law violations (pending prior Committee authorization)</li> </ul> <p><u>Procedural:</u></p>

		<ul style="list-style-type: none"> <li>• Delays sanctions adjustments implementation (until 15.01.2006)</li> <li>• Sets sanctions review (by 31.07.2006)</li> </ul>
31.01.2006	UNSCR 1654	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Re-establishes Group of Experts (until 31.07.2006)</li> </ul>
25.04.2006	UNSCR 1671	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Adds UNSCR 1493 and 1596 arms imports embargo exemption for Eufor DRC</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Authorizes deployment of Eufor DRC for 4 months after the first round of the presidential and parliamentary elections (not exceeding MONUC mandate) and specifies its mandate</li> <li>• Authorizes MONUC to provide logistical support to Eufor DRC</li> <li>• Requests EU reporting (also to DRC)</li> </ul>
31.07.2006	<b>UNSCR 1698</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1493, 1596 and 1649 arms imports embargo and UNSCR 1596 financial asset freeze and travel ban (1 year)</li> <li>• Delineates designation criteria</li> <li>• Expresses intention to consider including measures on illegal exploitation of natural resources</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Group of Experts mandate (1 year)</li> </ul>
31.07.2007	<b>UNSCR 1768</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1493 and 1596 arms imports embargo and UNSCR 1596, 1649 and 1698 financial asset freeze and travel ban (until 10.08.2007)</li> <li>• Renews UNSCR 1596 provisions for aircraft operation and registry for governments in the region and strengthened custom controls for DRC and states bordering Ituri and the Kivus (until 10.08.2007)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (until 10.08.2007)</li> </ul>
10.08.2007	<b>UNSCR 1771</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1493 and 1596 arms imports embargo and UNSCR 1596, 1649 and 1698 financial asset freeze and travel ban (until 15.02.2008)</li> <li>• Renews UNSCR 1596 provisions for aircraft operation and strengthened custom controls (until 15.02.2008)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (until 15.02.2008)</li> <li>• Requests MS Committee notification of arms imports under UNSCR 1596 and 1771 exemptions</li> <li>• Sets sanctions review (by 15.02.2008)</li> </ul>
15.02.2008	<b>UNSCR 1799</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1493 and 1596 arms imports embargo and UNSCR 1596, 1649 and 1698 financial asset freeze and travel ban (until 31.03.2008)</li> <li>• Renews UNSCR 1596 provisions for aircraft operation and strengthened custom controls (until 31.03.2008)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (until 31.03.2008)</li> </ul>

## Episode 3 (31 March 2008 – 28 May 2010)

### Summary

Following comfortable majorities for the Kabila government in two national elections, the UNSC lifted the limited arms embargo against the armed forces of the DRC (UNSCR 1807, 31 March 2008). The resumption of violence and renewed military challenges to the DRC from the Nkunda faction, the FDLR, and the LRA in the eastern DRC persuaded the UNSC of the need to maintain and strengthen individual sanctions against non-integrated parties and regional actors from Rwanda and Uganda to cease hostilities against the DRC in the eastern DRC.

A joint DRC/Rwanda offensive was launched against the Nkunda faction in January 2009 (ending in his arrest), followed by an offensive against the FDLR, a general amnesty offered to Congolese armed groups in the east in May 2009, and high profile arrests of FDLR leaders in Germany in November 2009. At the same time, peace processes linked to SSR and DDR were underway (the Goma and Nairobi processes), culminating in the 23 March 2009 agreements (which called for the amnesty offer to Congolese armed groups in May).

UNSCR 1807 lifted the restrictive measures of the arms embargo against the DRC government, while UNSCR 1857 (22 December 2008) extended restrictive measures to individuals supporting non-integrated parties through the exploitation of natural resources.

### Purposes

Coerce non-integrated parties to cease hostilities (to consolidate the authority of the DRC in the east and to reduce human rights abuses), constrain the ability of rebels to garner support within the DRC and from neighboring countries, and signal support for the legitimacy of the government to rebel factions and regional actors.

### Sanction type

Ongoing arms imports embargo on non-governmental entities, travel ban, and asset freeze.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 3/5, Some combatants began to negotiate a ceasefire and sign agreements (following joint DRC/Rwanda military operations against them), but others who were integrated became renegade DRC army forces within the region; some of the relevant neighboring countries (Rwanda) began cooperating with the DRC government.

**UN sanctions contribution:** 2/5, ICC prosecutions, diplomatic pressure on Rwanda, arrests of belligerents from the FDLR in Germany and France, and use of force appeared more important than sanctions.

#### **Constraint (Effective)**

**Policy outcome:** 4/5, Integration and renaming indicated a change of strategy for some groups, and some pushed out of resource rich areas (the Governor of North Kivu did not allow planes to leave with resources or to land with weapons); Rwandan joint operations with DRC resulted in arrest of Nkunda and weakening of rebel forces.

**UN sanctions contribution:** 3/5, Sanctions triggered a political process through donors who put pressure on Rwanda (naming and shaming were critical during this episode), but the final outcome cannot be attributed to the sanctions alone, but to other factors, particularly given the military offensives.

### **Signaling (Ineffective)**

**Policy outcome:** 3/5, Many combatants appeared to respond to the DDR process by abandoning militia groups, but poor integration of rebel forces into the armed forces of the DRC (which legitimates them) limited the overall effect.

**UN sanctions contribution:** 2/5, Military offensive and arrest or capture of key rebel leaders appeared more significant than sanctions.

### **Unintended consequences**

Strengthening of authoritarian rule, resource diversion, increase in corruption and criminality.

### **UN resolutions**

Date	Resolution	Description
31.03.2008	<b>UNSCR 1807</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Imposes arms imports embargo on all non-governmental entities and individual entities in DRC (9 months), lifting any restrictions on the supply, sale or transfer of arms and related materiel, as well as provision of assistance, advice or training related to military activities, to DRC Government</li> <li>• Specifies arms imports embargo exemptions for MONUC, humanitarian or protective use and related technical assistance and training (with prior Committee notification)</li> <li>• Terminates UNSCR 1596 and 1771 provisions regarding authorized arms shipments through receiving sites</li> <li>• Imposes travel ban (9 months) and specifies humanitarian, religious, peace, national reconciliation, regional stability, and transit of individuals returning to state of their nationality or participating in efforts to bring justice to perpetrators of human rights and international humanitarian law violations (pending Committee approval)</li> <li>• Imposes financial asset freeze (9 months) and specifies necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment financial asset freeze exemptions (pending Committee approval)</li> <li>• Delineates designation criteria</li> <li>• Decides that governments in the region ensure aircraft operation in accordance with Convention on International Civil Aviation, notify Committee of any violations, and ensure no sanctions violations via their airports or airfields (9 months), recalling their obligation to maintain registry of all information concerning flights to and from DRC for Committee and Group of Experts review</li> <li>• Decides DRC and states bordering Ituri and the Kivus strengthen customs controls and ensure no means of transportation are violating the arms imports embargo, notifying MONUC of any such violations (9 months)</li> </ul>

		<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Modifies Sanctions Committee mandate</li> <li>• Extends and modifies Group of Experts mandate (9 months)</li> <li>• Sets sanctions review (9 months)</li> <li>• Requires MS Committee notification of arms imports or related assistance, advice, or training except for MONUC and UN, media, humanitarian and development workers, and related personnel personal use protective clothing (9 months)</li> </ul>
22.12.2008	<b>UNSCR 1857</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1807 arms imports embargo and UNSCR 1807, 1698, 1649 and 1596 financial asset freeze and travel ban (until 30.11.2009)</li> <li>• Renews UNSCR 1807 provisions for aircraft operation and strengthened custom controls (until 30.11.2009)</li> <li>• Delineates criteria for designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Modifies Sanctions Committee mandate, setting up regular review of listed individuals and entities</li> <li>• Extends and modifies Group of Experts mandate (30.11.2009)</li> <li>• Requires MS when proposing designations to provide detailed statement of case and identify information for public release</li> <li>• Requires Secretariat to inform permanent mission of MS where designee is believed to be located (for individuals also MS of citizenship) within 1 week of designation, providing them with relevant information (publicly releasable statement of case, reasons for listing, effects of designation, delisting procedures, and exemptions)</li> <li>• Directs Committee to make accessible on its website a narrative summary of reasons for listing (based on the publicly releasable part of MS statement of case)</li> <li>• Refers to UNSCR 1730 Focal Point for delisting</li> <li>• Sets sanctions review (by 30.11.2009)</li> </ul>
30.11.2009	<b>UNSCR 1896</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1807 arms imports embargo and UNSCR 1807 and 1857 financial asset freeze and travel ban (1 year)</li> <li>• Renews UNSCR 1807 provisions for aircraft operation and strengthened custom controls (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Modifies Sanctions Committee mandate</li> <li>• Extends and modifies Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> <li>• Calls for MS reporting</li> </ul>

## Episode 4 (28 May 2010 – present)

### Summary

The relationship between the UN and DRC changed following the SG's report of 30 March 2010, indicating that the DRC had made considerable progress over the last fifteen years and was moving into a period of domestic consolidation and peacebuilding. At the insistence of the Congolese Government, MONUC was replaced by MONUSCO (the United Nations Organization Stabilization Mission in the Democratic Republic of the

Congo) on 1 July 2010. The DRC wanted MONUC to leave. MONUSCO was a compromise solution.

The conflict morphed in 2010 and 2011 from being the DRC versus three large, foreign backed armies (threatening the existence of a unified state) to being a conflict between the DRC and a number of local armed groups (with significant human rights implications for local populations). During the period, an electoral commission was established (July 2010) and the DRC made progress toward being “close” to EITI (Extractive Industries Transparency Initiative) certification (December 2010). In early 2011, the LRA resumed hostilities (operating from territories outside the DRC and the scope of the sanctions). In UNSCR 2021 (November 2011), the Council repeated demands for the LRA and four other rebel groups to cease hostilities and human rights abuses. Elections were held (November 2011). Kabila’s re-election was disputed by the opposition and MONUSCO voiced concerns about the results.

In 2012, however, foreign backed armies re-emerged as the principal threat to peace and security in the DRC. In April 2012, a mutiny within the DRC army led by Bosco Ntaganda, a former Congolese rebel and on the ICC list for crimes against humanity led to the emergence of M23. The group claimed that the DRC had failed to live up to the terms of the March 23, 2009 agreement (between CNDP and the DRC integrating CNDP forces into the DRC army). The conflict escalated throughout the year, culminating in the November 2012 temporary occupation of Goma. M23 forces have continued to occupy strategic mineral rich regions of eastern Congo. Successive Group of Expert reports (in June and November) contend that the M23 fighters are backed by the government of Rwanda (and to a lesser extent, Uganda). The GoE’s final report charged the chain of command leads directly to the Minister of Defense in Kigali. The report also charged that four companies of Rwanda’s 305<sup>th</sup> brigade, three other companies, and one Special Forces unit of Rwanda participated in operations against the DRC army. Over 1000 Rwandan troops went into the DRC during the Goma operation.

In July 2012, Thomas Lubanga became the first person convicted by the International Criminal Court since it was established in 2002. He was sentenced to 14 years in prison for using child soldiers in his rebel army in 2002 and 2003.

UNSCR 1925 (28 May 2010), established MONUSCO, while UNSCR 1952 (29 November 2010), supported due diligence procedures for the management of natural resources (recommended by the GoE in Episode 3) and encouraged the sanctions committee to designate individuals and entities failing to adhere to them. Following this, UNSCR 2021 (29 November 2011), renewed the sanctions and the mandate of the GoE, and UNSCR 2078 (28 November 2012), again renewed the sanctions and the mandate of the GoE, calling on neighboring states to implement the terms of the resolutions.

In February 2013, an agreement facilitated by Mary Robinson, the UN Special Envoy to the Great Lakes Region, was reached among 11 neighboring countries in a commitment to, among other things, halt support for armed groups operating in the Congo. Yet, the relationship between Rwanda and the M23 in particular continued to be a challenge. The DRC Group of Experts continued to report Rwandan support for the M23 throughout that year and, as a member of the Security Council, Rwanda blocked additional listings of the M23 by the Sanctions Committee.

Shortly after this broad agreement was signed, the Security Council unanimously passed resolution 2098 (March 2013) which created a specialized “intervention brigade” to strengthen MONUSCO in its efforts to control the activities of rebel groups in the DRC and support the reestablishment of state authority in rebel-controlled areas. This was the first time a peacekeeping operation had the explicit (and thus far exceptional) authorization to engage in “offensive operations”.

Following an offensive from the FARDC forced the M23 to retreat, on 5 November the group declared an end to its military operations. Although MONUSCO and the FARDC now control much of the territory and all the main roads in the eastern part of the country, rebel groups remain active in the region. As of January 2014, elements of the M23 were starting to regroup under a new banner and MONUSCO and the FARDC were preparing to conduct further offensive operations against other rebel groups, including the FDLR, in addition to the Allied Democratic Forces-National Army for the Liberation of Uganda (ADF-NALU), the Lord’s Resistance Army (LRA) and various Mayi Mayi groups.

### **Purposes**

Coerce non-integrated parties to stop fighting and committing HR abuses and to engage in the peacebuilding process, constrain the ability of rebel forces to engage in hostilities and to exploit natural resources within the DRC and neighboring countries, and signal support for the legitimacy of the government to rebel factions and regional actors.

### **Sanction type**

Ongoing arms imports embargo on non-governmental entities, travel ban, and asset freeze.

### **Effectiveness (as of January 2014)**

#### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Although the M23 has been militarily defeated in 2013, other rebel groups (the FDLR, LRA, ADF-NALU, etc.) have continued to engage in violence, systematic human rights violations and remained a major threat to DRC territorial integrity.

**UN sanctions contribution:** 2/5, Due to weak implementation by neighboring states, sanctions have had a minor role in determining this outcome. Military engagement, diplomatic initiatives and ICC prosecution (the first ICC conviction and sentence was of a DRC combatant) were more significant policy instruments used by the Council. In 2013, MONUSCO’s intervention brigade is widely considered to have been significant in the military advances of the FARDC.

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, The re-emergence of foreign backed rebel groups and their continued activity have indicated the continued availability of arms and access to resources.

**UN sanctions contribution:** 2/5, Territorial control by rebel groups, particularly when supported by neighboring countries, has been most significant to grant access to the resources that fuel the conflict.

#### **Signaling (Mixed effectiveness)**



**Policy outcome:** 3/5, UNSCRs supported the DRC and the peace process, but there is little indication that foreign backers of rebel groups have been stigmatized within the region or internationally (Rwandan denials of involvement and elected to UNSC in 2012). However, the establishment of the intervention brigade signaled strong intent to resolve the issue.

**UN sanctions contribution:** 3/5, Sanctions reinforced regional diplomatic initiatives and UN PKO.

### Unintended consequences

Strengthening of authoritarian rule, resource diversion, increase in international regulatory capacity in different issue domains, increase in corruption and criminality.

### UN resolutions

Date	Resolution	Description
29.11.2010	UNSCR 1952	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1807 arms imports embargo and UNSCR 1807 and 1857 financial asset freeze and travel ban (1 year)</li> <li>Renews UNSCR 1807 provisions for aircraft operation and strengthened custom controls (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (1 year)</li> <li>Sets sanctions review (1 year)</li> <li>Calls for MS reporting</li> </ul>
29.11.2011	UNSCR 2021	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1807 arms imports embargo and UNSCR 1807 and 1857 financial asset freeze and travel ban (1 year)</li> <li>Renews UNSCR 1807 provisions for aircraft operation and strengthened custom controls (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (1 year)</li> <li>Sets sanctions review (1 year)</li> </ul>
20.11.2012	UNSCR 2076	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Condemns the M23 and its attacks</li> <li>Expresses intention to consider additional targeted sanctions (based on UNSCR 1857 designation criteria) against M23 leadership and those providing external support to M23 or acting in sanctions violation</li> </ul>
28.11.2012	UNSCR 2078	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1807 arms imports embargo and UNSCR 1807 and 1857 financial asset freeze and travel ban (until 01.02.2014)</li> <li>Adds humanitarian, religious, peace, national reconciliation, regional stability, transit of individuals returning to state of their nationality or participating in efforts to bring justice to perpetrators of human rights and international humanitarian law violations, and judicial process travel ban exemptions</li> <li>Renews UNSCR 1807 provisions for aircraft operation and strengthened custom controls (until 01.02.2014)</li> <li>Delineates designation criteria</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Group of Experts mandate (until 01.02.2014)</li> </ul>

		<ul style="list-style-type: none"> <li>• Sets sanctions review (by 01.02.2014)</li> </ul>
30.01.2014	<b>UNSCR 2136</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 1807 arms imports embargo and UNSCR 1807 and 1857 financial asset freeze and travel ban (1 year)</li> <li>• Adds arms imports embargo exemption for supply of arms and related material, as well as assistance, advice or training for or by AU-Regional Task Force</li> <li>• Renews UNSCR 1807 provisions for aircraft operation and strengthened custom controls (1 year)</li> <li>• Delineates designation criteria</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends Group of Experts mandate (1 year)</li> <li>• Sets sanctions review (1 year)</li> </ul>

## Eritrea/Ethiopia

### Overview

**Status:** Concluded

**Duration:** 17 May 2000 – 16 May 2001 (1 year)

**Objective:** Cease hostilities, negotiate settlement

**Sanction types:** Sectoral (arms embargo)

**Non-UN sanctions:** Missing data

**Other policy instruments:** Diplomacy, peacekeeping operations

### Background

The border between Eritrea and Ethiopia has been disputed since Eritrea broke away from Ethiopia in 1991. After a series of border incidents resulted in the deaths of several Eritrean officials near the town of Badme, Eritrea invaded the Badme region and several other places on its border with Ethiopia on 6 May 1998. The forces met little resistance and pushed into Ethiopian territory. Ethiopia mobilized its forces, fighting escalated, and after cities in both countries were bombed, the UN Security Council passed UNSCR 1177 (26 June 1998), condemning the violence and calling for a ceasefire and negotiations.

Following some unsuccessful mediation attempts by the US and Rwanda in June 1998 and a long lull in the fighting, Ethiopia launched a major military operation to re-take Badme on 22 February 1999. After Ethiopian troops moved 10 km into Eritrean territory, Eritrea accepted the terms of an OAU peace plan on 27 February 1999. Ethiopia refused and continued its advance. By May, Ethiopian forces had reached further into the country and the fighting continued throughout the year, with both sides occupying entrenched positions in an increasingly stalemated conflict.

### Episode 1 (17 May 2000 – 16 May 2001)

#### Summary

After Ethiopia launched an offensive to break the stalemate in early May 2000, the Security Council passed UNSCR 1298 on 17 May 2000, imposing a one-year arms embargo on both states, demanding an immediate ceasefire and a return to peace talks. Ethiopia effectively won the war eight days later, capturing all the contested territory. After Eritrea declared its intention to withdraw from the Ethiopian territory it still occupied along the border, Ethiopia formally declared the war over on 25 May. Ethiopia effectively occupied 25% of Eritrean territory and had displaced an estimated 650,000 people. Both countries accepted the terms of the OAU sponsored Algiers Agreement of 18 June 2000 that established a temporary security zone along the disputed border, called for troop withdrawals, forwarded the dispute to the Hague Boundary Commission, and laid the basis for a UN PKO (UNMEE). A formal peace agreement was signed on 12 December 2000, and on the eve of the scheduled termination of the sanctions, a Presidential Statement declared the Council's decision not to extend the arms embargo after 16 May 2001.

## Purposes

Coerce the governments of Eritrea and Ethiopia to agree to a ceasefire and resume peace talks, constrain both from escalating the war, and signal support for OAU efforts to mediate the conflict.

## Sanction type

Arms imports embargo on government forces (one year).

## Effectiveness

### **Coercion (Ineffective)**

**Policy outcome:** 5/5, A ceasefire and peace agreement were agreed to by the end of 2000.

**UN sanctions contribution:** 1/5, UN arms embargo was imposed only eight days before Ethiopia declared military victory; changes on the ground were most significant to the outcome.

### **Constraint (Ineffective)**

**Policy outcome:** 1/5, No discernible constraints were experienced by the targets before the cessation of the conflict.

**UN sanctions contribution:** 1/5, Given the limited amount of time to implement the arms embargo.

### **Signaling (Ineffective)**

**Policy outcome:** 4/5, Support for OAU mediation clearly signaled, and both countries clearly encouraged to engage in OAU mediated talks.

**UN sanctions contribution:** 2/5, Military changes on the ground were most significant to the outcome (agreement to OAU mediation).

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
17.05.2000	UNSCR 1298	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes arms imports embargo to Ethiopia and Eritrea (1 year) and specifies humanitarian exemption</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Sanctions Committee and specifies its mandate</li><li>Requests Committee to make information it considers relevant publicly available</li><li>Requests MS reporting</li></ul>
31.07.2000	UNSCR 1312	<u>Substantive:</u> <ul style="list-style-type: none"><li>Adds UNMAS exemption to UNSCR 1298 arms imports embargo</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes UNMEE (6 months) and specifies its mandate</li></ul>
15.09.2000	UNSCR 1320	<u>Substantive:</u> <ul style="list-style-type: none"><li>Adds UN exemption to UNSCR 1298 arms imports embargo</li></ul>
15.05.2001	PRST 14	<u>Substantive:</u> <ul style="list-style-type: none"><li>Terminates UNSCR 1298 arms imports embargo on 16.05.2001</li></ul>

## Former Yugoslavia I (1991 – 1996)

### Overview

**Status:** Concluded

**Duration:** 25 September 1991 – 01 October 1996 (5 years)

**Objective:** Cease hostilities, negotiate settlement, peace enforcement, human rights

**Sanction types:** Sectoral (arms embargo)

- Comprehensive sanctions during EP2 (May 1992 – October 1996)

**Non-UN sanctions:** Regional (EU), Unilateral (US)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, threat of force, use of force

### Background

With the end of the Cold War, Yugoslavia went through a rapid process of disintegration. Following referendums in their respective communities, both Slovenia and Croatia declared independence in 25 June 1991. With the refusal by Serbia, then led by nationalist Slobodan Milošević, to accept the dissolution of Yugoslavia (which would divide the Serb people into 4 different republics), violent conflict erupted in the region.

## Episode 1 (25 September 1991 – 30 May 1992)

### Summary

An arms embargo was imposed on all parties to the conflict in the former Yugoslavia, triggered by the Serbian invasion of Croatia, following Croatia's declaration of independence, and Serbia's support for the Bosnian Serb forces engaged in ethnic cleansing in Bosnia-Herzegovina.

Targeted sanctions were imposed on 25 September 1991 (UNSCR 713), until they were superseded by the imposition of comprehensive sanctions less than a year later. UNSCR 724 (15 December 1991) established a sanctions committee and requested Member State reporting.

### Purposes

Constrain access to arms by all parties to the conflict in support of the ceasefire agreements of September 17 and 22, 1991 and signal to all parties to cease hostilities (the unacceptability of territorial change through the use of force).

### Sanction type

Arms imports embargo on all parties of the Yugoslav conflict.

### Effectiveness

#### Coercion (N/A)

**Policy outcome:** N/A, No coercive demands made in either UNSCR 713 or 724.

**UN sanctions contribution:** N/A.

#### Constraint (Ineffective)

**Policy outcome:** 1/5, The arms embargo worked to the advantage of Serbia, given its own production capabilities and given that the embargo was imposed equally on the other parties.

**UN sanctions contribution:** 0/5, The Serbian regime was strengthened militarily and there was an escalation of violence throughout the region.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Cutting off arms to cease hostilities, some stigmatization of Serbia.

**UN sanctions contribution:** 3/5, The arms embargo reinforced diplomatic pressure, the presence of a peacekeeping force (UNPROFOR), and threat of the use of force.

### **Unintended consequences**

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, increase in human rights violation, harmful effects in neighboring states, humanitarian consequences, decline in the credibility and/or legitimacy of the UN Security Council, extending the conflict.

### **UN resolutions**

Date	Resolution	Description
25.09.1991	UNSCR 713	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes arms import embargo to Yugoslavia</li> </ul>
15.12.1991	UNSCR 724	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes Sanctions Committee and specifies its mandate</li> <li>Requests MS reporting</li> </ul>
08.01.1992	UNSCR 727	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Reaffirms UNSCR 713 arms imports embargo and specifies that it would continue to apply to all areas that have been part of Yugoslavia (§33 of Secretary-General report S/23363)</li> </ul>
21.02.1992	UNSCR 743	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 713 arms imports embargo exemption for UN Protection Force [not under Chapter VII]</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes UN Protection Force (1 year)</li> </ul>

## **Episode 2 (30 May 1992 – 01 October 1996)**

### **Summary**

Comprehensive sanctions (UNSCR 757) were imposed on 30 May 1992, following the failure to withdraw elements of the Yugoslav army from Bosnia and Croatia (as stipulated in UNSCR 752 two weeks before), and a major escalation of violence (including the shelling of Sarajevo, endangering the lives of UNPROFOR personnel and humanitarian relief actors).

UNSCR 752 (15 May 1992) demanded withdrawal of all Yugoslav and (elements of) Croatian army units from Bosnia-Herzegovina, while UNSCR 757 (30 May 1992) imposed comprehensive sanctions on Yugoslavia. Other relevant UNSCRs included UNSCR 787 (energy supplies), UNSCR 820 (provisions for seizure of goods), UNSCR 942 (targeting individual Bosnian Serbs because of their resistance to territorial settlement), UNSCR 943 (temporary suspension of aviation sanctions), and UNSCR 1015 (suspension extended).

UNSCR 1022 (22 November 1995) suspended all sanctions – exempting Bosnian Serbs from the suspension until their withdrawal behind the Dayton Peace Agreement (signed on 21 November 1995) zones of separation – and decided to terminate sanctions ten days after the first free and fair elections (provided the Bosnian Serb withdrawal is complete). Following NATO certification of such a withdrawal, the remaining sanctions on Bosnian Serbs were suspended on 27 February 1996. Elections were held on 14 September 1996 and sanctions were officially terminated on 01 October 1996 (UNSCR 1074).

### Purposes

Coerce the Yugoslav (Serbian) government to cease hostilities, withdraw forces from Bosnia-Herzegovina, and negotiate a settlement of the conflict, constrain the Yugoslav (Serbian) government from engaging in use of force against republics of the former FRY, and signal norms against military aggression and ethnic cleansing. In the final stage, the sanctions aimed to coerce Bosnian Serbs to accept the territorial terms of the proposed settlement.

### Sanction type

Comprehensive sanctions.

### Effectiveness

#### **Coercion (Effective, but not targeted sanction)**

**Policy outcome:** 4/5, Hostilities ceased and a negotiated settlement was achieved, but not on the terms as originally specified in UNSCR 757 (much delay on the part of the Milošević government).

**UN sanctions contribution:** 3/5, Sanctions appear to have reinforced other measures (use of military force, intense and high diplomatic activity).

#### **Constraint (Effective, but not targeted sanction)**

**Policy outcome:** 4/5, Major increases in costs to FRY (in terms of economic decline), changes in strategy of target (tactical distancing from Bosnian Serbs).

**UN sanctions contribution:** 4/5, The cumulative impact of comprehensive sanctions produced economic collapse, social unrest, and limited the options of the regime; use of force also constrained the regime.

#### **Signaling (Effective, but not targeted sanction)**

**Policy outcome:** 5/5, Norms against aggression, but primarily ethnic cleansing, were clearly articulated and the target (Milošević regime) was both strongly stigmatized and isolated diplomatically.

**UN sanctions contribution:** 4/5, Sanctions appear to have been the most significant factor in signaling the regime, but there was also intense diplomatic activity and a strong international coalition mobilized against the regime; the actions of the regime itself contributed to its stigmatization.

### Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, increase in human rights violation, harmful effects in neighboring states, strengthening political factions, increase in international enforcement capacity in different issue domains, resource diversion, humanitarian consequences, reduction of local institutional capacity, widespread harmful economic consequences.



