

United Nations Sanctions Regimes and Selective Security

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LIST OF ABBREVIATIONS

EU	European Union
NATO	North Atlantic Treaty Organization
UN	United Nations
UNSC	United Nations Security Council
USSR	Soviet Union
UK	United Kingdom
US	United States
ZANU-PF	Zimbabwe African National Union – Patriotic Front
FRY	Federal Republic of Yugoslavia
UNPROFOR	United Nations Protection Force
SOD	Sanctionable Offences Dataset
ISIS	Islamic State in Iraq and Syria
UNSCR	United Nations Security Council Resolution
IMF	International Monetary Fund
R2P	Responsibility to Protect
WTO	World Trade Organization
ECOWAS	Economic Community of West African States
UNOMIL	United Nations Observer Mission in Liberia
UNEF	United Nations Emergency Force
UNGA	United Nations General Assembly
GATT	General Agreement on Tariffs and Trade
ASEAN	Association of South East Asian Nations
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization

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CIA	Central Intelligence Agency
UNHCR	United Nations High Council for Refugees
OAS	Organization of American States
NGO	Non-Governmental Organization
UNDP	United Nations Development Program
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
UCDP	Uppsala Conflict Data Program
ICJ	International Court of Justice
START	Study of Terrorism and Responses to Terrorism
AU	African Union
PRIO	Peace Research Institute Oslo
CINC	Composite Index of National Capability
FFP	Fund for Peace
WMD	Weapons of Mass Destruction
UNAEC	United Nations Atomic Energy Commission
IAEA	International Atomic Energy Agency
UNSCOM	United Nations Special Commission
UNMOVIC	United Nations Monitoring Verification and Inspection Committee
MPLA	People's Movement for the Liberation of Angola
UNITA	National Union for the Total Independence of Angola
FARC	Armed Revolutionary Forces of Colombia
OIC	Organization of Islamic Cooperation

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ABSTRACT (EN)

The United Nations record of imposing sanctions in response to nuclear proliferators, (civil) wars, terrorist organizations, and coups d'état reflects a regime of selective security. Some offences have been met with sanctions under Article 41 of the UN Charter, while many similar cases were left off the hook or blocked. What is the logic behind this selectivity? Is it power politics? Humanitarianism? Democracy? Or something else?

This dissertation is a scientific attempt to answer this question. It considers a total of 191 'sanctionable offences' in five categories (nuclear proliferation, interstate war, civil war, terrorism, and coup d'état), sixty of which (31%) received UN sanctions. Subsequently, each offence is tested on a wide range of variables, which serve as proxies for seven hypotheses.

The conclusion is that different types of offences can be explained through different hypotheses. While nuclear proliferation and interstate wars follow a straightforward logic of neorealist power politics, the UN's sanctioning record in response to civil war reveals a logic that is much more informed by humanitarian concerns and concerns about state failure and its consequences. This is not to say that the geopolitical weight of those involved is irrelevant (it isn't), but rather that it is an exception. Public pressure through media attention in the West can magnify these concerns in civil wars.

The sanctions records in response to terrorism and coups d'état follow yet other patterns of selectivity. Sanctions on terrorist groups exclusively focus on Islamic extremism, disregarding many non-Islamic groups responsible for thousands of innocent deaths. Finally, UN sanctions after coups d'état are used as a sort of 'democracy wild-card' for the West, which they can play whenever convenient, but which lacks any form of coherency. This is a shame, because it is difficult to convince members to follow you if you don't always practice what you preach.

RESUMEN (ES)

El historial de las Naciones Unidas de imponer sanciones en respuesta a proliferadores nucleares, guerras (civiles), organizaciones terroristas y golpes de Estado refleja un régimen de seguridad selectiva. Algunos delitos se han visto sancionados con arreglo al artículo 41 de la Carta de las Naciones Unidas, mientras que muchos casos similares quedaron no sancionados ¿Cuál es la lógica detrás de esta selectividad? ¿Es política de poder? ¿Humanitarismo? ¿Democracia? ¿O algo más?

Esta tesis es un intento científico de responder a esta pregunta. Considera un total de 191 "delitos sancionables" en cinco categorías (proliferación nuclear, guerra interestatal, guerra civil, terrorismo y golpe de Estado), sesenta (31%) recibió sanciones de la ONU. Posteriormente, cada infracción se prueba en una amplia gama de variables, que sirven como proxies para siete hipótesis.

La conclusión es que diferentes tipos de delitos pueden explicarse a través de diferentes hipótesis. Si bien la proliferación nuclear y las guerras interestatales siguen una lógica directa de la política de poder neorrealista, el historial sancionador de las Naciones Unidas en respuesta a la guerra civil revela una lógica que está mucho más informada por las preocupaciones y preocupaciones humanitarias sobre el fracaso del Estado y sus consecuencias. Esto no quiere decir que el peso geopolítico de los involucrados sea irrelevante (no lo es), sino que es una excepción. La presión pública a través de la atención de los medios de comunicación en Occidente puede magnificar estas preocupaciones en las guerras civiles.

Los registros de sanciones en respuesta al terrorismo y los golpes de Estado siguen otros patrones de selectividad. Las sanciones a los grupos terroristas se centran exclusivamente en el extremismo islámico, sin tener en cuenta a muchos grupos no islámicos responsables de miles de muertes inocentes. Por último, las sanciones de la ONU después de los golpes de Estado se utilizan como una especie de "comodín democrático" para Occidente, que pueden jugar cuando sea conveniente, pero que carece de cualquier forma de coherencia. Esto es una pena, porque es difícil convencer a los miembros de que te sigan si no siempre practicas lo que predicas.

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Introduction: UN Sanctions and Selective Security

When the League of Nations was established it was thought that sanctions would be the best new tool to deal with aggressors in International Relations. However, the League's track record between 1919 and 1939 showed that, at the end of the day, sanctions episodes were a simple reflection of geopolitical interests. They could be imposed when none of the major powers had any clear objections, but they were useless when important states violated international norms. As Benito Mussolini famously put it: 'The League is very well when sparrows shout, but no good at all when eagles fall out'.¹

In the aftermath of 1945 a more realistic institutional setup was created with the United Nations. The design of the UN Security Council (UNSC) made sure that the rules-based system would work better, while at the same time protecting the vital interests of the five permanent members, China, France, the Soviet Union (USSR), the United Kingdom (UK), and the United States (US), by giving them the right to veto Resolutions. During four and a half decades, however, sanctions never came off the ground because they were almost constantly blocked by either the US or the USSR. The only two cases in which they did actually occur had nothing to do with wars of aggression, but rather with Apartheid regimes in Southern Rhodesia and South Africa. Again, the track-record of UN sanctions pointed towards (neo)realism, not idealism or liberal institutionalism. Whatever the words in the UN Charter said about human rights and the obligations arising from treaties and other sources of international law, and no matter how many breaches of the peace and acts of aggression occurred during the Cold War, sanctions were scarce.

The 1990s marked two important shifts. Firstly the end of the Cold War and the west's hegemony allowed for many more resolutions to pass through the Security Council. Secondly, and simultaneously, there was also a pronounced regime shift with respect to the norms and ideas that dominated the thinking about the role of the UN generally, and UN Sanctions specifically. The procedures stayed the same, but the idea about 'what sanctions are for' changed. Ideas about the threats posed by 'new wars', humanitarian crises, and 'failed states' changed the normative thinking about when the UN should use sanctions. Suddenly, not only aggressor states in international conflicts could be sanctioned, but also state- and non-state actors in civil wars, terrorist groups and governments who harbor them, and staggers or coups d'état. The era of absolute and unconditional sovereignty had come to an end. Between 1990 and 2018, the UNSC imposed sanctions under

¹ While this is one of the most frequently used quotes about Mussolini and the failure of the League of Nations, none of the many texts I consulted refer to an original source about when and where he said this.

Chapter VII in response to two nuclear proliferators, two interstate wars, twenty civil wars, twenty six terrorist organizations, three governments that harbor terrorists, and three coups d'état. It was a big win for those in favor of global governance and liberal institutionalism.

But how impressive is this track record really? Are we looking at a win for institutionalism and a rules-based system? Or are we rather looking at a system in which some cases are 'securitized' through a logic of cherry-picking, while others are not? And if so, who gets to pick the cherries? The answer is that while the changing norms surrounding UN sanctions find their basis in liberal institutionalism and ideational liberalism, the rules that surround voting in the UNSC have not changed since 1945, resulting in a track-record that remains selective.

The evolution of norms and rules regarding UN sanctions might have brought sanctions regimes closer to an ideal of liberal peace, but there are too many exceptions of bloody conflicts left unsanctioned, coup-stagers unpunished, and terrorist organizations reigning free to fully fulfill this promise. Simultaneously, some of the groups and individuals that *have* been sanctioned can in reality hardly be considered a 'threat to the peace'.

The selective nature of UN sanctions has two main explanations. Firstly, some sanctionable offences are blocked by power-politics. These failures to impose sanctions can be explained through geo-political, realist interests rather than through idealist ones. One must accept the reality that nuclear powers such as Israel, regional hegemons like India, and close allies of the five permanent members of the UNSC can get away with certain things. The second type of selectivity concerns the cases that remain after power-politics is filtered out, and in which liberal ideas about human security and democratic governance can be applied freely. This is where the West has the chance to demonstrate their commitment to the norms they claim to uphold universally, and that they have tried to institutionalize at the United Nations. This is where the credibility of the United States and the European Union is at stake. A consistent sanctioning-record enhances their credibility. An incoherent one means they risk being labelled as negligent, hypocritical, or neo-imperialist.

This dissertation will show that both explanations exist. It will explain why strong states are hardly ever targeted by sanctions, why states that suffer from civil conflict don't receive sanctions until the state truly falls apart, why sanctions are almost always aimed at non-state armed groups, but almost never against governments, why sanctions on terrorism focus exclusively on Islamic groups, and why coups d'état are only sanctioned when Western interests are at stake. The results show that there is not one single answer to what the selectivity of UN sanctions is based on; the UN's sanctions record in response to nuclear proliferation and interstate war is clearly realist; the in response to civil war is more

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liberal and humanitarian, while the ones on terrorism and coups d'état are rather neo-colonial, or outright racist. While in some cases policy makers should focus on diplomacy to overcome geopolitical obstacles, in other cases Western governments should rather look in the mirror. That is the only way to create a truly credible and coherent sanctions regime.

Why read this thesis?

This dissertation touches upon a question that many academics, students, and other commentators have debated explicitly or indirectly, but that has not been answered comprehensively: What are UN sanctions for?

The research presented in this thesis adds to the literature about international sanctions, as well as to the literature about the role of international institutions, most notably the United Nations. In the academic realm of international sanctions, this thesis goes beyond the question of sanctions' effectiveness, and looks into the question of what sanctions are for in the first place; a question that many have 'skipped' and that few have bothered to ask. In the academic realm of the United Nations there is a sizeable amount of research that considers the role of the UN Security Council, the evolution of the UN as a peace keeper, the importance of the Veto of the P-5 members, and the successes and failures of UN sanctions regimes. However, when it comes to sanctions regimes, research again focuses on questions of effectiveness. Research that does ask deeper questions about the reasons behind UN action tend to focus on the Security Council's role in peacekeeping operations and humanitarian interventions, not as a sanctioning party. By studying the track record of UN sanctions since 1990 we learn about the true motivations behind UN sanctions regimes, as well as the nature of the UN as an institution in general.

Research on sanctions does not provide a satisfactory answer

Academic research on sanctions tends to deal with questions of effectiveness, impact, and efficiency. Already at the establishment of the League of Nations in 1920 Woodrow Wilson was convinced that:

"A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible

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remedy. It does not cost a life outside the nation boycotted but it brings a pressure upon the nation which, in my judgment, no modern nation could resist”²

Wilson was quickly proven wrong when the League began to fall apart in the years leading up to World War II, but the search for effective sanctions continued. In 1967, when Johann Galtung studied the impact of the United Nations first sanctions regime on the white-minority regime of Ian Smith in Southern Rhodesia, he listed the ideal theoretical conditions for an economic boycott.³ The boycotted country was most likely to concede to the senders’ demands if they suffered disproportionately from the discontinuation of trade,⁴ and if the sanctions were easy to supervise and control.⁵ One commentator noted that with regard to the Rhodesia sanctions, the British predicted that the Rhodesian regime would fall ‘in a matter of weeks’.⁶ It took fourteen years for Ian Smith’s Rhodesian Front party to be replaced by Robert Mugabe’s ZANU-PF party, and not because of the sanctions. Indeed, Galtung labelled the research on sanctions as tools of coercion as the ‘naïve theory of sanctions’.⁷

In the 1970s and 1980s Margaret Doxey and David Baldwin further developed explanatory frameworks for the success and failure of international sanctions as policy instruments. Both made an important distinction between sanctions as moral/legal tools on the one hand, and sanctions as tools of economic statecraft on the other.⁸ For example, Doxey recognized that the founders of international (and regional) organizations borrowed the idea of imposing penalties in response to non-conformity with law from the domestic sphere.⁹ Indeed, many scholars of international relations and international law did not recognize unilateral economic measures (or trade wars) as sanctions at all.

Despite ‘warnings’ by academics about the limited impact of sanctions and their unintended consequences, the 1980s mostly saw optimism about the utility and effectiveness of UN sanctions. Sanctions were considered as a harmless and cost-

² Padover. “Wilson’s Ideals”. (1942).

³ Galtung. “On the Effects of International Economic Sanctions”. (1967) page 384.

⁴ I.e. if the receiver depended heavily on imports from the sender, while the sender did not depend heavily on exporting to the receiver.

⁵ Galtung. “On the Effects of International Economic Sanctions”. (1967) page 384.

⁶ Makonese. “The Significance of the Sanctions Campaign for the Liberation Movement”. (1974) page 5.

⁷ Galtung. “On the Effects of International Economic Sanctions”. (1967) page 380.

⁸ Baldwin. “*Economic Statecraft*”. (1985); Doxey. “*International Sanctions in Contemporary Perspective*”. (1987) pp 4-6.

⁹ Doxey. “International Sanctions”. (1972).

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effective alternative to military intervention. The idea was proposed that ‘economic statecraft’ should be used more frequently by policy makers. After all “it would be a pity – perhaps a global disaster – if a contemporary American president were to resort to war solely because the nature, implications, and consequences of economic statecraft had been misinterpreted by his advisors”.¹⁰

Adding to this wave of optimism was the project ‘Economic Sanctions Reconsidered’ by Hufbauer, Schott, and Elliot, perhaps the most comprehensive study on sanctions as foreign policy tools of the era.¹¹ First established in 1982 and still active, it boasts a database of 174 sanctions episodes between 1914 and 2000 to try to answer what the record of economic sanctions has been in achieving foreign policy goals. The 35% success-rate that the authors claimed was widely copied by academics and policymakers.

The 1990s also saw a sharp increase in the use of sanctions within the United Nations. Whereas the UN had imposed sanctions only twice during the Cold War, the 1990s came to be dubbed ‘the Sanctions Decade.’¹² The UN Security Council imposed sanctions regimes in a total of twelve cases in response to traditional wars of aggression, but also civil wars, coups d’état, and state-sponsors of terrorism. International sanctions became a policy tool between words and wars.¹³

As sanctions became a more popular tool of foreign policy, so did the criticism on sanctions grow. Researchers showed that sanctions are not always as successful as claimed, sometimes have grave unintended consequences, and are oftentimes blatantly violated and evaded.

In response to the work by Hufbauer et. al., Robert Pape asked: Why do economic sanctions not work?¹⁴ He found that claim of a 35% success-rate of sanctions was overrated, because in reality the successes were determined through force or because only minor objectives were achieved. Another critique involved the argument that sanctions were not as harmless as presented. After the strict economic sanctions imposed on Iraq,¹⁵ it became clear that the economic isolation had indirectly killed hundreds of thousands of innocent civilians, who starved to death while the regime of Saddam Hussein stayed in power. When US Ambassador to the UN Madeleine Albright defended on national television that the estimated half a million deaths among children in Iraq was ‘worth the price’¹⁶, the

¹⁰ Baldwin. “*Economic Statecraft*”. (1985) page 373.

¹¹ Hufbauer, Schott & Elliot. “*Economic Sanctions Reconsidered*”. (2009).

¹² Cortright & Lopez: “*The Sanctions Decade*”. (2000).

¹³ Walleensteen & Staibano: “*International Sanctions*”. (2005).

¹⁴ Pape: “Why Economic Sanctions do not Work”. (1997).

¹⁵ UNSC Resolution 661 (1990).

¹⁶ CBS 60 Minutes: Interview with Madeleine Albright. 12/05/1996.

image of sanctions as harmless was shattered¹⁷. Sanctions regimes on Haiti and the Federal Republic of Yugoslavia further consolidated the argument that sanctions can have grave unintended consequences¹⁸. Subsequent research on sanctions has dealt with the question of how to make sanctions more effective. Smart sanctions on individuals and groups make it harder for targets to use their bank accounts, travel abroad, or acquire money or arms.¹⁹ Researchers have also learned more about the design of UN targeted sanctions, their relation to other policy tools, and their implementation.²⁰

All research on sanctions thus seems to simply take for granted the list of existing cases and asks (1) who is the target? (2) What did they do to deserve sanctions (3) which sanctions were imposed? (4) Did the sanctions achieve their objectives? (5) Why did they succeed or fail? (6) Were there any unintended consequences? None of the research on United Nations sanctions regimes, or other unilateral and multilateral sanctions regimes for that matter, looks into the question of why UN sanctions are imposed in the first place.

This is not to say that scholarly research on sanctions says nothing whatsoever about the question of what sanctions are for. The authors of 'Economic Sanctions Reconsidered' are not much concerned with international norms and fully accept that international economic sanctions, both unilateral and multilateral, are (legally supported) acts of foreign policy. Governments can use them to demonstrate resolve and US leadership, to demonstrate moral outrage over an international event, or to reassure allies that the US will stand by its international commitments.²¹ Similarly, Drezner describes economic sanctions as a 'purposeful tool of foreign policy', to be employed in situations where the sender has a significant political outcome.²² One of his conclusions is that other factors being equal, senders of sanctions will be eager to coerce adversaries and reluctant to coerce allies, but that sanctions on allies are actually more likely to be successful. Again, the focus remains on effectiveness.

Some scholars have recognized that the senders' objectives of sanctions are not always, to paraphrase Robert Dahl, 'getting targets to do things they would otherwise not do'.²³ For example, governments that impose sanctions sometimes

¹⁷ Andreas. "Criminalizing Consequences of Sanctions". (2005).

¹⁸ Gibbens and Garfield. "The Impact of Economic Sanctions in Haiti". (1999); Weiss and others, eds., "Political Gain and Civilian Pain." (1997).

¹⁹ Cortright & Lopez. "*Smart Sanctions*". (2002).

²⁰ Bierstecker, Eckert, and Tourinho. "*Targeted Sanctions*". (2016).

²¹ Hufbauer and others. "*Economic Sanctions Reconsidered*". (2009): pp. 5-6.

²² Drezner. "*The Sanctions Paradox*". (1999): Page 4.

²³ Dahl: "The Concept of Power". (1957): Page 203.

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merely want to ‘demonstrate resolve’ or to ‘express outrage’, without actually resolving anything or fully acting upon their outrage in terms of forceful policy.²⁴ Indeed, sanctions are unlikely to affect the behavior of their targets if the objective of the senders is merely symbolical.²⁵

Giumelli makes an important distinction between the different ‘purposes’ of sanctions, recognizing three categories: Coercion, Restraint, and Signalling/Stigmatization.²⁶ Coercion is the attempt by sanctions to change the behaviour of targets. It builds upon the classical notion that sanctions are tools of power. Already in 1967 Johan Galtung’s criticized this perspective by calling it the ‘naïve theory’ of sanctions;²⁷ time after time it has been shown that economic pain or political pressure rarely lead targets to change their behavior and cede to the demands of the senders.²⁸ To the contrary, sanctions can even embolden targets (rally-around-the-flag), or pass-on the burden of sanctions on innocent civilians.²⁹

Restraint is defined as the effort to reduce the capacity of targets to achieve their objectives. Targeted sanctions with the purpose to restrain rather than to coerce are more likely to actually fulfil that purpose. While targeted sanctions on their own are seldom sufficient to end the war-making efforts of armed groups, they can certainly help in weakening targets’ abilities to travel, conduct financial transactions, and to sell conflict-related commodities. Together with coercion (56%), restraint (41%) is an important primary purpose of UN targeted sanctions.³⁰

The third purpose (signaling / stigmatizing) occurs when sanctions signal targets and the broader international community about international norms. This purpose is present in 100% of UN targeted sanctions episodes analyzed, although almost never as the sole or primary purpose. It is also a purpose that is always and instantly effective. As the author puts it: ‘... signaling is often accomplished by the *very act* of the Security Council in moving to address international crises’.³¹ Since UN sanctions are essential in shaping international norms regarding peace and security, those who are targeted by them are undoubtedly stigmatized, whether they admit it or not.

²⁴ Chesterman and Pouligny. “Are Sanctions Meant to Work?” (2003).

²⁵ Fearon. “Signaling Foreign Policy Interests (1997).

²⁶ Giumelli. “The Purposes of Targeted Sanctions”. (2016).

²⁷ Galtung. “Effects of International Economic Sanctions.” (1967).

²⁸ Pape. “Why Economic Sanctions do not Work”. (1997).

²⁹ Galtung. “Effects of International Economic Sanctions”. (1967).

³⁰ Giumelli. “Purposes of Targeted Sanctions”. (2016): page 52.

³¹ Idem.

The symbolical value of sanctions is thus far from useless,³² especially for an institution such as the United Nations. UN Sanctions signal to the target as well as the international community that the offence at hand deserves a serious reaction. If done coherently, this has a double advantage. On the receiving end, it stigmatizes or 'shames' targets, even when they don't actually bite; on the sending side, they enhance the legitimacy and credibility of the sender.

Failing to impose sanctions also sends a signal. Targets can interpret the UN's failure to impose sanctions as a green light to continue what they were doing. For example, the UN's failure to react forcefully to the Rohingya crisis in Myanmar, by means of sanctions or otherwise, sends a signal to Myanmar's regime that either they are right in ethnically cleansing Rohingya 'foreigners' from the region of Rakhine, or that the UNSC doesn't find the issue important enough.³³ On the sending side, the failure to impose sanctions sends a signal that apparently geostrategic and political interests of some (permanent) members of the UNSC outweigh humanitarian suffering on the ground. For example, failure to impose sanctions on Bashar al-Assad's regime in Syria (blocked by Russia) has made policy makers predict that inaction could become the 'grave of the United Nations'.³⁴

Many authors have recognized the diverse range of offences that UN sanctions have addressed, including the reversal of aggression, the restoration of democratically elected leaders, the promotion of human rights, the deterrence of terrorism, and the promotion of (nuclear) disarmament.³⁵ One author has even recognized that serious humanitarian crises have been a reason for the UNSC to impose sanctions under Chapter VII, related to the civil conflicts in Cote d'Ivoire, Sudan, and Rwanda, as well as in the aftermath of the 1991 coup in Haiti.³⁶ Others have rather focused on the motives of the senders, including the compliance with international law, containing conflicts or other threats to the peace, or simply expressing outrage.³⁷ However, almost nobody goes deeper than simply listing the purposes of sanctions and the motives that exist for imposing them. Nobody asks why some cases are sanctioned and others not.

³² Nossal. "International Sanctions as International Punishment". (1989).

³³ Kruiper. "Rohingya Crisis and UN Involvement". (2018)

³⁴ Security Council Meeting 8186th meeting, SC/13219 (22/02/2018).

³⁵ Cortright & Lopez: "*The Sanctions Decade*". (2000); Chesterman & Pouligny: "Are Sanctions Meant to Work? (2003); Charron. "*UN Sanctions and Conflict*". (2011).

³⁶ Farrall. "*The United Nations and the Rule of Law*". (2007): Ch. 5.

³⁷ Chesterman & Pouligny: "Are Sanctions Meant to Work? (2003).

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The book that comes closest to answering what UN sanctions are for is arguably that by Andrea Charron.³⁸ Dividing the list of UN sanctions episodes between 1990 and 2010 into four categories (Interstate Conflicts (4), Intrastate Conflicts (14), International Norm-Breaking States (5), and International Terrorism (4)), she comes to the conclusion that the Security Council sanctions policies have more substance and direction than what is oftentimes suggested, even if in reality only 22% of the international conflicts identified between 1990 and 2010 was actually sanctioned. The ‘conflicts’ identified by Charron are as follows:

Conflict Type	UN Sanctions Regimes	Cases 1990 - 2010
Interstate Conflicts	4	8
Intrastate Conflicts	14	31
Norm-Breaking States ³⁹	5	3
International Terrorism ⁴⁰	4	83
Total	27	125

Charron’s work teaches us that there is more logic to UN sanctions regimes than critics oftentimes portray. For example, her detailed analysis of the objectives, targets, and measures of UN sanctions regimes shows that the objectives of sanctions regimes that respond to interstate conflicts and intrastate conflicts are primarily to call for adherence to a ceasefire and secondarily to encourage negotiations. Sanctions tend to be imposed after violations of peace agreements, and almost all sanctions regimes include arms embargoes. Also, sanctions regimes are typically combined with UN peace operations, with the majority of the conflicts being home to peacekeepers before the imposition of sanctions, not afterwards.

In the case of intrastate conflicts, the Council has been greatly innovative since the 1990s, sanctioning not only states as a whole, but also sub-state and non-state groups and individuals. There is a clear logic to the evolution from comprehensive economic sanctions to smart sanctions in response to the unintended

³⁸ Charron. “*UN Sanctions and Conflict*”. (2011).

³⁹ The three norm-breaking states by Charron are Iran, Iraq, and North Korea, based on George W. Bush’s ‘Axis of Evil’ speech at the 2002 US State of the Union.

⁴⁰ The number of cases is based on the 11,000 terrorist attacks that occurred in 83 countries during 2009 according to the National Counter Terrorism Center.

consequences of the sanctions on Iraq (1990), the FRY (1991), and Haiti (1993). There is also a certain logic to the evolution of the purposes of sanctions from mere security issues to the promotion of democracy and governance and the protection of natural resources and human rights violations.

In the category of terrorism, the Council has shifted from simply expressing outrage previous to the 1990s to an increasingly ambitious and proactive stance against state sponsors of international terrorism (1990s) and directly against terrorist groups and individuals (since 2001). Indeed, terrorism has become one of the chief issues on the agenda of the Council, as well as UN sanctions regimes, representing a 'generic, norm-setting, and institution-building approach.'

Finally, in the category of international norm-breakers, the sanctions against human rights violators (Southern Rhodesia and South Africa) as well as those against nuclear proliferators (Iraq, North Korea, Iran) might have followed some sort of logic, but were not successful. Additionally, international norm-breakers elsewhere in the world are not mentioned. Human rights are gravely and systematically violated in dozens of countries around the world, and it is not clear where the threshold lies that included some regimes and excludes others.⁴¹ For the sake of this thesis, Charron's research answers a lot of questions about the logic behind UN sanctions regimes, but it still departs from a confirmation bias; it looks only at the cases that were sanctioned, not at those that weren't.

Research on the UNSC doesn't provide a satisfactory answer either

Academic research on the United Nations Security Council itself helps us in understanding the institutional design of the Council, the evolution of the Council in responding to international threats, as well as the politics that determine when the UN interferes in humanitarian crises. However, there is no comprehensive and unbiased study that investigates what UN sanctions are for and how the answer to that question differs depending on the type of offense.