## UN resolutions

Date	Resolution	Description
30.05.1992	<b>UNSCR 757</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes commodities and products exports ban from Federal Republic of Yugoslavia (Serbia and Montenegro), including activities and transfer of funds for this purpose, and specifies sanctions exemptions (Committee notified strictly medical supplies and foodstuffs)</li> <li>Excludes trans-shipment of products and commodities originating outside FRY (Serbia and Montenegro)</li> <li>Imposes a ban on any funds or other financial or economic resources to the authorities in FRY (Serbia and Montenegro) except payments for strictly medical or humanitarian purposes and foodstuffs</li> <li>Imposes aviation ban (including spare parts, engineering, maintenance servicing, certification, insurance and payment of new insurance claims) and specifies exemptions</li> <li>Decides MS shall reduce levels of diplomatic personnel of FRY (Serbia and Montenegro), prevent participation of groups and individuals representing FRY in sporting events, and suspend scientific and technical cooperation, visits and exchanges of official FRY representatives</li> <li>Specifies sanctions exemptions</li> <li>Modifies Committee mandate</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Requests MS reporting</li> </ul>
18.06.1992	<b>UNSCR 760</b>	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Modifies UNSCR 757 commodities and products import ban exemption, under simplified and accelerated “no objection” procedure, to commodities and products for essential humanitarian need</li> </ul>
16.11.1992	<b>UNSCR 787</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes ban on trans-shipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tires, vehicles, aircraft and motors of all types unless specifically authorized by Committee under no-objection procedure (amending UNSCR 757)</li> <li>Specifies that any vessel in which majority or controlling interest is held by a person or undertaking in/from FRY (Serbia and Montenegro), regardless of its flag, is subject to UNSCR 757 sanctions</li> </ul>
17.04.1993	<b>UNSCR 820</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes ban on import, export, and transshipment through UN Protected Areas in Croatia and Bosnian Serb forces controlled BiH without respective governments’ proper authorization and specifies humanitarian exemption (including medical supplies and foodstuffs distributed by international humanitarian agencies)</li> <li>Requires MS to prevent diversion to FRY (Serbia and Montenegro) of commodities and products destined for other places</li> <li>Imposes ban on transshipment of commodities and products</li> </ul>

		<p>on Danube without monitoring and Committee authorization</p> <ul style="list-style-type: none"> <li>• Confirms ban on passing of (majority) FRY vessels or those suspect of violation UNSCR 713, 757, 787, or 820 through installations (including river locks and canals) in MS territory</li> <li>• Imposes financial asset freeze on funds of authorities in FRY (Serbia and Montenegro), commercial, industrial or public utility undertakings in FRY (Serbia and Montenegro), and those directly or indirectly in control of such funds</li> <li>• Imposes ban on transport of all commodities and products across the land borders and specifies medical supplies, foodstuffs, and Committee approved humanitarian and transshipment exemptions</li> <li>• Decides neighboring MS prevent passage of all freight vehicles and rolling stock to and from FRY (Serbia and Montenegro) exempt in small numbers notified and approved by Committee</li> <li>• Decides all MS detain and impound all majority FRY (Serbia and Montenegro) vessels, freight vehicles, rolling stock and aircraft in their territories and that these, and their cargos, may be forfeit to seizing state upon determination of UNSCR 713, 757, and 787 sanctions violation</li> <li>• Imposes prohibition of provision of financial and non-financial services to any individual or entity in FRY and specifies exemption for telecommunications, postal and legal services consistent with UNSCR 757, and humanitarian and other exceptional purposes (pending prior Committee approval)</li> <li>• Imposes ban on all commercial maritime traffic except when authorized by the Committee or in case of force majeure</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Delays sanctions imposition (9 days)</li> <li>• Calls for MS reporting</li> </ul>
23.09.1994	<b>UNSCR 942</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Imposes ban on economic activities by any entity if owned, controlled, incorporated, constituted, acting for or on their behalf or benefit, by any person or entity in areas of BiH under Bosnian Serb forces control, revoking any previous and issuing no further such authorizations, and imposes financial asset freeze on any such funds, specifying that any payments of dividends, interest or other income are made only into frozen accounts</li> <li>• Specifies “economic activities” and outlines humanitarian, including medical and foodstuffs, and guarantee of no transfer to such individuals or entities exemptions</li> <li>• Imposes travel ban on members of the authorities in areas of BiH under Bosnian Serb forces control and those in sanctions violation</li> <li>• Imposes ban on all commercial riverine traffic in areas of BiH under Bosnian Serb forces control except when authorized by the Committee, BiH Government, or in case of force majeure</li> <li>• Imposes inspections on all shipments of commodities and products destined for areas of BiH under Bosnian Serb forces control</li> <li>• Decides MS prevent diversion of benefits from other areas to those in BiH under Bosnian Serb forces control</li> </ul>

		<ul style="list-style-type: none"> <li>• Adds UNSCR 942 sanctions exemptions for UNPROFOR, International Conference on FRY or European Community Monitoring Missions</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Sets periodic sanctions review (every 4 months)</li> <li>• Requires MS reporting on sources of funds for humanitarian, medical or foodstuffs payments as part of the Committee notification/exemption application</li> </ul>
23.09.1994	<b>UNSCR 943</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Suspends sanctions provisions with respect to civilian passenger flights and ferry service and UNSCR 757 prohibition on sporting events and cultural exchanges participation (for 100 days)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Delays suspension imposition until reception of Secretary-General report stating that FRY (Serbia and Montenegro) authorities are effectively implementing border closure between FRY and BiH, except foodstuffs, medical supplies and clothing for essential humanitarian needs, and arrangement for passage of supplies for essential humanitarian needs through that border are in place</li> <li>• Requests monthly reports from Secretary-General on FRY border closure implementation</li> <li>• Terminates suspension if Secretary-General reports FRY border closure implementation is not effective (5 working days after)</li> </ul>
12.01.1995	<b>UNSCR 970</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Suspends provisions specified in UNSCR 943 (for further 100 days)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Requests monthly reports from Secretary-General on FRY border closure implementation</li> <li>• Terminates suspension if Secretary-General reports FRY border closure implementation is not effective (5 working days after)</li> </ul>
21.04.1995	<b>UNSCR 988</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Suspends UNSCR 943 specified sanctions provisions with respect to civilian passenger flights and ferry service and UNSCR 757 prohibition on sporting events and cultural exchanges participation (until 05.07.1995)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Requests monthly reports from Secretary-General on FRY border closure implementation</li> <li>• Terminates suspension if Secretary-General reports FRY border closure implementation is not effective (5 working days after)</li> <li>• Calls for reporting by MS allowing such flights and ferry services</li> </ul>
05.07.1995	<b>UNSCR 1003</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Extends UNSCR 988 suspensions of UNSCR 943 specified measures (until 18.09.1995)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Requests monthly reports from Secretary-General on FRY</li> </ul>

		border closure implementation
15.09.1995	<b>UNSCR 1015</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Extends UNSCR 988 suspensions of UNSCR 943 specified measures (until 18.03.1996)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Requests monthly reports from Secretary-General on FRY border closure implementation</li> </ul>
22.11.1995	<b>UNSCR 1021</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Terminates UNSCR 713 arms imports embargo in three phases and specifies the details of termination</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Delays termination until Secretary-General reports BiH, Croatia and FRY sign Peace Agreement</li> </ul>
22.11.1995	<b>UNSCR 1022</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Suspends UNSCR 757, 787, 820, 942, 943, 988, 992, 1003 and 1015 sanctions measures</li> <li>• Exempts Bosnian Serb party from sanctions suspension until commander of international force to be deployed in accordance with Peace Agreement reports that all Bosnian Serb forces have withdrawn behind Peace Agreement zones of separation (1 day after)</li> <li>• Decides to terminate all suspended sanctions after first free and fair elections (10 days after), provided Bosnian Serb forces have withdrawn from, and have continued to respect, Peace Agreement zones of separation</li> <li>• Decides UNSCR 757 and 820 frozen or impounded funds and assets may be released, provided they are not subject to any claims, liens, judgments, or encumbrances, or of insolvent person or entity, and suspends MS obligations to freeze or impound funds and assets until sanctions or suspension termination</li> <li>• Decides suspension or termination of obligations pursuant to this resolution is without prejudice to claims of FRY successor States</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Terminates suspension if Secretary-General reports that FRY has failed formally to sign Peace Agreement and other parties have expressed their readiness to sign (5 days after)</li> </ul>
01.10.1996	<b>UNSCR 1074</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Terminates all sanctions</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Dissolves Sanctions Committee (upon report finalization)</li> </ul>

## Former Yugoslavia II (1998 – 2001)

### Overview

**Status:** Concluded

**Duration:** 31 March 1998 – 10 September 2001 (3 years 5 months)

**Objective:** Cease hostilities, negotiate settlement, peace enforcement, human rights, support humanitarian efforts

**Sanction types:** Sectoral (arms embargo)

**Non-UN sanctions:** Regional (EU), Unilateral (US, UK, other)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, threat of force, use of force, DDR

### Background

Kosovo enjoyed provincial autonomy within the former Yugoslavia, but former President Slobodan Milošević reduced its autonomy through changes to the constitution in 1989. Subsequent measures increased unemployment for Kosovar Albanians and restricted the activities of their cultural organizations, triggering protests and rioting. After the break-up of the Federal Republic of Yugoslavia in 1991, ethnic Albanians declared independence, but received little international recognition. Ibrahim Rugova was elected President in unofficial, non-externally recognized elections and created a shadow government.

The Dayton Accords brought an end to the war in Bosnia in 1995, but the status of Kosovo remained unresolved. The following year, the Kosovo Liberation Army (KLA) emerged and began sporadic attacks against Serbian facilities in Kosovo. Serbia intensified its repression in the territory and in October 1997 the violence escalated on both sides. A report of the Secretary-General on the UN Preventive Deployment Force in the region first took note of the escalating conflict in Kosovo in November 1997. After KLA attacks on the police and retaliation by Serb security forces in March 1998, the Contact Group (US, UK, France, Germany, Italy and Russia) met in London to discuss the deteriorating situation. The conflict escalated, and on 31 March 1998 the UN Security Council passed UNSCR 1160 (31 March 1998), condemning the violence and calling for a ceasefire and negotiations.

## Episode 1 (31 March 1998 – 10 September 2001)

### Summary

Shortly after sanctions were imposed, mediation efforts were intensified, and Dayton Chief negotiator, Richard Holbrooke, brought Rugova and Milošević together for direct talks. Negotiations quickly broke down, and as more violence ensued, Rugova traveled to New York to appeal for UN/NATO intervention. NATO exercises in the region were used to send a signal in June 1998, and key Contact Group members (plus Japan and Canada) increased their unilateral sanctions on FRY. In early August, a Serbian offensive drove thousands of villagers into the hills. In September, the Security Council adopted UNSCR 1199 demanding a ceasefire, a Serbian withdrawal, and threatened “additional measures” if Serbia failed to comply. After initial non-compliance, Serbia agreed to the deployment of unarmed Organization for Security and Cooperation in Europe (OSCE) ceasefire monitors in the region – the Kosovo Verification Mission (KVM). Border

clashes and renewed violence in Kosovo led to the deployment of NATO forces in neighboring Macedonia (XFOR) in December 1998, placed in the region as an extraction force, to support and rescue KVM monitors, if necessary.

Following the January 1999 massacre of Kosovo Albanians, the Contact Group issued an ultimatum to both sides to attend peace talks in Rambouillet, France in February. Milošević refused to attend, and the talks concluded without an agreement. After Serbian forces began massing on the Kosovo border in March, NATO airstrikes against Serbian targets began on 24 March 1999. The air war continued for over two months until it was suspended on 10 June, following Serbia's agreement to withdraw its forces and accept a transitional UN administration (UNMIK) and KFOR, a NATO-led peacekeeping force and military authority in Kosovo (UNSCR 1244). Later that same month, after the Serbs completed their withdrawal from Kosovo, the NATO bombing campaign was formally ended. On a parallel track, the ICC announced on 27 May the indictment of Milošević and four other Serbian officials for war crimes. The KLA agreed to DDR and completed the process in September 1999. UN sanctions remained in place until nearly a year after Milošević resigned the presidency in September 2000 and were terminated by UNSCR 1367 on 10 September 2001.

### Purposes

Coerce the government of Serbia and the Kosovar Albanian leadership to cease hostilities and begin negotiations for a meaningful dialogue on political status issues, constrain both parties from escalating the armed conflict, and signal to them the illegitimacy of use of force and support for Contact Group and OSCE efforts to mediate the conflict.

### Sanction type

Arms imports embargo to the Federal Republic of Yugoslavia, including Kosovo (on all parties to the conflict).

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 4/5, UNSCR 1367 terminating the sanctions noted with satisfaction that a substantive dialogue had begun, special police units were withdrawn, and access was provided to humanitarian organizations.

**UN sanctions contribution:** 2/5, UN arms embargo was in place a year before NATO bombing campaign began but NATO airstrikes were most significant to the outcome.

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, Increases in costs were managed by both parties; Serbia had access to domestic arms production and the KLA had support from Albania.

**UN sanctions contribution:** 2/5, NATO airstrikes and KVM monitoring most significant to the outcome.

#### **Signaling (Ineffective)**

**Policy outcome:** 3/5, Opposition to escalation of force was signaled, and both parties were clearly encouraged to engage in Contact Group and OSCE mediated talks.

**UN sanctions contribution:** 2/5, Contact Group diplomacy and legal referrals to the ICC and ICTY were the most important signals.

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
31.03.1998	<b>UNSCR 1160</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes arms imports embargo to Federal Republic of Yugoslavia (Serbia and Montenegro), including Kosovo, and prevents arming and training for terrorist activities</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Sanctions Committee and specifies its mandate</li><li>Requests MS reporting</li></ul>
23.09.1998	UNSCR 1199	<u>Substantive:</u> <ul style="list-style-type: none"><li>Recalls MS obligation to implement fully UNSCR 1160</li></ul>
24.10.1998	UNSCR 1203	<u>Substantive:</u> <ul style="list-style-type: none"><li>Introduces UNSCR 1160 arms imports embargo exemption for Verification Mission equipment</li></ul>
10.06.1999	UNSCR 1244	<u>Substantive:</u> <ul style="list-style-type: none"><li>Introduces UNSCR 1160 arms imports embargo exemption for international security and civil presences</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Authorizes international security presence in Kosovo (1 year) and specifies its mandate</li><li>Authorizes international civil presence in Kosovo (1 year) and specifies its mandate</li></ul>
10.09.2001	<b>UNSCR 1367</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>Terminates UNSCR 1160 arms imports embargo</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Dissolves Sanctions Committee</li></ul>



# Guinea-Bissau

## Overview

**Status:** Ongoing

**Duration:** 18 May 2012 – present (2 years +)

**Objective:** Democracy support

**Sanction types:** Individual (travel ban)

**Non-UN sanctions:** Regional (EU, ECOWAS, some missing data), Unilateral (missing data)

**Other policy instruments:** Diplomacy

## Background

Guinea-Bissau has lived under almost continuous political instability since its declaration of independence in 1973. Following a few years of post-colonial government (which also included Cape Verde), in 1980, then prime-minister Nino Vieira led a coup that overthrew the republican government and established a long-lasting “revolutionary council” under his leadership. After a multi-party election in 1994 (which he won) and the establishment of his government, Vieira was overthrown by a military coup in 1998, which started a civil war. Following the war and a new election in 2000, a new government was established but did not last long, as another coup in 2003 supplanted it under allegations of executive “incapacity”.

New presidential elections were finally held in 2005 and saw the victory, once again, of Nuno Vieira. He was assassinated by the military in 2009, which imposed a new transitional government. In that same year, in July, Malam Bacai Sanhá was elected President. His government experienced, between 2010 and 2012 a series of serious military uprisings and at least one coup attempt in 2011. In January 2012, President Sanhá died of unknown causes in Paris.

## Episode 1 (18 May 2012 – present)

### Summary

In accordance with the Constitution, following the death of President Malam Bacai Sanhá, an interim government and electoral process were established within 90 days. On 12 April 2012 (the day before the second round of the Presidential election) the army arrested the interim President and the Prime Minister (also a Presidential candidate, whose residence had been bombed) and occupied the offices of their incumbent party. The *New York Times* has since called this a “cocaine coup”, referring to the close ties between the Bissau-Guinean army and the drug cartels dominating the country’s economy. On 18 May 2012, the UNSC imposed sanctions (UNSCR 2048) on five members of the military command, who took responsibility for the coup.

In January 2013, José Ramos Horta was appointed SRSB and has played a pivotal role in the transition process and in strengthening UN peacebuilding activities in the country. In May 2013 the Security Council extended and expanded the mandate of UN Integrated Peacebuilding Office in Guinea Bissau (UNIOGBIS). The Secretary-General had recommended the imposition of further sanctions and the establishment of a panel of experts targeting drug traffickers and organized crime, but the Council did not take the

idea forward. A transitional government was established and elections were planned for November 2013, but were delayed and are expected to take place in March 2014.

### Purposes

Coerce the “Military Command” to “restore and respect constitutional order, including a democratic electoral process” and establish “the primacy of civilian power”; constrain individuals seeking to prevent the restoration of constitutional order or acting in support of these objectives; and signal norms about the maintenance of constitutional order and the authority of regional organizations and UN bodies to resolve the matter.

### Sanction type

Travel ban against individuals preventing the restoration of the constitutional order, undermining stability and rule of law, curtailing the primacy of civilian power, and furthering impunity and instability in Guinea-Bissau, as well as those acting on their behalf or otherwise supporting such individuals.

### Effectiveness (as of January 2014)

#### **Coercion (Ineffective)**

**Policy outcome:** 3/5, A more inclusive transitional government and roadmap plan was established in May 2013. Concerns about the country’s stability and the influence of the military in civilian affairs remain significant as the elections were delayed twice.

**UN sanctions contribution:** 2/5, UNSC sanctions indicated the lack of legitimacy of the coup but have been only marginal in the conduct of political negotiations. The SRSG, the PBC and UN Integrated Office in Guinea-Bissau (UNIOGBIS), as well as ECOWAS, have played the most important roles.

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, Minor constraint experienced by the military leadership in their continuous interference in political affairs, as evidenced by the changes in the “transitional government” and the acceptance of preparation of new elections.

**UN sanctions contribution:** 2/5, UN sanctions played a minor role as compared diplomatic initiatives by the UN and regional actors (AU, CPLP, ECOWAS), including the presence of 600 ECOWAS peacekeepers and UNIOGBIS.

#### **Signaling (Ineffective)**

**Policy outcome:** 3/5, Even though the initial resolution signaled the Security Council’s concern with the situation and support for regional arrangements, narrow sanctions measures indicated limited conviction at the outset. There has been some stigmatization of the targets, as indicated by international efforts in support of political transition.

**UN sanctions contribution:** 2/5, While targeted sanctions were the main mechanism through which the UNSC sought to delegitimize the coup, other international actors (CPLP, EU, UN PBC, SRSG) have since been more prominent in signaling international norms and stigmatizing unconstitutional changes of government in the country.

### Unintended consequences

Insufficient information available at present.

### UN resolutions

Date	Resolution	Description
18.05.2012	UNSCR	<u>Substantive:</u>

	<b>2048</b>	<ul style="list-style-type: none"> <li>• Imposes travel ban (Annex designations) and specifies humanitarian, religious, judiciary, and peace, reconciliation and security exemptions</li> <li>• Delineates criteria for designations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Establishes Sanctions Committee and specifies its mandate</li> <li>• Calls for MS reporting</li> </ul>
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# Haiti

## Overview

**Status:** Concluded

**Duration:** 16 June 1993 – 16 October 1994 (1 year 4 months)

**Objective:** Peace enforcement, democracy support

**Sanction types:** Individual (asset freeze), Sectoral (arms embargo), Commodity (petroleum ban)

- Comprehensive sanctions during EP4 and 5 (May – October 1994)

**Non-UN sanctions:** Regional (OAS), Unilateral (US, other)

**Other policy instruments:** Diplomacy, peacekeeping operations, threat of force, use of force

## Background

Less than four months after the OAS adopted the Santiago Commitment to Democracy in June 1991, a military coup overthrew Haiti's first democratically elected government in the history of the country in late September 1991. The OAS imposed sanctions (initially a voluntary trade embargo) on the regime within a month of the coup, and some unilateral measures were imposed by the US (visa restrictions on supporters of the Cédras regime).

## Episode 1 (16 June 1993 – 27 August 1993)

### Summary

The threat phase of this episode began when ousted President Aristide appealed for the UN to adopt sanctions against the regime on 3 June 1992. The UN General Assembly voted to support Aristide's return to power in November 1992, and the Secretary-General appointed a Special Envoy (Dante Caputo) to negotiate a settlement. OAS Ministers called for UN Member States to implement fully the OAS trade embargo. Special Envoy Caputo engaged in consultations with Aristide, Cédras and Bazin to negotiate a resolution of the conflict in late December 1992. A UN and OAS civilian mission was deployed (MICIVIH) in March 1993, and US unilateral targeted sanctions were imposed in June. UN targeted sanctions were first agreed to by UNSCR 841 on 16 June 1993 and went into effect on 23 June 1993.

### Purposes

Coerce the military to restore the legitimate government of Aristide; constrain the de facto government leadership (the *de factos*) from intimidating the population and governing the country; and signal the Cédras regime (and the rest of the world) about the importance of the norm of democratic governance.

### Sanction type

Arms imports embargo on government forces, petroleum imports ban, and government asset freeze with 7 day delay in implementation (on the Government of Haiti or the de facto authorities in Haiti).

### Effectiveness

**Coercion (Mixed effectiveness)**

**Policy outcome:** 3/5, Cédras agreed to a process of negotiation five days after the sanctions were imposed (resulting in the Governor's Island Agreement or GIA) and appointed a new Prime Minister, selected by Aristide.

**UN sanctions contribution:** 4/5, Sanctions appear to have been necessary to force move to negotiations, based on target response rate (5 days). It was not the impact of the sanctions, but the decision to initiate them.

### **Constraint (Effective)**

**Policy outcome:** 4/5, No material constraints experienced by the target (given the limited amount of time between sanctions initiation and target response), but the regime had less political room for manoeuvre following the imposition of sanctions and changed its strategy.

**UN sanctions contribution:** 4/5, Sanctions were the most significant new element in the continuing negotiation process between the OAS, the UN and the regime.

### **Signal (Effective)**

**Policy outcome:** 4/5, Norm clearly articulated in UNSCR 841, with repeated references to the legitimate Aristide government, specific demands to re-instate the ousted regime, and unanimous support of UNSC and OAS; targets strongly stigmatized as "de facto authorities".

**UN sanctions contribution:** 4/5, The norm would not have been broadly articulated without the backing of the UNSC, but they followed OAS action, unilateral measures, and diplomatic processes.

### **Unintended consequences**

Increase in corruption and criminality, strengthening of authoritarian rule, strengthening of political factions, humanitarian consequences.

### **UN resolutions**

Date	Resolution	Description
16.06.1993	UNSCR 841	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes arms imports embargo to Haiti (including police equipment)</li> <li>Imposes petroleum imports ban to Haiti and specifies humanitarian exemption (pending Committee approval)</li> <li>Imposes financial asset freeze on the Government of Haiti or the de facto authorities in Haiti</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Delays sanctions imposition (1 week)</li> <li>Establishes Sanctions Committee and specifies its mandate</li> <li>Requests MS reporting</li> </ul>

## **Episode 2 (27 August 1993 – 13 October 1993)**

### **Summary**

UN sanctions were suspended by UNSCR 861 (27 August 1993), following the selection of a Prime Minister by President Aristide and the PM's confirmation and assumption of office (as per Articles 3 and 4 of the Governor's Island Agreement).

Neither party implemented core elements of the GIA, and the GIA lost legitimacy. UN Mission in Haiti was created in September 1993, but prevented from deployment in the Harlan County incident on 11 October 1993.

### Purposes

Constrain Cédras (and Aristide) to abide by the terms of the GIA; automatic re-imposition if SG determined the parties have not complied in good faith with the GIA terms; and signal support for a negotiated return to democratic governance in Haiti.

### Sanction type

All sanctions measures (arms imports embargo on government forces, petroleum imports ban, government asset freeze) suspended.

### Effectiveness

#### Coercion (N/A)

**Policy outcome:** N/A, No demands were made of any party in UNSCR 861.

**UN sanctions contribution:** N/A.

#### Constraint (Ineffective)

**Policy outcome:** 1/5, Neither party lived up to the terms: Cédras used the period to stockpile weapons; Aristide was slow to submit an amnesty decree to Parliament.

**UN sanctions contribution:** 0/5, Sanctions were suspended because of the terms of the GIA. Some evidence of strengthening of the regime during the period.

#### Signaling (Ineffective)

**Policy outcome:** 2/5, Norm clearly articulated, but due to vagueness of GIA, on which the sanctions suspension was based, the application of the norm resulted in the partial legitimization of the Cédras regime (by implying both parties potentially equally at fault).

**UN sanctions contribution:** 4/5, Lifting of sanctions was the main instrument for the international community to signal support for the negotiated return to democracy in Haiti.

### Unintended consequences

Strengthening of authoritarian rule, increase in human rights violations, strengthening of political factions, widespread harmful economic consequences.

### UN resolutions

Date	Resolution	Description
27.08.1993	<b>UNSCR 861</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>Suspends all UNSCR 841 sanctions (arms imports embargo, petroleum imports ban, and financial asset freeze)</li></ul>

## Episode 3 (13 October 1993 – 6 May 1994)

### Summary

Following the obstruction of the arrival of UN peacekeepers (UNMIH) on 11 October 1993 (mentioned in UNSCR 873), and the assassination of Aristide government officials in Haiti (mentioned in UNSCR 875), the UN terminated the suspension of sanctions. UNSCR 873 reapplied the oil and arms embargos, but allowed the frozen government

funds to be released at the request of President Aristide or Prime Minister Malval for use by the legitimately elected government. UNSCR 875 legitimated interdiction on the high seas, as necessary to enforce the sanctions. (It was not a UN-authorized naval blockade, as widely reported in the secondary literature).

The Haitian Parliament proposed ways to break the impasse in implementing the GIA in February 1994 (the mini-plan), but the proposals were rejected by Aristide. Aristide gave a six-month notice of termination of Haiti's repatriation treaty with the US (which would make it more difficult for the US return political refugees) and the Clinton administration was subject to increased pressure on from the Congressional Black Caucus during the period.

### Purposes

Coerce the military to restore the legitimate government of Aristide; comply with the Governor's Island Agreement; allow the deployment of UNMIH, constrain the government leadership (the *de factos*) from committing acts of violence against Aristide government representatives and from being able to govern the country (through the financial and oil sanctions); and signal the Cédras regime and the rest of the world about the importance of the norm of democratic governance.

### Sanction type

Re-imposition of previously suspended arms imports embargo on government forces, petroleum imports ban, and government asset freeze (on the *de factos*). Newly imposed asset transfer authorization with regards to the frozen funds at the request of President Aristide or Prime Minister Malval.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Cédras agreed to Parliamentary proposal for resolving the impasse between the *de factos* and the Aristide government on February 19, but his motives were suspect.

**UN sanctions contribution:** 4/5, Re-imposition of sanctions is important but not the only major initiative during the period (Friends of the SG on Haiti, SG involvement (3 reports), and unilateral measures from the US).

#### **Constraint (Effective)**

**Policy outcome:** 4/5, The *de factos* were not prevented from committing violence against their opponents in Haiti, but the increasing costs of sanctions overall affected the ability of the Cédras regime to constitute a viable government; the regime was able to use sanctions to insulate themselves and pass costs on to the population.

**UN sanctions contribution:** 5/5, Sanctions appear to have been the principal source of constraint on the ability to govern.

#### **Signaling (Effective)**

**Policy outcome:** 4/5, Norm was articulated about the return of Aristide and strong stigmatization due to re-imposition of sanctions.

**UN sanctions contribution:** 4/5, Diplomatic initiatives underway at this time also conveyed a strong signal to the regime.



## Unintended consequences

Strengthening of authoritarian rule, rally round the flag effect, increase in human rights violations, strengthening of political factions, widespread harmful economic consequences, increase in corruption and criminality, humanitarian consequences, reduction of local institutional capacity.

## UN resolutions

Date	Resolution	Description
13.10.1993	<b>UNSCR 873</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Terminates UNSCR 861 suspension of UNSCR 841 arms imports embargo, petroleum imports ban, and financial asset freeze</li><li>• Authorizes asset transfer of frozen funds at request of President Aristide or Prime Minister Malval of Haiti</li><li>• Adds exemption to asset freeze at request of President Aristide or Prime Minister Malval of Haiti (pending Committee approval)</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Delays termination of sanctions suspension (5 days)</li></ul>
16.10.1993	UNSCR 875	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Calls for MS UNSCR 841 sanctions implementation, including cargo inspection and verification</li></ul>

## Episode 4 (6 May 1994 – 31 July 1994)

### Summary

Following continued refusal to implement the GIA, increases in extra-judicial killings and arbitrary arrests, rape and enforced disappearances, and continued denial of freedom of expression in the country, the UN imposed comprehensive sanctions on Haiti (UNSCR 917, 6 May 1994).

Emile Jonassaint was installed as President by the *de factos* shortly following the comprehensive sanctions (installed on 11 May) and oversaw some of the harshest repression experienced under the military regime. OAS Ministers support stronger measures against Haiti in June and on 11 July the *de factos* expelled the remaining UN civilian mission from the country.

### Purposes

Coerce the military to restore the legitimate government of Aristide; comply with the Governor's Island Agreement (and allow the deployment of UNMIH); constrain the government leadership (the *de factos*) from committing further acts of violence against the Haitian people, from being able to govern the country, and from taking any role in the reinstated government (through comprehensive sanctions); and signal the Cédras regime and the rest of the world about the importance of the norm of democratic governance.

### Sanction type

Comprehensive sanctions.

## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 1/5, With the appointment of Jonassaint, the regime was radicalized and increased its repression (though sanctions were only in place for a total of 3 months); explicit threat of use of force.

**UN sanctions contribution:** 4/5, Sanctions were necessary, but not sufficient, as military option was increasingly mentioned.

### Constraint (Ineffective)

**Policy outcome:** 4/5, Evidence of increase in costs (due largely to cumulative impact of sanctions) and evidence of change in strategy, an increase in repression during the period, as regime presumably has less to lose; the regime also spent increased time finding alternative sources of gas and other supplies.

**UN sanctions contribution:** 0/5, Regime increased its proscribed activity (violence against its people and authoritarian rule with appointment of Jonassaint) and no longer had much incentive to comply with the other demands of the UNSCR.

### Signaling (Effective, but not targeted sanction)

**Policy outcome:** 5/5, Norm was re-articulated about return of Aristide; major stigmatization due to extension of sanctions and identification of sanctioned individuals for the first time; OAS called for even stronger measures.

**UN sanctions contribution:** 4/5, Sanctions appear to have been necessary, but not sufficient; coincided with increased salience of threat of use of force during the period.

## Unintended consequences

Strengthening of authoritarian rule, increase in human rights violations, strengthening of political factions, widespread harmful economic consequences, increase in corruption and criminality, humanitarian consequences, reduction of local institutional capacity.

## UN resolutions

Date	Resolution	Description
06.05.1994	UNSCR 917	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes aviation ban and specifies humanitarian exemption (pending Committee approval)</li><li>• Imposes travel ban on (1) all officers of Haitian military, including police, their immediate family, and those employed or acting on their behalf, and (2) major participants in 1991 coup d'état, subsequent illegal governments, and their immediate families, unless Committee exemption</li><li>• Urges financial asset freeze on those designated</li><li>• Imposes exports ban on all commodities and products originating in Haiti, as well as their transshipment, sale, supply, or related dealings (in force by 21.05.1994) and specifies medical, humanitarian, petroleum, and UNSCR 873 exemptions (pending Committee approval)</li><li>• Excludes trade in informational materials, including books and other publications, and journalist equipment subject to UNSCR 841 exemption conditions</li><li>• Imposes ban on all traffic of commodities and products to and from the territory of Haiti, except formally monitored regularly scheduled shipping lines carrying permitted goods together</li></ul>

		<p>with other goods in transit to other destinations</p> <ul style="list-style-type: none"> <li>• Sets criteria for sanctions lifting</li> <li>• Decides that any suspension of measures would be terminated in case of illegal removal of legitimately elected President</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Modifies Sanctions Committee mandate</li> <li>• Sets monthly sanctions reviews</li> <li>• Requests MS reporting</li> </ul>
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## Episode 5 (31 July 1994 – 16 October 1994)

### Summary

Following the Cédras regime's refusal to comply with the terms of previous UNSCRs, its systematic violations of civil liberties, a deterioration in the humanitarian situation, the "desperate plight" of Haitian refugees, and the expulsion of the UN civilian mission staff (MICIVIH), the UN authorized the use of force to "facilitate the departure from Haiti of the military leadership (UNSCR 940, 31 July 1994).