The United Nations as an institution has been recognized as "potentially the most powerful supranational organ in the world".⁴² Indeed, no other international security institution has as many member states as the United Nations, and no other security institution has intervened as much in international security affairs. It is the only truly global security organization, and despite the many criticisms on its workings it is widely perceived as a legitimate institution. Since the 1990s the UN has practically

⁴¹ Human Rights Watch. "World Report". (2018)

⁴² Alvarez. "The Once and Future Security Council". (1995)

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eliminated unilateral military interventions.⁴³ Although the number of sanctions imposed by regional organizations such as the European Union, African Union, ECOWAS, or the League of Arab States has grown significantly since 1980,⁴⁴ they also widely seek to associate themselves with the UN to legitimize their actions,⁴⁵ and to communicate important information about their policy intentions.⁴⁶

Whereas the scholarly debate on (UN) sanctions hardly looks into the question of what UN sanctions are for, the academic literature on UN peacekeeping does so much more comprehensively. To be sure, most academic research on UN peacekeeping (as well as that on preventive diplomacy, peace enforcement, and peacebuilding) is also concerned with its value as a policy tool. After all, determining the ingredients for success and failure is 'essential for building knowledge about peacekeeping and making good policy choices.'⁴⁷ Case studies and comparative analysis of peace operations help policy makers in determining the evolution of UN peacekeeping,⁴⁸ as well as their weaknesses, lessons learned,⁴⁹ and (unintended) consequences of half-hearted action or peace enforcement.⁵⁰

Many others have however theorized about the track-record of UN peace operations from a more critical point of view. For example, Barnett and Finnemore argued that to assess the decision-making behind UN peacekeeping, it is crucial to understand the norms and rules that dominate the institution.⁵¹ Their perspective goes further than the neo-liberal institutionalist premise that powerful sovereign states can use institutions to promote or solidify their interests and foster collaboration.⁵² In a Weberian fashion, the United Nations' bureaucracy extends actual power to experts within the system, regardless of their nationality.

At a macro-level, the purposes of military intervention and the norms surrounding them have indeed changed, also within the UN.⁵³ The dominant theory about UN

⁴³ Although not unilateral sanctions.

⁴⁴ Borzyskowski and Portela. "Sanctions Cooperation and Regional Organizations". (2018)

⁴⁵ The largest exception to this rule (the 2003 intervention of Iraq) and the global criticism on the United States to intervene outside of the UN framework proves that unilateral interventions can have a high political cost.

⁴⁶ Chapman. "Securing Approval". (2011).

⁴⁷ Diehl and Druckman. "Evaluating Peace Operations". (2017).

⁴⁸ Durch. "The Evolution of UN Peacekeeping". (1993).

⁴⁹ Doyle and Sambanis. "*Making War and Building Peace*". (2006).

⁵⁰ Tardy: 'United Nations Protection Force'. (2017); Tull. "The Limits and Unintended Consequences of UN Peace Enforcement". (2017).

⁵¹ Barnett and Finnemore. "Genocide and the Peacekeeping Culture at the United Nations". (2004).

⁵² Keohane. "*After Hegemony*". (1984).

⁵³ Finnemore. "*The Purpose of Intervention*". (2003).

peacekeeping since the 1990s is best described as the 'liberal peace thesis', which is based on the premises that (1) liberal democratic states are inherently less likely to experience civil war, and (2) liberal democratic states do not fight each other.⁵⁴ Others go as far as recognizing a growing 'global culture' surrounding peacekeeping and the norms that steer UN agency after civil conflict.⁵⁵

Norms about peacekeeping can also find their origins in cosmopolitanism.⁵⁶ In other words, some scholars consider norms such as the responsibility to protect civilians, human rights, and principles of conflict resolution as philosophical truths, rather than expressions of culture. While cosmopolitan norms about global governance are difficult to square with the political reality of the UNSC, they do provide perspective on where the UN stands.

The reality of institutional rules and procedures surrounding UN intervention however tend to emerge in a post-hoc manner, creating a historical mismatch between cosmopolitan, cultural, or legal theories, on the one hand, and international politics on the other.⁵⁷ At best, this leads to a policy of incoherence. At worst, it leads critics to claim a policy of neo-colonialism⁵⁸, old-fashioned realism, or other critical argument that start from the premise that 'theory is always *for* someone and *for* some purpose'.⁵⁹ As Damrosch puts it: "A system can hardly qualify as law when its rules are enforced selectively and only in accordance with the preferences of great powers."⁶⁰

Some scholars that study the role of UN interventions describe the selectivity of the Security Council to act arbitrarily with regard to the interpretation of the UN Charter's Article 39 as inevitable, or even purposeful. As a matter of fact, the term 'selective security' that I use throughout this thesis to describe the regime of UN sanctions since 1990 is not mine; it comes from a 2014 book that carries the title 'selective security' to explain the issue of war and the UN Security Council since 1945.⁶¹

⁵⁴ As Bellamy and Williams have noted, this does not necessarily mean that liberal democracies are more peaceful as such or towards non-liberal states, but simply that they don't fight internally and among themselves.

⁵⁵ Paris. "*At War's End: Building Peace after Civil Conflict*". (2004).

⁵⁶ Woodhouse and Rambotham. "*Cosmopolitan Peacekeeping and the Globalization of Security*". (2005)

⁵⁷ Chesterman. "Just War or Just Peace?" (2001).

⁵⁸ Chomsky: "The new Military Humanism: Lessons from Kosovo". (1999).

⁵⁹ Cox. "Social Forces, States, and World Orders". (1981): page 128.

⁶⁰ Damrosch. "The Inevitability of Selective Response? (2000).

⁶¹ Roberts and Zaum. "*Selective Security: War and the United Nations Security Council since 1945*". (2008).

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Roberts and Zaum defend that the UN Security Council is inherently selective, and that this is purposefully so. Indeed, the very institutional design of the Council and the role of the P5 and their right to veto allows for selectivity, as well as many articles of the UN Charter, most notably Article 39. The advantage of such selectivity is that the Council has been able to react to a wide variety of changing threats since 1945. The downside is that the design of the Council in combination with international politics can help maintain international peace and security in the broadest sense of the term, but that it cannot maintain a 'rule of law'. The Security Council was not designed on the view of justice as the treating of like cases alike, or as the impartial administration of justice. It was designed to allow for politics and selectivity, and the maintenance of the status quo.

Even if the Council had wanted to play a more pro-active and consistent role in implementing the rule of law, it simply doesn't have the capacity and the finances.⁶² The UN does not have an intelligence agency or its own army. Rather, it depends on member states willing to provide resources and troops to UN missions. Peacekeeping missions are structurally short on soldiers, leading to inadequate peace operations. Out of the 34.000 UNPROFOR troops deemed necessary in Bosnian safe areas such as Srebrenica and Sarajevo, only 7.000 arrived.⁶³ In the months preceding the Rwandan genocide, none of the nineteen member states that had promised to provide troops to the UNAMIR mission did so.⁶⁴ In some of the cases in which sufficient amounts of blue helmets do materialize, they have produced more harm than good, as witnessed in accounts of UN soldiers participating in rapes, smuggling, and arms trafficking, among others.⁶⁵

Despite the shortcomings of UN peace operations in terms of capacity and finance, one might still expect the UNSC to carefully select those cases to which it responds in accordance with some sort of logic. This logic might be moral, legal, institutional, or selfish; and its theoretical origins might lie with humanitarianism, liberalism, cosmopolitanism, or realism, among others. The trick is finding out which logic fits the UN's track-record best.

One attempt to analyze the logic behind UN involvement in international crises was by Beardsley and Schmidt,⁶⁶ in which they analysed 270 international crises based on two competing models, the first of which tested proxies related to the UN's mission and the second of which tried to explain 'parochial interests'. They found

⁶² Bellamy and Williams. "*Understanding Peacekeeping*". (2016)

⁶³ Tardy: "United Nations Protection Force". (2017)

⁶⁴ MacQueen. "Spectators to Genocide: Rwanda 1993-96". (2002).

⁶⁵ Guterres. "Special measures for protection from sexual exploitation and abuse". UNGA report A/72/751 (2018).

⁶⁶ Beardsley and Schmidt. "Following the Flag or Following the Charter?" (2012).

that the gravity and potential for escalation of a crisis was a much better predictor for UN involvement than selfish interests of the P-5.

The book that methodologically comes closest to explaining why and how UN humanitarian interventions are selective is by Martin Binder.⁶⁷ He explains that depending on the humanitarian, material, and institutional considerations that play a role in humanitarian crises, the UNSC can decide to take either (1) strong action, or (2) limited or no action. The most important reason for taking limited or no action regards political prudence towards targets that possess a strong countervailing power. Other reasons for failing to act include situations in which the humanitarian suffering is relatively low with little risk of international spillover, or cases in which the UN has previously been relatively uninvolved, meaning they have less sunk costs.

The strength of Binder's method is that, contrary to most research in the field, the cases he considers include both humanitarian crises in which the UN did intervene and crisis in which it didn't. By doing so he avoids a confirmation bias. As he puts it: "An unbiased analysis of the drivers of Security Council intervention cannot focus only on cases where the Security Council has taken action; it must also include those situations in which the Security Council could have intervened, but chose not to."⁶⁸ The list of 31 humanitarian crises since 1991 that Binder uses as a starting point of his analysis is based on the numbers of casualties, displaced people,⁶⁹ hunger, and disease. Although Binder's research is methodically similar to this thesis, and although some of his conclusions are in line with those found in this thesis, it only focuses on humanitarian crises, not on threats posed by nuclear proliferation, (civil) war, terrorism, and coups d'état. Additionally, it focuses on selectivity of UN intervention in general, not on UN sanctions regimes.

There has also been research on the selectiveness of sanctions, but this only focuses on the United States, European Union, and other regional organizations. For example, a 2005 book on US economic sanctions and presidential decisions found that American presidents consider both trade relations, domestic political conditions, and political relations with a target country before imposing sanctions.⁷⁰ Research on when and where the European Union imposes sanctions shows that the EU focuses on security issues close to home, while engaging more with democracy and human rights outside of its neighbourhood.⁷¹ The EU has also

⁶⁷ Binder. "*The United Nations and the Politics of Selective Humanitarian Intervention*". (2016).

⁶⁸ Ibid. Page 13.

⁶⁹ The decision to include the variable of displacement in the Sanctionable Offences Database was inspired by Binder's research, for which I would like to extend my gratitude.

⁷⁰ Drury. "Economic Sanctions and Presidential Conditions". (2005). Pages 90-132

⁷¹ Portela. "Where and Why does the EU Impose Sanctions?" (2005)

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been increasingly active in acting upon its mission as a crisis manager in its own Eastern and Southern neighborhood, sanctioning almost half of the 16 countries under its European Neighborhood Policy.⁷² While this research is instructive in explaining why other actors impose sanctions, it doesn't say anything about the United Nations.

Like Binder's method, this thesis also takes as a starting point a list of events that 'could' have been sanctioned. While such a method avoids the trap of confirmation bias, it also has two important downsides that need to be addressed. Firstly, the Sanctionable Offences Dataset (SOD), just like Binder's list of 31 humanitarian crises, is not a source of legal or political authority. It doesn't exist outside of the realm of this thesis. It is not part of the UN Charter or any other international treaty. It is also not in line with the official policy of any government, regional organization, or non-governmental organization. The SOD does also not claim any moral authority. That is to say, I don't think that each case in the dataset 'should' have necessarily received UN sanctions under Chapter VII of its Charter. It is also not in line with any specific religious or philosophical teachings such as the Catholic Church or Kantianism.

If the SOD were to aspire to any sort of authority, it would be academic authority. That is to say, I hope that the reasoning behind the list of 192 sanctionable offences between 1990 and 2016 is widely considered to be rational, logical, and convincing. My argument is that, for each of the five offences (nuclear proliferation, interstate war, civil war, terrorism, and coup d'état), if some cases were sanctioned by the UNSC, then a number of other 'similar' cases might have also been considered for sanctions. It is my job in Chapter 4 of this thesis (methodology) to defend the choices I have made.

The second downside of the dataset approach is that non-sanctioned cases might have been left off the hook for perfectly sensible reasons. What would be good reasons to not impose sanctions? It has been argued that non-credible sanctions can be counter-productive. The weak sanctions regimes (due to disagreements in the UNSC) in the early 1990s in response to the coup Haiti and the wars in Angola and Serbia arguably emboldened the targets because they felt 'untouchable'.⁷³ While it is true that stronger sanctions or more credible (military) threats could have deterred these targets more effectively, failing to impose any sanctions whatsoever arguably would have emboldened them even more.

A better excuse for not imposing sanctions exists when a stronger UN response is already in place. UN peacekeeping or peace enforcement missions have been

⁷² Portela. "The European Neighborhood Policy and the Politics of Sanctions". (2017).

⁷³ Giumelli. "The Purposes of Targeted Sanctions." (2016): Page 50.

recognized as more forceful actions than sanctions.⁷⁴ Such missions don't necessarily make sanctions redundant, but they do provide a credible alternative response. Indeed, many UN peacekeeping and peace enforcement operations go hand in hand with arms embargoes or targeted sanctions.

The advantage of sanctions is that they are relatively a cheap tool both practically and politically. UN peacekeeping missions require personnel, equipment, and millions of dollars, all of which have to be voluntarily supplied by willing member states, not to mention the consent of the parties involved.⁷⁵ They are not required to be impartial either, and they are strictly speaking not a violation of the (territorial) sovereignty of member states. This makes it much easier to identify and sanction those who form a 'threat to the peace'. Additionally, like other tools of foreign policy, sanctions should be understood as two-level games in which the domestic audience can be as important as the actual target.⁷⁶ Indeed democratic governments are sometimes pressured by their own domestic audiences to be responsive to humanitarian crises.⁷⁷ Sanctions are then an easy tool to convince both domestic and international audiences. They are a tool worth using more often, even if only for the sake of the Council's credibility and coherency.

What can this thesis be used for?

Throughout this thesis the reader should sense a constant tension between utopia and reality, between principle and practice, between ought and is. The reason for this tension is that the method used to analyze the track-record of UN sanctions since 1990 forces the reader to navigate between the roles of theorist and lawyer. Finding a balance between naïve idealism and strict legalism is a difficult but crucial exercise, and anyone who tilts too much towards one of the extremes ends up lost in irrelevance. Moral theorists that start their exercise in utopia will end up frustrated when faced with reality, or their very premises of justice will be put up for debate. Plain lawyers of international law the opposite problem as they can't allow to indulge themselves with moral principles or theory. As Marti Koskenniemi puts it:

*'Engaging in "theory", the lawyer seems to engage himself, on his own assumptions, with something other than law.'*⁷⁸

⁷⁴ Binder. "The United Nations and the Politics of Selective Humanitarian Intervention". (2016).