In late August, the SG informed the Council that the situation had deteriorated further. More high level extra judicial killings of Aristide supporters occurred, and the SG abandoned attempts at negotiations with the regime. By 15 September, US President Clinton announced that the multi-national force deployment was imminent. Three days later (18 September), the former US President Jimmy Carter reached an agreement for the departure of the *de factos*.

After Aristide returned to Haiti on 15 October, the sanctions were lifted and went into effect the following day (16 October), as per UNSCR 944 (29 September 1994).

### Purposes

Coerce the military to restore the legitimate government of Aristide and to leave the country; constrain the *de factos* from committing further acts of violence against the Haitian people and from being able to govern the country (through comprehensive sanctions and authorized use of force); and signal the Cédras regime (and the rest of the world) that "the goal of the international community remains the restoration of democracy in Haiti" (UNSCR 940).

### Sanction type

Comprehensive sanctions continued.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 4/5, Cédras left power, but not according to the terms of original UNSCRs and was given political asylum in Panama under a special agreement negotiated by former US President Jimmy Carter.

**UN sanctions contribution:** 2/5, Impending use of force and Carter mediation were both decisive to outcome.

#### **Constraint (Effective, but not targeted sanction)**

**Policy outcome:** 5/5, By the end of the episode, Cédras was no longer able to govern.

**UN sanctions contribution:** 3/5, Impending use of force and Carter mediation were also significant to outcome.

### **Signaling (Ineffective)**

**Policy outcome:** 5/5, Norm of restoration of democracy in Haiti was very clearly articulated (both to Cédras and to larger international community). Cédras regime explicitly declared “illegal de facto regime” by UNSCR 940.

**UN sanctions contribution:** 2/5, Authorization of use of force was decisive to outcome.

### **Unintended consequences**

Strengthening of authoritarian rule, increase in human rights violations, strengthening of political factions, widespread harmful economic consequences, increase in corruption and criminality, humanitarian consequences, reduction of local institutional capacity.

### **UN resolutions**

Date	Resolution	Description
31.07.1994	<b>UNSCR 940</b>	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Authorizes formation of multinational force using all necessary means to facilitate departure of the military leadership from Haiti, prompting the return of legitimately elected President and restoration of legitimate Government authorities (until secure and stable environment is established and UNMIH has adequate capability and structure to assume full range of its functions)</li> <li>• Approves establishment of UNMIH advance team, specifies its mandate and personnel, and decides that UNMIH deploys upon completion of multinational force mission</li> <li>• Increases UNMIH personnel and extends and modifies its mission (6 months)</li> <li>• Sets sanctions review for after President Jean-Bertrand Aristide’s return</li> <li>• Requests MS reporting</li> </ul>
29.09.1994	<b>UNSCR 944</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Terminates UNSCR 841, 873 and 917 sanctions one day after President Jean-Bertrand Aristide’s return</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Dissolves Sanctions Committee one day after President Jean-Bertrand Aristide’s return</li> </ul>
15.10.1994	<b>UNSCR 948</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Notes that President Jean-Bertrand Aristide has returned and reaffirms sanctions will be lifted the following day in accordance with UNSCR 944</li> </ul>

# Iran

## Overview

**Status:** Ongoing

**Duration:** 27 December 2006 – present (7 years +)

**Objective:** Non-proliferation

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo, proliferation sensitive goods and technology, bunkering ban), Financial sector restrictions (investment ban)

**Non-UN sanctions:** Regional (EU), Unilateral (US, UK, other)

**Other policy instruments:** Diplomacy, covert measures, threat of military force

## Background

After Iran confirmed allegations that it had secretly developed two undeclared nuclear facilities, diplomatic negotiations, beginning with the E-3 in 2003 (UK, France, and Germany) and expanding to US, China, and Russia (E3+3) in 2006, intensified. The aim was to secure Iranian cooperation with the International Atomic Energy Agency (IAEA) in assuring that its nuclear activities were for peaceful purposes only. Negotiations were one track of the “dual-track strategy” to address Iran’s nuclear program, with Security Council sanctions constituting the second track to pressure Iran to suspend nuclear (enrichment, reprocessing, and heavy water) activities and provide assurances that there were no undeclared nuclear activities in Iran.

## Episode 1 (27 December 2006 – 24 March 2007)

### Summary

After Iran rejected a coordinated EU-US package of incentives for it to freeze nuclear enrichment activities in March 2005, the EU and US began to push for IAEA referral of Iran to the UNSC, which it did in February 2006. In June, the E3+3 offered a proposal for comprehensive negotiations which required among other things, Iran’s suspension of enrichment-related and reprocessing activities in exchange for suspension of UNSC discussion of Iran’s nuclear program. The Council adopted UNSCR 1696 (31 July 2006) threatening sanctions unless Iran suspended its nuclear activities and resolved outstanding issues with IAEA. (Note: UNSCR 1696 was adopted under article 40 as a provisional measure in deference to Russian and Chinese concerns; subsequent resolutions imposed mandatory sanctions under article 41.) Iran rejected the proposal, and sanctions were imposed under UNSCR 1737 (27 December 2006).

### Purposes

Coerce Iran to suspend its nuclear activities and comply with IAEA requirements; constrain Iran’s development of sensitive technologies in support of its nuclear and missile programs; and signal support for non-proliferation norms, specifically NPT and the role of the IAEA in monitoring nuclear programs.

### Sanction type

Proliferation sensitive goods and technology imports and exports ban (including training, technical or financial assistance, investment, brokering, and provision of financial resources or services regarding prohibited items, materials, equipment, goods

and technology) and asset freeze on those providing support for Iran's nuclear and missile activities.

## Effectiveness

### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Iran participated in talks with the IAEA, but did not have any apparent change of behavior or notable cooperation with IAEA within the relatively short time period to comply.

**UN sanctions contribution:** 3/5, The threat and imposition of sanctions reinforced the IAEA process, as did diplomatic pressure (E3+3); unilateral measures were also in place.

### **Constraint (Ineffective)**

**Policy outcome:** 1/5, Iran continued to make progress on nuclear processing during this episode.

**UN sanctions contribution:** 1/5, Too short a period for sanctions to be effective (EU didn't implement until April 2007, after the conclusion of the episode) and no focus on enforcement.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Support for non-proliferation norm and reinforcing IAEA authority clear, as well as signal that violations of norm will result in price; first time UNSC threatened and applied sanctions in support of non-proliferation norm; but unclear that target felt much stigmatization (due to the widespread support within Iran for its right to develop nuclear energy and the fact that the IAEA cannot confirm Iranian program is not for peaceful purposes).

**UN sanctions contribution:** 4/5, Precedent established regarding use of UN sanctions to enforce non-proliferation norm (and promote IAEA role in negotiations).

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
23.12.2006	UNSCR 1737	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes import embargo to Iran on all items, materials, equipment, goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, or development of nuclear weapon delivery systems</li> <li>Specifies such items, materials, equipment, goods and technology</li> <li>Imposes prohibition on provision of training, technical or financial assistance, investment, brokering or other services, and transfer of financial resources or services, related to supply, sale, transfer, manufacture or use of prohibited items, materials, equipment, goods and technology</li> <li>Specifies non-proliferation, non-nuclear weapon delivery, food, agricultural, medical, and other humanitarian exemptions to import ban to Iran (pending Committee approval) and specifies further conditions to be met</li> <li>Imposes embargo on export or procurement from Iran of items</li> </ul>

		<p>in documents S/2006/814 and S/2006/815 (non-proliferation)</p> <ul style="list-style-type: none"> <li>• Imposes asset freeze (Annex and subsequent SC or Committee designations) and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment, and activities covered by B.1 and A.1.2 (pending Committee approval)</li> <li>• Delineates designation criteria</li> <li>• Delineates criteria for sanctions suspension and termination</li> <li>• Calls upon MS to exercise vigilance regarding travel of individuals supporting, associated with, or engaged in activities subject to sanctions and prevent specialized teaching or training of Iranian nationals where contributing to proliferation sensitive nuclear activities and nuclear weapons delivery systems development</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Specifies criteria for optional additions of account payments and interests</li> <li>• Establishes Sanctions Committee and specifies its mandate</li> <li>• Sets sanctions review (following IAEA report due within 60 days)</li> <li>• Requires MS reporting</li> <li>• Requires MS notification about supply, sale or transfer of all items, materials, equipment, goods and technology covered by documents S/2006/814 and S/2006/815 export of which is not subject to sanctions (within 10 days), for S/2006/814 also notify IAEA</li> <li>• Requires MS notification about travel of Annex (and future Committee) designees except where such travel is for activities directly related to equipment covered by B.1 when such equipment is for light water reactors and low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for such reactors</li> </ul>
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## Episode 2 (24 March 2007 – 3 March 2008)

### Summary

With the IAEA report in February 2007 that Iran failed to comply with UNSCRs 1696 and 1737, new sanctions were adopted under UNSCR 1747 (24 March 2007), including an expanded list of individuals and entities involved in nuclear and missile activities, (e.g. Bank Sepah, front companies, and members of the Iranian revolutionary guards) and new sanctions were imposed banning arms transfers from Iran.

### Purposes

Coerce Iran to suspend its nuclear activities, and to comply with IAEA requirements; constrain Iran's development of its nuclear and missile programs; and signal support for non-proliferation norms, specifically NPT and the role of the IAEA in monitoring nuclear programs.



## Sanction type

Ongoing proliferation sensitive goods and technology imports and exports ban and individual/entity asset freeze. Newly imposed arms exports embargo.

## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 2/5, IAEA noted progress by Iran on addressing some outstanding issues in February 2008, but no clear progress or concessions on the major issue (clarity on the purposes of the program).

**UN sanctions contribution:** 3/5, Sanctions and diplomatic pressure reinforced IAEA negotiations with Iran.

### Constraint (Ineffective)

**Policy outcome:** 2/5, Iranian exports of arms appeared to decline, but the data was spotty; Russian sales of arms also declined in the episode.

**UN sanctions contribution:** 2/5, Primary effect from non-UN sanctions and informal US pressure on financial sector to limit Iranian business; little UN attention to implementation.

### Signaling (Mixed effectiveness)

**Policy outcome:** 3/5, Support for non-proliferation norm and reinforcing IAEA authority clear.

**UN sanctions contribution:** 3/5, Sanctions reinforced other measures (diplomatic pressure).

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
24.03.2007	UNSCR 1747	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes arms exports embargo from Iran</li><li>• Specifies new UNSCR 1737 financial asset freeze designees (Annex I)</li><li>• Delineates criteria for sanctions suspension and termination</li><li>• Calls upon MS to exercise vigilance and restraint in supply, sale or transfer of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile system (as defined in UN Register on Conventional Arms) to Iran, as well as provision of any related training, technical or financial assistance, investment, brokering or other services, and transfer of financial resources or services, related to supply, sale, transfer, manufacture or use</li><li>• Calls upon MS to exercise vigilance also regarding travel of individuals designated in Annex I</li><li>• Calls upon MS and international financial institutions not to enter into new commitments for grants, financial assistance, and concessional loans, to Government of Iran, except for humanitarian and developmental purposes</li></ul> <u>Procedural:</u>

		<ul style="list-style-type: none"> <li>• Calls for MS reporting</li> <li>• Requires MS notification of travel of individuals subject to asset freeze</li> </ul>
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## Episode 3 (3 March 2008 – 9 June 2010)

### Summary

Following the IAEA's February 2008 report noting progress with Iran over the nuclear issue, the E3+3 repackaged the June 2006 proposal for comprehensive negotiations, emphasizing the benefits to Iran of a long-term agreement on its nuclear program (transmitted 14 June 2008 to Iran). The Council encouraged resolution of all outstanding issues with the IAEA and adopted UNSCR 1803 (3 March 2008) expanding the list of targeted individuals and entities by adding 25 names. Security Council support of the sanctions, however, was somewhat weakened with the abstention of Indonesia and reservations of South Africa and others that progress had not been adequately reflected and that the IAEA was the appropriate forum to address the issues, not the UNSC. With no monitoring mechanism in place, there was little UN focus on implementation and enforcement, but the US continued to ratchet up pressure with its effort to encourage other countries to adopt financial sanctions on Iran.

On 21 September 2009, Iran disclosed to the IAEA existence of an underground uranium enrichment facility near the city of Qom, after the site became known to Western intelligence services. Iran argued its disclosure was consistent with its IAEA legal obligations, but the IAEA maintained it was required to declare the facility as soon as Iran made the decision to build it. The revelation deepened suspicion surrounding Iran's nuclear ambitions and resulted in unsuccessful E3+3 talks in Geneva in October 2009.

On 9 February 2010, Iran announced that it would produce uranium enriched to up to 20% for a medical research reactor, and two days later President Ahmadinejad declared that Iran was now a "nuclear state." IAEA officials confirmed it enriched uranium "up to 19.8%" and released a report the same month detailing Iran's potential for producing a nuclear weapon, including further fuel enrichment and plans for developing a missile-ready warhead.

In an effort to break the impasse, Brazil and Turkey initiated negotiations with Iran to send low-enriched uranium to Turkey in return for enriched fuel for a research reactor, resulting in the "Tehran declaration of 17 May 2010." The P5 dismissed the Iranian response as too little too late.

### Purposes

Coerce Iran to suspend its nuclear activities and comply with IAEA requirements; constrain Iran's access to sensitive technologies in support of its nuclear and missile programs; and signal support for non-proliferation norms, specifically NPT and the role of the IAEA in monitoring Iran's nuclear program.

### Sanction type

Ongoing proliferation sensitive goods and technology imports and exports ban (updated list of prohibited items), individual/entity asset freeze, and arms exports embargo. Newly imposed travel ban.

## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 2/5, Iran remained engaged with the IAEA, but no substantial concessions were made.

**UN sanctions contribution:** 3/5, Sanctions and diplomatic pressure reinforced IAEA negotiations with Iran.

### Constraint (Ineffective)

**Policy outcome:** 3/5, Indications of increasing difficulties by Iranian traders in obtaining financing.

**UN sanctions contribution:** 2/5, US unilateral measures and strong pressure on other countries to adopt financial sanctions, as well as EU pressure, appeared most significant.

### Signaling (Mixed effectiveness)

**Policy outcome:** 3/5, Norm against proliferation was articulated in the UNSCR, but the signal was weakened slightly by the reservations over the imposition of additional sanctions after progress in the negotiations.

**UN sanctions contribution:** 3/5, Because initial progress in negotiations was followed by a “rush to sanctions,” the legitimacy of the UNSC role in reinforcing the norm (by imposing sanctions) was weakened; IAEA negotiations also underway.

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
03.03.2008	UNSCR 1803	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes travel ban (Annex II and subsequent SC or Committee designations) and specifies humanitarian and religious exemptions (pending Committee approval) and travel for activities directly related to equipment covered by B.1 when such equipment is for light water reactors and low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for such reactors</li><li>• Specifies new UNSCR 1737 financial asset freeze designees (Annex I and III)</li><li>• Imposes prohibition on supply, sale, or transfer to Iran, or for its benefit, of all items, materials, equipment, goods and technology set out in 19.A.3 of Category II of document S/2006/815 and in INFCIRC/254/Rev.7/Part 2 of document S/2006/814 (except as specified by UNSCR 1737 and notified in advance)</li><li>• Delineates designation criteria</li><li>• Delineates criteria for sanctions suspension and termination</li><li>• Calls upon MS to exercise vigilance in entering into new commitments for public provided financial support for trade with Iran, including granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, and regarding activities of financial institutions in their territories with banks domiciled in Iran, in particular with Bank Melli and Bank Saderat, their branches and subsidiaries</li></ul>

		<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Calls for MS reporting</li> <li>• Requires MS reporting upon inspection</li> <li>• Requires MS notification of travel of individuals subject to asset freeze</li> </ul>
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## Episode 4 (9 June 2010 – present)

### Summary

New sanctions were adopted on 9 June 2010 over the objections of Brazil and Turkey. UNSCR 1929 significantly intensified focus on implementation and enforcement of UN sanctions against Iran by (1) establishing a Panel of Experts to monitor implementation; (2) providing authority for states to inspect, seize and dispose of suspicious cargo going to and from Iran (on the high seas by request and with the permission of the vessel's flag state) or transported by IRISL and Iran Air Cargo; (3) prohibiting bunkering services, such as refueling, from Iranian-owned or -contracted vessels, if illicit cargoes are suspected, and (4) expanding the list of targets (to 40 entities and 1 individual linked to Iranian nuclear proliferation, to a total of 116 designations since the start of the regime).

Since 2010, a number of countries, individually or on a regional basis, have imposed additional restrictions on the Iranian economy more generally, including financial dealings with the Central bank and on investments in Iran's oil and gas sectors. The US and the European Union especially (also Australia, Canada, Japan, Norway, and South Korea) have imposed increasingly stringent and more comprehensive sanctions aimed at the Iranian economy. US extraterritorial sanctions on foreign entities doing business with Iranian oil sector (including refined petroleum products and providing shipping insurance) were adopted, leading to a growing number of international companies deciding not to make new investments in Iran. The U.S. Government exempted countries continuing to import Iranian oil (India, China etc.) in exchange for voluntary agreements to restrain the size of their purchases in 2012.

Additional US measures were passed by the Congress in 2012 to include any energy-related services (insurance, reinsurance, shipping) and other economic infrastructure, and to broaden the purpose of sanctions to human rights. The EU also implemented new sanctions targeting Iranian oil, as well as the Iranian Central Bank to cut Iran off from international financial markets, with the 1 July 2012 ban on oil imports and financial activities (including insurance/reinsurance related to Iranian oil and gas imports) being particularly important. In March 2012, SWIFT (Brussels-based Society of Worldwide Interbank Financial Telecommunications) was ordered to isolate Iran further with the cut-off of Iranian banks from the international electronic banking transfer system.

Non-UN sanctions have significantly affected Iran's oil exports, especially the European ban on underwriting insurance for Iranian oil shipments (EU firms provide insurance for 90% of all tanker shipments) but over time, alternatives arise. The overall Iranian economy has suffered rising inflation (more than 30%), a decline in the value of the Iranian Rial (by 80%), and a tightening of credit that has affected a broad range of the Iranian population. While Iranian domestic economic policies (in particular the reduction of consumer subsidies initiated in 2010) play a role, there are growing signs

that US and EU sanctions are affecting the economy, as evidenced by a drop in oil revenue, rising prices and a devaluing currency.

The threat of Israeli military strikes against Iranian nuclear facilities widely discussed in early 2012, have also remained in the background through this period. The assassination of Iranian nuclear scientists, as well as revelations of the Stuxnet and other ongoing computer virus attacks targeted at Iranian nuclear facilities become public during this episode, while retaliatory cyber attacks against US targets attributed to Iran increased.

The election of Hassan Rouhani in June 2013 significantly changed the dynamics of E3+3 negotiations. Combined with a gradual (but still incipient) rapprochement with the United States and parallel meetings with the IAEA, Iran and the E3+3 have quickly progressed in their negotiations between September 2013 and January 2014. In this period, the parties signed a “joined plan of action” that would provide guidance for the parties as they seek to achieve a comprehensive solution. For an initial period of six months, Iran committed to pause further developments in its program, roll back some of its key elements (like the stockpile of 20% enriched uranium) and to accept more extensive monitoring from the IAEA. In return, Iran received the suspension of some international sanctions (not UN sanctions), the repatriation of some assets frozen abroad and commitments to a halt in the efforts to reduce Iranian oil exports and that no new sanctions will be imposed. The deal is effective as of 20 January 2014.

### Purposes

Coerce Iran to suspend its nuclear activities, and to comply with IAEA requirements; constrain Iran’s access to sensitive technologies in support of its nuclear and missile programs; and signal to Iran the costs of non-compliance and signal continued support for non-proliferation norms. With the shift to more aggressive implementation and enforcement of UN sanctions, constraint has become the principal purpose.

### Sanction type

Ongoing proliferation sensitive goods and technology imports and exports ban (expanded), individual/entity asset freeze, arms exports embargo, and travel ban. Newly imposed arms imports embargo (on specific weapons), investment ban (prohibition on Iran acquiring interest in any commercial activity involving uranium mining or production or use of nuclear material and technology), and bunkering ban (if reasonable grounds for sanctions violation).

### Effectiveness (as of January 2014)

#### **Coercion (Ineffective)**

**Policy outcome:** 3/5, After several years of negotiations with little progress, recently elected President Rouhani significantly changed the dynamics of negotiation. In November 2013 a preliminary agreement was reached with the E3+3 to settle all outstanding nuclear-related issues.

**UN sanctions contribution:** 2/5, Concessions were largely a product of diplomatic initiatives and, later, of the change of government in Iran. While the overall link between increasingly comprehensive sanctions and change of behavior in return to negotiations is unclear, UN sanctions were secondary to non-UN sanctions on the Central Bank and petroleum sector and not the primary source of escalating pressure on the Iranian economy.

### **Constraint (Mixed effectiveness)**

**Policy outcome:** 3/5, PoE reports (June 2012) argued that sanctions were slowing Iranian procurement of some critical items required for its nuclear program, but that further development in the program has continued (June 2012, 2013); enhanced sanctions enforcement (inspections, seizures, export controls, etc.) appear to have forced changes of Iranian procurement strategies and design choices, the effect of which is to increase costs and delay nuclear activities.

**UN sanctions contribution:** 3/5, The creation of PoE has enhanced enforcement capability and PoE's June 2012 report noted the interdiction of critical items needed for the Iranian nuclear capability, slowing its development; other instruments (cyber sabotage, targeted assassinations, general economic sanctions from US/EU also contributed to constraint.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, P-5 agreement to put in place a stronger monitoring and enforcement capability sent strong signal to Iran and underscored the importance of the non-proliferation norm at the beginning of the episode. But the non-unanimous vote, with opposition from Brazil and Turkey, and lack of support for further measures since then have somewhat diluted the degree of stigmatization at the outset, and illustrated the contested nature of norms about enrichment and reprocessing. The broader economic measures imposed by the US/EU since 2011 have confused the clarity of the UN signal (as illustrated by MS concerns about implementation of UN sanctions in the June 2012 PoE report).

**UN sanctions contribution:** 3/5, Greater monitoring, implementation, and enforcement of UN sanctions have signaled to Iran a willingness to reinforce the non-proliferation norm. Reduced clarity of the signal has resulted primarily from confusion between UN measures and more stringent non-UN sanctions on Central Bank and oil.

### **Unintended consequences**

Increase in corruption and criminality, harmful effects on neighboring states, increase in international regulatory capacity in different issue domains, increase in international enforcement capacity in different issue domains, humanitarian consequences, human rights implications for sending states, decline in the credibility and/or legitimacy of UN Security Council, widespread harmful economic consequences.

### **UN resolutions**

Date	Resolution	Description
09.06.2010	UNSCR 1929	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes prohibition on Iran acquiring interest in any commercial activity involving uranium mining, production or use of nuclear material and technology listed in INFCIRC/254.Rev.9/Part 1 (especially heavy water, uranium enrichment, and reprocessing activities, and nuclear ballistic missiles capabilities) in another MS and requires MS to prohibit any such investments</li><li>• Imposes ban on transfer of technology or technical assistance to Iran related to ballistic missiles, including launch and delivery</li><li>• Imposes ban on provision of bunkering, such as fuel or supplies, or other services to Iranian-owned or contracted</li></ul>

		<p>vessels, if reasonable grounds for sanctions violation and specifies humanitarian exemption</p> <ul style="list-style-type: none"> <li>• Imposes arms imports embargo to Iran on specific weapons, including provision of related training, resources, services, advice or assistance</li> <li>• Specifies new UNSCR 1803 travel ban designees (Annex C,D, and E of UNSCR 1737, Annex I of UNSCR 1747, Annex I of UNSCR 1803, and Annex I and II present UNSCR)</li> <li>• Specifies new UNSCR 1737 financial asset freeze designees (Annex I), including Islamic Revolutionary Guard Corps – IRGC (Annex II) and Islamic Republic of Iran Shipping Lines – IRISL (Annex III)</li> <li>• Decides UNSCR 1737 referred S/2006/814 list of items is superseded by lists of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2 and any further items determined by MS to contribute to Iran’s enrichment-related, reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems, and UNSCR 1737 referred S/2006/815 list of items is superseded by list of items in S/2010/263</li> <li>• Authorizes all MS to seize and dispose of items in sanctions violation</li> <li>• Delineates criteria for sanctions suspension and termination</li> <li>• Decides on intensification of sanctions implementation</li> <li>• Requires MS to exercise vigilance when doing business with entities incorporated in Iran or subject to Iran’s jurisdiction, including those of IRGC and IRISL, if reasonable grounds for sanctions violation or contribution to activities subject to sanctions</li> <li>• Calls upon MS to exercise vigilance and restraint over supply, sale, transfer, provision, manufacture and use of all other arms and related materiel</li> <li>• Calls upon MS to exercise vigilance regarding transactions involving IRGC that could contribute to activities subject to sanctions</li> <li>• Calls upon MS inspection of cargo to and from Iran, if reasonable grounds for sanctions violation</li> <li>• Calls upon further restrictions on provisions of financial services contributing to Iran’s proliferation-sensitive nuclear activities or development of nuclear weapon delivery systems</li> <li>• Calls upon prohibition of opening of new offices or subsidiaries of Iranian banks, bank accounts in them, joint ventures with them, taking ownership interest in them, or establishing or maintaining correspondent relationships to provide financial services, if reasonable grounds for sanctions violation</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Creates Panel of Experts (1 year) and specifies its mandate</li> <li>• Modifies Sanctions Committee mandate</li> <li>• Sets sanctions review (following IAEA report due within 90 days)</li> <li>• Calls for MS reporting</li> <li>• Requires MS reporting following an inspection and detailed report if prohibited items are found</li> </ul>
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		<ul style="list-style-type: none"> <li>Requests MS communication of any evasion information on transfers or activity by Iran Air's cargo division or vessels operated by IRISL to other companies</li> </ul>
09.06.2011	UNSCR 1984	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (1 year)</li> </ul>
07.06.2012	UNSCR 2049	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 09.07.2013)</li> </ul>
05.06.2013	UNSCR 2105	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 09.07.2014)</li> </ul>
09.06.2014	UNSCR 2159	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 09.07.2015)</li> </ul>

# Iraq

## Overview

**Status:** Ongoing

**Duration:** 22 May 2003 – present (11 years +)

**Objective:** Support peace building, good governance

**Sanction types:** Individual (asset freeze, asset transfer), Sectoral (arms embargo), Commodity (Iraqi cultural property)

- Previously comprehensive sanctions (August 1990 – May 2003)

**Non-UN sanctions:** Missing data

**Other policy instruments:** Diplomacy, use of force

## Background

Following more than a decade of diplomatic impasse and comprehensive economic sanctions, a coalition led by the United States invaded and overthrew the Iraqi government in May 2003 based on allegations of the presence of weapons of mass destruction in the country. While the invasion had not been authorized by the UN Security Council, a formal occupation regime was established. The interim regime, recognized by both states and the UN, initiated a radical re-organization of the Baathist Iraqi state, dismantling the army and core state institutions.

## Episode 1 (22 May 2003 – 8 June 2004)

### Summary

Following the invasion and occupation of Iraq, the occupying forces led by the United States established a de-facto regime (the coalition provisional authority, or the “Authority”). On 22 May 2003, the Security Council passed UNSCR 1483 recognizing the regime, lifting the comprehensive sanctions against Iraq (the UNSCR 661 regime), and initiating targeted sanctions to support the country’s stability, security and reconstruction under the occupation. In UNSCR 1518, passed on 24 November 2003, a new Iraq Sanctions Committee was created to replace the 661 Committee (which made the initial designations until its mandate lapsed, 6 months after UNSCR 1483).

### Purposes

Constrain members of the former Iraqi regime and their supporters from establishing a credible opposition to the occupation; and signal the illegitimacy of the former regime.

### Sanction type

Iraqi cultural property trade or transfer ban, arms imports embargo on all Iraqi parties to the conflict (occupying forces were exempted), asset freeze (individual/entity and former regime), and asset transfer requiring all frozen assets to be transferred to the Development Fund for Iraq.

### Effectiveness

**Coercion (N/A)**

**Effectiveness:** N/A.

**UN sanctions contribution:** N/A.

**Constraint (Ineffective)**

**Effectiveness:** 5/5, Baathist government forces never mounted a significant counter campaign during the episode, and most of its key officials were arrested, killed or captured after the 2003 invasion. Saddam Hussein's sons were killed in a firefight with the occupying coalition forces in July, and Saddam Hussein was captured in December of 2003.

**UN sanctions contribution:** 2/5, The military occupation forces played a far more significant role in constraining remnants of the Baathist regime.

### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Norms were not clearly articulated in the targeted financial measures against former members of the Baathist regime (more concern about the private appropriation of government funds), UNSCR was focused on end of the 661 regime, oil for food, and recognition of the authority of the occupying regime, re-engaging the UN with a request for an SRSG.

**UN sanctions contribution:** 2/5, Targeted sanctions stigmatized more sharply than comprehensive sanctions (which these replaced), but the overthrow of the Baathist regime was more important in stigmatizing individuals associated with the former government.

### **Unintended consequences**

Insufficient information available at present.

### **UN resolutions**

Date	Resolution	Description
22.05.2003	<b>UNSCR 1483</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Imposes ban on trade or transfer of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance (suspected to have been) illegally removed from Iraq National Museum, National Library, and other locations since UNSCR 661 in 1990 and decides MS shall safely return such illegally removed items to Iraqi institutions</li> <li>• Lifts all UNSCR 661 and 778 trade, financial and economic sanctions except arms imports embargo to Iraq (unless required by Authority)</li> <li>• Terminates UNSCR 661 petroleum, petroleum products and natural gas exports ban from Iraq and decides that all such sales will be audited by independent public accountants and all proceedings (except 5 per cent deposited in Compensation Fund) shall be deposited in Development Fund for Iraq until internationally recognized, representative government of Iraq is properly constituted</li> <li>• Decides that all petroleum, petroleum products and natural gas exports from Iraq shall enjoy privileges and immunities equivalent to those enjoyed by the UN except with respect to any legal proceedings in connection with liability for ecological accidents (until 31.12.2007)</li> <li>• Imposes financial asset freeze and transfer to Development Fund for Iraq of funds, financial assets and economic resources of previous Government of Iraq and its state bodies, corporations, and agencies, or Saddam Hussein, other former</li> </ul>

		<p>Iraqi regime senior officials, their immediate family members, and entities owned or controlled by them, and specifies judicial, administrative, arbitral lien or judgment exemptions</p> <ul style="list-style-type: none"> <li>Decides that such funds shall enjoy the same UN privileges, immunities, and protections as the sale of petroleum, petroleum products or natural gas</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Requests appointment of Special Representative for Iraq by Secretary-General and specifies his/her mandate</li> <li>Requests Secretary-General to transfer 1 billion US dollars from unencumbered funds in UNSCR 986 established accounts to Development Fund for Iraq, restore UNSCR 778 requested funds to Government of Iraq, and, after deducting all relevant UN Oil-for-Food related expenses, transfer all surplus funds to Development Fund for Iraq</li> <li>Terminates UNSCR 661 Sanctions Committee (in 6 months) and specifies its mandate</li> <li>Terminates "Oil-for-Food" Programme (within 6 months) and transfers responsibility for administration of any remaining activity to Authority</li> <li>Terminates Secretary-General functions related to observation and monitoring activities under "Oil-for-Food" Programme</li> <li>Sets sanctions review (1 year)</li> <li>Encourages regular UK and US reporting</li> </ul>
16.10.2003	UNSCR 1511	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Authorizes multinational force to take all necessary measures to contribute to maintenance of security and stability in Iraq, including security of UN Assistance Mission for Iraq, Governing Council of Iraq and other Iraqi interim administration institutions, key humanitarian and economic infrastructure</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Requests periodic US reporting</li> </ul>
24.11.2003	UNSCR 1518	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Establishes Sanctions Committee and specifies its mandate</li> </ul>

## Episode 2 (8 June 2004 – present)

### Summary

Following the dissolution of the Governing Council of Iraq and in preparation for the establishment of an interim government on June 28 2004, the Security Council lifted the arms embargo on the government of Iraq (UNSCR 1546), maintaining all other measures. More broadly, the resolution recognized the legitimate role of the Interim Government of Iraq in assuming the primary role in the coordination of international assistance to Iraq, including the review by that government, of all assets directed to the Iraq Development Fund.

### Purposes

Constrain remnants of the former Iraqi regime and prevent rebel groups from establishing a credible opposition to the occupation and the Interim Government and signal the legitimacy and partial authority of the newly formed Iraqi Interim Government.

## Sanction type

Ongoing Iraqi cultural property trade or transfer ban, asset freeze (individual/entity and former regime), and asset transfer to the Development Fund for Iraq. Change in the target of arms imports embargo from all parties to the conflict to non-governmental forces in Iraq (occupying forces and the Interim Government were exempted).

## Effectiveness (as of January 2014)

### Coercion (N/A)

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

### Constraint (Ineffective)

**Policy outcome:** 2/5, Baathist government forces never became a serious threat to the regime, but multiple insurgencies (in Basra, Fallujah, and later from Al Qaida in Iraq) continued to challenge the regime.

**UN sanctions contribution:** 1/5, Only 9 additional individuals and entities were added to the list during this long episode and foreign military engagement (including a surge in American forces) continued until 2010.

### Signaling (Ineffective)

**Policy outcome:** 3/5, UNSCR 1546 focused primarily on the legitimacy and the transfer of authority to the new Iraqi-led government, but occupying forces remained to provide core security until 2010, qualifying the terms of the regime's authority.

**UN sanctions contribution:** 2/5, Lifting the arms embargo on the regime and maintaining targeted measures on remnants of the Baathist regime contributed to reinforcing the signal, but targeted sanctions did not focus on the main threats to the regime during this episode (no designations were made of individuals associated with the multiple insurgencies), and diplomatic recognition and state building efforts were more significant to the outcome.

## Unintended consequences

Insufficient information available at present.

## UN resolutions

Date	Resolution	Description
08.06.2004	UNSCR 1546	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Adds UNSCR 661 and 1483 arms imports embargo exemption for Government of Iraq and multinational force</li><li>• Specifies that, upon dissolution of Coalition Provisional Authority, funds in Development Fund for Iraq are disbursed solely at Iraqi Government's direction, International Advisory and Monitoring Board continues monitoring the Fund, and all proceeds from export sales of petroleum, petroleum products, and natural gas proceeds shall continue to be deposited to Development Fund for Iraq (expire upon holding direct democratic elections)</li><li>• Decides that Interim Government of Iraq and its successor assumes "Oil-for-Food" related rights, responsibilities, and obligations and assume responsibility for certifying delivery of goods (within 120 days)</li><li>• Excludes from UNSCR 1483 UN-like privileges and immunities</li></ul>

		<p>any final judgement arising out of contractual obligation entered after 30.06.2004</p> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Modifies Special Representative and UNAMI mandates</li> <li>• Decides multinational force mandate terminates upon holding of direct democratic elections, earlier if requested by Government of Iraq</li> <li>• Requests periodic US reporting</li> </ul>
29.06.2007	UNSCR 1762	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNMOVIC and IAEA mandates</li> <li>• Requests Secretary-General to transfer to Government of Iraq through Development Fund for Iraq, after returning requested MS contributions made pursuant UNSCR 699, all remaining unencumbered funds (within 3 months)</li> </ul>
15.12.2010	UNSCR 1956	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1483 provision for proceeds deposition and their UNSCR 1483 and 1546 monitoring (as of 30.06.2011)</li> <li>• Terminates UNSCR 1483 UN-like privileges extension to UNSCR 1483 frozen funds (as of 30.06.2011)</li> <li>• Decides that 5 percent of any non-monetary payments of petroleum, petroleum products and natural gas to service providers shall also be deposited in compensation fund</li> <li>• Directs transfer of full proceeds from Development Fund of Iraq to Government of Iraq successor account</li> </ul>
15.12.2010	UNSCR 1957	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 687 and 707 weapons of mass destruction, missile, and civil nuclear-related measures</li> </ul>
15.12.2010	UNSCR 1958	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates all residual activities under the “Oil-for-Food” Program</li> <li>• Authorizes Secretary-General to retain from Iraq Account 20 million USD for UN expenses related to “Oil-for-Food” Program termination and up to 131 million USD for indemnification of UN, its representatives, agents and independent contractors (until 31.12.2016, remaining funds to be transferred to Government of Iraq) and establish escrow account for this purpose, audited by independent and certified public accountants</li> <li>• Authorizes the transfer of remaining funds from UNSCR 1483 Iraq Account to Development Fund of Iraq</li> </ul>
27.06.2013	UNSCR 2107	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 686 and 687 ICRC related provisions and UNSCR 686 and 1284 provisions regarding return of all Kuwaiti property seized by Iraq</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requests UNAMI promotion, support, and facilitation regarding repatriation or return of Kuwaiti and third-country nationals or their remains and Kuwaiti property seized by Iraq</li> </ul>

# Lebanon

## Overview

**Status:** Ongoing

**Duration:** 31 October 2005 – present (8 years +)

**Objective:** Counter-terrorism, support judicial process

**Sanction types:** Individual (asset freeze, travel ban)

**Non-UN sanctions:** Regional (no), Unilateral (no)

**Other policy instruments:** Diplomacy, legal tribunals

## Background

On 14 February 2005, a truck bombing in Beirut, Lebanon killed former Lebanese Prime Minister Rafiq Hariri and 22 others, causing injury to dozens more. Widely credited with leading Lebanon out of its 15 year civil war, Hariri had stepped down in 2004 over Syrian interference in Lebanon and pressure to keep the Syrian-backed President in office. His death sparked the Cedar Revolution and withdrawal of Syrian troops from the country in spring 2005, but the subsequent investigation of his assassination led to further political turmoil.

## Episode 1 (31 October 2005 – present)

### Summary

Previously, the Security Council called for free and fair presidential elections in Lebanon, disbanding of militias, and the withdrawal of foreign (Syrian) forces from the country (UNSCR 1559 (2004)). The day after the assassination of the former Prime Minister, the Security Council President issued a statement, (S/PRST/2005/4) calling on the Government of Lebanon to bring to justice those responsible, and requesting the secretary-general to report on the circumstances, causes and consequences of the terrorist act. France, as the previous colonial power and whose President Chirac was particularly close to Hariri, was especially active. The Secretary-General sent a fact-finding mission to Beirut in late February and, by late March, they recommended the establishment of an independent international investigation into the attack.

UNSCR 1595 was adopted 7 April 2005, establishing the UN International Independent Investigation Commission (UNIIC) to gather evidence and assist the Lebanese authorities in their investigation of the February 14 terrorist attack (the mandate was later expanded to include the investigation of other assassinations that took place before and after the Hariri attack). The first report of the Commission was delivered 19 October 2005 pointing to the involvement of Lebanese and top-ranking Syrian security officials in the attack. To assist with the continuing investigation, the Security Council adopted UNSCR 1636 (31 October 2005) which imposed a travel ban and assets freeze on all individuals designated by the commission or the Government of Lebanon as suspected of involvement of the terrorist attack. UNSCR 1636 also established a sanctions committee. Subsequent resolutions (UNSCR 1644, UNSCR 1686, UNSCR 1748 and UNSCR 1815) further extended the commission through 28 February 2009; the commission filed eleven reports.



In March 2006, the UN and Lebanese government signed an agreement to create the Special Tribunal for Lebanon, but when the agreement went before the Lebanese parliament for ratification, the speaker of parliament refused to convene parliament for a vote. A majority of members of parliament signed a petition to the UN secretary general requesting that the Security Council form the tribunal. UNSCR 1757 (30 May 2007) established the Special Tribunal for Lebanon (STL). The tribunal opened on 1 March 2009 near The Hague. It is an independent, judicial organization, not a UN court. When the UNIIIC's mandate ended on 28 February 2009, the information gathered and jurisdiction were handed over to the STL's Office of the Prosecutor.

The STL began proceedings in March 2009 to try those responsible for the bombing, a politically sensitive issue given that Hezbollah and Syria are believed to be involved. In June 2011 the court delivered indictments to prosecutors naming four men, suspected members of Hezbollah who remain at large. The trial began in January 2014.

### Purposes

Coerce the government of Syria to cooperate with the commission's investigation and cease interference in Lebanon; and signal support for criminal investigation of the Hariri assassination and subsequent judicial processes.

### Sanction type

Travel ban and assets freeze on individuals designated by the Lebanon Sanctions Committee or the commission as suspected of involvement in the terrorist attack; no designations made to date.

### Effectiveness (as of January 2014)

#### Coercion (Ineffective)

**Policy outcome:** 3/5, Syria cooperated with the Commission regarding access to individuals, sites, and information, but although Syria withdrew its military forces, it did not cease to interfere in Lebanese political life.

**UN sanctions contribution:** 2/5, No individual designations made; UNIIIC investigation and reports, diplomatic pressure, and Syria/Lebanon bilateral relations most significant to outcome.

#### Constraint (N/A)

**Policy outcome:** N/A, Neither the Commission (whose mandate ended in 2009) nor the Government of Lebanon have ever notified the UNSC to apply the sanctions.

**UN sanctions contribution:** N/A.

#### Signaling (Ineffective)

**Policy outcome:** 4/5, Creation of a special Commission and Court has sent a strong signal in support of an international judicial process, internationalizing the case.

**UN sanctions contribution:** 2/5, Although sanctions have been threatened, the lack of use has weakened the signal; judicial processes under UNIIIC and STL are most significant source of signaling.

### Unintended consequences

Decline in the credibility and/or legitimacy of UN Security Council.

## UN resolutions

Date	Resolution	Description
31.10.2005	<b>UNSCR 1636</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes travel ban and financial asset freeze (designations by Commission or Government of Lebanon)</li> <li>Specifies designation criteria</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes Sanctions Committee and specifies its mandate</li> </ul>
15.12.2005	UNSCR 1644	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Commission mandate (6 months)</li> </ul>
30.05.2007	UNSCR 1757	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes Special Tribunal for Lebanon (entry into force on 10.06.2007 for 3 years) and specifies the details of its statutes, organization, and formation</li> </ul>

# Liberia

## Overview

**Status:** Ongoing

**Duration:** 19 November 1992 – present (21 years +)

**Objective:** Cease hostilities, peace enforcement, support peace building, democracy support, good governance, support judicial process

**Sanction types:** Individual (asset freeze, travel ban), Diplomatic (limit travel), Sectoral (arms embargo), Commodity (diamond ban, timber ban)

**Non-UN sanctions:** Regional (EU, ECOWAS), Unilateral (US)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, use of force, DDR

## Background

In December 1989, forces of the National Patriotic Front of Liberia (NPFL) led by Charles Taylor launched an uprising against the Liberian government from Cote d'Ivoire. ECOWAS sent peacekeeping forces to Liberia (ECOMOG) in August 1990. A ceasefire accord was signed in Bamako, Mali in November 1990.

## Episode 1 (19 November 1992 – 7 March 2001)

### Summary

Following significant violations of the 1990 Bamako ceasefire agreement, failure to implement the 1991 Yamoussoukro IV Accord (which called for DDR and the creation of a government of national unity), and an assault on ECOWAS (ECOMOG) peacekeepers by the NPFL, a comprehensive arms embargo was imposed on all parties (except ECOMOG). UNSCR 788 (19 November 1992) explicitly endorsed the role of ECOMOG to cease hostilities and enforce the terms of the peace accords.

The Cotonou Accord (25 July 1993) and the Abuja Accord (19 August 1995) produced temporary ceasefires and power sharing arrangements, but broke down. Factional fighting resumed and spread to Monrovia in April 1996. On 17 August 1996 Nigeria brokered a supplement to the Abuja Accords bringing an end to what many term the first Liberian civil war. A new transitional government was established and elections were held the following year. Taylor won a landslide victory in the July 1997 elections (some contend due to widespread belief that he would resume war, if not elected).

Taylor's government was challenged by insurgent rebel groups and simultaneously began active support of rebel groups in neighboring countries (particularly the RUF in Sierra Leone). In April 1999 the second Liberian civil war began, as Liberians United for Reconciliation and Democracy (LURD) attacked the Taylor government from neighboring Guinea.

United Nations Security Council resolutions in this period included UNSCR 788 (19 November 1992), which imposed a comprehensive arms embargo, UNSCR 985 (13 April 1995), which created a Sanctions Committee, and UNSCR 1071 (30 August 1996), which supported enhanced role for ECOMOG.

Note: the UNSC took no action and remained silent following the election of Charles Taylor in 1997 until the beginning of Episode 2.

### Purposes

Coerce all parties to the conflict to abide by the Yamoussoukro Accord ceasefire, hold elections, constrain all parties to the conflict, and signal support for peace enforcement (i.e. the various peace Accords and the role of ECOMOG) (UNSCR 788).

### Sanction type

Arms imports embargo on all parties to the conflict.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 3/5, The implementation of a ceasefire was not achieved until 1996, a transitional government was established and elections were held in 1997, but the armed conflict (both by domestic opponents against Taylor after the election, and by Taylor in support of the RUF in Sierra Leone) continued thereafter.

**UN sanctions contribution:** 1/5, Changes on the ground were more important than sanctions (Taylor was winning militarily and consolidated his authority with the election); ECOWAS took the lead in managing the conflict (peace process and peacekeeping).

#### **Constraint (Ineffective)**

**Policy outcome:** 1/5, The ability of different Liberian parties to the conflict to continue fighting was not significantly constrained.

**UN sanctions contribution:** 2/5, ECOMOG was a major presence within Liberia, other countries (Guinea) intervened in the conflict, and weapons were widely available throughout the region.

#### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Support for peace enforcement (the various Accords and the role of ECOMOG) was clearly articulated in the initial UNSCRs (for the first half of the episode), but stigmatization was diffused to all parties, Taylor was partially legitimated by the elections, and the silence after 1997 election sent an unclear signal in the second half of the episode.

**UN sanctions contribution:** 2/5, The presence of the arms embargo was less important than UNSC support for ECOMOG and the peace accords (and its silence following their implementation).

### Unintended consequences

Increase in human rights violations, humanitarian consequences, reduction of local institutional capacity.

### UN resolutions

Date	Resolution	Description
19.11.1992	UNSCR 788	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes arms imports embargo to Liberia and specifies an exemption for ECOWAS</li></ul>
13.04.1995	UNSCR 985	<u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Sanctions Committee and specifies its mandate</li></ul>

## Episode 2 (7 March 2001 – 6 May 2003)

### Summary

The original (UNSCR 788) sanctions were lifted and immediately (in the same resolution, UNSCR 1343) replaced with the imposition of secondary sanctions on Liberia to reduce its support of the RUF forces in Sierra Leone. UNSCR 1343 re-authorized the arms embargo, added individual sanctions, a ban on diamond exports, and established a panel of experts to monitor implementation.

The war in Sierra Leone effectively came to an end in January 2002, less than a year after the secondary sanctions went into effect. The Taylor government mounted a campaign to give the appearance of compliance with the sanctions, but sanctions were held in place after the end of the war in Sierra Leone (to stabilize the peace process).

### Purposes

Coerce Liberia to cease support of RUF forces in Sierra Leone, constrain the government of Liberia from being able to support the RUF, and signal (and stigmatize) the government of Liberia for its support of the RUF.

### Sanction type

Ongoing arms imports embargo on all parties to the conflict. Newly imposed ban on exports of rough diamonds, travel ban on anybody providing support to armed rebel groups in countries neighboring Liberia, and diplomatic travel ban on senior members of the Liberian government and military (including their spouses).

### Effectiveness

#### **Coercion (Mixed effectiveness)**

**Policy outcome:** 3/5, Liberia began to distance itself from the RUF, but much of this was apparently window dressing; Monrovia's grip on the RUF was gradually loosened and sanctions on Liberia contributed to the RUF's decision to reaffirm its ceasefire agreement in May 2001 (British forces were also present in Sierra Leone from September 2000); the conflict in the Sierra Leone effectively came to an end in January 2002; however, Liberia intervened in the affairs of Cote d'Ivoire during this episode.

**UN sanctions contribution:** 3/5, Sanctions on their own did not achieve the RUF ceasefire; use of military force and diplomatic pressure were also significant.

#### **Constraint (Effective)**

**Policy outcome:** 4/5, UN sanctions stopped some deliveries of ammunition and heavy equipment, but significant amounts of arms and ammunition continued to be delivered to Liberia during the episode; there is insufficient information in panel of expert reports to indicate whether Liberia was constrained from supporting the RUF during this episode, though there is strong evidence of severe economic and budgetary crisis in Liberia (high levels of unemployment, increased taxes to pay for military operations).

**UN sanctions contribution:** 3/5, Sanctions contributed to the disappearance of Liberia-labeled rough diamonds from official markets; at the same time, the regime was also under military challenge on two fronts and the government had difficulty in accessing some diamond producing areas.

### **Signal (Effective)**

**Policy outcome:** 4/5, Secondary sanctions were very clearly articulated in UNSCR 1343; Liberia and individual targets in the government were strongly stigmatized.

**UN sanctions contribution:** 3/5, The principal target's own actions (destabilizing the entire region) also contributed to his stigmatization.

### **Unintended consequences**

Increase in corruption and/or criminality, increase in human rights violations, increase in international regulatory capacity in different issue domains, increase in international enforcement capacity in different issue domains, humanitarian consequences, reduction of local institutional capacity, widespread harmful economic consequences.

### **UN resolutions**

Date	Resolution	Description
07.03.2001	<b>UNSCR 1343</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Terminates UNSCR 788 arms imports embargo</li><li>• (Re-)imposes arms imports embargo, including technical training and assistance related to provision, manufacture, maintenance or use of arms and related materiel (14 months), and specifies exemptions for humanitarian and protective use (pending prior Committee approval), and UN exported protective clothing for media and humanitarian and development workers</li><li>• Imposes rough diamond exports ban from Liberia (1 year)</li><li>• Imposes travel ban on senior members of Government of Liberia, its armed forces, their spouses, and anybody providing financial and military support to armed rebel groups in countries neighboring Liberia, in particular RUF in Sierra Leone (1 year)</li><li>• Specifies humanitarian, religious, and peace travel ban exemptions, exempting also transit of representatives of Government of Liberia to UN Headquarters to conduct UN business, or participate in official meetings of Mano River Union, ECOWAS, and Organization of African Unity</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Delays rough diamond exports and travel ban sanctions imposition (by 2 months)</li><li>• Dissolves UNSCR 985 Sanctions Committee</li><li>• Establishes new Sanctions Committee and specifies its mandate</li><li>• Establishes Panel of Experts (6 months) and specifies its mandate</li><li>• Sets sanctions review (60 days, then every 6 months)</li><li>• Requests MS reporting</li></ul>
27.02.2002	UNSCR 1395	<u>Procedural:</u> <ul style="list-style-type: none"><li>• Re-establishes Panel of Experts (for 5 weeks, starting before 11.03.2002) [not under Chapter VII]</li></ul>
06.05.2002	<b>UNSCR 1408</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Renews UNSCR 1343 arms imports embargo, diamond exports, and travel ban (1 year)</li><li>• Adds UNSCR 1343 diamond exports ban exemption for rough</li></ul>

		<p>diamonds controlled by Government of Liberia through Certificate of Origin regime (when Committee reports the regime is fully operational)</p> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• (Re-)establishes Panel of Experts (3 months) and specifies its mandate</li> <li>• Sets sanctions review (before 07.11.2002, then every 6 months)</li> <li>• Requests MS reporting</li> </ul>
28.01.2003	UNSCR 1458	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Re-establishes Panel of Experts (for 3 months, starting before 10.02.2003) [not under Chapter VII]</li> </ul>

### Episode 3 (6 May 2003 – 22 December 2003)

#### Summary

With the improvement of the situation in the Sierra Leone, the focus of the UNSC shifted back toward the continuing conflict in Liberia. The Taylor regime was weakened over time, and rebel forces backed by Guinea advanced to within 10 km of Monrovia in March 2003. UNSCR 1478 (6 May 2003) focused primarily on the conflict within Liberia and the Government of Liberia's support for rebel armed groups throughout the region (Sierra Leone and Cote d'Ivoire), added timber sanctions to the existing measures, and expanded the travel ban list.

Charles Taylor attended peace talks in Ghana between Liberia and rebel forces in June 2003 and, while in Accra, was indicted for war crimes by the Special Court in Sierra Leone. The 17 June Accra agreement established a cease fire and secured Taylor's commitment to leave power. Taylor left Monrovia for exile in Nigeria in August. ECOWAS peacekeepers (ECOMIL) arrived to prevent the rebels from over-running the capital and a transitional government was established on 14 October 2003.

#### Purposes

Coerce Liberia and the LURD to enter bilateral cease fire negotiations and coerce the government to participate actively in regional peace initiatives, constrain government of Liberia from being able to support armed groups in neighboring countries, and signal (and stigmatize) the government of Liberia about its destabilizing role in the region.

#### Sanction type

Ongoing arms imports embargo on all parties to the conflict, ban on exports of rough diamonds, travel ban on anybody providing support to armed rebel groups in countries neighboring Liberia, and diplomatic travel ban on senior members of the Liberian government and military (including their spouses). Newly imposed ban on export of all round logs and timber from Liberia.

#### Effectiveness

##### **Coercion (Ineffective)**

**Policy outcome:** 5/5, Taylor and the LURD agreed to a ceasefire on 17 June and subsequently participated in and agreed to a comprehensive Liberian peace settlement (including a ceasefire, transitional government, DDR, SSR, TRC) on 18 August 2003.



**UN sanctions contribution:** 2/5, Loss of territory to LURD and MODEL forces, Nigerian mediation, and indictment by the Sierra Leone Tribunal played a significant role.

### **Constraint (Effective)**

**Policy outcome:** 5/5, Taylor acknowledged that he was constrained by the timber sanctions, arguing that the international community had denied Liberians the right to defend themselves by imposing an arms embargo and that timber sanctions starved Liberia of revenue: "Something as simple as a toothpick cannot be exported from Liberia," according to Taylor.

**UN sanctions contribution:** 4/5, Acknowledgement by the target; but changes on the ground, diplomatic pressure (Nigeria), and limited use of force (LT 100 US marines) also played a role in constraining (and eventually toppling) the regime.

### **Signaling (Effective)**

**Policy outcome:** 4/5, Taylor and the Government of Liberia were strongly stigmatized in UNSCR 1478.

**UN sanctions contribution:** 3/5, Special Court indictment and Nigerian mediation (offering Taylor asylum) also contributed to stigmatization.

### **Unintended consequences**

Increase in corruption and/or criminality, increase in international regulatory capacity in different issue domains, increase in international enforcement capacity in different issue domains, humanitarian consequences, widespread harmful economic consequences.

### **UN resolutions**

Date	Resolution	Description
06.05.2003	UNSCR 1478	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1343 arms imports embargo, diamond exports and travel ban (1 year)</li> <li>Expands UNSCR 1343 travel ban by individuals violating UNSCR 1343 arms imports ban, including LURD or other armed rebel groups (as determined by the Committee)</li> <li>Imposes timber exports ban from Liberia (10 months)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Delays timber sanctions implementation (until 07.07.2003)</li> <li>(Re-)establishes Panel of Experts (5 months) and specifies its mandate</li> <li>Sets sanctions review (before 07.11.2003, then every 6 months)</li> </ul>
01.08.2003	UNSCR 1497	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Declares readiness to establish follow-up UN stabilization force (deployed by 01.10.2003)</li> <li>Adds UNSCR 1343 arms imports embargo exemption for Multinational Force</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Authorizes establishment of Multinational Force in Liberia and specifies its mandate</li> <li>Authorizes UNAMSIL to extend logistical support to ECOWAS element of Multinational Force (1 month)</li> </ul>
19.09.2003	UNSCR	<u>Substantive:</u>

	1509	<ul style="list-style-type: none"> <li>• Adds UNSCR 1343 arms imports embargo exemption for UNMIL</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Establishes UNMIL (1 year) and specifies its mandate and composition</li> </ul>
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## Episode 4 (22 December 2003 – 16 June 2006)

### Summary

Following the departure of Charles Taylor (regime change) and progress in the peace process in Sierra Leone, a peace enforcement sanctions regime was established in Liberia to ensure compliance with the comprehensive peace agreement signed in Accra on 18 August 2003 and to support the transitional government of national unity. The Liberian ceasefire was maintained, DDR implemented, and elections were held during this episode. UNSCR 1521 lifted the previous sanctions and immediately re-imposed them in support of a new objective: peace enforcement. The Council also articulated specific criteria for lifting.

UNSCR 1532 imposed financial sanctions on Charles Taylor, his family, and other close associates for misappropriating Liberian funds and property and using them to destabilize the transitional government during the early phase of this episode. Taylor appeared before the Sierra Leone Special Court in April 2006 and was extradited to the Hague in June 2006. Elections were held in 2005 with Ellen Johnson Sirleaf taking office January 2006.

### Purpose

Constrain and signal parties that might threaten the comprehensive peace agreement and the transitional government of national unity.

### Sanction type

Ongoing arms imports embargo (now exempting internationally trained armed forces and police), ban on exports of rough diamonds, travel ban on individuals undermining peace and stability or supporting armed rebel groups in Liberia and the subregion (including senior members of former President Charles Taylor's Government, their spouses, and members of Liberia's former armed forces retaining links to Charles Taylor), and ban on export of timber (until certification schemes are in place). Newly imposed asset freeze on Charles Taylor, his family members, and close associates (from March 2004).

### Effectiveness

#### Coercion (N/A)

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

#### Constraint (Effective)

**Policy outcome:** 4/5, Panel of Experts concludes that sanctions helped to stabilize the situation in Liberia; elections were held, DDR took place, though Taylor tried to destabilize the process at the outset.

**UN sanctions contribution:** 3/5, Sanctions against the remnants of Taylor's regime reinforced the peacebuilding efforts of the government of Liberia, but international tribunals (the Sierra Leone Special Court and ICC) played a major role in constraining Charles Taylor.

### **Signaling (Effective)**

**Policy outcome:** 5/5, Potential spoilers were deterred from destabilizing the regime.

**UN sanctions contribution:** 3/5, Sanctions reinforced the peacebuilding efforts of the government of Liberia and international tribunals played a major role in constraining the remnants of Charles Taylor's regime.

### **Unintended consequences**

Increase in international enforcement capacity in different issue domains, humanitarian consequences, widespread harmful economic consequences.