⁷⁵ Bellamy and Williams. "Peace Operations in Global Politics". (2016).

⁷⁶ Putnam: "Diplomacy and Domestic Politics: The Logic of Two-Level Games". (1988).

⁷⁷ Robinson. "The CNN Effect Reconsidered". (2011).

⁷⁸ Koskenniemi: "From Apology to Utopia". (2005): page 2.

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Applied to the topic of UN sanctions regimes, those who have drifted too far towards utopia would theorize on a set of absolute and universal values that require punishment whenever breached, compare their theory to the track record of UN sanctions, and drown in their own misery or call for a revolution. Those who have veered off into the other direction and became cold-blooded lawyers would simply look at the rules and procedures surrounding UN sanctions in the Security Council and come to the conclusion that all UN sanctions regimes since 1945 were neatly and correctly imposed under chapters VI and VII of the UN Charter. Of course neither of these positions adds any value to the literature on sanctions or international relations in general, hence the inevitable tension.

The insight that this thesis provides as to what UN sanctions are for is that the tension between principles and politics is present throughout history. The institutional design of the United Nations has allowed for both ideas and interests to influence sanctions regimes. Progressive ideas surrounding R2P, conditional sovereignty, democratic peace, and the war on terror have allowed states to change the agenda in accordance with contemporary threats and ideals. The institutional rules of the game serve as safety valves, allowing for some offences to slip through the cracks whenever political interests trump humanitarian or democratic concerns.

The conclusions of this thesis are therefore relevant to those who 'support' the growing importance of the Security Council as an institution that provides international peace and security, as well as to those who are more critical towards it. Additionally, and related to the above, it also adds to the literature on the role of international institutions and international law in general, as it shows how the theories of neo-realism, liberal institutionalism, and ideational liberalism play out differently depending on the type of offence that the institution has to deal with.

To the liberal supporters of UN sanctions this thesis shows that indeed there has been an evolution of UN sanctions regimes and that sanctions are increasingly used to achieve humanitarian objectives and to uphold international norms, especially when it comes to interstate and intrastate wars.

To the more critical and realist readers the research shows that despite the progress made, UN sanctions regimes remain a tool of politics. Although deadly conflicts are indeed more likely to receive UN sanctions, deeper analysis shows that in reality the track record of UN sanctions since 1990 in response to war reflects neo-realist and geo-strategical interests of states. It's not about deaths; it's about state stability. On top of that, sanctions have been and remain a tool of the west, especially with regard to coups d'état, terrorism, and nuclear proliferators. As a result, some targets have not been sanctioned despite gross violations, while other targets have been subjected even if they represented relatively minor threats.

To the scholars that focus on selectivity in the Security Council this thesis shows that selectivity works very differently in different types of offences. Sanctions as a response to coups d'état are highly selective, with only 3 out of 36 coups receiving UN sanctions since 1990. Sanctions in response to interstate conflicts and civil wars are much less selective and are closer in line with international laws and norms of humanitarian intervention. Interstate wars tend to be sanctioned, and if they fail to receive sanctions there are relatively obvious reasons for it. Similarly, civil wars that represent larger humanitarian threats are more likely to receive sanctions than relatively minor conflicts.

Selectivity also works different for different P-5 members. Whereas China and Russia have only used their power in the UNSC for 'defensive', neo-realist purposes such as to protect their allies from being subjected to sanctions in response to civil wars, France, the United Kingdom, and the United States have also used sanctions as an 'offensive' tool. This phenomenon is clearly visible in the chapter on coups d'état, but also in the chapters on civil war and terrorism. Organizations that have been listed to the Al-Qaida and Islamic State in Iraq and the Levant (ISIL) designated lists of terrorist organizations were oftentimes listed after 'Western' interests had been targeted. The same goes for states that were sanctioned for sponsoring terrorism or harboring terrorists.

What does this mean for theorists of international relations? Firstly, to ideational liberalists this thesis shows that ideas matter. When the United Nations were established in 1945, the idea that civil wars or coup d'état's would one day be sanctionable offences was utterly unthinkable. Interference in domestic matters would be a breach of state sovereignty, and as such an act of imprudence. Today the ideational link between internal stability and regional security is reversed; interference in civil wars and coup d'état's in fragile places in the global south is perhaps the best thing the UN can do, not only from a humanitarian standpoint, but also from a geo-strategic perspective. UN sanctions on civil wars in far-flung places like Liberia and Cote d'Ivoire, on coups d'état in Haiti and Guinea Bissau, and on militant groups like Al Shabaab in Somalia or the Abu Sayyaf Group in the Philippines attest to the power of ideas in steering institutional change.

Secondly, to liberal institutionalist readers this thesis confirms Keohane's promise that institutional cooperation is sometimes possible after hegemony, but only when it comes to conflicts of secondary geo-strategical importance. The importance of the United Nations as an international institution has grown substantially since 1990. Whereas during the Cold War situations of discord in the international arena typically led to political deadlock, UN sanctions since 1990 show that the institution of the UNSC can successfully create an environment of cooperation, even in situations in which harmony is absent. The fact that this trend has continued into the 2000s and 2010s, eras in which the world has been described as multi-polar

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rather than unipolar, demonstrates that institutions indeed have the stickiness Keohane attributed to them.

Thirdly, despite the various victories of ideational liberalism and liberal institutionalism, the track-record of UN sanctions since 1990 shows that neo-realism has not lost much appeal or explanatory power. Surely the UN as an institution has modernized the norms and principles around UN sanctions, and surely the UN has at times served as a platform enabling cooperation, but the classic claim of Benito Mussolini that the League of Nations is “very well when sparrows should, but no good at all when eagles fall out” is still painfully relevant in today’s Security Council. When the stakes are relatively low, cosmopolitan and humanitarian calls to impose sanctions in response to (some) domestic conflicts may give us the illusion of justice. Similarly, when the UNSC adds another jihadist group to the list of designated terrorist organizations under the 1267 or 2253 regime, we might feel that UN sanctions are precisely where the heat is. The analysis of this thesis however shows that UN sanctions in response to such offences are rather a reflection of Western “cherry picking” with permission of the non-western P-5 members. Optimists might recognize this as a form of institutional cooperation, as sanctions materialize without a harmony of interests. Neo-realists might rather see it as a result of the distribution of power within the P-5, which is still tilted toward the west. China and Russia have to save their ammunition for the real issues. The analysis of high-stakes issues, including nuclear proliferation, interstate wars, and civil wars in strong states, paint a picture that is much more in line with traditional power politics. Most importantly, strong states or states allied to P-5 members get away with murder, whereas actors in the geopolitical periphery are typically subjected to sanctions.

Finally, this thesis is relevant to those who have proposed that the permanent members of the Security Council should give up their veto-right and that P-5 should be expanded to a P-7 or larger, including states such as India, Brazil, South Africa, or Japan, or replacing the votes of France and the UK with one single vote for the European Union. It must be noted that while this thesis points out several inconsistencies in UN sanctions regimes since 1990, it does not necessarily an overhaul of the UN Charter or radical changes to the design of the Security Council. Trying to impose sanctions in response to grave sanctionable offences without the approval of (or despite disapproval of) regional hegemony, regardless of whether they have a vote on the Council, can make the world a more peaceful place, but it can also trigger an escalation of conflict, hence the lack of sanctions on Pakistan and India. In states that carry less geo-political weight a more ambitious push towards human security, democracy, and nuclear disarmament is less risky and more feasible. Such progress can however only evolve gradually and through soft, ideational power. As long as this doesn’t exist, a situation of discord will remain, and critiques will endure. UN sanctions regimes will only become more coherent

when members of the Council, regardless of who or how many they are, develop a more similar answer to the question: What are UN sanctions for?

Overview of the Chapters

Chapters one, two and three of this thesis provide a theoretical framework, showing that throughout history the League of Nations as well as the United Nations have struggled with the mismatch between utopia and reality. Chapter 1 explains how the ideas of visionary philosophers and politicians from Immanuel Kant to Woodrow Wilson laid the foundations for our thinking about international peace and the League of Nations, but in reality classical realist balance-of-power politics was much more determinant in explaining war and peace and sanctions regimes before the establishment of the United Nations. Chapter 2 describes how both the institutional design of the Security Council and its actual activity (or lack thereof) to deal with threats to the peace during the Cold War was much more inspired by pragmatism and realism. As a result, sanctions were only imposed twice, on Southern Rhodesia (1964) and South Africa (1986), both in response to white minority racist regimes.⁷⁹ During the same period however, other international institutions such as the World Bank (WB), International Monetary Fund (IMF), and European Union were thriving, leading liberal institutionalist scholars such as Keohane and Nye to study the power of institutions and the rules, ideas, and players within them. Chapter 3 then explains that since the 1990s the permanent players within the UNSC have not changed, but that the rules, norms, and ideas surrounding UN sanctions most definitely have. The doctrines that have come to dominate UN sanctions regimes (as well as humanitarian intervention in general) are those of 'Liberal Peace' or 'Democratic Peace' and the Responsibility to Protect (R2P). The language of these doctrines can be found both within and outside of the United Nations, and has helped the Security Council to impose sanctions not only in response to classical interstate conflicts, but also to deal with civil wars, coups d'état, terrorism, and nuclear proliferators. UN sanctions have even been imposed to ensure good governance in post-conflict situations.

Studying the evolution of UN sanctions regimes since 1990 through the lens of only the cases that did receive sanctions is misleading. Practically all research on sanctions regimes suffers from selection bias. Chapter 4 therefore presents a methodology in which all cases that could have been sanctioned by the Council since 1990 are taken into consideration. Dividing up the cases into five types of

⁷⁹ And in the case of South Africa also because of its occupation of Namibia and its intents to develop a nuclear program.

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offenses that have been sanctioned by the Council, we end up with the following track-record.

Table 2. Offences Since 1990 and UN Sanctions

Offence Type	Offences since 1990	UN Sanctions	Percentage
Nuclear Proliferation	5	3	60%
Interstate War	4	2	50%
Civil War	58	26	45%
Terrorism	88	26	30%
Coup d'état	36	3	8%
Total	191	60	31%

The subsequent five chapters provide an analysis of each offense type, every time using a number of proxies that help answer the question: why were some cases sanctioned and others not? Some proxies test to what extent the cases follow a logic of humanitarian intervention. Other proxies give us more insight into a doctrine of state sovereignty considerations and geo-political interests of states. Yet other proxies test to what extent sanctions serve neo-colonial interests of the states who propose to impose UN sanctions. Finally, by looking at unilateral sanctions imposed by the EU and US, we get a better idea about to what extent UN sanctions since 1990 reflect Western ideas and interests.

Chapter 5 regards UN sanctions in response to nuclear proliferation. This chapter will show that when it comes to imposing UN sanctions, the offence of nuclear proliferation is the embodiment of structural realism. Decisions about who gets sanctioned and who doesn't can be almost fully explained through geopolitical calculations of the P-5. During the Cold war, this led to the successful proliferation of nuclear weapons by Israel and India, but not South Africa, which received UN sanctions in response to its nuclear ambitions combined with its internal Apartheid policies and acts of aggression against its neighbors. After the Cold War, Iraq's nuclear ambitions were successfully contained, even though it was not clear whether such ambitions truly existed. The proliferation of nuclear weapons by Pakistan in 1998 was perhaps the UNSC's biggest miscalculation. Not only did it bring Pakistan on the brink of a nuclear war with India, it also indirectly benefited North Korea and Iran, both of which benefited from the transfer of nuclear

technology through Pakistan, bringing them closer to reaching their nuclear ambitions. The UN sanctions regimes against North Korea and Iran show that the P-5 are currently on the same geopolitical line when it comes to nuclear proliferation: keep the status-quo.

Chapter 6 is concerned with UN sanctions in response to interstate conflicts, the offence for which UN sanctions were originally designed. However, due to geopolitical constraints of the Cold War the P-5 not able (or willing) to impose sanctions in response to any of the many interstates wars that broke out between 1945 and 1990. After the Cold War, only four interstate wars occurred; Iraq's invasion of Kuwait (1990), the Kargil War between India and Pakistan (1998), the border conflict between Eritrea and Ethiopia (1998-2000), and the US-led invasion of Iraq (2003). Iraq, Ethiopia, and Eritrea received sanctions under Chapter VII of the UN charter, India, Pakistan, and the US-led coalition of the willing did not. Just as in the chapter on nuclear proliferation, chapter 4 shows then us that UN sanctions in response to interstate wars are a tool that can only be applied when geopolitical constraints are absent.

Chapter 7 analyzes the issue of UN sanctions regimes in response to civil wars, starting from the observation that 20 out of 58 civil wars since 1990 were met with some form of UN sanctions. This chapter shows that while this is by all means progress for the proponents of human security and a more ambitious sanctions policy, UN sanctions have been, and will remain, tools of politics. The seriousness of the offence matters, but the fact that several serious civil wars have remained unsanctioned shows that it also matters who you are. Quantitative analyses of conflict deaths, state strength, and state failure, show that UN sanctions have more to do with maintaining intact the international sovereign state system than reacting to or minimizing human suffering.

Chapter 8 regards UN sanctions and terrorism, a threat that the UN has recognized and sanctioned since the 1989 Lockerbie Bombing, after which it sanctioned Libya for so-called state-sponsored terrorism, but that came to be at the center of UN sanctions policy with the UNSCR 1267 regime. The 1267 sanctions committee started out as a tool to deal with the Taliban regime in Afghanistan and their extradition of Osama Bin Laden in response to the 1998 bombings of the American embassies in Nairobi and Dar es Salaam, and then grew into the most comprehensive sanctions regime after the attacks of 11 September 2001. Besides imposing sanctions on an extensive range of individuals and entities related to the Al-Qaida network, the ensuing 2253 regime split the Al-Qaida list to create a separate regime related to ISIL in 2015. While Al-Qaida and ISIL and their associates are indeed among the organizations that have killed most people in terrorist attacks, analysis of the 84 terrorist organizations that have killed at least 100 people since 2001 shows that UN sanctions are only imposed on organizations

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that pose a threat to Western interests, not on terrorist organizations that stay outside of the scope of Western interests.