### **UN resolutions**

Date	Resolution	Description
22.12.2003	<b>UNSCR 1521</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1343 arms imports embargo, diamond exports and travel ban and UNSCR 1478 timber exports ban</li> <li>• Imposes new arms imports embargo (1 year) to any recipient in Liberia, including all non-State actors, including technical training and assistance related to provision, manufacture, maintenance or use of arms and related materiel</li> <li>• Specifies arms imports embargo exemptions for UNMIL, UN exported protective clothing for media and humanitarian and development workers, as well as international training and reform programme for Liberian armed forces and police, non-lethal military equipment and related assistance or training for humanitarian and protective use (pending prior Committee approval)</li> <li>• Imposes new travel ban (1 year), extends travel ban to those designated pursuant UNSCR 1343, and specifies criteria for designation, including senior members of former President Charles Taylor's Government, their spouses, and members of Liberia's former armed forces who retain links to him, or those in violation of arms imports embargo</li> <li>• Specifies humanitarian, religious, and peace, stability and democracy travel ban exemptions (pending Committee approval)</li> <li>• Imposes new rough diamond exports ban (1 year) and expresses its readiness to terminate it when Liberia establishes a transparent, effective and internationally verifiable Certificate of Origin regime</li> <li>• Imposes new timber exports ban (1 year)</li> <li>• Welcomes UNMIL's readiness to assist with sanctions monitoring</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Dissolves UNSCR 1343 Sanctions Committee</li> <li>• Establishes new Sanctions Committee and specifies its mandate</li> <li>• (Re-)establishes Panel of Experts (5 months) and specifies its</li> </ul>

		mandate <ul style="list-style-type: none"> <li>Sets sanctions review (by 17.06.2004)</li> </ul>
12.03.2004	<b>UNSCR 1532</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes financial asset freeze on Charles Taylor, Jewell Howard Taylor, Charles Taylor Jr., and others designated by Committee</li> <li>Specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Specifies criteria for optional additions of account payments and interests</li> <li>Modifies Sanctions Committee mandate</li> <li>Sets annual sanctions review (first by 22.12.2004)</li> </ul>
17.06.2004	UNSCR 1549	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Panel of Experts (until 21.12.2004) and specifies its mandate [not under Chapter VII]</li> </ul>
21.12.2004	<b>UNSCR 1579</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1521 arms imports embargo, travel, and timber exports ban (1 year) and UNSCR 1521 diamond exports ban (6 months)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Panel of Experts (6 months) and specifies its mandate</li> <li>Sets sanctions review (6 months, 3 months for diamond exports ban)</li> </ul>
21.06.2005	<b>UNSCR 1607</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1521 diamond exports ban (6 months)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Specifies UNMIL mandate related to sanctions monitoring</li> <li>Re-establishes Panel of Experts (6 months) and specifies its mandate</li> </ul>
11.11.2005	UNSCR 1638	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Modifies UNMIL mandate to apprehend and detain former President Charles Taylor if he returns to Liberia, transferring him to Sierra Leone for prosecution</li> </ul>
20.12.2005	<b>UNSCR 1647</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1521 arms exports embargo and travel ban (1 year)</li> <li>Renews UNSCR 1521 diamond and timber exports ban (6 months)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Panel of Experts (6 months) and specifies its mandate</li> </ul>
13.06.2006	<b>UNSCR 1683</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 1521 arms imports embargo exemption for Special Security Service on weapons and ammunition already provided to them and Committee approved limited supplies of weapons and ammunition intended for Government of Liberia police and security forces vetted and trained since inception of UNMIL (partial lifting)</li> </ul>

		<ul style="list-style-type: none"> <li>Decides that for these exemptions, Government of Liberia shall mark these weapons and ammunition, maintain registry of them, and formally notify Committee that these steps were taken</li> </ul>
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## Episode 5 (16 June 2006 – present)

### Summary

The Security Council approved the extradition of Charles Taylor to the Hague on 16 June 2006. He was subsequently convicted and sentenced to 50 years in prison for war crimes in May 2012). Sanctions were gradually reduced (UNSCR 1689 (2006) terminated timber sanctions; UNSCR 1753 (2007) removed diamond sanctions; UNSCR 1903 (2009) relaxed the arms embargo on the government but continued it for non-governmental entities). The governance of natural resources became the priority, with the introduction of certification schemes for diamonds (Kimberley Process) and timber. The list of targeted individuals gradually declined (Taylor family members removed in 2012), and PoE was reduced from 5 to 3 members (in 2008).

PoE report expressed concern that weak natural resources governance (unregulated gold mining, continued trafficking in diamonds, and challenges in agricultural sector - palm oil) threaten to jeopardize post-conflict reconstruction efforts, and the stability and security of Liberia. Notwithstanding political and economic gains, the Government's inability to halt arms violations and cross-border attacks by mercenaries and to implement fully natural resources schemes, reveal the continuing need to strengthen government institutions, including the security sector.

While the 2013 Panel of Experts report continued to document the activity of Liberian mercenaries, the Security Council considered this to be a government capacity problem and continued to transfer responsibilities to the Government of Liberia. For this reason, in line with the drawdown taking place in UNMIL, the Security Council passed Resolution 2128 (December 2013) further scaling back the sanctions by relaxing requirements for weapons transfer notifications from the Government of Liberia and directing the Committee to review the list of designated individuals. The Panel of Experts was reduced to two individuals and no longer has the explicit mandate to monitor the use of natural resources as a potential source of instability.

### Purposes

Initially, constraining and signaling parties who might undermine the peacebuilding process was main purpose, with lifting of sanctions as an inducement to those who might otherwise oppose the peace process. Over the course of the episode, the purpose shifts to signaling the government to improve governance and increase its authority to establish and maintain stability by constraining mercenaries and cross-border attacks.

### Sanction type

Ongoing arms imports embargo (on non-governmental entities), travel ban, and asset freeze on lists of designated individuals and entities. Timber and diamond sanctions were terminated early in the episode – timber in June 2006, diamonds in April 2007.

## Effectiveness (as of January 2014)

### Coercion

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

### Constraint (Effective)

**Policy outcome:** 4/5, No major challenges to the Johnson Sirleaf government from remnants of Taylor's forces or other potential spoilers; peaceful elections held and government enters Kimberley Process.

**UN sanctions contribution:** 3/5, Sanctions reinforced the peacebuilding efforts of the government of Liberia but international tribunal play a major role in constraining the remnants of Charles Taylor's regime.

### Signaling (Effective)

**Policy outcome:** 4/5, International tribunal's first conviction of a former head of state since WW II sends powerful signal deterring spoilers from destabilizing the government; signal in support of more effective resource management less clear and effectiveness of signal diminishes over time without action to reinforce.

**UN sanctions contribution:** 3/5, Sanctions reinforce the peacebuilding efforts of the Liberian government, but the lifting of sanctions on diamonds and timber and move to delist without adding new measures focused on resources weakens the signal.

## Unintended consequences

Increase in international enforcement capacity in different issue domains.

## UN resolutions

Date	Resolution	Description
16.06.2006	UNSCR 1688	<u>Substantive:</u> <ul style="list-style-type: none"><li>Decides Government of the Netherlands shall facilitate implementation of decision of the Special Court to conduct trial of former President Taylor in the Netherlands and the Court shall retain exclusive jurisdiction over him during his transfer to and presence in the Netherlands</li><li>Adds UNSCR 1521 (Liberia sanction regime) travel ban exemption for trial-related travel of former President Taylor and any required witnesses</li></ul>
20.06.2006	UNSCR 1689	<u>Substantive:</u> <ul style="list-style-type: none"><li>Terminates UNSCR 1521 timber exports ban</li><li>Renews UNSCR 1521 diamond exports ban (6 months)</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Extends Panel of Experts mandate (6 months)</li><li>Sets timber exports suspension review in 90 days and diamond exports ban in 4 months</li></ul>
20.12.2006	UNSCR 1731	<u>Substantive:</u> <ul style="list-style-type: none"><li>Renews UNSCR 1521 and 1683 arms imports embargo (1 year) and UNSCR 1683 exemption for Government of Liberia police and security forces vetted and trained since inception of UNMIL</li><li>Renews UNSCR 1521 travel ban (1 year)</li><li>Renews UNSCR 1521 diamond exports ban (6 months)</li></ul> <u>Procedural:</u>

		<ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (6 months) and specifies its mandate</li> </ul>
30.03.2007	UNSCR 1750	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies UNMIL mandate (until 30.09.2007) to include support and security for activities conducted in Liberia by Special Court for Sierra Leone</li> </ul>
27.04.2007	<b>UNSCR 1753</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1521 diamond exports ban</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Encourages Kimberley Process reporting</li> </ul>
20.06.2007	UNSCR 1760	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• (Re-)establishes Panel of Experts (6 months) and specifies its mandate</li> </ul>
19.12.2007	<b>UNSCR 1792</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521, 1683 and 1731 arms imports embargo (1 year) and decides MS shall notify Committee upon arms and related materiel delivery subject to UNSCR 1521, 1683 and 1731 exemptions</li> <li>• Renews UNSCR 1521 travel ban (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (6 months)</li> <li>• Reconfirms annual UNSCR 1532 financial asset freeze review</li> </ul>
18.06.2008	UNSCR 1819	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends Panel of Experts mandate (until 20.12.2008)</li> </ul>
19.12.2008	<b>UNSCR 1854</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521, 1683 and 1731 arms imports embargo (1 year) and UNSCR 1792 exemptions notification obligation</li> <li>• Renews UNSCR 1521 travel ban (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> <li>• Reconfirms annual UNSCR 1532 financial asset freeze review</li> </ul>
17.12.2009	<b>UNSCR 1903</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521 travel ban (1 year)</li> <li>• Replaces UNSCR 1521, 1683 and 1731 arms imports embargo with new arms imports embargo to Liberia</li> <li>• Imposes arms imports embargo (including provision of assistance, advice, training, financing and financial assistance related to military activities) on all non-governmental entities and individuals operating in territory of Liberia (1 year)</li> <li>• Excludes Government of Liberia, UNMIL, protective clothing for personal use of UN, media, humanitarian and development workers and associated personnel, and Committee approved non-lethal military equipment for humanitarian or protective use and related assistance and training</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (until 20.12.2010)</li> <li>• Reconfirms annual UNSCR 1532 financial asset freeze review</li> <li>• Requires MS notification of shipments of arms and related material except for those to UNMIL and for personal use of UN, media, humanitarian and development workers and associated personnel</li> </ul>



17.12.2010	<b>UNSCR 1961</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521 travel ban (1 year)</li> <li>• Renews UNSCR 1521, 1683, 1731 and 1903 arms imports embargo (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> <li>• Reconfirms annual UNSCR 1532 financial asset freeze review</li> </ul>
03.03.2011	UNSCR 1971	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1626 authorizations to UNMIL with regards to Special Court for Sierra Leone and requests its withdrawal by 07.03.2011</li> </ul>
14.12.2011	<b>UNSCR 2025</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521 travel ban (1 year)</li> <li>• Renews UNSCR 1521, 1683, 1731, 1903 and 1961 arms imports embargo (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> <li>• Sets sanctions review (4 months, 1 year)</li> </ul>
12.12.2012	<b>UNSCR 2079</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521 travel ban (1 year)</li> <li>• Renews UNSCR 1521, 1683, 1731, 1903 and 1961 arms imports embargo (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> <li>• Sets sanctions review (5 months, 1 year)</li> </ul>
10.12.2013	<b>UNSCR 2128</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1521 travel ban (1 year)</li> <li>• Renews UNSCR 1521, 1683, 1731, 1903 and 1961 arms imports embargo (1 year) and modifies the associated notification requirement</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> <li>• Directs Committee to review all individuals and entities subject to UNSCR 1532 financial asset freeze and UNSCR 1521 travel ban (within 90 days)</li> <li>• Sets sanctions review (6 months)</li> </ul>

# Libya I (1992 – 2003)

## Overview

**Status:** Concluded

**Duration:** 31 March 1992 – 12 September 2003 (11 years 5 months)

**Objective:** Counter-terrorism

**Sanction types:** Individual (asset freeze), Diplomatic (limit travel, limit number of diplomatic personnel, limit visas), Sectoral (arms embargo, aviation ban, oil services equipment ban)

**Non-UN sanctions:** Regional (EU), Unilateral (US, UK)

**Other policy instruments:** Diplomacy, legal tribunals

## Background

Following suspected involvement of the Government of Libya in the downing of Pan Am 103 over Lockerbie Scotland in December 1988 and UTA 772 over Niger in September 1989, the governments of France, UK and US issued arrest warrants and indictments for Libyan government officials suspected in the attacks.

## Episode 1 (31 March 1992 – 11 November 1993)

### Summary

The UNSC made an implicit threat to impose UN sanctions, in UNSCR 731 (21 January 1992). Two months later, after little substantive response from the Libyan government, the Council passed UNSCR 748 (31 March 1992), imposing targeted sanctions.

### Purposes

Coerce Libyan authorities to cooperate with investigations of Lockerbie and UTA bombings (provide a full and effective response to requests for information from 3 Permanent Member of the UNSC) and to renounce the use of terrorism; constrain the Government of Libya from engaging in international terrorism; and signal (reinforce) the norm against state terrorism.

### Sanction type

Aviation ban (including maintenance servicing and insurance), arms imports embargo on the government forces, and diplomatic sanctions (reductions of personnel and limits on the mobility of those remaining, denial of entry or expulsion of previously denied or expelled Libyan nationals suspected of involvement in terrorism).

### Effectiveness

#### **Coercion (Mixed effectiveness)**

**Policy outcome:** 3/5, Libya initially offered to turn over suspects to a court monitored by the Arab League or the UN in June 1992, a move rejected by the US and the UK; later, in late September early October 1993, the Government of Libya stated its intent to encourage those charged in the Lockerbie bombing to appear for trial in Scotland and expressed willingness to cooperate with French authorities.

**UN sanctions contribution:** 4/5, US and UK sanctions were also present, but UN Targeted Sanctions appear to have been necessary for Libya counter-proposals.

#### **Constraint (Effective)**

**Policy outcome:** 4/5, Statements of Libyan official regarding costs of sanctions and decision to offer suspects indicated a change of strategy away from previous non-response.

**UN sanctions contribution:** 4/5, Sanctions were probably necessary for the outcome, but co-existed with unilateral sanctions.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Norm was well-articulated, but target's ability to mobilize external support (from Morocco and Zimbabwe, both UNSC members at the time) limited its degree of stigmatization.

**UN sanctions contribution:** 4/5, UN sanctions were the primary mechanism through which the norm is being enforced.

### **Unintended consequences**

Resource diversion, humanitarian consequences.

### **UN resolutions**

Date	Resolution	Description
31.03.1992	UNSCR 748	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes aviation ban (including supply of aircraft or aircraft components, provision of their engineering and maintenance servicing, certificate of airworthiness, new direct insurance or new payments against existing insurance) and specifies humanitarian exemption (pending Committee approval)</li> <li>Decides MS shall prevent operation of Libyan Arab Airlines offices</li> <li>Imposes arms imports embargo to Libya (including provision of any equipment, supplies and grants of licensing agreements, for their manufacture or maintenance, as well as any related technical advice, assistance, or training, and withdrawal of any advisers on military matters)</li> <li>Decides MS shall reduce the number and level of staff at Libyan diplomatic missions and consular posts, restricting the movement of those who remain</li> <li>Decides MS shall deny entry or expel Libyan national previously denied entry or expelled from other MS due to their involvement in terrorist activities</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Delays sanctions implementation (until 15.04.1992)</li> <li>Establishes Sanctions Committee and specifies its mandate</li> <li>Sets periodic sanctions review (every 120 days)</li> <li>Requests MS reporting</li> </ul>

## **Episode 2 (11 November 1993 – 5 April 1999)**

### **Summary**

Taking note of the letters and statements of the Government of Libya (29 September and 1 October 1993) indicating the intent to encourage suspects to appear for trial in Scotland and willingness to cooperate with French authorities, the UNSC reiterated its demands that Libya complied fully with UNSCRs 731 and 748. In UNSCR 883 (11

November 1993), the UNSC added a partial government asset freeze (exempting petroleum, petroleum sector equipment and maintenance services, as well as oil services equipment); strengthened enforcement of the aviation ban (which greater details on proscribed activities); and maintained the arms embargo. UNSCR 883 also spelled out explicitly criteria for the suspension of the sanctions, once suspects were handed over. This was reaffirmed in UNSCR 1192 of 27 August 1998.

Evidence of sanctions fatigue emerged later in the episode. The ICJ claimed jurisdiction over the dispute in February 1998 and, in June 1998, the OAU officially allowed its Member States to ignore the aviation ban, unless the US and the UK agreed to a trial for the suspects in a neutral country. In August 1998, the US and UK proposed a trial before a specially created Scottish Court sitting in a neutral territory, the Netherlands. UNSCR 1192 spelled out the terms for the suspension of sanctions, once the Secretary-General reports that the accused have arrived for trial in the Netherlands.

### Purposes

Coerce Libyan authorities to hand over suspects in the Lockerbie and UTA bombings and to renounce the use of terrorism; constrain the Government of Libya from engaging in international terrorism; and signal (reinforce) the norm against state terrorism.

### Sanction type

Ongoing aviation ban (strengthened), arms imports embargo (on government forces), and diplomatic sanctions (limit travel and number of diplomatic personnel, limit visas). Newly imposed government asset freeze (exempting petroleum derived financial resources) and oil services equipment ban (specific items).

### Effectiveness

#### **Coercion (Mixed effectiveness)**

**Policy outcome:** 3/5, Given the similarity to a Libyan proposal offered years before (trial before a Scottish court), the central change in behavior came from accommodation on the part of the US and UK, concerned about the decline in support for sanction against Libya.

**UN sanctions contribution:** 3/5, Sanctions reinforced other measures. They constrained Qadhafi and prompted him to an extensive effort to counter their effects. Growing sanctions fatigue also played a major role.

#### **Constraint (Effective)**

**Policy outcome:** 4/5, Clear evidence of economic impact and some evidence of reduction in proscribed activity (state support for terrorism).

**UN sanctions contribution:** 4/5, UN Aviation ban and cumulative effect of petroleum services sector sanctions appear to have played a major role.

#### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Stigmatization of the regime declined over time. Signal to Libya that by delivering two individuals for trial the sanctions would be suspended; also a signal to Libya's many supporters in the AU and AL that their requests had been taken into consideration.

**UN sanctions contribution:** 4/5, UN sanctions clearly specified the terms of an agreement, but Qadhafi's diplomatic counter-offensive reduced his stigmatization.

## Unintended consequences

Increase in corruption and criminality, strengthening of authoritarian rule, rally round the flag effect, resource diversion, humanitarian consequences, decline in the credibility and/or legitimacy of UN Security Council.

## UN resolutions

Date	Resolution	Description
11.11.1993	UNSCR 883	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes financial asset freeze on Government or public authorities in Libya, any entity or controlled by them, or any individual acting on their behalf</li> <li>Specifies financial asset freeze exemption for financial resources derived from sale or supply of petroleum and petroleum products, including natural gas and natural gas products, or agricultural products or commodities originating in Libya, provided such funds are paid into separate bank accounts exclusively for these funds</li> <li>Imposes ban on provision of oil equipment (Annex), including its licensing, manufacture or maintenance</li> <li>Expands UNSCR 748 provisions regarding Libyan Arab Airlines by (1) closure of their office, (2) prohibition of any commercial transactions with them, (3) entering or renewal of arrangements for making available for operation within Libya any aircraft or aircraft components, and their engineering and maintenance servicing, (4) supply of any materials for construction, improvement, maintenance, engineering or servicing of Libyan airfields and associated facilities and equipment (except emergency equipment and services directly related to civilian air traffic control), (5) advice, assistance, or training to Libyan pilots, flight engineers, or ground maintenance personnel, and (6) renewal on insurance for Libyan aircraft</li> <li>Delineates criteria for sanctions suspension</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Delays sanctions implementation (until 01.12.1993)</li> <li>Modifies Sanctions Committee mandate</li> <li>Requests MS reporting</li> </ul>
14.04.1994	UNSCR 910	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Adds UNSCR 748 aviation ban exemption for UN aircraft conveying Secretary-General's reconnaissance team</li> </ul>
27.08.1998	UNSCR 1192	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Suspends all UNSCR 748 and 883 sanctions upon Secretary-General's report on arrival of two accused in the Lockerbie bombing for trial in The Hague (or their appearance before appropriate court in UK or US)</li> </ul>

## Episode 3 (5 April 1999 – 12 September 2003)

### Summary

Sanctions were suspended on 5 April 1999 (Press release SC/6662) once the two suspects were handed over to the special Scottish Court in the Netherlands (as specified

in UNSCR 1192) and terminated on 12 September 2003 (UNSCR 1506) once compensation was provided and Libya renounced terrorism.

### Purposes

Coerce the Government of Libya to provide compensation and renounce terrorism; and signal Libya and international community about norm against state-sponsored terrorism.

### Sanction type

All sanctions (aviation ban, arms imports embargo, diplomatic sanctions, government asset freeze, and oil services equipment ban) were suspended in April 1999 (seven months after the conditions for suspension were set in UNSCR 1192) but not terminated until September 2003.

### Effectiveness

#### **Coercion (Effective)**

**Policy outcome:** 4/5, Suspects were turned over, trials conducted, compensation provided, and terrorism renounced, but not on the precise terms of the original UNSCRs.

**UN sanctions contribution:** 4/5, Suspension of sanctions was significant to reinforce legal procedures underway in domestic and international courts regarding compensation.

#### **Constrain**

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

#### **Signaling**

**Policy outcome:** 3/5, Norms against state-sponsored terrorism were consistently articulated in relevant UNSCRs (1192 and 1506), but Qadhafi was able to mobilize support from the AU, Arab League, Non-Aligned Movement and Organization of the Islamic Conference to limit the extent of his stigmatization.

**UN sanctions contribution:** 4/5, Sanctions suspension created an incentive to accept norms against state-sponsored terrorism in order for Libya to be re-legitimized and re-integrated into the international community.

### Unintended consequences

Strengthening of authoritarian rule.

### UN resolutions

Date	Resolution	Description
05.04.1999	SC/6662	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Suspends all UNSCR 748 and 883 sanctions measures</li></ul>
12.09.2003	UNSCR 1506	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Lifts all sanctions against Libya (UNSCR 748 and 883)</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Dissolves Sanctions Committee</li></ul>

## Libya II (2011 – present)

### Overview

**Status:** Ongoing

**Duration:** 26 February 2011 – present (3 years +)

**Objective:** Cease hostilities, negotiate settlement, protect population (under R2P), peace enforcement, support peace building, democracy support, good governance, human rights.

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo, aviation ban, bunkering ban), Commodity (illicit crude oil exports ban), Financial sector restrictions (sovereign wealth funds/Central Bank)

**Non-UN sanctions:** Regional (EU), Unilateral (US, UK)

**Other policy instruments:** Diplomacy, legal tribunals, threat of force, use of force, DDR

### Background

During the first months of 2011 a series of popular protests erupted across the Middle East with demands of greater political and economic freedoms. Following the overthrow of Presidents Ben Ali (Tunisia) and Mubarak (Egypt) significant pressure was exerted on the Qadhafi regime in Libya, particularly in the city of Benghazi which, by mid-February, was already under the control of the opposition.

## Episode 1 (26 February 2011 – 17 March 2011)

### Summary

One week after the outbreak of widespread demonstrations against the Qadhafi regime (and the government's strong crackdown against them), the UNSC issued a press statement (22 February 2011) condemning the actions of the Libyan government. Four days later, the Council passed UNSCR 1970, referring the matter to the International Criminal Court and imposing an arms embargo, targeted financial sanctions, and a travel ban on the leadership of the regime.

### Purposes

Coerce the Qadhafi government to exercise restraint in its response to the protests, allow HR monitors into the country, allow humanitarian relief, and lift media restrictions; constrain the Qadhafi regime from using armed force against its population; and signal key regime figures and leaders elsewhere in the region that excessive use of force is not an appropriate response to mass unrest (reinforce R2P norm).

### Sanction type

Arms imports and exports embargo on all parties to the conflict, travel ban on Qadhafi family and key members of the regime, and asset freeze on Qadhafi and his close family members.

### Effectiveness

#### Coercion (Ineffective)

**Policy outcome:** 1/5, Qadhafi regime was intransigent and increased threats to, and attacks on, its population.



**UN sanctions contribution:** 2/5, In addition to sanctions, the ICC referral reduced Qadhafi's room for manoeuvre, regime was precarious and was losing control on the ground to rebel forces.

### **Constraint (Mixed effectiveness)**

**Policy outcome:** 3/5, Immediate drying up of liquidity made it more difficult for the Qadhafi regime to support its mercenary forces.

**UN sanctions contribution:** 5/5, Financial sanctions were the single most important factor in constraining the regime during this episode.

### **Signaling (Effective)**

**Policy outcome:** 4/5, Some key regime members defected and invocation of R2P was widely noted in the region and globally.

**UN sanctions contribution:** 3/5, Given the ICC referral and widespread public condemnations, particularly from the Arab League.

### **Unintended consequences**

Increase in corruption and criminality, strengthening of authoritarian rule, increase in human rights violations, harmful effects on neighboring states, strengthening of political factions, significant administrative burden on implementing states, humanitarian consequences.

### **UN resolutions**

Date	Resolution	Description
26.02.2011	UNSCR 1970	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Refers the situation in Libya (since 15.02.2011) to ICC</li> <li>Imposes arms imports and exports embargo on Libya and specifies exemptions for non-lethal military equipment and related technical assistance or training for humanitarian and protective use (pending prior Committee approval), UN exported protective clothing for personal use of UN, media and humanitarian and development workers and associated personnel, and other approved arms sales and supply</li> <li>Authorizes MS to seize and dispose of items prohibited under the arms imports and exports embargo upon discovery</li> <li>Imposes travel ban (Annex I designations) and specifies humanitarian, religious, peace and reconciliation (pending Committee approval), judiciary, and MS approved stability exemptions</li> <li>Imposes financial asset freeze (Annex II designations) and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> <li>Calls for MS inspection of all cargo to and from Libya, if reasonable grounds for sanctions violation</li> <li>Delineates designation criteria</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Specifies criteria for optional additions of account payments and interests</li> <li>Establishes Sanctions Committee and specifies its mandate</li> </ul>

		<ul style="list-style-type: none"> <li>• Requires MS reporting upon inspection and MS granted travel ban exemption</li> <li>• Calls for MS reporting</li> </ul>
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## Episode 2 (17 March 2011 – 16 September 2011)

### Summary

Violence continued to escalate, civilian casualties began to mount, and the rebel force grew in strength and expanded the territory under its control beyond Benghazi. Refugee flows surged, and at least one P5 Member (France) recognized the interim government (the National Transitional Council or NTC). France took the lead in urging UNSC support for a no fly zone, a move supported by the UK and (more importantly) the Arab League. When Qadhafi threatened to take Benghazi back by force, the UNSC passed UNSCR 1973 to protect civilians from the regime, authorizing a no fly zone and expanding the scope of the financial sanctions. NATO took over military operations and controversies arose among the P5 over the scope of its role in protecting the civilian population. Leaders of France, the UK and the US called for Qadhafi to step down in a joint statement (15 April 2011).

### Purposes

Coerce Qadhafi to call off the attack on Benghazi and agree to a cease fire (and to induce defection of senior members of the regime); constrain the regime from being able to engage in further armed violence against its population; and signal the regime leadership and leaders elsewhere in the region that excessive use of force is not an appropriate response to mass unrest (R2P).

### Sanction type

Ongoing arms imports and exports embargo (all parties) and travel ban (Qadhafi family and key members of the regime). Asset freeze was expanded to Libyan state-owned entities (Central Bank, National Oil Corporation, Libyan Investment Authority and the Libyan Africa Investment Portfolio). Newly imposed aviation ban (and no-fly zone).

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Qadhafi attacked Benghazi, but was driven back by NTC forces and French fighter planes enforcing the no fly zone; Qadhafi agreed to AU peace process, but it was rejected by the NTC.

**UN sanctions contribution:** 2/5, No fly zone more important than sanctions in repelling attack on Benghazi.

#### **Constraint (Effective)**

**Policy outcome:** 5/5, Evidence of significant financial constraint, as sanctions were expanded (ATM cash withdrawals were capped in the country, interest rates were doubled to try to attract capital), confirmed by member of the Libya PoE; cash disbursements were critical to the payment of mercenary forces.

**UN sanctions contribution:** 4/5, Financial sanctions were necessary, but many other constraints on the regime were created by the imposition of the no fly zone.

#### **Signaling (Ineffective)**

**Policy outcome:** 5/5, Defections continued, and even Qadhafi's supporters outside the country were more concerned with how to manage his exit than to maintain his rule.

**UN sanctions contribution:** 2/5, No fly zone, ICC referral and diplomatic pressure were major factors.

### Unintended consequences

Increase in corruption and criminality, increase in human rights violations, harmful effects on neighboring states, strengthening of political factions, significant administrative burden on implementing states, humanitarian consequences, reduction of local institutional capacity, widespread harmful economic consequences.

### UN resolutions

Date	Resolution	Description
17.03.2011	UNSCR 1973	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Authorizes MS that notified Secretary-General to take all necessary measures to protect civilians in Libya (MS reporting requested), excluding foreign occupation force on any part of Libyan territory</li> <li>• Imposes a no-fly zone over Libya and specifies humanitarian, evacuation, civilian protection and no-fly zone enforcement exemptions</li> <li>• Authorizes MS that notified Secretary-General and Secretary-General of the League of Arab States to take all necessary measures to enforce the no-fly zone (MS reporting required)</li> <li>• Imposes aviation ban on any aircraft registered, owned or operated in Libya, as well as any aircraft if reasonable grounds for arms embargo violation, except in case of emergency landing and prior Committee approval</li> <li>• Extends UNSCR 1970 financial asset freeze to all funds and other financial and economic resources owned or controlled by Libyan authorities</li> <li>• Imposes UNSCR 1970 travel ban and financial asset freeze on new designees (listed in Annex I and II, respectively)</li> <li>• Calls upon MS to inspect vessels and aircrafts to or from Libya if reasonable grounds for arms embargo violation</li> <li>• Requires MS to exercise vigilance when doing business with Libyan entities if reasonable grounds contribute to violence and use of force against civilians</li> <li>• Delineates designation criteria</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Establishes Panel of Experts (1 year) and specifies its mandate</li> <li>• Requires MS reporting upon inspection</li> </ul>

### Episode 3 (16 September 2011 – present)

#### Summary

After rebel forces captured Tripoli on 28 August and consolidated their position throughout the country, UNSCR 2009 (16 September 2011) lifted or relaxed many of the sanctions on the regime. The arms embargo was relaxed (allowing additional exemptions for arms intended for security or disarmament assistance to the new Libyan

authorities and small arms for the UN Support Mission to Libya, UNSML), the asset freeze was lifted from some of the institutional entities designated in UNSCR 1973 (including the Central Bank, in December 2011), and the general aviation ban was lifted. After Muamar Qadhafi was killed and the NTC issued its Declaration of Liberation on 23 October, UNSCR 2016 (27 October) announced the UNSC's intention to terminate the no fly zone on 31 October 2011.

UNSCR 2017 (sponsored by Russia) on 31 October 2011 commissioned the PoE to assess security of MANPADs (surface to air missiles) and prevent their export from Libya. The Transitional Government of Libya was formally established in November 2011, with elections initially planned for June 2012. UNSCR 2040 (12 March 2012) extended the mandate of the UNSML, and further relaxed the sanctions: prior inspection of potential arms delivery was no longer required and the resolution called for the Committee to relax the asset freeze on the Libyan Investment Authority and Libyan Africa Investment Portfolio as soon as practical (in consultation with Libyan authorities).

Throughout 2012, the transitional government struggled to bring under control the armed militias that overthrew the Qadhafi government in 2011 and to manage a political transition to an elected government. The 11 September attack on the US consulate in Benghazi was only one of the nearly monthly uprisings from militia groups. A national congress was elected in July, the transitional government turned over power to the General National Congress in August, and following months of difficulty in selecting a leader, a Prime Minister, Ali Zidan, was sworn in in November.