Chapter 9 shows that UN sanctions have also been used in a highly selective manner by the West in order to correct adverse regime changes after coups d'état. Although coups d'état can certainly represent a threat to the internal stability of states and even to regional stability, the track record of UN sanctions in response to coups certainly doesn't reflect a concern with human security, or even with democracy. Since 1990 a total of 36 successful coups d'état have taken place, some of which were undoubtedly bloodier and more harmful to democracy than the coups in Haiti (1991), Sierra Leone (1997), and Guinea Bissau (2012), which are the cases that were sanctioned under Chapter VII of the United Nations.

Finally, chapter 10 sums up the findings of chapters 5, 6, 7, 8, and 9, and relates them back to the theoretical discussions and literature on sanctions and the role of the United Nations.

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PART I

**THEORETICAL FRAMEWORK: SELECTIVITY
THROUGH HISTORY**

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Chapter One

The Leagues of Nations and Selective Security

The Utopia of Perpetual Peace – Perpetual Politics

The origins of United Nations sanctions regimes lie with its predecessor, the League of Nations. In the aftermath of World War I, the League of Nations was the first global attempt to legalize international relations through an organization that aimed at institutionalizing a set of norms and rules regarding warfare. Studying the League of Nations and its failure to change the behavior of the great powers teaches us many things about the current regime of UN sanctions. Firstly, it teaches us that the ideological origins of both organizations can be found in the teachings of Immanuel Kant. Secondly, it teaches us that sanctions regimes are oftentimes a reflection of the interests of those who impose them, even if they sometimes seem to reflect a more transcendent ideal.

1.1. The Utopia of Perpetual Peace

The origins of liberal thinking about a perpetual peace or a liberal peace go far back. Utopian philosophers, from Plato to Abbé de Saint Pierre, and from Thomas Aquinas to Woodrow Wilson, all started their exercises with political structures and ideas about justice that have no basis in the empirical world. They were utopian visions that imagine a perfect world in which justice, virtue, and harmony trump crime and vice, and in which all players, be they individuals or states, act in accordance with the rules envisioned by the creator. Similarly, Augustine's City of God and Kant's Essay on Perpetual Peace both found their roots in the mind and the heart, not in the earth. The liberal school thus starts with imagination, not with reality. Its practitioners are dreamers, not doers. They wrote about what ought to be, not about what is.

The search for a perfect and just society already existed with the Greeks. Plato's Republic and his concept of the philosopher King was an exercise in search of justice and human virtue; not a description of a real political system.⁸⁰ Plato taught

⁸⁰ Waterfield. "*Plato, Republic*". (1998).

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his audience about how politics ought to be, not what it was actually like. He described a utopia that would never be materialized.

Before the creation of the international state system, the rules and ethics surrounding war and peace were dictated by the Catholic Church. Augustine of Hippo, in accordance with his divine master, laid the groundwork for a set of rules that still guide western thinking on issues of personal morality as well as justice and truth in matters of war and peace.⁸¹ Dividing his doctrine of Just War into the right to initiate a war (*Jus ad Bellum*) and rules that guide soldiers and generals during warfare (*Jus in Bello*), Augustine established an order that spread through medieval Europe and far beyond that. This is of course not to say that wars in the Middle Ages were always fought justly; history books are full of tales of deceit, betrayal, torture, and other atrocities of war, especially against non-believers.

The Church's most famous student and preacher of the doctrine of Just War was perhaps Thomas Aquinas, a 12th century Italian priest, philosopher, and jurist, who worked on his (unfinished) *Summa Theologica* between 1265 and 1274. In many ways, Aquinas' work forms a synthesis between the divine authority of Augustine's *City of God* and Aristotelian Natural Law, which is inherent in human nature, and can be universally recognized. God still enjoyed supreme authority in matters of justice, but his representatives did have to back up their arguments in order to claim legitimacy in the 13th century.⁸² The most important of these arguments are still used to legitimize contemporary wars. For example, the doctrines of Just Authority (the idea that the decision to go to war has to be based on a legitimate political and legal process) and Just Cause (the idea warfare is only morally justifiable when it is a response to a sufficiently weighty offence) are the cornerstones of institutions like the UN and NATO. Similarly, the *Jus in Bello* principles of proportionality, discrimination, and responsibility directly underlie conventions of international law such as the 1907 the Hague Convention and the 1945 Geneva convention. The principles of *Jus ad Bellum* and *Jus in Bello* are also still taught at universities and military academies around the Western world, and form the basis of international outcries, from military invasions in Vietnam to massacres in Bosnia, and from suspected terrorists in Guantanamo Bay to Syrian refugees in the EU.⁸³

The philosophical origin of the League of Nations however lies in 17th century Western Europe. There are two reasons for this. Firstly, the idea of a perpetual peace is not based on a divine authority, but rather on reason. Secondly, a

⁸¹ Atkins & Dodaro. "*Augustine, Political Writings*". (2004).

⁸² Brock. "*The Philosophy of Saint Thomas Aquinas*". (2015).

⁸³ Walzer: "*Just and Unjust Wars*". (2006).

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perpetual peace regards a peace between sovereign states, not a “Pax Romana” or “Pax Cristiana.”

Although the concept of universal peace between sovereign states is normally associated with Immanuel Kant, he was by no means the first to propose ideas that would foster peace and eliminate war.⁸⁴ Already before the Peace of Westphalia was signed, a Parisian monk by the name of Eméric Crucé published a book in 1623 subtitled “Discourse on Opportunities and Means for Establishing a General Peace and Freedom of Trade throughout the World”, in which he proposed the expansion of physical infrastructure (roads, canals) to enhance international interdependency, a common currency, and a permanent congress with representatives from each country in the world.⁸⁵ With the Protestant Reformation, the beginning of the end of the Holy Roman Empire, and with a new order of sovereign states taking shape after the Treaties signed in Münster and Osnabruck in 1648, it was only logical that philosophers and statesmen started thinking about how to achieve a lasting peace between sovereign states. But in international affairs, is it true that, as Locke promised: “Everyone knows the rules and canons natural reason has laid down for the guidance of our lives on the basis of this relation of equality between ourselves and those who are like us”?⁸⁶ And if not everybody knows the rules and canons, can they at least be acquired through philosophy?

Thomas Hobbes certainly didn't think so. Just as it was no surprise that Locke's Treatises on Government were published shortly after the Glorious Revolution, it was also no surprise that Thomas Hobbes' *Leviathan* was published not only after the English civil war of 1642-1651 and the execution of King Charles I, but also shortly after the first consolidation of an order of sovereign states in Europe with the Peace of Westphalia. Hobbes warned his contemporaries that peace can only be secured under a *Leviathan*.⁸⁷ The natural passions of humans are only restrained when “some power frightens us in observing them”. In the international arena however, according to Hobbes, there was unfortunately no possibility for a social contract or philosophical justice. Such a contract could never be enforced, because there is no international equivalent of a Leviathan; no world police; no monopoly on legitimate violence. As a result, the international order of States is

⁸⁴ Some people trace the idea of universal peace back to George of Podebrady, a Bohemian King of the late 15th century, who wrote a Treaty on the Establishment of Peace throughout Christendom. However, for the sake of this study we are interested in peace between states.

⁸⁵ Adolf. “*Peace, a World History*”. (2009): page 126

⁸⁶ Bennett. “*John Locke's Second Treatise of Government*”. (2008).

⁸⁷ The term Leviathan was used by Hobbes to describe an absolute sovereign, which can refer both to an absolute monarch or a body of politicians.

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doomed to be an order of anarchy. In order to enjoy peace in Europe, the most one could wish for was balance.

Many enlightened intellectuals tried to design blueprints for perpetual peace anyway. And at least in Europe, they succeeded. Inspired by international jurists such as Hugo Grotius, who laid the foundation for international law, as well as earlier doctrines on just war by Aquino and Cicero, the search for international justice began.

One of these intellectuals was Charles-Irénée Castel, better known as Abbé de Saint-Pierre, an 18th century French Jesuit, author, and politician. His *Projet pour rendre la paix perpétuelle en Europe*, (project for settling an everlasting peace in Europe) was published in 1713, after working as a negotiator of the Treaty of Utrecht, a treaty that ended the war of Spanish succession and that had affected all of Europe.⁸⁸ Saint-Pierre proposed to unite Europe in a federation that is in some ways reminiscent of the European Union. Each state would minimize their military capacity, and voting power in the federation's political commissions would be based on population size.⁸⁹

But Saint-Pierre was far too utopian, at least for his own time. When Louis XIV died in 1715 he had to arrange for his nephew to serve as regent because his only direct heir was his 5 year old great-grandson. The rest of Europe's royalty was equally concerned with marrying off sons and daughters so as to seize power in Spain, the Austrian Netherlands, and Prussia. Voltaire was a young man, Rousseau was only a child all of the Founding Fathers of the United States still had to be born in 1713. The Treaty of Utrecht at most represented a temporary stop to French hegemony in Europe under Louis XIV and a momentary restoration of a balance of power. Perpetual peace and respect for sovereignty was not to be on the agenda of Europe's political leaders until the early 20th century. However, de Saint-Pierre did plant a seed; an idea that would grow bigger after WWI, and that forms the basis of institutions such as the European Union and the United Nations.

Building upon the rise of democracy in the United States, Britain and France, as well as upon the ongoing scientific revolution that fundamentally changed man's understanding of how the scientific world works, Immanuel Kant was perhaps one of the most ambitious liberal philosophers of the 18th century. Besides his more abstract philosophic works on rationalism and empiricism, Kant's essay on Perpetual Peace⁹⁰ built upon Abbé de Saint Pierre's work to prescribe a set of heavily influential prescriptions for republican states in order to establish universal peace. As a matter of fact, Kant's work is directly presented as a framework of law,

⁸⁸ Although he had written most of the work years before 1713.

⁸⁹ Archibugi. "Models of International Organization in Perpetual Peace Projects." (1992).

⁹⁰ Reiss. "*Kant's Political Writings*". (1991).

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divided into six preliminary articles and three definitive articles. The preliminary articles describe the steps that States should take immediately. These articles include the prohibition of secret treaties, the respect for State sovereignty, and the abolishment of standing armies, among others. The definitive articles rather constitute a political foundation upon which peace can be built. These articles prescribe that the civil constitution of every state should be republican, that free states should build a federation, and that free states should recognize cosmopolitan law with regard to world citizens.

Kant's political timing was better than that of Saint-Simon, but prescriptions were still as grandiose as they were utopian. Kant himself was a contemporary of George Washington and Thomas Jefferson, and he wrote his work after the French Revolution. However, he also lived to see the rise of Napoleon and the fall of the Holy Roman Empire.⁹¹ After a relatively stable balance of power between the great powers during the 'Concert of Europe' (1815-1914), the likes of Kaiser Wilhelm in the German Empire, Nicholas II in Russia, and Napoleon III in France in the early 20th century did not seem to have brought Europe any closer to perpetual peace.

Nevertheless, Kant's philosophy did plant a major seed for subsequent liberal thinkers with an interest in prescribing peace or other ideas of the mind. Whereas previous empirical philosophers such as David Hume and John Locke found justice through the passive analysis of the physical world and human nature, Kant put the human mind at the start of the equation, considering the creations of the brain as independent variables. According to Kant,

"Reason must approach nature not in the character of a pupil, who listens to all that his master chooses to tell him, but in that of a judge, who compels the witness to reply to those questions which he himself thinks fit to propose."⁹²

With Kant, liberal philosophy permanently climbed out of the swamps of Utopia. Ideas were not dependent on the empirical world anymore; empirical concepts became dependent on ideas. Ideas became independent variables that could steer the world towards any place imaginable. George Wilhelm Friedrich Hegel, a compatriot and contemporary of Kant as well as one of his most influential readers, also put ideas at the beginning of the equation of social science. According to his Idealist Dialectic, progress in ethics and society is the result of a continuous process of synthesis between emerging ideas (theses) and their counterparts (anti-

⁹¹ Although the Holy Roman Empire had already been in decline for many decades when Napoleon came to power, 1806 marked its official dissolution.

⁹² Kemp. "*Kant's Critique of Pure Reason*". (1965): page 14.

theses).⁹³ This struggle between competing ideas creates a gradual evolution, closer and closer towards a form of eternal truth each time a new synthesis is reached. For example, the competing ideas of 19th century capitalism in industrializing Britain on the one hand, and the idea of communism proposed by Marx and Engels on the other, lead to a synthesis of social democracy. Similarly, the stand-off between the ideas of absolute monarchy and democratic republicanism has led to the synthesis of a constitutional Monarchy. Keep on walking up the Hegelian staircase, and one will come across universal voting rights, the welfare state, the League of Nations, decolonization etc., all the way up to the Schengen Agreement and gay marriage. Not all countries are on the same step, and occasionally one fall down a few steps, but the general direction is up.

One might suspect that Hegel's evolutionary selection through idealist dialectic was inspired by Charles Darwin, but this is not the case. Darwin was just 22 years old when Hegel died. Darwin's logic of the survival of the fittest did have an enormous impact on sociology, and they helped many 19th century sociologists and political scientists in defending that the dominance of western civilization was the result of an evolutionary process in which white Christian societies represented a highly advanced stage of political evolution, followed by Asian and Central American hierarchical societies, and finally by barbarian tribal societies in the African continent as well as in far-flung places in the Amazon, Australia, and the Pacific Islands, among others.⁹⁴

Although many 19th century sociologists used the idea of natural selection to defend issues such as racism and colonialism, Hegel was in many ways right that ideas, just like institutions and technological innovations, can spread like wildfire. Whereas the geographical spread of animal species or plants in nature can take tens of thousands of years of natural selection, human inventions, both political and technological, can jump from brain to brain in an instant.⁹⁵ Thanks to cultural interaction between groups, humans can quickly and easily adopt new ideas and institutions that serve their interests, while adapting the parts that don't fit their cultural preferences with great flexibility. It took many thousands of years for the bell pepper to migrate from the Fertile Crescent to the Mediterranean coasts of Italy and Spain. The ideas of Rousseau, on the other hand, made a return trip to the United States and back to France in just a few decades. Since then, the invisible hand of democracy has touched every state in the world in one way or another.

⁹³ Maybee. "*Hegel's Dialectics*". (2016).

⁹⁴ Claeys. "*The Survival of the Fittest and the Origins of Social Darwinism*". (2000).

⁹⁵ Diamond. "*Guns, Germs and Steel*". (2005).

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The final reason for optimism about perpetual peace in the 19th century was the rise of utilitarianism, and the idea that public opinion would not only equate justice, but that public opinion would also restrain imperialism and interstate aggression for once and for all. Rather than the high-minded rhetoric of their French and German contemporaries, who looked for recipes of philosophical justice, the British utilitarian philosophers looked for a more practical formula, based on common sense and compatibility with the realities of the industrial revolution. Utilitarianism has been so successful in guiding our contemporary thinking on good and evil that we would almost forget that its origins are just as utopian as those of Rousseau and Kant.

Jeremy Bentham, the philosophical father of utilitarianism, had argued in the early 19th century that nature had ‘placed mankind under the governance of two sovereign masters, pain and pleasure.’⁹⁶ The tasks of the individual and the community were simply to pursue those things in life that promoted benefit, advantage, pleasure, good, or happiness, while preventing the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered. Utility, in other words, could be determined by pursuing those things that produce the greatest good for the greatest number. No need for Hegelian dialectic and syntheses between competing ideologies; rational and informed citizens will take care of moral evolution. Utilitarianism is thus a form of democratization of philosophy.

James Mill, Bentham’s pupil, took the democratization of utilitarianism one step further. Elaborating on the infallibility of public opinion, he argued that:

“Every man possessed of reason is accustomed to weigh evidence and to be guided and determined by its preponderance. When various conclusions are, with their evidence, presented with equal care and with equal skill, there is a moral certainty, through some few may be misguided, that the greatest number will judge right...”⁹⁷

So no more need for God to guide as our moral compass, and no more need for philosophers to translate the laws of nature for the common man. As John Locke had explained in the 17th century, anyone who takes the trouble to consult the laws of nature will get an answer.⁹⁸ Bentham and Mill just added up the opinions. But although they were the first to turn public opinion into a doctrine for morality, they were certainly not the only ones, or the first ones, to assume that the matter of moral progress was dependent on intellectual development of citizens. For

⁹⁶ Bentham. “*An Introduction to the Principles of Morals and Legislation*”. (1789).

⁹⁷ Kinzer. “J.S. Mill Revisited”. (2007): page 19.

⁹⁸ Locke. “*Second Treatise of Government*”. (1690).

example, Kant argued that self-interested citizens in democratic republics would never vote to wage war, as it was against their public interest. Wars of conquest only benefited self-interested Princes and Monarchs in pursuit of wealth and honor, not the people. Until today there have indeed been no wars between two democratic states, just as there has never been a war between two states that are both home to McDonald's franchises. As we will see towards the end of this chapter, Woodrow Wilson and the architects of the League of Nations were also highly influenced by the doctrines of utilitarianism. If they had studied more closely the balance of power since the peace of Westphalia, they might have reached the conclusion that the doctrine of utilitarianism, much like those of *jus ad Bello* or perpetual peace, is not a guarantee for success.

1.2. Perpetual Politics

Daydreaming aside, Kant's idea of perpetual peace had not come to a synthesis at all yet. If anything has perpetuated itself in the sovereign state order of Europe it is war. Each time a new peace in Europe was signed, 1648, 1815, 1919, 1945, it was a pragmatic peace, not a perpetual peace.

Attempt one: Münster and Osnabruck (1648)

Ever since the Peace of Westphalia, the balance of power between modern sovereign States in Europe has been offset several times, but it has always been restored. The doctrine of State sovereignty has been so successful that it has spread all over the globe, and serves as the basis for International Relations. In the meantime, however, sovereignty within the State has changed hands several times. Whereas the 1648 order of States in Europe was based on the traditional authority of Kings and Clerics, the 18th, 19th, and 20th century saw power within the state shift, first towards charismatic authority, and eventually to bureaucratic authority.⁹⁹ Although the units of analysis in the international state system, sovereign states, have stayed the same, they are in no way made up of the same internal structures.

The Peace of Westphalia did not only create the basis for an order of sovereign States in Europe, it was also born out of self-interested States attempting to preserve their sovereignty. The 30 years' war, although initiated as a religious war between the Holy Roman Empire on one side, and an alliance of Protestant States

⁹⁹ Gerth and Mills. "Weber's Politics as a Vocation". (1946).

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on the other, shattered illusions of religious loyalty when France, a Catholic power, switched sides.

France's First Minister under Louis XIII between 1624 and 1642, Cardinal Richelieu, had no doubts about his professional priorities: Centralize the power of the State in France itself, and check the power of the Holy Roman Empire in Europe. As a young man, Richelieu was said to have personally lied to the Pope in Rome about his age in order to get his clerical appointment. Both a Catholic Cardinal and a Statesman, his loyalty lay with only one institution: *l'état*.¹⁰⁰ Under the reign of Louis XIII, Richelieu centralized the national taxation system, stripping feudal lords of their titles and their powers to raise taxes locally. This infuriated the nobles, but strengthened the power of the Monarchy. The revenues allowed France to slowly disentangle itself from the Catholic Church in Rome. When Louis XIV, many years later, claimed that *l'état, c'est moi* (I am the State), he had Richelieu to thank for it. Richelieu's foreign policy objectives were equally unambiguous. In the 1620s, the French had started financing the Dutch Republic in their struggle for independence from Spain. Similarly, Richelieu incited the Protestant Swedish Kingdom to invade Northern Germany in order to balance the growing power of Ferdinand II, the official Holy Roman Emperor.

The Peace of Westphalia of 1648 ended both the Thirty Years' War and the Eighty Years' War. However, it was not a Peace Conference akin to the Paris Conference of 1919, but rather the sum of a number of separate treaties negotiated between 1646 and 1648 a region of Western Germany that would later become mainland Europe's industrial center.¹⁰¹ Delegations of the Kingdom of Spain and the Dutch Republic convened in the city of Münster, while the Holy Roman Empire signed two separate treaties with the Kingdom of Sweden and its allies in Osnabruck, and another treaty with France and its allies in Münster. Although the delegations all spoke words of universality and God's glory in their various meetings, their true interests were crystal-clear: to defend the sovereignty of the state.

The Treaties proposed a system of state sovereignty and national self-determination. It created a system of political order between Europe's major Princes; a balance of power that gave political leaders protection from their competitors, and that constituted a promise of Westphalian sovereignty within the national borders of each state.

The likes of Immanuel Kant and Abbé de Saint Pierre, to be sure, had nothing to do with Westphalia; both of them were born after the fact. The Peace of Westphalia was by all means a product of practical statesmanship and national self-interest, not one of high-minded philosophy about perpetual peace. The rules that the

¹⁰⁰ Kissinger. "World Order". (2014): pp. 20-21.

¹⁰¹ Ibid. pp. 24-40.

delegates agreed on in Münster and Osnabruck, and that constituted the basis of international law, were a balancing act, not a philosophical revelation. They found their origins in Aristotle and Machiavelli, not in Plato and Augustine. Indeed, balance in continental Europe would be the keyword to the strategic interests of Britain and the other major powers for the centuries to come. In the early 19th century, when Napoleon took the French revolution in his own hands and conquered more than two thirds of continental Europe, Russia and Britain felt obliged to end French hegemony.

Attempt two: Vienna (1815)

The 1815 Vienna Congress that ended the Napoleonic wars and restored national boundaries to their defaults explicitly aimed at building a healthy balance of power between the Great Powers in order to prevent one power from attempting to dominate the whole of Europe, especially France. Since Austria, France, Russia, Britain, and Prussia had the common interest in being protected from each other's imperial ambitions, the 'Concert of Europe' was successful in preventing any of the powers from dominating the continent for a century.¹⁰² For a while it almost seemed as if Kant's Essay on Perpetual Peace had truly enlightened the minds of Europe's Princes. It wouldn't be the last time; the end of WWI and the end of the Cold War inspired similar hopes.

For a while the balance indeed held strong. Many historians even recognize the Concert of Europe and the *Belle Époque* as one of the most peaceful episodes of European history. The early 19th century was full of technological and societal changes, putting nations on a track of industrialization and democratization. In 1848 the whole of Europe experienced a wave of democratization, with popular uprisings and demands for universal suffrage and democratic freedoms from Sweden to Italy, and from Ireland to Hungary. Not only Kant's liberal prophecy, but also those of John Locke and de Montesquieu were being fulfilled. Popular demonstrations in Pest and Buda forced the imperial governor Hungary to allow for freedom of the press, equality before the law, and the establishment of a national assembly, among others. In Denmark, King Fredrick VII ceded to popular demands for a transition towards a constitutional Monarchy. On the other side of the Atlantic, the British provinces of Nova Scotia and Canada established parliamentary democracies.

But the 19th century was also a century of other –isms, most notably socialism and nationalism, both of which contributed to distorting Europe's newfound balance.

¹⁰² Hobsbawn. "The age of Revolution, 1789 – 1848". (1962) pp. 127-138.

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1848, the year of ‘Spring of Nations’, was also the year in which Karl Marx and Friedrich Engels published the Communist Manifesto.¹⁰³ Inspired by the second industrial revolution and the harsh conditions of the working class, Marx and Engels presented the struggle of their age not as one between Monarchs and their peoples for political liberties, but rather as an economic struggle between an international bourgeois class of capitalists on one side, and an ever impoverishing working class on the other. Their ideas were picked up in the 19th and 20th century by Marxists, Communists, and Socialists, and have made an enormous impact on the world, whether in terms of the welfare state, international movements against slavery and child labor, or the communist revolutions that changed the history of states from the Soviet Union to China, and from Cuba to Ethiopia.

Marx’s material dialectic did however never threaten the doctrine of the state sovereignty. In the Communist Manifesto, Marx and Engels had argued that “*The Modern Bourgeois is like the sorcerer who is no longer able to control the powers of the nether world that he has called up by his spells,*” and that as a result of this ever-suffocating grip of capitalism, the international proletariat had nothing to lose but their chains.¹⁰⁴ The manifesto ended with the words: “Working men of all countries, unite!” The working men of all countries did unite; but each group united behind their own nation. During the Concert of Europe between 1815 and 1914, Liberalism and Socialism were merely the support acts. Without a doubt, the main act was Nationalism. If Liberalism and Socialism shifted more power to the people, Nationalism pumped this newfound energy into separate combustion chambers, ensuring that each people would power their own nation.

Already before the Concert of Europe, and even before the French Revolution, in Germany a movement developed that railed against the abstract enlightenment ideas of pure rationalism and universalism, trying to synthesize them with the forces of emotion and language. For example, Johann Gottfried Herder, in his 1772 Treatise on the Origin of Language, argued that although human beings are free and progressive agents, they are also a ‘creature of the herd’, an a creature of language and culture.¹⁰⁵ Echoing Aristotle, Herder warned his enlightened contemporaries that humans, as political animals, would not magically be freed of their *thumos*¹⁰⁶, of their love for their heritage and ethnicity, through philosophical treatises that did not resonate with these innately human feelings. Not surprisingly, Herder’s writings, but also those of Goethe and later Hegel, were music to the ears of statesmen in the German Confederation and Kings of Prussia. The 1848 popular

¹⁰³ Marx. “The Communist Manifesto”. (1848).

¹⁰⁴ Idem.

¹⁰⁵ Herder. “Treatise on the Origin of Language”. (1772).

¹⁰⁶ In Plato’s *Republic*, the term *thumos* refers to the part of the city/soul that represents feelings of honor and pride.

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revolutions in the German states demanded democratic reforms, but were also inspired by Pan-Germanism, a desire to unify all German speaking nations of Europe into a single nation state.

Again, the international order did not hold. First it was France that felt threatened by its neighbor to the East. But the Franco-Prussian war of 1870, initiated by Napoleon III but won by Prussia, only strengthened the Germans. In 1871 Wilhelm I was proclaimed Kaiser of the unified German Empire, with Otto von Bismarck as its first Chancellor. Further to the South-East, the trust between Austria-Hungary and Russia slowly crumbled as the Austro-Hungarian Habsburg Empire occupied Bosnia and Herzegovina, which had until then been under Ottoman influence.

It was the Russians who felt most threatened by the new power balance though. Whereas Russia was initially allied with Germany through the (secret) Reinsurance Treaty of 1887, this understanding came to an end when von Bismarck signed another alliance with Austria-Hungary, promising to support each other in case of an attack by Russia. Suddenly, Russia found itself in a vulnerable position. If the Central Powers of Germany and Austria-Hungary would also include the Ottomans in their alliance, which they later would, the Russians might lose their access to the Dardanelles, its only waterway to the Mediterranean. With the power balance on the continent out of equilibrium, a minor incident could be enough to spark a major conflict between the Great Powers. By 1914, the collapse of order was imminent. The assassination of Archduke Franz Ferdinand in Sarajevo urges Austria towards a war with Serbia. Germany promises to back Austria. Russia starts mobilizing its troops and signs a pact with France. Germany, feeling that war is imminent, declares war on France, and invades Belgium. Britain sees the invasion of (neutral) Belgium as a breach of international law and joins the Allied powers. 5 years later, more than 38 million people are dead, and the Allied Powers convene in Paris to establish the foundations for the League of Nations.