The UN Mission in Libya and the Panel of Experts were both renewed in early 2013 in UNSCR 2095 (14 March 2013). The resolution eased the arms embargo on non-lethal military equipment meant for humanitarian or protective use and decided that supplies of non-lethal military equipment and training destined for the Libyan government no longer required Committee approval. It also directed the Committee to review the conditions under which asset freezes on the Libyan Investment Authority and the Libyan Africa Investment Portfolio might be lifted.

Throughout 2013, several issues dominated the Council's concern. First, the Libyan government lacks authority throughout its territory, its security forces remain weak, and local militias hold power in important locations. Second, the flow of arms from Libya into neighboring countries, particularly in the growing conflicts within and bordering on the Sahel remain a major concern, one with implications for other sanctions regimes (see Cote d'Ivoire update). Third, jurisdictional disputes between the ICC and Libyan government over the trials of Saif al-Islam Qadaffi and Abdullah al-Senussi continued.

The sanctions regime remains focused on containing Qadhafi regime elements and loyalists, not on the ongoing conflict within the country, and the Council is apparently divided over whether to focus on arms or human rights going forward.

## Purposes

Constrain remaining Qadhafi elements from challenging the NTC or its successor, the General National Congress, as the legitimate government of Libya, prevent the export of

MANPADs and other major weapons from and within the region, and signal the legitimacy of the NTC and its elected successor as the legitimate government of Libya.

### Sanction type

Ongoing travel ban on former regime elements and gradual relaxation of the arms imports and exports embargo (change to non-governmental entities) and asset freeze (last sovereign wealth funds/Central Bank restrictions lifted in March 2012). The aviation ban was terminated at the start of the episode (the no fly zone at the end of October 2011). Newly imposed bunkering ban and ban on illicit crude oil exports (March 2014).

### Effectiveness (as of January 2014)

#### Coercion (N/A)

**Policy outcome:** N/A, No specific demands for change of behavior were articulated in the relevant UNSCRs (2009, 2016, 2017, 2022, 2040 or 2095).

**UN sanctions contribution:** N/A.

#### Constraint (Ineffective)

**Policy outcome:** 5/5, Sanctions were lifted on most activities of Libyan government financial institutions, but were retained on those believed to retain linkages to key family members and Qadhafi regime supporters; pro Qadhafi regime efforts to counter the NTC are absent.

**UN sanctions contribution:** 2/5, The exile, arrest, or killing of key regime members and supporters, combined with military defeat, have been most significant in constraining targets.

#### Signaling (Effective)

**Policy outcome:** 4/5, The legitimacy of the NTC as a transitional government of Libya was established at the outset, but its successor, the GNC, faced serious ongoing challenges from local militias.

**UN sanctions contribution:** 3/5, Relatively quick release of most funds and successive UNSCRs during the first half of this episode signaled recognition of NTC as the legitimate government, but degree of consolidation of regime away from its predecessor is due also to the death of Qadhafi, diplomatic recognition by many states, public opinion within Libya, and the ICC pursuit of prosecution of cases.

### Unintended consequences

Significant burden on implementing states, humanitarian consequences, and widespread harmful economic consequences (particularly during the early months of this episode, when sweeping financial sector sanctions were still in place).

### UN resolutions

Date	Resolution	Description
16.09.2011	UNSCR 2009	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 1970 arms imports embargo exemptions for security or disarmament assistance to Libyan authorities and small arms, light weapons and related materiel for UN, media, humanitarian and development workers and associated personnel (pending prior Committee approval)</li> <li>Terminates UNSCR 1970 and 1973 financial asset freeze on</li> </ul>

		<p>Libyan National Oil Corporation and Zueitina Oil Company</p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1973 aviation ban on aircrafts registered, owned or operated in Libya</li> <li>• Modifies UNSCR 1970 and 1973 financial asset freeze measures with respect to Central Bank of Libya, Libyan Arab Foreign Bank, Libyan Investment Authority, and Libyan Africa Investment Portfolio</li> <li>• Calls upon MS to exercise vigilance when acting with these entities</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Establishes UNSMIL (3 months) and specifies its mandate</li> </ul>
27.10.2011	<b>UNSCR 2016</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1973 MS authorization for protection of civilians and related reporting (01.11.2011)</li> <li>• Terminates UNSCR 1973 no-fly zone over Libya (01.11.2011)</li> </ul>
12.03.2012	UNSCR 2040	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1973 arms embargo inspection authorization and related reporting request</li> <li>• Decides to lift remaining financial asset freeze on Libyan Investment Authority and Libyan Africa Investment Portfolio when practical to ensure these assets are made available for benefit of people of Libya</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends and modifies UNSMIL mandate (1 year)</li> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> </ul>
14.03.2013	UNSCR 2095	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Decides UNSCR 1970 arms embargo exemption for non-lethal equipment or assistance for humanitarian and protective use as well as UNSCR 2009 exemption for security and disarmament assistance to Libyan government no longer require prior Committee approval</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends and modifies UNSMIL mandate (1 year)</li> <li>• Extends and modifies Panel of Experts mandate (13 months)</li> </ul>
14.03.2014	UNSCR 2144	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends and modifies UNSMIL mandate (1 year)</li> <li>• Extends and modifies Panel of Experts mandate (1 year)</li> </ul>
19.03.2014	<b>UNSCR 2146</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Imposes illicit crude oil exports ban and authorizes MS inspection of such vessels (1 year), specifying the procedure to follow</li> <li>• Imposes prohibition on provision of bunkering services to such vessels (1 year) and specifies exemptions for humanitarian and return to Libya purposes (Committee notification)</li> <li>• Imposes prohibition on financial transactions with respect to illicit crude oil aboard such vessels (1 year)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requests establishment of Government of Libya focal point for communicating with Committee regarding crude oil exports measures and its informing of any vessels illicitly transporting crude oil from Libya</li> </ul>

		<ul style="list-style-type: none"> <li>• Permits Committee vessel designations (90 days, renewable)</li> <li>• Requires MS reporting upon vessel inspection</li> </ul>
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# Rwanda

## Overview

**Status:** Concluded

**Duration:** 17 May 1994 – 10 July 2008 (14 years 2 months)

**Objective:** Cease hostilities, negotiate settlement, peace enforcement, support peace building, human rights

**Sanction types:** Sectoral (arms embargo)

**Non-UN sanctions:** Missing data

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, use of force, DDR

## Background

Following years of civil war between ethnic Hutu and Tutsi factions (and an invasion from the mostly Tutsi, Rwandan Patriotic Front/RPF forces based in Uganda in 1990), the Arusha Peace Agreement was signed by Rwandan President Habyarimana on 4 August 1993, effectively ending the civil war. Both parties agreed to a ceasefire and the creation of a government of national unity (power sharing agreement) to be monitored by a UN peacekeeping force of 2500 (UNAMIR) in UNSCR 872 (5 October 1993). President Habyarimana and the President of Burundi were both killed when their plane was shot down near Kigali on 6 April 1994, after which the RPF launched major offensive and extremist Hutu and Rwandan military forces began a systematic massacre of ethnic Tutsi and moderate Hutus. Within 100 days, an estimated 800,000 people were killed in what was subsequently (and belatedly) recognized as the Rwandan genocide.

In the wake of widespread violence and the withdrawal of Belgian forces (a battalion) on April 14, following the brutal murders of ten of its troops, the SG presented three options to the Council: (1) a massive increase in peacekeeping forces, (2) scaling back to a minimum force of 270, or (3) complete withdrawal. The UNSC voted unanimously to draw down UN forces from 2500 to 270, ostensibly because of the limitations of its peacekeeping mandate and an inability to enforce it.

## Episode 1 (17 May 1994 – 16 August 1995)

### Summary

As the level of violence escalated, refugee flows surged, and evidence of systematic ethnic killing and genocide became increasingly apparent, the UN re-engaged by increasing UNAMIR force levels to 5500 and imposing an arms embargo on all parties to the conflict in UNSCR 918, 17 May 1994. By mid-May the ICRC estimated that more than a half million people had been killed in Rwanda. In the absence of UN deployment, the Security Council authorized the deployment of French forces in southwest Rwanda, the "Operation Turquoise," on 22 June 1994, creating a "safe area" in territory controlled by the government. The killings of Tutsis continued, however, even in the safe area. Tutsi RPF forces captured Kigali and the Hutu government fled to Zaire, along with large numbers of refugees. The French concluded their mission and were replaced by Ethiopian UN troops. The RPF set up an interim government of national unity in Kigali. Although disease and more killings claimed additional lives in the refugee camps, the

genocide was over by July. On 8 November 1994, UNSCR 955 established the International Criminal Tribunal for Rwanda (ICTR).

### Purposes

Coerce all parties to the conflict to cease hostilities and agree to a ceasefire; constrain all parties to the conflict in their use of armed violence; and signal support for the protection of civilians and the norm prohibiting genocide.

### Sanction type

Arms imports embargo on all parties to the conflict.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, RPF won militarily and Hutu elements used refugee camps in Zaire to mobilize continued opposition to the interim government of national unity.

**UN sanctions contribution:** 2/5, Lack of deployment of UN peacekeeping force, and victory of one party of the conflict were most significant to the negative outcome.

#### **Constraint (Ineffective)**

**Policy outcome:** 1/5, While the genocide ended in July 1994, the armed conflict continued.

**UN sanctions contribution:** 2/5, The arms embargo only went into effect three months before the RPF military victory.

#### **Signaling (Ineffective)**

**Policy outcome:** 2/5, References to genocide were implied, not explicitly stated in UNSCR 918 and perpetrators are not mentioned.

**UN sanctions contribution:** 2/5, The withdrawal and slow deployment of UN peacekeeping forces also contributed to a weak signal.

### Unintended consequences

Strengthening of political factions.

### UN resolutions

Date	Resolution	Description
17.05.1994	UNSCR 918	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes arms imports embargo to Rwanda and specifies UNAMIR and UNOMUR exemptions</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes Sanctions Committee and specifies its mandate</li> </ul>
22.06.1994	UNSCR 929	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Authorizes temporary MS multinational operation in Rwanda (2 months)</li> <li>Requests participating MS reporting</li> </ul>
08.11.1994	UNSCR 955	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes International Criminal Tribunal for Rwanda (ICTR) investigating Rwandan genocide and other humanitarian law violations (statutes in Annex)</li> </ul>
09.06.1995	UNSCR 997	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Specifies that UNSCR 918 arms imports embargo applies also to persons in neighboring MS if their purpose is to use such</li> </ul>

		arms within Rwanda
17.07.1995	UNSCR 1005	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Adds UNSCR 918 arms imports embargo exemption for a certain amount of explosives for humanitarian demining (upon Committee approval)</li> </ul>

## Episode 2 (16 August 1995 – 10 July 2008)

### Summary

In June of 1995, the Council expressed growing concerns about incursions from former government forces based in Zaire (some housed in refugee camps). The Rwandan government formally requested a lifting of the arms embargo in July (in order to protect Rwandans from the incursions), and the Council passed UNSCR 1011 on 16 August 1995, suspending for one year (until 1 September 1996) the arms embargo against the government. Sanctions on the government were allowed to expire in September 1996, but they remained in place against non-governmental forces operating within and from the DRC until they were finally lifted on 10 July 2008 (UNSCR 1823).

### Purposes

Constrain non-governmental forces in their access to weapons to continue the conflict in both Rwanda and the DRC; and signal support for the legitimacy of the government in Rwanda.

### Sanction type

Target of the ongoing arms imports embargo changed to non-governmental forces (arms supplies to Rwanda exempted through named points of entry).

### Effectiveness

#### Coercion (N/A)

**Policy outcome:** N/A, No demands were made in any of the relevant UNSCRs.

**UN sanctions contribution:** N/A.

#### Constraint (Ineffective)

**Policy outcome:** 1/5, The conflict continued even after the lifting of the arms embargo in 2008 (although it has largely been displaced into the DRC).

**UN sanctions contribution:** 2/5, Weapons remain freely available in neighboring countries (DRC) and the borders are largely unenforced; regional war underway in the Great Lakes region throughout the long episode.

#### Signaling (Ineffective)

**Policy outcome:** 2/5, Weakly articulated in the UNSCRs; continues to be challenged by rebel forces.

**UN sanctions contribution:** 2/5, Diplomatic recognition of the government and increase in aid flows to the government were most significant to the outcome.

### Unintended consequences

Increase in corruption and/or criminality, harmful effects on neighboring states, decline in the credibility and/or legitimacy of UN Security Council, increase in arms flow into the DRC.

## UN resolutions

Date	Resolution	Description
16.08.1995	<b>UNSCR 1011</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Modifies UNSCR 918 arms imports embargo target to non-governmental forces for their use in Rwanda</li> <li>• Exempts arms supplies to Government of Rwanda taking place through named points of entry provided by the Government from the UNSCR 918 arms imports embargo (until 01.09.1996)</li> <li>• Terminates UNSCR 918 arms imports embargo on Government of Rwanda (on 01.09.1996), prohibits any re-sale, transfer, or use of such arms by others, and requires it to mark, register, and notify Committee of all arms imports</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requires MS reporting on arms imports to Rwanda</li> </ul>
07.09.1995	UNSCR 1013	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requests Secretary-General to establish International Commission of Inquiry and specifies its mandate</li> </ul>
26.03.2004	UNSCR 1534	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Calls upon MS, especially Rwanda, Kenya, DRC, and Republic of the Congo to intensify cooperation with and render all necessary assistance to ICTR</li> </ul>
28.03.2007	UNSCR 1749	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1011 MS obligation to notify Committee of arms imports to Rwanda and Government of Rwanda obligation to mark, register, and notify all such imports</li> </ul>
10.07.2008	<b>UNSCR 1823</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1011 arms imports embargo</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Dissolves Sanctions Committee</li> </ul>

# Sierra Leone

## Overview

**Status:** Concluded

**Duration:** 8 October 1997 – 29 September 2010 (13 years)

**Objective:** Cease hostilities, peace enforcement, support peace building, democracy support, good governance, support judicial process

**Sanction types:** Individual (travel ban), Diplomatic (limit travel), Sectoral (arms embargo), Commodity (diamond ban, petroleum ban)

**Non-UN sanctions:** Regional (ECOWAS), Unilateral (missing data)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations, use of force, DDR

## Background

Following years of civil war between Revolutionary United Front (the RUF) and the government of Sierra Leone (dating from October 1991), the recently elected (January 1996) government of President Ahmad Kabbah negotiated a peace agreement with the RUF (the Abidjan Peace Accord) in November 1996. Kabbah was overthrown in a military coup (by the AFRC) a few months later in May 1997.

## Episode 1 (8 October 1997 – 16 March 1998)

### Summary

UN sanctions imposed on the AFRC (UNSCR 1132, 8 October 1997) to restore the democratically elected President Kabbah and to constrain all parties to the conflict (particularly the RUF) in an effort to cease hostilities.

### Purposes

Coerce the AFRC into restoring the democratically elected government (Kabbah) to power; constrain the RUF and the AFRC from further acts of violence and to cease interference with humanitarian relief efforts; and signal support for the democratically elected government.

### Sanction type

Travel ban on the military junta and their adult family members (diplomatic sanctions), petroleum imports ban, and arms imports embargo on all parties to the conflict.

### Effectiveness

#### Coercion (Ineffective)

**Policy outcome:** 5/5, Regional ceasefire and agreement to restore constitutional rule (the Conakry Communiqué) was negotiated on October 23, 1997; Kabbah was restored to office on 10 March 1998 after ECOMOG forces recaptured Freetown.

**UN sanctions contribution:** 2/5, ECOMOG forces intervened in the country and there were active ECOWAS diplomatic activities.

#### Constraint (Mixed effectiveness)

**Policy outcome:** 3/5, AFRC was constrained, while fighting between RUF and ECOMOG forces continued throughout the episode.

**UN sanctions contribution:** 3/5, Reinforced ECOWAS sanctions and ECOMOG activity.

### **Signal (Effective)**

**Policy outcome:** 5/5, Goals (democracy support) clearly articulated in the UNSCR, as well as reinforcement of regional initiatives (ECOWAS).

**UN sanctions contribution:** 4/5, No country recognized the regime during this episode.

### **Unintended consequences**

Increase in corruption and/or criminality, increase in human rights violations, humanitarian consequences, decline in the credibility and/or legitimacy of UN Security Council.

### **UN resolutions**

Date	Resolution	Description
08.10.1997	<b>UNSCR 1132</b>	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes travel ban on military junta and their adult family members</li><li>• Imposes petroleum imports ban to Sierra Leone and specifies exemptions for democratically-elected Government of Sierra Leone, as well as any other government, UN agency, or ECOMOG for humanitarian purposes (no-objection procedure)</li><li>• Imposes arms imports embargo to Sierra Leone (all parties to the conflict)</li><li>• Authorizes ECOWAS to implement arms imports embargo and petroleum imports ban, including cargo inspection</li><li>• Specifies conditions for sanctions termination</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Establishes Sanctions Committee and specifies its mandate</li><li>• Sets sanctions review (6 months)</li><li>• Requests ECOWAS and MS reporting</li></ul>

## **Episode 2 (16 March 1998 – 22 October 1999)**

### **Summary**

Kabbah was returned to power and sanctions on the government were suspended, but retained on rebel groups (including AFRC remnants and the RUF) to coerce them to cease hostilities and reach a negotiated comprehensive political settlement of the conflict; UN military presence is increased.

UNSCRs during the episode included UNSCR 1156 (lifting oil embargo); UNSCR 1162 (authorizing small UN military observer mission); UNSCR 1171 (relaxing travel ban and arms embargo, but maintains it on the RUF and some AFRC); UNSCR 1181 (creating UNOMSIL and expanding it to up to 70); and UNSCR 1260 (commending the signing of the Lomé Agreement on 7 July 1999, which establishes a Truth and Reconciliation Commission, and authorizing up to 210 UNOMSIL military observers).

### **Purposes**

Coerce rebel groups to cease hostilities and reach a negotiated political settlement; constrain the ousted members of the AFRC and the RUF from engaging in conflict and challenging the restored Kabbah government (since rebel groups control most of the

territory and resources – diamonds – of the country); and signal support for regional peace initiatives and ceasefire.

### Sanction type

Modifies the ongoing travel ban to include leading members of former military junta and RUF and changes the target of the arms imports embargo to non-governmental entities (government arms imports through named points of entry). Terminates petroleum imports ban at the beginning of the episode.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 2/5, Lomé Agreement was reached on July 7, 1999, but the agreement was flawed because it legitimized the RUF and gave it access to and control over diamond resources.

**UN sanctions contribution:** 2/5, ECOMOG and Togolese diplomatic intervention appear to have been more salient.

#### **Constraint (Ineffective)**

**Policy outcome:** 1/5, RUF controlled most of the territory of the country during this period and challenged the Kabbah government.

**UN sanctions contribution:** 2/5, Lomé Agreement legitimized RUF and access to diamond resources, arms amply available, and mobility was not constrained due to porosity of borders.

#### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Diffuse norms, rebels were told to cease hostilities, no mention of RUF, and Lomé peace agreement legitimized them.

**UN sanctions contribution:** 3/5, Legitimation came from the Lomé peace agreement.

### Unintended consequences

Increase in corruption and/or criminality, increase in human rights violations, humanitarian consequences.

### UN resolutions

Date	Resolution	Description
16.03.1998	<b>UNSCR 1156</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Terminates UNSCR 1132 petroleum imports ban</li> </ul>
05.06.1998	<b>UNSCR 1171</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Terminates UNSCR 1132 travel ban and arms imports embargo</li> <li>Imposes arms imports embargo on non-governmental entities, exempting ECOMOG and arms supplies to Government of Sierra Leone taking place through named points of entry provided by the Government</li> <li>Imposes travel ban on leading members of former military junta and Revolutionary United Front (RUF)</li> <li>Specifies conditions for sanctions termination</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Modifies Sanctions Committee mandate</li> <li>Requires MS to notify Committee of all arms imports to Sierra Leone and Government of Sierra Leone to mark, register, and</li> </ul>



		notify Committee of any such imports
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## Episode 3 (22 October 1999 – 5 July 2000)

### Summary

Sanctions remained unchanged, but a large 6000 troop UN peacekeeping operation (UNAMSIL) was authorized (UNSCR 1270, 22 October 1999) and doubled in size to more than 13,000 during the episode (UNSCR 1299, 19 May 2000), changing significantly the relationship between sender and target (the RUF); much greater focus on RUF as target from this point onward; 800 British paratroopers sent to Freetown to evacuate British nationals and secure the airport for the UN (8-10 May 2000).

### Purposes

Coerce rebel factions to cease hostilities; constrain the rebels from challenging the government (in support of the implementation of the Lomé agreement); and signal the RUF and remnants of the AFRC to cease hostilities (particularly hostage taking of UNOMIL observers and attacks on ECOMOG forces).

### Sanction type

Ongoing arms imports embargo and travel bans on rebel groups (primarily the RUF, but also including leading members of the AFRC).

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Significant increase in armed violence by RUF during this episode, abduction of UN troops, war between UNAMIL and RUF intensified, RUF closed in on Freetown May 2000), British intervened (8-10 May 2000).

**UN sanctions contribution:** 2/5, Sanctions remained unchanged and major increase in external military intervention by UNAMSIL (February 2000) and later by the UK (May 2000).

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, RUF was not significantly constrained until major UN and UK forces arrive in 2000.

**UN sanctions contribution:** 2/5, Sanctions remained unchanged and major increase in external military intervention.

#### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Diffuse norms (protection of civilians, human rights, HIV/AIDS, attacks on UN personnel), still trying to reinforce Lomé agreement, while doubling the number of UNAMSIL forces.

**UN sanctions contribution:** 2/5, Sanctions remained unchanged and major increase in external military intervention.

### Unintended consequences

Increase in corruption and/or criminality, increase in human rights violations, humanitarian consequences.

## UN resolutions

Date	Resolution	Description
22.10.1999	<b>UNSCR 1270</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Authorizes UNAMSIL to ensure its security and freedom of movement and protect civilians under imminent threat of physical violence</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes UNAMSIL (6 months) and specifies its mandate and troop levels, further specifying that UNAMSIL will take over from UNOMSIL whose mandate shall thus terminate [not under Chapter VII]</li> </ul>
07.02.2000	UNSCR 1289	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends and modifies UNAMSIL mandate (6 months), increasing its troop levels</li> </ul>
19.05.2000	UNSCR 1299	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 1171 arms imports embargo exemption for MS cooperating with UNAMSIL and Government of Sierra Leone</li> </ul>

## Episode 4 (5 July 2000 – 16 January 2002)

### Summary

Diamond embargo added to existing sanctions (UNSCR 1306), special court established (UNSCR 1315) and UNAMSIL mandate extended, and secondary sanctions against Liberia were applied (UNSCR 1343) to enforce peace agreement and DDR in Sierra Leone, evidence that the UN was short of adequate financial support for PKO (from frequent references in UNSCRs).

Major UNSCRs during this episode included UNSCR 1306 (5 July 2000) on sanctions against import of diamonds from Sierra Leone; UNSCR 1315 (14 August 2000) on establishing a Special Court in Sierra Leone; UNSCR 1343 (7 March 2001) on secondary sanctions on Liberia to cease support for RUF; and UNSCR 1346 (30 March 2001) on extension of the mandate of the UN Mission in Sierra Leone (UNAMSIL) up to 17,500 troops authorized.

### Purposes

Coerce RUF to cease hostilities; shift balance of power in support of government by constraining ability of RUF to obtain resources from export of rough diamonds; and signaling the RUF to cease hostilities and the use of diamonds to support armed conflict (indirect support of the Kimberley Process for Certification of Origin of rough diamonds).

### Sanction type

Ongoing travel ban and arms imports embargo on non-governmental entities. Newly imposed rough diamonds exports ban (except though the Kimberley Process certification scheme).

### Effectiveness

#### Coercion (Effective)

**Policy outcome:** 4/5, Ceasefire agreement (Abuja) was signed on 10 November 2000, UN troops arrived in November/December 2000 to enforce ceasefire, UN began to deploy in rebel held territory (March 2001), and disarmament of rebels began (May 2001).

**UN sanctions contribution:** 4/5, Diamond sanctions were applied to reinforce PKOs and tip the balance against the RUF; secondary sanctions (UNSCR 1343) applied to Liberia during this period “probably contributed to the RUF’s decision to sign an unconditional ceasefire in November 2000 and reaffirm the agreement in May 2001” (UN Expert Meeting on Natural Resources and Conflict in Africa, Cairo, 2006). Sanctions, however, reinforced other measures including the deployment of UK troops in May 2000 and military operations launched from Guinea against the RUF.

### **Constraint (Effective)**

**Policy outcome:** 5/5, While there is evidence of evasion, the diamond embargo was credited with “an almost complete halt to the traffic in illicit diamonds from Sierra Leone to Liberia.”

**UN sanctions contribution:** 4/5, Diamond sanctions were applied to reinforce PKOs and tip the balance against the RUF; secondary sanctions applied to Liberia (UNSCR 1343) during this period.

### **Signal (Effective)**

**Policy outcome:** 4/5, Primary signal was to RUF. Created the basis for a Special Court (SCSL), and signaling support of the Kimberly Process for Certification of Origin of rough diamonds.

**UN sanctions contribution:** 3/5, Other measures (negotiations, Abuja accord, and basis for special court) were also major factors in signaling.

### **Unintended consequences**

Increase in the growth of the state role in the economy.

### **UN resolutions**

Date	Resolution	Description
05.07.2000	UNSCR 1306	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes rough diamonds exports ban from Sierra Leone (18 months) and specifies exemption for diamonds controlled by Government of Sierra Leone through Certificate of Origin regime (when Committee reports the regime is fully operational)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes Panel of Experts (4 months) and specifies its mandate</li> <li>Modifies Sanctions Committee mandate and requests it to make relevant information publically available</li> <li>Sets sanctions review (by 15.09.2000, thereafter every 6 months)</li> <li>Requests MS reporting</li> </ul>
19.12.2001	UNSCR 1385	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1306 rough diamonds exports ban (until 05.12.2002)</li> <li>Welcomes establishment and implementation of Certificate of Origin regime for trade in diamonds in Sierra Leone and</li> </ul>

		affirms their exemption from UNSCR 1306 diamond exports ban <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Sets sanctions review (05.12.2002)</li> </ul>
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## Episode 5 (16 January 2002 – 29 September 2010)

### Summary

Armed conflict was officially declared over (January 2002), Kabbah won landslide election (May 2002), British forces left (July 2002) and sanctions remained in place to support a larger peacebuilding process. Sierra Leone became one of the first two countries (along with Burundi) officially taken up by the UN's Peacebuilding Architecture. Sanctions gradually phased out (diamond sanctions lapsed in 5 June 2003), as peacebuilding activities (DDR, SSR, reconciliation) became more prominent.

### Purposes

Support peacebuilding efforts in Sierra Leone; draw down PKO, convert PKO to support DDR, and establish a Peacebuilding office; coerce/induce rebel factions to participate in peace-building process, constrain potential spoilers, and signal rebel factions and to the international community, the utility of peace building support activities of the UNPBC.

### Sanction type

Ongoing travel ban, arms imports embargo on non-governmental entities, and ban on export of rough diamonds (not certified by Kimberley Process). Diamond exports ban lapsed in June 2003, all other sanctions were terminated in September 2010.

### Effectiveness

#### Coercion (N/A)

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

#### Constraint (Effective)

**Policy outcome:** 5/5, Potential spoilers were constrained; substantial DDR as early as February 2004, local elections took place, war crimes trials began, peacekeepers departed, peaceful transition from Kabbah regime to opposition party.

**UN sanctions contribution:** 3/5, Sanctions supported complementary peacebuilding activities.

#### Signal (Effective)

**Policy outcome:** 5/5, Potential spoilers were deterred from destabilizing the regime, PBC credited with some success.

**UN sanctions contribution:** 3/5, Sanctions combined with rulings of the special court to stigmatize former RUF leaders.

### Unintended consequences

Increase in the growth of the state role in the economy.

## UN resolutions

Date	Resolution	Description
16.01.2002	UNSCR 1389	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Welcomes official completion of the disarmament process</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Modifies UNAMSIL mandate and increases its personnel</li> </ul>
04.12.2002	UNSCR 1446	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1306 diamond exports ban (6 months) and affirms exemption for diamonds controlled by Government of Sierra Leone under Certificate of Origin regime</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Sets sanctions review (6 months)</li> </ul>
17.09.2004	UNSCR 1562	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Sets objectives for Sierra Leone</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies UNAMSIL mandate (until 30.06.2005), authorizing it to use all means necessary to carry out its mandate</li> </ul>
16.06.2006	UNSCR 1688	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Decides Government of the Netherlands shall facilitate implementation of decision of the Special Court to conduct trial of former President Taylor in the Netherlands and the Court shall retain exclusive jurisdiction over him during his transfer to and presence in the Netherlands</li> <li>• Adds UNSCR 1521 (Liberia sanction regime) travel ban exemption for trial-related travel of former President Taylor and any required witnesses</li> </ul>
30.03.2007	UNSCR 1750	<u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies UNMIL mandate (until 30.09.2007) to include support and security for activities conducted in Liberia by Special Court for Sierra Leone</li> </ul>
21.12.2007	UNSCR 1793	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Adds UNSCR 1171 travel ban exemption for trial-related travel of any required witnesses</li> </ul>
29.09.2010	<b>UNSCR 1940</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Terminates UNSCR 1171 travel ban, arms imports embargo and related marking, registering, and notification obligations</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Dissolves Sanctions Committee</li> </ul>

# Somalia

## Overview

**Status:** Ongoing

**Duration:** 23 January 1992 – present (22 years +)

**Objective:** Counter-terrorism, cease hostilities, negotiate settlement, peace enforcement, support peace building, good governance, human rights, support humanitarian efforts

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo), Commodity (charcoal ban)

+ Secondary sanctions on Eritrea – Individual (travel ban, asset freeze), Sectoral (arms embargo), Financial sector restrictions (diaspora tax ban)

**Non-UN sanctions:** Regional (EU), Unilateral (US; some missing data)

**Other policy instruments:** Diplomacy, peacekeeping operations, use of force, covert measures

## Background

Following the overthrow of the military dictatorship of Siad Barre in January 1991, a power struggle ensued between different militia factions (or clans) within Somalia, particularly between Mohamed Farah Aideed and Ali Mahdi Mohamed. During the civil war that followed, an estimated 350,000 Somalis died of war, disease, and famine, and images of famine were displayed worldwide.