Attempt three: Paris (1919)

Just as the conferences in Westphalia two and a half centuries earlier and in Vienna a hundred years earlier, the Paris Conference of 1919 did two things: One, re-establish the boundaries of national sovereignty, and two, prescribe a set of rules to prevent future conflicts. Imperial ambitions were to be constrained. If the conferences of Westphalia had constrained the power of the Holy Roman Empire, and the conference of Vienna was designed to prevent the rise of another Napoleon, the 1919 Paris Conference was a response to contain the imperial ambitions of Germany.

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But not only the alliances and imperial tides in Europe had changed. The timing and political climate also seemed perfect to finally put into practice Kant's prophecy. Firstly, in most of Western Europe the forces of liberal democracy and the industrial revolution had created societies that had only existed on paper during the Vienna conference of 1815. Secondly, for the first time the United States had entered the arena as a Great Power, full of optimism about the spread of its values. Thirdly, states in Europe and outside it had grown much stronger and more nationalist, with a bigger yearning for national sovereignty and a desire to finally abolish imperialism. Finally, and as a result of the other three, the British school of Utilitarianism and the belief in the power of public opinion flourished. As a matter of fact, it was so successful, that it clouded the minds of the project's architects so much that they built a Utopia that was not in line with political reality.

The first reason for the negotiators of the Paris conference of 1919 to be more optimistic about was that Europe was in the process to become more liberal and Republican than in 1648 and 1815. The liberal idea that true legitimacy of a ruler can only be achieved through Republicanism, that is, the interest of the people, had for a long time only existed in salons in Paris and ivory towers in Königsberg. In reality, however, enlightenment Europe was ruled by Kings and Kaisers, not by the people or their representatives in parliament. The Great Powers of the Vienna Conference of 1815 had no need to negotiate their treaties in coordination with parliament, or to consult public opinion before acting in name of their country. The diplomats that travelled to Vienna to represent the Empires of Russia, Austria, Great Britain, Prussia, and France only had to coordinate with their respective Monarchs, Emperors, and Tsars.

The Allied victors that led the negotiations of the 1919 Paris Conference, The United States, the British Empire, and the French Republic (and to a less extent Italy) were by all means more Republican. Woodrow Wilson, the 28th president of the United States and a Democrat, had to pass legislation through a Republican-majority Senate. Lord Cecil, the British representative, worked at the Red Cross before being elected as an MP in a coalition government between liberals and conservatives. Georges Clemenceau, the French prime minister, had started his political career as a political activist and a critic of imperial France. It was thus no surprise that the chief negotiators of the League of Nations were optimistic about the force of public opinion and liberal peace. Even Germany had become a Republic by 1919, and other Western European nations were also democratizing. Surely the rest of the world would follow soon enough.

The second reason for optimism laid with the role of the US as an emerging superpower. While the previous conferences of 1648 and 1815 had been negotiated by the Great Powers of Europe, the 1919 Paris Conference was led by a new trans-Atlantic power, the United States. A shining city upon a hill, all the Liberal prophecies of the European enlightenment had come true in America.

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Locke's Treatises on Government had become the cornerstone of American politics. The texts of the Founding Fathers, from John Adams to Thomas Jefferson, had become a political reality. One of the biggest literary odes to Democracy in America was written by a Frenchman. De Tocqueville, in search of the greatness and genius of America, came to the conclusion that: "America is great because she is good, and if America ever ceases to be good, she will cease to be great."

No wonder the American optimism about the League of Nations was so great. Less than a year before Wilson's speech, the world had witnessed the downfall of the last Tsar in Russia, an event arguably more groundbreaking than Gorbachev's policies of *Glasnost* and *Perestroika* in the late 1980s that marked the end of the Cold War. A few years earlier, China had witnessed the end of more than 2000 years of dynastic rule. If even China, without a doubt the greatest empire in the history of mankind, had become a Republic, then the age of empires was surely over.

The third reason for optimism, ironically, lay with the power of Nationalism. "The day of conquest and aggrandizement is gone by", Wilson told his colleagues in Paris. In his Fourteen Point speech in 1918, the arrows were pointed towards military dictatorship and imperialism, not nationalism. If the Peace of Westphalia dealt with the Holy Roman Empire, and the Vienna Treaty with Napoleon's empire, the League of Nations aimed at eliminating the very legitimacy of empire for once and for all.

Nationalism was not seen as a force of evil, or even danger, in the aftermath of World War I. As a matter of fact, the League of Nations was based on the premise that nationalism could perfectly well be a source of peace and progress, as long as legitimized through republicanism. As Giuseppe Mazzini, a 19th century Italian Nationalist explained: "For us, the end is humanity; the pivot, or point of support, is the country." Building on this logic, Wilson argued that the danger of war did not come from the German or Italian people themselves, who had no interest in empire, but rather from the military elites that claimed to represent them. As long as power laid with the German Reichstag, or with the Italian Chamber of Deputies, nationalism would be a force of progress, and international peace would be safeguarded. As a matter of fact, Nationalism was also the basic building block of many independence movements in the colonies in Africa and Asia, many of which had send soldiers to the front in WWI. Although most colonies would have to endure another World War in order to achieve the independence of their nations, Wilson was among the first Western statesmen to touch upon the colonial question.

By the late 19th century all intellectuals in Europe agreed: Whether through Kant's philosophy, Grotius' international law, or Mill's public opinion: War was immoral, illegal, and irrational. And then World War 1, the Great War, broke out. Von Bismarck in Prussia, Tsar Nicholas II in the Russian Empire, and Emperor Franz

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Joseph of the Habsburg Empire had clearly not understood the message yet. Surely they soon would. Despite the horrors of WWI, or perhaps as a result of them, the architects of the post-WWI era were hugely optimistic about the prospect of peace. The ideological forces of Morality, Law, and Logic had withstood the evil of Empire, and had nested themselves firmly in the minds of the founders of the League of Nations. Clearly now was the right timing to put Kant's vision of a universal and perpetual peace into practice, and into law.

The initial idea of a League of Nations had already been born at the start of WWI with the Bryce Group, a group of international pacifists created by Lord Bryce, a British academic and Liberal politician, and Goldsworthy Lowes Dickinson, a political scientist, among others. The ideas of the Bryce Group were found an audience in Britain, but also in political circles in the United States. In 1915, William Howard Taft, a former US President, was influential in setting up the League to Enforce Peace, an organization to promote the formation of an international institution for world peace. Although the Bryce group was not successful in institutionalizing its ideas before the outbreak of WWII, the United States did already sign pacifist treaties with other Powers before the war, and even during the initial days of WWI. The Bryan Treaties, named after Woodrow Wilson's first secretary of state William Jennings Bryan, aimed at preventing international conflicts through third-party conciliation. The treaties' power, Wilson said in 1914, was "that whenever any trouble arises the light shall shine on it for a year before anything is done; and my prediction is that after the light has shone on it for a year, it will not be necessary to do anything; that after we know what happened, then we will know who was right and who was wrong."¹⁰⁷

The end of WWI proved to be a great window of opportunity for pacifist idealists. The post-war Paris Conference of 1919-1920 produced not only the Versailles Treaty that dealt with Germany and similar treaties to reign in the imperial ambitions of Austria, Hungary, and the Ottoman Empire, but it also laid the foundations for an institutional framework for peace. Led by the four big allied powers, France, Britain, Italy, and the United States, the League of Nations became the first international institution of collective security.

The League's biggest proponent was US president Woodrow Wilson, who laid out his vision of the institution in his fourteen-point speech in 1918. Much in line with the ideas proposed by Immanuel Kant more than a century earlier, as well as those by the Bryce group and American pacifists, Wilson announced that 'the day of conquest and aggrandizement' was gone by, and that the representatives of modern sovereign states ought to represent the interests of their citizens, not the political elites or the military.¹⁰⁸ With regard to international security Wilson's

¹⁰⁷ Link and others, eds. "The Papers of Woodrow Wilson". (1977): page 106.

¹⁰⁸ Ibid, page 536.

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demand was that the world be made 'fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression.'

The initial belief in the power of the League of Nations was tremendous, especially among the allied powers, and even more so in Britain and the United States. The League had 42 founding members in 1920, growing to a total of 58 members in 1934. Lord Cecil, speaking in front of the Assembly of the League of Nations in 1931, said that there had scarcely ever been a period in the world's history when war seemed less likely than then. The idea of international sanctions on member states, let alone military intervention, was not even a serious matter of concern to the League. Rather than using tools of material force, conflicts were much more likely to be solved through diplomacy and arbitration. This optimism was based on the liberal assumption that the international public opinion would be able to distinguish Good from Evil, and that as a result member states would establish and implement the rule of law. After all, Good and Evil were universal values that could be derived from nature and that could rationally be explained by anyone who bothered to consult them.

The main article in the Covenant of the League regarding the use of sanctions cited that:

"Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall ipso facto be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not."

Sanctions, then, served two purposes. Firstly, they served the goal of deterrence through the rule of law. Ronald F. Roxburgh argued that, although it is true that the law-abiding spirit is the basis of legal orders, this spirit arises only when physical sanctions are institutionalized:

"It is true that for every man who keeps the law through conscious fear of punishment, there may be hundreds who do so as it were instinctively, and without a thought on the subject. But while this law-abiding spirit, which is characteristic of large sections of a

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modern community, owes its origin to a number of causes, perhaps the most potent of all has been the enforcement of law through long ages in the past."¹⁰⁹

The second objective of sanctions was more practical. Rather than a tool of law, sanctions were also believed to be a highly effective tool of punishment. Woodrow Wilson envisioned international sanctions as a tool that would perhaps not even be necessary, because:

"A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted but it brings a pressure upon the nation which, in my judgment, no modern nation could resist"¹¹⁰

The optimism of the interbellum didn't last long. It turned out that the political timing was not right at all. Politics actually stood in the way. Woodrow Wilson, the League's spiritual father, was not able to get the Covenant ratified by his own country. The US Congress, much rather maintaining a position of isolationism, was not willing to agree on article X of the Covenant, calling for international assistance in the case of international aggression. It was a bad sign for events to come.

Initially, the League of Nations was successful in mediating in a number of small-scale conflicts in the 1920s, including disputes between Sweden and Finland, Germany and Poland, Colombia and Peru, and Greece and Bulgaria, among others. The League of Nations also laid the foundations for the International Labor Organization (ILO), the International Court of Justice, and the World Health Organization, among others. However, as the stakes got higher in the 1930s, the members of the League were not able or willing to deal effectively with real threats to international peace.

But the first signs of danger presented themselves relatively quickly. When the League of Nations was founded, on the 10th of January of 1920, Italy was already home to social unrest. With high inflation rates and increasing unemployment rates, Italian factory workers, farmers, and disarmed soldiers had plenty of time and motive to join strikes, soviet-style factory occupations, or right-wing militias such as the Fascist Blackshirts. In October 1922, less than two years after the Paris Conference, Benito Mussolini marched on Rome and was proclaimed Prime Minister of Italy. Three years later he changed Italy into a legal dictatorship, setting an example for other European fascists, most notably Franco in Spain and Hitler in Germany, to follow.

¹⁰⁹ Roxburgh. "The Sanction of International Law". (1920).

¹¹⁰ Padover. "Wilson's Ideals". (1942).

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The imperial ambitions of Japan, although far away from the direct geopolitical concerns of the Great Powers, presented another warning sign. In the run-up to WWI, the Japanese empire had already acquired Formosa (1895), half the Russian Island of Sakhalin (1905), Korea (1910), and a whole range of islands in the East China Sea, South China Sea, and the Pacific Ocean. It was only the invasion of Manchuria in 1931, and the establishment of a puppet government of a newly independent state called Manchukuo, however, that made the bells ring at the League of Nations. As designed at the Paris Conference of 1919, a League of Nations Committee was sent to the region to determine the causes of the incident. In October 1932 the Lytton report established that the incident constituted an act of aggression of Japan. The report, approved unanimously, insisted on the withdrawal of Japanese troops, and stipulated that both parties had three months to accept or reject the report's recommendations. In March 1933 Japan left the League. The puppet government of Manchukuo stayed in power. It was the first sign of the weakness of the League in enforcing its decisions.

Two years later in October 1935 the Kingdom of Italy initiated a colonial war in Ethiopia, then known as Abyssinia. Although both Abyssinia and Italy were members of the League, and although the occupation was a clear violation of the Covenant as well as the Geneva Convention, the sanctions on Italy were only half-hearted. Italy successfully occupied Ethiopia, and the efforts of Emperor Haile Selassie in the League's General Assembly were in vain. In 1936, when Hitler invaded the Rhineland and France needed the support of Mussolini in Europe, France and Britain even allowed for the sanctions to be lifted. As Mussolini had observed: "the League is very well when sparrows shout, but no good at all when eagles fall out." By the end of 1936 Italy regarded it safe to exile Haile Selassie and to fully incorporate Ethiopia without fearing severe punishment from the League. It was the beginning of the end.

Germany, in the meantime, had not been sitting still either. Clearly the geopolitical loser of the Versailles Treaty, Germany was economically indebted and politically humiliated. When Hitler rose to power, promising to put the German Nation back on the map while wiping Jews and other minorities off it, he proved that nationalism could easily trump cosmopolitanism. After a failed coup d'état in 1923 and eight months of imprisonment, Hitler's NSDAP party quickly gained popular support. Especially after the 1929 stock market crash, Nazi anti-Semitism and promises of Pan-Germanism resonated well with millions of Germans who had lost their jobs and sense of national pride since the end of WWI. It did not help that Germany had been left isolated and humiliated by the other Great Powers. According to the War Guilt Clause of the Versailles Treaty, Germany was to pay 132 billion Marks in war damages, out of which 20 billion were actually paid until 1931. Germany also had to disarm, and had to make substantial territorial concessions, a cause of deep humiliation. It is no wonder that Germany withdrew from the League of Nations in

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1933, only seven years after its accession. In 1935 Hitler re-introduced army-subscription, and in 1936 Germany had expanded its first bit of *lebensraum*, when it invaded the Rhineland. Before the end of the year the Axis alliances with Japan and Italy were completed, and by the late 1930's Germany had expanded into Austria, and parts of Czechoslovakia, Poland, and Lithuania. Just like in 1914, another World War was already becoming inevitable.