## Episode 1 (23 January 1992 – 3 May 2002)

### Summary

The UNSC imposed a comprehensive arms embargo on all parties to the conflict in UNSCR 733 (23 January 1992).

Although a ceasefire was agreed to on 3 March 1992, it was not adhered to, and humanitarian relief operations were increasingly placed at risk. The UNSC authorized a small UN Security Force (UNOSOM I) in UNSCR 751 (24 April 1992) and expanded it to 3,500 troops in August, but it was not deployed, and, by the end of the year (November), General Mohamed Farah Aideed ordered it to leave the country. That same month, the US offered to lead a multinational force to protect humanitarian relief efforts. Its offer was accepted in UNSCR 794 (3 December 1992), suspending UNOSOM I, creating the Unified Task Force (UNITAF) and authorizing it “to utilize ‘all necessary means’ to ensure the protection of the relief efforts.” UNITAF was intended to be an interim force to support the deployment of UN forces and was eventually succeeded by UNOSOM II on 4 May 1993.

Following a failed October 1993 effort to apprehend General Mohamed Farah Aideed, “the Black Hawk Down incident,” during the first battle of Mogadishu, the US withdrew from Somalia in March 1994. More than 35 attempts to foster a negotiated peace failed between 1992 and 1995, and, on 4 November 1994 (UNSCR 954), the UN effectively gave up on its objectives of facilitating a peaceful resolution of the Somali conflict and ordered all peacekeeping forces withdrawn in March 1995. The UNSC kept the arms

embargo in place, but did not pass another UNSCR relating to the conflict in Somalia until approving an exemptions request on 19 June 2001, more than six years later.

## Purposes

Coerce all parties to the conflict (especially the two leading factions) to cease hostilities and accept a ceasefire; constrain all parties to the conflict from engaging in violence and interfering with humanitarian relief efforts; and signal support for humanitarian relief operations and support regional peace initiatives.

## Sanction type

Arms imports embargo on all parties to the conflict.

## Effectiveness

### Coercion (Ineffective)

**Policy outcome:** 1/5, Due to intransigence of the principal parties to the conflict, continued hostilities, failure of more than 35 attempts to negotiate a peace settlement, and the withdrawal of UN peacekeeping forces during the episode.

**UN sanctions contribution:** 1/5, UN peacekeeping forces (and UNITAF) were more significant than sanctions, the country was already awash in arms, and neighboring states were major violators of the arms embargo.

### Constraint (Ineffective)

**Policy outcome:** 1/5, Principal parties continued to engage in violence throughout the episode.

**UN sanctions contribution:** 1/5, UNITAF and UNOSOM II were the principal sources of constraining interference with humanitarian operations.

### Signaling (Ineffective)

**Policy outcome:** 1/5, Although the signal in support of humanitarianism was initially strong, the UN withdrawal from the country two years later, followed by seven years of virtual inaction, actually weakened the norm.

**UN sanctions contribution:** 0/5, Non-implementation of the arms embargo weakened the signal (in addition to UN withdrawal and later inaction).

## Unintended consequences

Increase in corruption and criminality, resource diversion, decline in the credibility and/or legitimacy of UN Security Council.

## UN resolutions

Date	Resolution	Description
23.01.1992	UNSCR 733	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes arms imports embargo to Somalia</li> </ul>
24.04.1992	UNSCR 751	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes Sanctions Committee and specifies its mandate</li> </ul>
03.12.1992	UNSCR 794	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Requests MS concerned reporting</li> </ul>
19.06.2001	UNSCR 1356	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 733 arms imports embargo exemptions for protective clothing for personal use of UN, media, humanitarian and development workers and associated personnel and Committee approved non-lethal military</li> </ul>



		equipment for humanitarian or protective use
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## Episode 2 (3 May 2002 – 20 November 2008)

### Summary

Following six and a half years of inaction, the UNSC became re-engaged with Somalia in 2002, with the passage of two resolutions that created a Somalia Panel of Experts for the first time (UNSCR 1407, 3 May 2002 and UNSCR 1425, 22 July 2002). There was a growing concern during this episode that highly fragmented states like Somalia could become havens for a variety of different transnational threats, not only within the region, but also including international terrorism. The Intergovernmental Authority on Development (or IGAD) composed of Ethiopia, Eritrea, Uganda, Sudan, Djibouti, Kenya and Somalia played an important role in the creation of the Transitional National Government in 2000 and sponsored the Eldoret Declaration, signed in Kenya in October 2002, which provided the basis for a larger political settlement and specifically referenced concerns about terrorism (in Article 5).

The Transitional National Government, established in 2000 was replaced by the Transitional Federal Government (TFG) in 2004, which was increasingly supported as the official government of Somalia by the international community via the UN. The conflict had morphed from one of civil war amongst clan-based factions in the 1990s to growing challenges to the Transitional Federal Government (TFG) from the United Islamic Courts (UIC) starting in 2004. UIC was militarily defeated in 2006 when Ethiopia (with strong US backing) invaded the country. UNSCR 1744 (20 February 2007) authorized the creation of an AU peacekeeping force (AMISOM) to stabilize Somalia after the departure of Ethiopian troops. The conflict in Somalia increasingly became a proxy war between the TFG (backed by Ethiopia, among others) and the UIC (backed by Eritrea, among others).

### Purposes

Coerce challengers to the TFG (especially the UIC) to cease hostilities and accept a ceasefire; constrain all parties to the conflict from engaging in hostilities; and signal disapproval of the interference of neighboring states in the conflict.

### Sanction type

Ongoing arms imports embargo on all parties to the conflict.

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, The UIC was not coerced by sanctions, but defeated militarily.

**UN sanctions contribution:** 1/5, Although the UNSC had re-engaged with Somalia, the Ethiopian invasion was the single most important factor.

#### **Constraint (Ineffective)**

**Policy outcome:** 1/5, No reduction in the level of arms in the conflict during the episode, but evidence that the flow of weapons into Somalia increased during the episode.

**UN sanctions contribution:** 1/5, The proxy war increased the flow of arms into the region, AMISOM given no authorization to enforce the arms embargo.

### **Signaling (Ineffective)**

**Policy outcome:** 1/5, Degree of external interference increased during the episode; Somalia was invaded by one neighbor, and proxy war broke out within the region.

**UN sanctions contribution:** 1/5, Re-engagement of the UNSC initially supported the signal, but sanctions remained essentially unchanged; other measures (US backing for Ethiopia) and the lack of UNSC response following the invasion weakened the signal.

### **Unintended consequences**

Increase in corruption and criminality, resource diversion, decline in the credibility and/or legitimacy of UN Security Council.

### **UN resolutions**

Date	Resolution	Description
03.05.2002	UNSCR 1407	<u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Panel of Experts (30 days) and specifies its mandate</li><li>Requests MS reporting</li></ul>
22.07.2002	UNSCR 1425	<u>Substantive:</u> <ul style="list-style-type: none"><li>Specifies UNSCR 733 arms imports embargo prohibits also related financing</li><li>Adds provision of technical advice, financial assistance, military training and related activities to UNSCR 733 arms imports embargo</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Panel of Experts (6 months) and specifies its mandate</li><li>Calls for MS reporting</li></ul>
08.04.2003	UNSCR 1474	<u>Procedural:</u> <ul style="list-style-type: none"><li>Re-establishes Panel of Experts (6 months) and specifies its mandate</li><li>Decides to send Committee Mission to Somalia</li><li>Calls for MS reporting</li></ul>
16.12.2003	UNSCR 1519	<u>Procedural:</u> <ul style="list-style-type: none"><li>Establishes Monitoring Group (6 months) and specifies its mandate</li><li>Calls for neighboring MS reporting</li></ul>
17.08.2004	UNSCR 1558	<u>Procedural:</u> <ul style="list-style-type: none"><li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li></ul>
15.03.2005	UNSCR 1587	<u>Procedural:</u> <ul style="list-style-type: none"><li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li></ul>
14.10.2005	UNSCR 1630	<u>Procedural:</u> <ul style="list-style-type: none"><li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li></ul>
10.05.2006	UNSCR 1676	<u>Procedural:</u> <ul style="list-style-type: none"><li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li></ul>
29.11.2006	UNSCR 1724	<u>Procedural:</u> <ul style="list-style-type: none"><li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li></ul>

06.12.2006	UNSCR 1725	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 733 and 1425 arms imports embargo exemption for IGASOM</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Authorizes IGAD and AU protection and training mission in Somalia (IGASOM) and specifies its mandate (6 months)</li> </ul>
20.02.2007	UNSCR 1744	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Adds UNSCR 733 and 1425 arms imports embargo exemption for AMISOM and developing security sector institutions (absence of negative Committee decision)</li> <li>Terminates UNSCR 1725 IGASOM provisions (replaced with AMISOM)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Authorizes AU mission in Somalia (AMISOM) and specifies its mandate (6 months)</li> <li>Requires Committee notification by MS providing support or assistance developing security sector institutions</li> <li>Sends Technical Assessment Mission to AU and Somalia to report on possibility of UN PKO</li> </ul>
23.07.2007	UNSCR 1766	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li> </ul>
20.08.2007	UNSCR 1772	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Calls upon MS to exercise vigilance regarding Somali Piracy</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends AMISOM (6 months) and specifies its mandate</li> <li>Requests Secretary-General to continue planning possible UN PKO deployment replacing AMISOM</li> </ul>
20.02.2008	UNSCR 1801	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Calls upon MS to exercise vigilance regarding Somali Piracy</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends AMISOM mandate (6 months)</li> </ul>
29.04.2008	UNSCR 1811	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Monitoring Group (6 months) and specifies its mandate</li> </ul>
15.05.2008	UNSCR 1814	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Welcomes United Nations Political Office for Somalia (UNPOS) relocation from Nairobi to Somalia</li> <li>Requests Secretary-General to continue planning possible deployment of UN PKO in Somalia, taking over from AMISOM</li> </ul>
02.06.2008	UNSCR 1816	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Authorizes MS entry into and use of all necessary means within Somali territorial waters for the purpose of repressing acts of piracy and armed robbery at sea, provided Transitional Federal Government of Somalia (TFG) notification (6 months)</li> <li>Specifies that this authorization (given with TFG consent) applies only with respect to situation in Somalia and shall not be establishing customary international law</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Requests reporting by MS acting under this authorization</li> </ul>
07.10.2008	UNSCR 1838	<u>Substantive:</u>

		<ul style="list-style-type: none"> <li>• Condemns all acts of piracy</li> <li>• Calls for MS to fight piracy and urges their cooperation on the matter</li> </ul>
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### Episode 3 (20 November 2008 – 23 December 2009)

#### Summary

Following the signing of the Djibouti Agreement on 19 August 2008 (mediated by the SRSG for Somalia), the UNSC passed UNSCR 1844 (20 November 2008) to apply targeted sanctions against individuals who might undermine the terms of the peace agreement, violate the arms embargo, and obstruct the delivery of humanitarian assistance. No designations were made until 12 April 2010. Al Shabaab, an Islamist offshoot of the UIC that had splintered in 2006 following the Ethiopian invasion of the country, has engaged in armed opposition to the TFG, to Ethiopian forces, and to AMISON since 2006. (The organization and a number of its leading members have been subject to individual targeted sanctions since April 2010. Al Shabaab was accused of linkages to al Qaida and officially affiliated itself with al-Qaida in February 2012.) See Episodes 4 and 5 for more details.

Growing concern for the linkages between piracy and instability in Somalia (including the role piracy may play in financing arms embargo violations), as well as the threat of piracy to the delivery of humanitarian aid to Somalia, led the Council to authorize states and regional groups cooperating with TFG to use all necessary means to repress acts of piracy and armed robbery within the territorial waters of Somalia (UNSCR 1846, December 2008). Exemptions to the arms embargo were authorized for anti-piracy efforts, but no sanctions for piracy were agreed to by the UN (due to concern for the criminalization of ransom payments).

#### Purposes

Constrain forces challenging the TFG (and the 2008 Djibouti Peace Agreement) or violating the arms embargo, and signal support for the peace process.

#### Sanction type

Ongoing arms imports embargo on all parties to the conflict extended (including provision, transfer, manufacture, maintenance, and related financial assistance, including investment, brokering or other financial services). Newly imposed travel ban and asset freeze to listed individuals/entities (including rebel factions).

#### Effectiveness

##### Coercion (N/A)

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

##### Constraint (Ineffective)

**Policy outcome:** 1/5, No one was designated during this episode; arms continued to be freely available in the country.

**UN sanctions contribution:** 1/5, Since there were no designations during the episode, their contribution to constraint was not discernible.

##### Signaling (Ineffective)

**Policy outcome:** 2/5, The lack of focus in articulation of purposes in the UNSCRs during the episode – challengers to the Djibouti Agreement, al Shabaab, piracy, support for the transitional government, condemnation of external intervention – combined with the absence of designations, contributed to a poorly articulated signal.

**UN sanctions contribution:** 4/5, Poor design of the sanctions (and the absence of designations) rendered their effectiveness in signaling highly limited.

### Unintended consequences

Increase in corruption and criminality, strengthening instruments of the security apparatus of senders, resource diversion, humanitarian consequences, decline in the credibility and/or legitimacy of UN Security Council.

### UN resolutions

Date	Resolution	Description
20.11.2008	UNSCR 1844	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes travel ban and specifies humanitarian, religious, peace, national reconciliation, and regional stability exemptions (pending Committee approval)</li> <li>Imposes financial asset freeze and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> <li>Delineates designation criteria</li> <li>Expands UNSCR 733 and 1425 arms imports embargo to include provision of arms, military equipment, their transfer, manufacture, and maintenance, as well as technical assistance or training, financial and other military-related assistance, including investment, brokering or other financial services to those designated</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Specifies criteria for optional additions of account payments and interests</li> <li>Modifies Sanctions Committee mandate</li> <li>Modifies Monitoring Group mandate</li> <li>Specifies listing procedure (MS provision of detailed statement of case and identification of publicly releasable parts, their publication on Committee website, Secretariat notification within 1 week of relevant MS and Permanent Missions)</li> <li>Specifies de-listing procedure (UNSCR 1730 focal point, Secretariat notification within 1 week of relevant MS and Permanent Missions)</li> <li>Sets sanctions review (1 year)</li> <li>Requests MS reporting</li> </ul>
02.12.2008	UNSCR 1846	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Authorizes MS and regional organizations entry into and use of all necessary means within Somali territorial waters for the purpose of repressing acts of piracy and armed robbery at sea, provided TFG notification (1 year)</li> <li>Adds UNSCR 733 and 1425 arms imports embargo exemption for technical assistance to Somalia for the purpose of enhancing coastal and maritime security (pending Committee</li> </ul>

		approval) <u>Procedural:</u> <ul style="list-style-type: none"> <li>Requests MS and regional organizations cooperating with TFG reporting</li> </ul>
16.12.2008	<b>UNSCR 1851</b>	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Encourages establishment of international cooperation mechanism for combating piracy and armed robbery at sea</li> <li>Authorizes MS and regional organizations to undertake all necessary measures in Somalia (including operations on land) for suppressing acts of piracy and armed robbery at sea (1 year)</li> <li>Adds UNSCR 733 and 1425 arms imports embargo exemption for weapons and military equipment for use by MS and international organizations acting under this authorization</li> </ul>
19.12.2008	UNSCR 1853	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Re-establishes Monitoring group (1 year) and specifies its mandate</li> </ul>
16.01.2009	UNSCR 1863	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Expresses intent to establish UN Peacekeeping Operation in Somalia as follow-up to AMISOM (by 01.06.2009) and specifies its mandate</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends AMISOM mandate (6 months)</li> </ul>
26.05.2009	UNSCR 1872	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Requests Secretary-General to expedite the proposed deployment of elements of UNPOS and other UN offices and agencies to Mogadishu</li> <li>Affirms UNSCR 733 and 1425 arms imports embargo exemption for supplies and technical assistance to TFG for developing its security sector institutions (prior Committee notification required)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends AMISOM mandate (until 31.01.2010)</li> <li>Requests AU reporting (equipment and services)</li> </ul>
30.11.2009	UNSCR 1897	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1846 and 1851 authorization to use all means necessary and enter into Somali territorial waters for the purpose of repressing acts of piracy and armed robbery at sea (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Requests MS and regional organizations cooperating with TFG reporting</li> </ul>

## Episode 4 (23 December 2009 – 22 February 2012)

### Summary

Eritrea's support of armed opposition groups (both the UIC during EP2 and its al Shabaab splinter group in EP3), combined with Eritrea's official rejection of the Djibouti Agreement, led to the imposition of secondary sanctions (an arms embargo) on Eritrea in UNSCR 1907 (23 December 2009) and the assumption of the responsibility for their monitoring by the Somalia Committee and its Panel of Experts. UNSCR 2023 (5

December 2011), imposed sanctions on the collection Eritrean diaspora tax, and suggested that States exercise vigilance with regard to the use of proceeds from the mining sector of Eritrea.

### Purposes

Coerce Eritrea to support the Djibouti Peace Process and cease interference in the affairs of neighboring states; constrain al Shabaab from being able to challenge the TFG (and the 2008 Djibouti Peace Agreement); and signal disapproval of Eritrean support of al Shabaab.

### Sanction type

Ongoing arms imports embargo on all parties, travel ban, and individual/entity asset freeze. Newly imposed secondary sanctions on Eritrea – arms imports (all parties) and exports embargo, travel ban, individual and government asset freeze, and a ban on the collection of diaspora tax.

### Effectiveness

#### **Coercion (Effective)**

**Policy outcome:** 4/5, The monitoring Group reported that Eritrea has responded to international pressure to curb its involvement in Somalia and found no evidence of direct support to al Shabaab from Eritrea between July 2011 and the end of the episode; but Eritrea continued to violate UNSCRs by deploying troops in part of the country.

**UN sanctions contribution:** 3/5, There is evidence that a portion of the Eritrean air force was grounded due to the sanctions, but there was also strong diplomatic pressure from IGAD; Eritrea fall-out with a faction of the leadership of al Shabaab.

#### **Constraint (Ineffective)**

**Policy outcome:** 1/5, Arms continued to be available in the region and al Shabaab gained both territory and popular support in the territory it controlled in Somalia during the first half of the episode (even after individual designations were made in 2010).

**UN sanctions contribution:** 2/5, Territorial gains early in the episode enabled al Shabaab to find alternative financial sources of support, particularly from charcoal exports; AMISOM was present but given no authorization to enforce the arms embargo; but military reversals from the October 2011 Kenyan invasion were significant toward the end of the episode.

#### **Signaling (Effective)**

**Policy outcome:** 4/5, Secondary sanctions are unusual and sent a strong signal; Eritrea denied that it was interfering in the conflict, but it was widely recognized as heavily involved in the conflict.

**UN sanctions contribution:** 4/5, Secondary sanctions sent a strong stigmatizing signal, and the UNSCR was unusually explicit in its condemnation of Eritrea's role; there was also diplomatic pressure on Eritrea from IGAD.

### Unintended consequences

Strengthening security apparatus of sending states, increase in international enforcement capability, resource diversion, humanitarian consequences, decline in credibility/legitimacy of the UN Security Council.



## UN resolutions

Date	Resolution	Description
23.12.2009	UNSCR 1907	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Imposes secondary sanctions on Eritrea – arms imports and exports embargo</li> <li>• Authorizes MS to seize and dispose of items prohibited under arms embargo on Eritrea upon discovery</li> <li>• Imposes travel ban and specifies humanitarian, religious, peace and stability in the region exemptions</li> <li>• Imposes arms imports embargo on designated individuals and entities, including related investment, brokering or other financial services</li> <li>• Imposes financial asset freeze and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> <li>• Delineates criteria for designations (including Eritrean political and military leadership)</li> <li>• Calls for MS inspection of all cargo to and from Somalia and Eritrea, if reasonable grounds for sanctions violation</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requires MS reporting following discovery of any items prohibited under arms embargo on Eritrea</li> <li>• Modifies Sanctions Committee mandate</li> <li>• Calls for MS reporting</li> </ul>
19.03.2010	UNSCR 1916	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Adds UNSCR 733 and 1425 arms imports embargo exemptions for supplies and technical assistance by international, regional and subregional organizations (absence of negative Committee decision)</li> <li>• Adds UNSCR 1844 financial asset freeze exemption for payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by UN, its agencies and programs, and UN General Assembly observer status humanitarian organizations (1 year)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Re-establishes Monitoring Group (1 year) and specifies its mandate</li> </ul>
23.11.2010	UNSCR 1950	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 1846, 1851 and 1897 authorization to MS and regional organizations cooperating with TFG in the fight against piracy and armed robbery at sea (1 year)</li> <li>• Calls upon MS to criminalize piracy under their domestic law</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requests reporting by MS and regional organizations acting under this authorization</li> </ul>
22.12.2010	UNSCR 1964	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Sets out objectives for Somalia</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends AMISOM mandate (until 30.09.2011) and requests increase in its troop level</li> </ul>

17.03.2011	UNSCR 1972	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Extends UNSCR 1916 exemption from UNSCR 1844 financial asset freeze for funds necessary for humanitarian assistance (16 months)</li> </ul>
29.07.2011	UNSCR 2002	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Specifies that UNSCR 1844 travel ban applies to designated individuals and financial asset freeze and arms embargo to designated individuals and entities</li> <li>• Delineates designation criteria</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Modifies Sanctions Committee mandate</li> <li>• Re-establishes Monitoring Group (1 year) and specifies its mandate</li> <li>• Specifies listing procedure</li> <li>• Specifies delisting procedure</li> <li>• Sets sanctions review (1 year)</li> <li>• Requires MS reporting</li> </ul>
22.11.2011	UNSCR 2020	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Renews UNSCR 1846, 1851, 1897 and 1950 authorization to MS and regional organizations cooperating with TFG in the fight against piracy and armed robbery at sea (1 year)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Requests reporting by MS and regional organizations acting under this authorization</li> </ul>
05.12.2011	UNSCR 2023	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Imposes prohibition on Eritrea's practice of "diaspora tax"</li> <li>• Decides MS shall exercise vigilance over mining in Eritrea and urges them to introduce due diligence guidelines to prevent provision of financial services, assets, or resources, including in the extractives sector, if it contribute to sanctions violation</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Modifies Monitoring Group mandate</li> <li>• Calls for MS reporting</li> </ul>

## Episode 5 (22 February 2012 – present)

### Summary

Following a Kenyan military intervention that began in October 2011, the Security Council expanded AMISON's mandate and authorized an expansion of its forces from 12K to 17K (to incorporate Kenyan forces) on 22 February 2012 (in UNSCR 2036). Noting that charcoal exports from Somalia constituted a significant revenue source for al Shabaab, the Council imposed a ban on the export of all charcoal from the country.

Over the course of 2012, al Shabaab lost a significant amount of territory under its control, including Kismayo, the second largest port in the country (which fell in October 2012). An eight-year political transitional period came to an end in August 2012, when the Parliament was sworn in and a new Prime Minister was appointed. MPs in Mogadishu elected academic and civic activist Hassan Sheikh Mohamud president in September, in the first such vote on Somali soil since 1967. In a further review of the situation (including the mandate of the AU force) in October, the Council was divided

over whether to relax the ban on arms imports for Somali government forces (as requested by the AU) and to lift the charcoal ban (as requested by Kenya). The PKO mandate was subsequently extended by a year in November (in UNSCR 2073), as was the UNSCR 1846 mandate on piracy (in UNSCR 2077). Both the arms embargo and charcoal ban remained in place at the end of 2012.

The Council renewed the mandate of AMISOM for another year in UNSCR 2093 (6 March 2013) and at the same time agreed to a partial lifting of the arms embargo (its longest standing arms embargo) on arms and materiel to forces of the Somali government, for an initial period of one year. However, heavier weaponry (MANPADS, high caliber guns and mortars, etc.) remained on the prohibited list. The charcoal ban remained in place, but was placed under review.

The general transition from a focus on conflict resolution to peacebuilding continued throughout the year, as the Council established in May a UN Assistance Mission for Somalia (UNSOM) to assist the government with governance issues, security sector reform (SSR), and coordination of donor assistance. UNSCR 2111 (24 July 2013) clarified amendments to the arms embargo, maintaining the secondary sanctions on Eritrea and the ban on exports of charcoal from the country. Humanitarian relief organizations expressed concerns about the strictures of the counter terrorism regime that prevented them from contact and negotiation for access to areas of the country under the control of al-Shabaab. Following al-Shabaab's dramatic attack in Nairobi, the Council authorized an increase in the size of AMISOM from 17K to 22K and while the decline in the incidence of acts of piracy off the coast of Somalia continued in 2013, anti-piracy measures were reauthorized in November 2013.

### **Purposes**

Constrain al Shabaab from challenging the transition process (the 2008 Djibouti Peace Agreement and the Roadmap) and signal support for a peaceful resolution to the conflict, and subsidiary concerns such as the transitional government and process, good governance, retrospective justification of Kenya's intervention, anti-terrorism, anti-piracy, condemning violence against women and children, among others.

### **Sanction type**

Ongoing arms imports embargo (from March 2013 on non-governmental entities), travel ban, and individual/entity asset freeze. Newly imposed charcoal exports ban on Somalia. Ongoing secondary sanctions on Eritrea – arms imports and exports embargo, travel ban, individual and government asset freeze, and a ban on the collection of diaspora tax.

### **Effectiveness (as of January 2014)**

#### **Coercion (N/A)**

**Policy outcome:** N/A.

**UN Sanctions Contribution:** N/A.

#### **Constraint (Ineffective)**

**Policy outcome:** 2/5, The Monitoring Group argues that although al Shabaab has suffered conventional military setbacks since 2012, its military strength remained “arguably intact” in terms of operational readiness in 2013. There is limited evidence of impact of the charcoal ban, and the Monitoring Group reported flagrant violation of the

ban on exports by Kenyan forces and their local allies, particularly operating out of Kismayo. Although the Monitoring Group reported improvement in implementation of the revised arms embargo by Member States, arms continue to be freely available in the country, and at least early in the current episode, one of the major sources was from diversion of weapons from regular Somali transitional government forces.

**UN sanctions contribution:** 2/5, Military intervention by Kenya appears to have been the most significant source of setback to al Shabaab forces.

### **Signaling (Ineffective)**

**Policy outcome:** 2/5, There continue to be diffuse purposes contained in UNSCRs (five in 2013 alone) – al Shabaab, piracy, support to transitional government, condemnation of external intervention, secondary sanctions on Eritrea, humanitarian relief operations, human rights violations, treatment of women and children.

**UN sanctions contribution:** 3/5, Diplomatic pressure on Eritrea from IGAD; UN SRSG negotiated peace settlement.

### **Unintended consequences**

Strengthening security apparatus of sending states, increase in international enforcement capability, resource diversion, humanitarian consequences, decline in credibility/legitimacy of the UN Security Council.

### **UN resolutions**

Date	Resolution	Description
22.02.2012	UNSCR 2036	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Imposes charcoal exports ban from Somalia</li> <li>Sets out objectives for Somalia</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Modifies Sanctions Committee and Monitoring Group mandates</li> <li>Modifies AMISOM mandate, expands its logistical support package and requests increase in its troop level</li> <li>Requests AU reporting</li> <li>Requires MS reporting</li> </ul>
25.07.2012	UNSCR 2060	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Extends UNSCR 1916 exemption from UNSCR 1844 financial asset freeze for funds necessary for humanitarian assistance (1 year)</li> <li>Adds UNSCR 733 and 1425 arms imports embargo exemption for UNPOS (pending Committee approval)</li> <li>Adds UNSCR 1907 arms imports embargo on Eritrea exemption for protective clothing imported by UN, media, humanitarian and development workers, and associated personnel for their personal use, as well as non-lethal military equipment intended solely for humanitarian or protective use (pending Committee approval)</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends and modifies Monitoring Group mandate (13 months)</li> </ul>
21.11.2012	UNSCR 2077	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Renews UNSCR 1846, 1851, 1897, 1950 and 2020 authorization to MS and regional organizations cooperating with Somali authorities in the fight against piracy and armed</li> </ul>

		<p>robbery at sea (1 year)</p> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requests reporting by MS and regional organizations acting under this authorization</li> </ul>
06.03.2013	UNSCR 2093	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Adds UNSCR 733 and 1425 arms imports embargo exemption for AMISOM's strategic partners and UN personnel, including UNPOS and its successor</li> <li>• Adds UNSCR 733 and 1425 arms imports embargo exemption for development of Federal Government of Somalia Security Forces, including advice, assistance, or training, except for items listed in Annex (1 year) and specifies that any such weapons or equipment need to be reported in detail and that they cannot be resold, transferred or made available for other purposes</li> <li>• Delineates designation criteria</li> <li>• States that UNPOS has fulfilled its mandate and should be replaced as soon as possible and that conditions in Somalia are not yet appropriate for deployment of UN PKO</li> <li>• Requests the Secretary-General to conduct Technical Assessment Mission on implementation of new UN mission</li> <li>• Sets objectives for Somalia</li> <li>• Calls for MS vigilance with regards to items not subject to UNSCR 733 and 1425 arms imports embargo</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Extends and modifies AMISOM mandate (until 28.02.2014) and continues provision of its logistical support package</li> <li>• Decides UNSOA to be integrated into new UN mission</li> <li>• Sets sanctions review (1 year)</li> <li>• Requests Somalia, AU and AMISOM reporting</li> </ul>
24.07.2013	UNSCR 2111	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Decides that supply of items listed in Annex require prior Committee approval (specific weapon categories)</li> <li>• Specifies UNSCR 733 and 1425 arms imports embargo to Somalia exemptions for UNSOM; AMISOM; AMISOM's strategic partners; EU Training Mission in Somalia; MS and organizations fighting against piracy; personal use UN, media, humanitarian and development workers, and associated personnel protective clothing; (pending prior Committee notification) non-lethal military equipment for humanitarian and protective use; and (absence of negative Committee decision) weapons, equipment, assistance and training to help develop Somali security sector institutions</li> <li>• Specifies UNSCR 1907 arms imports embargo on Eritrea exemptions for personal use UN, media, humanitarian and development workers, and associated personnel protective clothing, and (pending Committee approval) non-lethal military equipment intended solely for humanitarian and protective use</li> <li>• Extends UNSCR 1916 exemption from UNSCR 1844 financial asset freeze for funds necessary for humanitarian assistance (until 25.10.2014)</li> </ul> <p><u>Procedural:</u></p>

		<ul style="list-style-type: none"> <li>• Extends Somalia and Eritrea Monitoring Group mandate (until 25.11.2014)</li> <li>• Specifies Federal Government of Somalia reporting requirements</li> <li>• Requests AMISOM support in UNSCR 2036 charcoal ban implementation</li> </ul>
18.11.2013	UNSCR 2125	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Renews UNSCR 1846, 1851, 1897, 1950, 2020 and 2077 authorization to MS and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea (1 year)</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Requests reporting by MS and regional organizations acting under this authorization</li> </ul>
05.03.2014	UNSCR 2142	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>• Extends UNSCR 2093 exemption from UNSCR 733 and 1425 arms imports embargo for development of Federal Government of Somalia Security Forces (until 25.10.2014) and related reporting requirements</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>• Specifies reporting requirements for Federal Government of Somalia</li> </ul>

# Sudan I (1996 – 2001)

## Overview

**Status:** Concluded

**Duration:** 26 April 1996 – 28 September 2001 (5 years 5 months)

**Objective:** Counter-terrorism, support judicial process

**Sanction types:** Diplomatic (limit travel and number of diplomatic personnel), Sectoral (aviation ban)

**Non-UN sanctions:** Regional (EU), Unilateral (US)

**Other policy instruments:** Diplomacy, legal tribunals

## Background

On 26 June 1995, there was an unsuccessful assassination attempt on Hosni Mubarak while he attended an OAU summit in Addis Ababa. Sudan refused to turn over suspected attackers to Ethiopia, prompting a condemnation and demand of extradition by the Security Council in UNSCR 1044 (31 January 1996).

## Episode 1 (26 April 1996 – 16 August 1996)

### Summary

Ethiopia initially tried to persuade Sudan to turn over the suspects through bilateral negotiations, but turned to the OAU after Sudan denied any official involvement. After OAU overtures were also resisted, Ethiopia took the matter to the UN Security Council. Egypt, a newly elected non-permanent member of the Council, pursued the matter actively after it joined the Council in 1996. Following Sudan's refusal to cooperate with investigations or turn over suspects to Ethiopia, diplomatic and travel sanctions were imposed in UNSCR 1054 (26 April 1996).

### Purposes

Coerce government of Sudan to hand over three suspects in the attempted assassination (it is unclear that all of the suspects were in the Sudan, but there is evidence that they entered Ethiopia from the Sudan) and signal norms against state-sponsored terrorism.

### Sanction type

Diplomatic sanctions (reduce the number and level of staff at Sudanese diplomatic missions and control the movement of those remaining, travel restrictions on Sudanese government officials and armed forces).

### Effectiveness

#### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Sudan apparently made some efforts to locate suspects and to investigate immigration records in response to OAU investigation prior to the imposition of UNSCR 1044 (January 1996), but did not cooperate thereafter (indicating that it could not fulfill an impossible request), hence UNSCR 1054 (April 1996) imposing diplomatic sanctions; suspects never handed over and some evidence that one fled with Bin Laden to Afghanistan in May 1996.

**UN sanctions contribution:** 2/5, OAU mediation efforts appear to have been more significant; diplomatic sanctions were largely a nuisance for Sudan.



### **Constraint (N/A)**

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, Norms against state-sponsored terrorism and in support of initiatives taken by regional organizations articulated, but only modest stigmatization (due to Egyptian toning down of sanctions content of UNSCR 1054, which was criticized by the US).

**UN sanctions contribution:** 3/5, UNSCRs were not the only source of stigmatization, but the ongoing OAU efforts.

### **Unintended consequences**

No unintended consequences found.

### **UN resolutions**

Date	Resolution	Description
26.04.1996	UNSCR 1054	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes reduction of number and level of staff at Sudanese diplomatic missions and consular posts and restriction or control of movement of those who remain</li><li>• Imposes travel restrictions on members of Government of Sudan, Government officials, and members of Sudanese armed forces</li><li>• Calls upon all international and regional organizations not to convene any conference in Sudan</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>• Delays sanctions imposition (until 10.05.1996)</li><li>• Sets sanctions review (60 days after imposition)</li><li>• Requests MS reporting</li></ul>

## **Episode 2 (16 August 1996 – 28 September 2001)**

### **Summary**

Aviation sanctions were authorized (e.g. more than threatened) in UNSCR 1070 (16 August 1996), but given a 90-day delay in implementation. Before the period was up, the SG's Special Envoy issued a report on 14 November 1996, indicating that aviation sanctions would hurt the civilian population. The Council delayed the decision to choose a date of imposition of the aviation embargo for a month and then never revisited the issue until UNSCR 1372 (28 September 2001), which terminated the sanctions (following Sudan's commitment to assist the US after 11 September 2001).

### **Purposes**

Coerce government of Sudan to hand over suspects in Mubarak assassination attempt and signal support for the norm against state-sponsored terrorism. The US had concerns about Sudan's harboring of suspected terrorists, including Usama Bin Laden, who left the Sudan 19 May 1996.

## Sanction type

Ongoing diplomatic sanctions (limit travel and number of diplomatic personnel). Newly authorized aviation ban (never went into effect).

## Effectiveness

### **Coercion (Ineffective)**

**Policy outcome:** 1/5, Suspects were never handed over (Sudan possibly assisted the flight of one of them before the authorization of the aviation ban), but it is unclear whether the suspects remained in Sudan; there was no evident increase in state sponsorship of terrorism; indeed, some evidence that Sudan was reducing its involvement in state-sponsored terrorism during this period.

**UN sanctions contribution:** 2/5, OAU and bilateral negotiations also continued during the episode; US unilateral measures against harboring of bin Laden (who left in May 1996) and its cruise missile attacks on pharmaceutical complex in August 1998 also probably played an important role.

### **Constraint (N/A)**

**Policy outcome:** N/A.

**UN sanctions contribution:** N/A.

### **Signaling (Ineffective)**

**Policy outcome:** 2/5, Authorizing and then not imposing a sanction is not a strong signal; reduction in evidence of stigmatization by OAU and non-aligned members of the UNSC over the course of the episode.

**UN sanctions contribution:** 2/5, The key instrument of signaling (a potential aviation ban) was never imposed. Lack of follow-up on what triggered the initial concern (the assassination attempt) suggests that growing apathy (or possibly a view that this was a largely bilateral or regional matter) explained the weakness of the signal.

## Unintended consequences

No unintended consequences found.

## UN resolutions

Date	Resolution	Description
16.08.1996	UNSCR 1070	<u>Substantive:</u> <ul style="list-style-type: none"><li>Imposes aviation ban on aircrafts registered in Sudan or owned, leased, or operated by or on behalf of Sudan Airways, Government or public authorities of Sudan</li></ul> <u>Procedural:</u> <ul style="list-style-type: none"><li>Delays sanctions imposition (date of entry into force to be determined in 90 days)</li></ul>
14.11.1996	SG Report 940	<u>Procedural:</u> <ul style="list-style-type: none"><li>Notes likely negative humanitarian effects of UNSCR 1070 proposed aviation ban</li></ul>
28.09.2001	UNSCR 1372	<u>Substantive:</u> <ul style="list-style-type: none"><li>Terminates UNSCR 1054 diplomatic sanctions and UNSCR 1070 aviation ban (which was never in place)</li></ul>

## Sudan II (2004 – present)

### Overview

**Status:** Ongoing

**Duration:** 30 July 2004 – present (9 years +)

**Objective:** Cease hostilities, negotiate settlement, peace enforcement, human rights

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo)  
- Territorially delimited (areas of Darfur)

**Non-UN sanctions:** Regional (EU), Unilateral (US)

**Other policy instruments:** Diplomacy, legal tribunals, peacekeeping operations

### Background

Following 15 years of low level conflict in Sudan's western region of Darfur, violence erupted in 2003 when the Sudan Liberation Movement/Army (SLM/A) and Justice and Equality Movement (JEM) engaged in military conflict with the Government of Sudan and its supported Janjaweed militia, accusing them of systematically oppressing non-Arab Sudanese.

### Episode 1 (30 July 2004 – 29 March 2005)

#### Summary

Following an increase in violence in 2003 and 2004 in the Darfur Region of the western Sudan, an arms embargo was imposed on non-state actors (SLMA, JEM, Janjaweed militias, etc.) operating in the region (UNSCR 1556, 30 July 2004). UNSCR 1564 (18 September 2004) demanded all parties to cease hostilities, urged the parties to conclude a comprehensive peace agreement, and explicitly threatened petroleum sector and individual sanctions. On 9 November 2004, the Abuja Humanitarian and Security Protocols were signed (assuring access and protecting humanitarian relief workers in the western Sudan).

Also during this episode, on 9 January 2005, a Comprehensive Peace Agreement was signed between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLMA) in Nairobi, relating to the North/South conflict within the Sudan.

#### Purposes

Coerce the government to disarm the Janjaweed militia; constrain the parties to the conflict (excepting the Government of Sudan); and send a signal the government about its complicity in gross violations of human rights under its domain.

#### Sanction type

Arms imports embargo on non-governmental entities (territorially confined to the states of North, South, and West Darfur).

#### Effectiveness

##### **Coercion (Ineffective)**

**Policy outcome:** 2/5, The Government of Sudan outlined steps to disarm the Janjaweed (June 2004), but did not carry them out during the episode.

**UN sanctions contribution:** 1/5, The agreement for disarmament took place before the sanctions were imposed.

### **Constraint (Ineffective)**

**Policy outcome:** 1/5, No discernible constraints observed (particularly on the Janjaweed militias), and local production of arms increased.

**UN sanctions contribution:** 0/5, Janjaweed militias were strengthened by being incorporated into the police, and therefore legitimated by being brought into the state (which is not a targeted party).

### **Signaling (Ineffective)**

**Policy outcome:** 2/5, The norm was poorly articulated (due to the complexity of the negotiations underway in the southern Sudan, the North/South conflict, and to clear divisions on UNSC), but there is some evidence of stigmatization of the GoS.

**UN sanctions contribution:** 2/5, Other measures (negotiations, ongoing diplomacy, and intensifying NGO pressure) appear to have been more significant than sanctions.

### **Unintended consequences**

Strengthening of political factions, resource diversion, decline in the credibility and/or legitimacy of UN Security Council.

### **UN resolutions**

Date	Resolution	Description
30.07.2004	UNSCR 1556	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes arms imports embargo on non-governmental entities and individuals operating in the states of North, South and West Darfur, including provision of technical training and assistance related to provision, manufacture, maintenance or use of such items</li> <li>Specifies exemptions for verification and peace support operations authorized by the UN or operating with consent of relevant parties; non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use; and protective clothing for personal use of UN personnel, human rights monitors, media, humanitarian and development workers, and associated personnel</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends UNSCR 1547 special political mission (90 days)</li> </ul>
18.09.2004	UNSCR 1564	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Requests Secretary-General to establish International Commission of Inquiry to investigate human rights and humanitarian law violations in Darfur</li> </ul>
24.03.2005	UNSCR 1590	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Authorizes UNMIS to take necessary action to protect UN personnel, facilities, installations, and equipment, ensuring security and freedom of movement of UN and evaluation commission personnel, humanitarian workers, civilians under imminent threat of physical violence</li> <li>Requests Secretary-General to take the necessary measures to achieve UNMIS compliance with UN zero-tolerance policy on sexual exploitation and abuse</li> </ul>

		<u>Procedural:</u> <ul style="list-style-type: none"> <li>Establishes UNMIS (6 months) and specifies its mandate</li> </ul>
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## Episode 2 (29 March 2005 – present)

### Summary

In response to an intensification of the conflict (on both sides) in late December 2004 and early January 2005 (including aerial bombing by Government of Sudan forces in December 2004), new sanctions were imposed in March 2005 (UNSCR 1591, 29 March 2005). The sanctions expanded the arms embargo to include the Government of Sudan, and authorized the application of individual sanctions (financial sanctions and travel ban) to those who impeded the peace process, constituted a threat, committed atrocities, violated measures, or engaged in offensive military over-flights. The resolution also created a Sanctions Committee and a Panel of Experts. The Government of Sudan was called upon to respect the existing ceasefire agreement (Ndamena 2004) and criticized for its failure to disarm the Janjaweed. Two days later, on 31 March 2005, UNSCR 1593 referred the situation in Darfur since 1 July 2002 to the Prosecutor of the ICC for an investigation.

No individuals were designated until a year later, with the passage of UNSCR 1672 (25 April 2006) in an unusual procedural move to name the individuals in the text of the resolution in a decision taken by the Council, not by one of its sanctions committees (the “Bolton move”). Four individuals (two on each side of the conflict) were designated.

The Darfur Peace Agreement (a comprehensive peace agreement among the Government of Sudan, SLM/A, and the JEM) was signed on 5 May 2006. In August, after the passage of UNSCR 1706 (31 August 2006), the Government of Sudan rejected proposals for the deployment of the UN peacekeeping force operating in the southern Sudan (UNMIS) to support the peace agreement in Darfur. In October, it expelled the top UN official (SRSG Jan Pronk) from the country. UNAMID (a joint UN/AU peacekeeping operation force composed of 19,550 military and 3,772 police personnel) was created in 2007 (UNSCR 1769, 31 July 2007) to implement the peace agreement and was given a mandate to enforce the arms embargo.

Also in 2007 (27 April), the ICC issued its first two indictments: the Sudanese Humanitarian Affairs Minister (Harun) and the Janjaweed militia leader (Kushayb). A year later (14 July 2008) the ICC indicted Sudanese President Bashir, and on 4 March 2009 issued an arrest warrant of the President. Bashir was the first sitting head of State to be indicted by the ICC. Four other Sudanese individuals have been summoned by, or appeared voluntarily, before the ICC.

The Government of Sudan signed the Doha supplemental peace agreement of 2011 (14 July 2011) with one rebel faction (the Liberty and Justice Movement, or LJM). The agreement was criticized for failing to include the SLM/A and JEM.

In January 2012, a rift within the Panel of Experts about the situation in Sudan emerged. The official report claimed that while “the overall situation in Darfur remains ambivalent and complex (...) there has been a clear and relatively positive changes compared to the

situation in the previous years.” An “unofficial” report by three former members of that Panel was published, indicating serious violations of the sanctions regime (particularly by Belarus, China, Russia and Ukraine) and that the situation in Darfur was worsening with incidents of ethnic cleansing, arms deliveries and aerial bombings.

As of January 2014 instability and conflict in Darfur continues, with armed attacks on UNAMID forces also taking place. The ICC, although frequently reporting to the Council, has expressed “a deep sense of frustration, even despair” that their briefings “had been followed by inaction and paralysis within the Council while the plight of victims of crimes committed in Darfur has gone from bad to worse” (S/PV.6974). In this period, there has been refusal by some member states (including signatories of the Rome Statute) to surrender Bashir to the court.

### Purposes

Coerce the Government of Sudan to reduce the violence in Darfur, stop sponsoring the Janjaweed, and reach and implement a negotiated settlement to the conflict in Darfur; constrain all parties to the conflict from engaging in violence against civilian populations; and signal support for human rights protection.

### Sanction type

Expanded ongoing arms imports embargo to include the Government of Sudan and any belligerents in the states of North, South, and West Darfur. Newly imposed travel ban and asset freeze (individual, from February 2012 also entity) to those who impede the peace process, constitute a threat, commit atrocities, violate measures, or engage in offensive military over-flights.

### Effectiveness (as of January 2014)

#### Coercion (Ineffective)

**Policy outcome:** 2/5, The Government of Sudan agreed to a process and signed the agreements in May 2006, and again in 2011; the terms of the agreements have not, however, been fulfilled (and the most recent agreement did not include two of the major parties to the conflict).

**UN sanctions contribution:** 2/5, Little evidence of significant sanctions contribution to the signing of the May 2006 or July 2011 agreements; AU and regional member state mediation and AMIS/UNAMID peace keeping missions have played major roles.

#### Constraint (Ineffective)

**Policy outcome:** 2/5, Evidence of slight decline in small arms imports, but constraints appear to have been easily managed by the target (Government of Sudan).

**UN sanctions contribution:** 2/5, Limited evidence of significant sanctions contribution; presence of AMIS/UNAMID peacekeeping missions with mandate for enforcement.

#### Signaling (Ineffective)

**Policy outcome:** 3/5, While the Government of Sudan is still under some stigmatization, al-Bashir is increasingly able to travel. In June 2012 an AU summit was moved from Malawi to Ethiopia to ensure his participation, following the Government of Malawi’s refusal to accept his attendance to the meeting in light of its obligations with the ICC.

**UN sanctions contribution:** 2/5, ICC actions have been more significant than the listing of only four individuals in 2006.



## Unintended consequences

Resource diversion, decline in the credibility and/or legitimacy of UN Security Council.

## UN resolutions

Date	Resolution	Description
29.03.2005	<b>UNSCR 1591</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Imposes travel ban and specifies humanitarian, religious, and peace and stability exemptions (pending Committee approval)</li> <li>Imposes financial asset freeze and specifies exemptions for necessary basic expenses, extraordinary expenses, and expenses subject of a judicial, administrative or arbitral lien or judgment (pending Committee approval)</li> <li>Expands UNSCR 1556 arms imports embargo to include also all the parties to N'djamena Ceasefire Agreement and any other belligerents in the states of North, South, and West Darfur</li> <li>Adds UNSCR 1556 arms imports embargo exemptions for assistance and supplies supporting implementation of Comprehensive Peace Agreement and Committee approved military equipment and supplies into the Darfur region requested by Government of Sudan</li> <li>Delineates designation criteria</li> </ul> <p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Delays sanctions implementation (30 days)</li> <li>Establishes Sanctions Committee and specifies its mandate</li> <li>Establishes Panel of Experts (6 months) and specifies its mandate</li> <li>Sets sanctions review (1 year)</li> </ul>
31.03.2005	<b>UNSCR 1593</b>	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Refers situation in Darfur (since 01.07.2002) to ICC</li> </ul>
21.12.2005	UNSCR 1651	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 29.03.2006)</li> </ul>
29.03.2006	UNSCR 1665	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (6 months)</li> </ul>
25.04.2006	UNSCR 1672	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Adds designees to UNSCR 1591 travel ban and financial asset freeze (resolution text)</li> </ul>
31.08.2006	UNSCR 1706	<p><u>Substantive:</u></p> <ul style="list-style-type: none"> <li>Authorizes UNMIS to use all necessary means to seize, collect and dispose of arms and related material in Darfur in violation of UNSCR 1556 arms imports embargo</li> </ul>
29.09.2006	UNSCR 1713	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (1 year)</li> </ul>
28.09.2007	UNSCR 1779	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 15.10.2008)</li> </ul>
15.10.2008	UNSCR 1841	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (1 year)</li> </ul>
13.10.2009	UNSCR 1891	<p><u>Procedural:</u></p> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 15.10.2010)</li> <li>Encourages MS reporting</li> </ul>
14.10.2010	UNSCR	<p><u>Substantive:</u></p>



	1945	<ul style="list-style-type: none"> <li>Decides MS shall ensure that any arms imports to Sudan not prohibited by UNSCR 1556 and 1591 are conditional upon necessary end user documentation</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 19.10.2011)</li> <li>Requires MS Committee notification when claiming UNSCR 1591 exemptions to UNSCR 1556 arms imports embargo</li> <li>Urges MS reporting</li> </ul>
17.05.2011	UNSCR 1982	<u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 19.02.2012)</li> </ul>
17.02.2012	UNSCR 2035	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Extends UNSCR 1591 financial asset freeze to apply also to entities</li> <li>Terminates UNSCR 1591 and 1945 exemptions to UNSCR 1556 arms imports embargo for Comprehensive Peace Agreement implementation support</li> <li>Notes creation of new states in Darfur and confirms all previous references to North, South, and West Darfur shall apply to all the territory of Darfur</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (1 year)</li> <li>Urges MS reporting</li> </ul>
14.02.2013	UNSCR 2091	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Urges MS to be mindful of practice of converting certain items for military purposes and their transfer to Darfur in violation of UNSCR 1591 arms imports embargo</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (until 17.02.2014)</li> <li>Urges MS reporting</li> </ul>
13.02.2014	UNSCR 2138	<u>Substantive:</u> <ul style="list-style-type: none"> <li>Urges MS to be mindful of violations on UNSCR 1556 and 1591 arms imports embargo, including conversion of items for military purposes</li> <li>Expresses concern that UNSCR 1591 and 1672 travel ban and financial asset freeze is not being implemented by all MS</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>Extends Panel of Experts mandate (13 months)</li> <li>Urges MS reporting</li> </ul>

# Taliban

## Overview

**Status:** Ongoing

**Duration:** 17 June 2011 – present (14 years +, previously linked to Al-Qaida sanctions)

**Objective:** Counter-terrorism, cease hostilities, negotiate settlement, support peace building, human rights

**Sanction types:** Individual (asset freeze, travel ban), Sectoral (arms embargo)

**Non-UN sanctions:** Regional (EU), Unilateral (US)

**Other policy instruments:** Diplomacy, threat of force, use of force, covert measures

## Background

The UN Security Council's relationship with the Taliban has gone through a number of distinct phases since the 1990s. At the outset, the Taliban was an insurgent faction, one of the key parties to the conflict in Afghanistan, and the primary focus of the UN was on a cessation of hostilities and negotiation of a settlement. After the Taliban assumed control of the Afghan state, the UN's primary focus was on the Taliban's violation of norms relating to human rights, its interference with the provision of humanitarian relief, and its treatment of women. Following the bombings of the US embassies in Dar es Salaam and Nairobi in August 1998 and the subsequent indictment of Usama bin Laden by the US for his involvement in the bombings, the primary focus of the UNSC was on getting the Taliban to turn over bin Laden for prosecution (AQ/T Episodes 1 and 2). After the attacks of 11 September, the Taliban were grouped with Al-Qaida and sanctioned as if they were the same (or co-mingled) entity (AQ/T Episode 3).

Following the NATO intervention and dispersal of both parties, Taliban and Al-Qaida increasingly began to be separated again, with some elements of the Taliban induced to cooperate with the government of Afghanistan and constraining Al-Qaida increasingly becoming the primary focus of the AQ/T sanctions regime. Such an operational distinction emerged gradually during the latter stages of Episode 3 of the AQ/T sanctions regime. On 8 January 2010, Taliban commanders held secret talks with UN Special Envoy Kai Eide in Dubai and, shortly thereafter, the AQ/T Sanctions Committee began new designations of Taliban, its first since 2001 (with one exception in 2007). The UN Security Council formally divided the sanctions regime in two in June 2011 (with UNSCRs 1988 and 1989).

## Episode 1 (17 June 2011 – present)

### Summary

In June 2011, the AQ/T sanctions regime was divided into two inter-related committees, one focused on Al-Qaida (UNSCR 1989) and added as EP4 to the original AQ/T case, and the other focused on the Taliban (UNSCR 1988). Resolution 1988 created a new Afghanistan Sanctions Committee targeted on the Taliban as a threat to peace, stability and security of Afghanistan. The original AQ Monitoring Team provides support for the Taliban committee (as well as the 1267 Committee), and lists individuals (who in the Taliban Committee do not have recourse to the Ombudsperson, but only to the Focal Point, as in the case of other sanctions committees).

The most recent Taliban list consists of 131 individuals/4 entities, primarily senior members of the Taliban and, more recently, Taliban financial network (Taliban provincial leaders were not targeted); 36 individuals (many of whom are still alive) have been de-listed from the 1988 Sanctions Committee list, most under request of the Government of Afghanistan, whereas 10 individuals and 4 entities were added to the list in 2012 for raising funds for the Taliban and association with the Haqqani network; in November 2012 “worldwide sanctions” were imposed on the entire Haqqani network. There was only 1 new listing in 2013.

Ongoing NATO and Afghan military action has had some success in containing the Taliban insurgency, but territorial gains are reversible, leading to renewed Council consensus that the Afghan-led reconciliation process remains the primary objective. Talks with the Taliban remain sporadic and attacks have continued; the November 2012 Karzai 5-step Peace Process Roadmap to 2015 was intended to encourage resumption of talks through the release of prisoners and removal from the list. Moves to open a Taliban office in Qatar and the release of Taliban prisoners by the Afghan government and Pakistan (more than 2 dozen) appeared to advance talks, as the Taliban indicated an initial openness to power-sharing in Afghanistan.

UNSCR 2082 was adopted on December 2012, renewing sanctions against the Taliban, but allowing for temporary exemptions that would make it easier for listed Taliban individuals (many of whom live outside Afghanistan) to travel to participate in peace and reconciliation talks (the Afghan government pressed for even greater flexibility to approve exemptions and allow additional time for consideration of listing/de-listing decisions in order to facilitate greater Afghan ownership of the peace process). Travel sanctions in particular have played an important role in the reconciliation process.

There were important setbacks during 2013, however: increased levels of violence against military and civilians (to levels not seen since 2010) and Mullah Omar declared publicly in August 2013 that the Taliban would not participate in 2014 elections and would continue to wage war. The Monitoring team reports no appreciable territorial gain by the Taliban, however.

According to the 2013 Monitoring Team report, Taliban revenue from extortion in transport sector is down, increasing their dependence on narcotics trafficking, and the arms embargo has been of limited utility, as most arms available to the Taliban within Afghanistan.

### **Purposes**

Coerce and/or induce elements of the Taliban to meet the reconciliation conditions agreed to by the Afghan Government and the international community (including renouncing violence, severing ties to AQ, and respecting the Afghan constitution). The broader policy goal is to advance reconciliation talks as part of a comprehensive political process between the Taliban and the Afghan government. Constrain the Taliban from being able to oppose the Afghan government, and signal support of the Afghan Government’s peace efforts, and to the Taliban of the potential benefits of reconciliation with the government.

### **Sanction type**

Arms imports embargo, asset freeze, and travel ban on Taliban and associates.

## Effectiveness (as of January 2014)

### **Coercion (Ineffective)**

**Policy outcome:** 2/5, While some Taliban have sporadically joined reconciliation talks, for the most part, there is no clear process and violence has continued, with no substantial concessions by the Taliban.

**UN sanctions contribution:** 3/5, Some targeted individuals have demanded de-listing as a pre-requisite to engagement in talks; emphasis by the government on the need for flexibility to remove listed individuals and increasing importance of travel for reconciliation talks indicates that sanctions have been important for some individuals, yet most of the Taliban have remained outside the process, NATO military engagement with Afghan and ISAF forces remains significant to the outcome, and other diplomatic efforts are also underway.

### **Constraint (Ineffective)**

**Policy outcome:** 2/5, Taliban continues to control significant territory, has increased levels of violence, and has access to resources (primarily through forms of taxation/extortion).

**UN sanctions contribution:** 2/5, Listings remain relevant; frozen assets are reported, but the Taliban nonetheless are able to substitute outside contributions with revenue derived from the territory they control.

### **Signaling (Mixed effectiveness)**

**Policy outcome:** 3/5, The creation of the new sanctions committee (the 1988 Committee) revived the sanctions against the Taliban at the beginning of the episode (which had been secondary given the emphasis on Al-Qaida in the 1267 regime since 2001). The addition of names and of flexibility for travel exemptions differentiating among the Taliban legitimates some, but strongly stigmatizes others (particularly the Haqqani Network).

**UN sanctions contribution:** 3/5, Sanctions playing important role in reconciliation process, with listing and de-listing reinforcing bilateral and multilateral negotiations with the Taliban.

## Unintended consequences

Increase in corruption and criminality, harmful effects on neighboring states, increase in international regulatory capacity in different issue domains (especially finance), resource diversion, humanitarian consequences.

## UN resolutions

Date	Resolution	Description
17.06.2011	UNSCR 1988	<u>Substantive:</u> <ul style="list-style-type: none"><li>• Imposes financial asset freeze on Taliban and associates, including payment of ransom and resources used for the provision of Internet hosting or related services, and specifies exemptions for necessary basic and extraordinary expenses</li><li>• Imposes travel ban on Taliban and associates and specifies judicial process and reconciliation exemptions (pending Committee approval)</li><li>• Imposes arms imports embargo on Taliban and associates (individuals and entities), including related technical advice, assistance, or training</li></ul>

		<ul style="list-style-type: none"> <li>• Delineates designation criteria</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Separates Taliban and Al-Qaida designees into two sanctions regimes</li> <li>• Establishes Sanctions Committee and specifies its mandate</li> <li>• Decides that the 1267 Monitoring Team, established by UNSCR 1526, shall support the Committee (18 months) and specifies its mandate (Annex A)</li> <li>• Specifies criteria for optional additions of account payments and interests</li> <li>• Specifies the listing procedure (detailed statement of case, publicly releasable parts, production of narrative summary, publishing relevant information on Committee website, relevant MS and Permanent Mission notification within 3 working days)</li> <li>• Specifies the delisting procedure (delisting without MS sponsorship eligible to submit their request to UNSCR 1730 Focal Point mechanism, reconciliation attestations, pre-2002 Taliban members, delisting of deceased designees, relevant MS and Permanent Mission notifications)</li> <li>• Requests regular Committee reviews of each entry on the designation list, circulating lists every 6 months</li> <li>• Sets sanctions review (18 months)</li> </ul>
17.12.2012	UNSCR 2082	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Delineates designation criteria</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Monitoring Team mandate (30 months)</li> <li>• Specifies UNSCR 1988 peace and reconciliation exemption submission procedure (necessary information, limited travel, Committee approval, Government of Afghanistan approved travel report)</li> <li>• Modifies the listing procedure</li> <li>• Specifies the delisting procedure (including the reconciliation conditions)</li> <li>• Requests regular Committee reviews of each entry on the designation list, circulating lists every 12 months, and specifies that no matter (except peace and reconciliation travel ban exemptions) shall be left pending before Committee for more than 6 months</li> <li>• Sets sanctions review (18 months)</li> </ul>
17.06.2014	UNSCR 2160	<u>Substantive:</u> <ul style="list-style-type: none"> <li>• Confirms that travel-related funds, assets, or resources may only be provided in accordance with the travel ban exemption procedure</li> <li>• Decides MS shall exercise vigilance regarding explosives and their components</li> </ul> <u>Procedural:</u> <ul style="list-style-type: none"> <li>• Extends and modifies Monitoring Team mandate (30 months)</li> <li>• Modifies the listing procedure</li> <li>• Modifies the delisting procedure</li> <li>• Sets sanctions review (18 months)</li> </ul>