By the summer of 1939 Wilson's utopia was definitely shattered. In the years that followed, all major powers in Eurasia and America were drawn into a world war that was took an even higher toll than the previous one. The battles, bombings, killings and other atrocities throughout the Eurasian heartland and the Atlantic the Pacific rims produced an estimated 50 to 85 million casualties, most of which were counted in the Soviet Union, Germany, China, and Japan. During the Holocaust, Nazi Germany and its collaborators exterminated an estimated 6 million Jews, and another 5 million non-Jewish individuals, including Poles, Romanians, Homosexuals, and other minorities. The US nuclear bombings of the Japanese cities of Nagasaki and Hiroshima in August 1945 that marked the end of the war, left the world in awe. How could this have happened?

From the Liberalist's perspective, Wilson, just like de Saint Pierre and Kant before him, were right. If the League of Nations failed had to hold up, it was without a doubt because of the illiberal and fascist regimes of Germany, Italy, and Japan, who overstepped their boundaries in the 1930s. The theory had not failed the nations. The nations had failed the theory. In theory, the Nation was supposed to be a building block towards humanity; in reality, Hitler, Mussolini, and Hirohito used the force of Nationalism as a tool of imperial expansion, and the League of Nations proved to be but a peace of paper.

De Saint Pierre, Kant, Hegel, and Wilson moved to the back of the library. Liberal daydreaming about natural law and perpetual peace had only distracted the world from the harsh reality of international politics. What had these utopian intellectuals really brought us but a naïve narrative of ought and should? What was the value of liberal peace if it was but a peace of paper? Would it perhaps be safer to analyse the world as it is, rather than dreaming about how it might be?

Chapter Two

The United Nations and Selective Security in the Cold War

"No matter how many people passionately desire a 'world-state' or 'collective security', the point is soon reached where the initial stage of wishing must be succeeded by a stage of hard and ruthless analysis"¹¹¹

In Chapter one we have seen how various utopias, from Plato to Wilson, have guided our thinking about Justice through history. We have also seen that the visionary projects of Rousseau, Locke, Kant, and Wilson could only be realized when political circumstances allowed for it. During the Cold War this logic was no different. The dominant Utopia was still that of perpetual peace between sovereign states, in line with those of Kant and Wilson. The vision of finally bringing an end to inter-state aggression was inspired by the horrors of two devastating World Wars, and it was institutionalized through the League of Nations' successor, the United Nations in 1945.

Chapter two will consider the role of the UN during the Cold War in two ways. First the chapter will explain why during the Cold War the United Nations was appointed a secondary role. Having learned from Wilson's naiveté in designing the League of Nations, the statesmen that laid built the institutional foundations of the United Nations on a mix of ideological principles and norms on one hand, and pragmatic realist rules and procedures on the other. As a reluctant superpower, the US had neither the capacity nor the ambition to impose its idea of world order on the rest of the world, but they also knew that justice and peace would not magically materialize through sheer brainpower. The geo-political deadlock of the Cold War and the geo-strategical interests of the United States and the Soviet Union did not allow for Justice to prevail....yet. The UN Peacekeeping missions and sanctions regimes of the period 1945-1990 are a reflection of this ultimately realist stand-off.

Secondly this chapter will explain why ideology also played an important role in explaining the UN's institutional failure during the Cold War. We will do so by looking at the role of international institutionalism. Whereas before the states of the world had lived in a system of anarchy and realist power balancing, post-war

¹¹¹ Carr. "*The Twenty Years' Crisis*". (2001): page 6

institutions regulating international trade, finance, and security made a definite mark on global politics. Not only did institutions make cooperation between states more transparent and easier under US hegemony, they continued to flourish as the world became more multi-polar in the new century, making the world more interdependent, wealthier, and safer. All the major international institutions that were established after WWII, ranging from the UN and NATO to the WTO and the IMF are based on the premise that although states are self-interested actors, they are still willing to restrict their behavior if they can be assured that other players will do the same. Study after study has shown that institutions can foster cooperation and absolute gains for all players involved. However, realists have countered institutionalism by observing that when the stakes become too high, institutions are not always as effective as their designers might hope for.

During the Cold War the realist critique on the UN as an institution was by all means true. The UN only played a role in marginal conflicts. However, as ideational liberals as Moravcsik and Nye have shown, the preferences of states and societal actors that represent them can shift over time.¹¹² Soft power has become increasingly important in affecting state behavior, and issues of discord that during the Cold War seemed unbridgeable even to institutionalists become potential issues of cooperation in the 1990s.

2.1. The Establishment of the United Nations

The design of the United Nations Security Council makes the institution inherently selective. Rather than providing a framework for 'collective security', in which each state in the system accepts that the security of one is the concern of all, the Council is better described as one of 'selective security'; a doctrine that allows the UN to deal with some international events while leaving others aside.

Clearly the post-WWII years had to be years of sober Realism. If only the Statesmen of the League of Nations had read Clausewitz rather than Kant, analyzed Hitler's *thumos* rather than Hegel's truth, they might have avoided this unnecessary war. As Karl von Clausewitz, a 19th century Prussian General and military theorist instructed in his 1823 work *Vom Kriege*, war must always be considered as an act of policy.¹¹³ It is a political instrument that political actors employ to achieve political objectives. It is "merely the continuation of policy by other means." Hans Morgenthau, an influential political Realist and consultant to the US State department after WWII, suggested that, to improve an imperfect

¹¹² Moravcsik: "Taking Preferences Seriously". (1997); Nye. "Soft Power". (2004).

¹¹³ Clausewitz. "On War". (2006).

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world, one must work with the forces that are inherent to human nature, not against them. The best way to identify these forces is by assuming that “statesmen think and act in terms of interest defined as power.”¹¹⁴

Already in 1943 at the Moscow Declaration China, the Soviet Union, the United Kingdom, and the United States agreed on the need for a successor to the League of Nations. The Washington Conversations on International Peace and Security Organization, better known as the Dumbarton Oaks conference of 1944, brought together representatives of the United Kingdom, the United States, and the Soviet Union to formulate the institutional basis of the United Nations.¹¹⁵ Subsequent talks at the Yalta conference of February 1945 between Roosevelt, Churchill, and Stalin were not easy as WWII was still in its final stages and because Stalin tried to secure the Soviet Union’s geopolitical future, pushing for the independence of Mongolia from China and influence in its satellite states in Eastern Europe, among others.¹¹⁶ Later that year, the San Francisco Conference brought together representatives of forty-six nations that had declared war on Germany and Japan. By the end of June the Charter was signed.¹¹⁷ President Truman, addressing the final session, said:

“The Charter of the United Nations which you have just signed is a solid structure upon which we can build a better world. History will honor you for it. Between the victory in Europe and the final victory, in this most destructive of all wars, you have won a victory against war itself.... With this Charter the world can begin to look forward to the time when all worthy human beings may be permitted to live decently as free people.”

Various articles of the UN Charter allow for selectivity in the Security Council. First of all it is the Council (not the General Assembly) that has the power to determine on behalf of all UN members whether a certain event constitutes a ‘breach of the peace’ or ‘threat to the peace’. Indeed, Article 24(1) of the Charter states that:

Its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.¹¹⁸

¹¹⁴ Morgenthau. “*Politics Among Nations: The Struggle for Power and Peace*”. (1978) pp. 4-15.

¹¹⁵ The Soviet Union initially refused to deal with the Republic of China under the Kuomintang government in Taipei.

¹¹⁶ Berthon and Potts. “*Warlords*”. (2013). Ch. 15.

¹¹⁷ Although the Charter was only officially approved in October 1945, when the national congresses or parliaments of China, France, the Soviet Union, the United Kingdom, and the United States had ratified the Charter.

¹¹⁸ UN Charter Chapter V, Article 24.

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Article 27 of the Charter (about the veto right) makes the power of the permanent five members of the Security Council, China, France, Russia, the United Kingdom, and the United States, even more selective. Although the Council as a whole counts fifteen members, decisions on non-procedural matters need to be made by an affirmative vote of nine members including the concurring votes of the permanent members. The veto right has indeed been used frequently by all permanent members, most notably the Soviet Union in the 1950s and 1960s, and the United States in the 1970s and 1980s. Since 2000 the Veto has been used less, and France has even pledged to stop using its veto right, urging the other members to follow suit.

One way to get around the deadlock created by the P5 vetoes was through the 'Uniting for Peace' resolution passed by the General Assembly in 1950, which made provision for the General Assembly to act in certain crises or wars when a veto prevented Council action.¹¹⁹ This resolution allows the UN General Assembly to call for an Emergency Special Sessions (ESS) and to override a veto in cases in which "the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security." It was used on many occasions during the Cold War, but has since gone out of fashion.

Chapters VI and VII of the Charter also allow for the Council to be selective in its dealings with peaceful settling of disputes (Ch.VI) and threats to international peace and security (Ch.VII). Article 39 of the Charter is simultaneously clear-cut and ambiguous. It is clear-cut in the sense that, contrary to the League of Nations, it points to the Council as an arbiter when it comes to identifying threats to the peace and taking action in accordance with articles 41 and 42. Article 39 states that:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

As straightforward Article 39 is with regard to who calls the shots, as ambiguous it is with regard to which types of events qualify as threats to the peace, breaches of the peace, or acts of aggression. There are no mentions of specific laws; no rules or guidelines; no card index. An event is a threat to the peace when a sufficient amount of Security Council members regards it as such. White-minority racist

¹¹⁹ UN General Assembly Resolution 377(V) (1950).

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regimes in Africa; wars of aggression, civil wars, coups d'état, international terrorism, and nuclear proliferation have all qualified.

The measures that the Security Council can take in response to violations under Article 39 are also subject to selectivity. The Charter distinguishes between actions taken under Article 41 (measures not involving the use of armed force) and Article 42 (military intervention), but it does not specify which Article should be used under which circumstances. Sanctions do not necessarily precede military action, and they can be imposed in countries in which a UN peacekeeping mission is already present. In the case of Liberia the sanctions on timber exports were imposed when the conflict had officially ended in 2003¹²⁰, thirteen years after the first UN approved ECOWAS observer mission, and ten years after the establishment of the UN Observer Mission in Liberia (UNOMIL).

Initially there was a call from less powerful member states in the UN to establish detailed definitions of threats, so as to prevent countries from being subject to arbitrary decision making in the Council.¹²¹ Initially there was a call from less powerful member states in the UN to establish detailed definitions of threats to the peace, specifically with regard to acts of aggression, so as to prevent countries from being subject to arbitrary decision making in the Council. The fear of small countries was however not that the Security Council would intervene too easily, but rather that they wouldn't interfere at all. They were looking for assurances from the P5; seeking protection *by* the Council, not *from* it.¹²² Even China and the Soviet Union shortly considered the option, but eventually the P5 proved reluctant to agree to such commitments because they would never be able to back up the words with troops. As a French Memorandum on the Dumbarton Oaks proposal read, "Nothing would be more dangerous than a system that would have more or less the appearance of guaranteeing the peace and security of everyone without having the capacity to do so".¹²³

2.2. The realism of the Cold War

The United Nations, although more successful than the League of Nations, was condemned to play a marginal role on the world stage during the Cold War. Its institutional design, combined with the geo-political realities of the 1945-1990 era, allowed for a number of peacekeeping missions in the Middle East, the Indian

¹²⁰ UNSCR 1478 (2003).

¹²¹ Luck. "A Council for all Seasons". (2010) page 71.

¹²² Idem.

¹²³ Memorandum of the French Government on International Organization and Text of Proposed French Amendments to the Dumbarton Oaks Proposals (1945).

Subcontinent, and Africa, as well as for the imposition of comprehensive sanctions on the white minority regimes of Rhodesia and South Africa. Large scale conflicts between superpowers were avoided, but the respect for territorial sovereignty was by no means assured.

In order to better understand the role of the UN and sanctions during the Cold War, we will consider three issues. Firstly we will consider the geo-political stage in which the United Nations were established. Secondly we will look at the UN Peace Operations that did take place during the Cold War, as well as the role of Peace Keepers during these episodes. In this section we will also consider the conflicts that were not addressed through the UN framework and the reasons for their absence. Thirdly, we will consider the two cases in which the UN imposed sanctions during the Cold War.

1945 marked the establishment of the United Nations, but also that of a geo-political balancing act, with continental Europe as the most complicated part of the puzzle. A mere three weeks after the conclusion of the San Francisco Conference, the July 1945 Potsdam Conference split Germany into four parts. France, Britain, and the United States would occupy the provinces that would later become West Germany, and the Soviet Union would control the East. Even the cherry on top of the cake, Berlin, was split, ironically creating a geographical monstrosity reminiscent of the 1885 Berlin conference that divided up colonial Africa.

The rest of Europe was also up for grabs. With Germany and Eastern Europe decimated, and with France and Britain still heavily injured, Russia had no need to fear the former Great Powers of Europe as it had for centuries. By 1949 the Soviet Union had expanded, without officially annexing, to Albania, Poland, Bulgaria, Romania, Czechoslovakia, Hungary, and East Germany. The United States, a natural and historical ally of Western Europe, had by that time already committed the Marshall plan. Between 1948 and 1951, Britain and France, but also West Germany, Italy, and the Benelux countries received massive amounts of financial aid, as well benefiting from free trade agreements with the United States. During the same years, these countries also laid the foundation of the European Union by establishing the European Coal and Steel Community (ECSC), and had become members of NATO, a collective defense system that also included the United States, Canada, Portugal, Norway, Denmark, and Iceland. In 1952, as part of the Truman doctrine, Greece and Turkey also joined. When the Eastern Bloc answered with the establishment of the Warsaw pact in 1955, the bi-polar world order was a definite fact.¹²⁴

The typical description of the role of the UN during the Cold War, or even in general, is a story about geo-political selfishness, vetoes in the UNSC, and proxy

¹²⁴ Kissinger: *“World Order”*. (2014) pp. 49-91.

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wars in the third world. Despite the newly welcomed utopianism after WWII and the promising establishment of the UN Charter, the geopolitical and ideological divisions between the United States and the Soviet Union indeed paralyzed the UN Security Council on many occasions, leading to over a hundred Soviet vetoes and more than forty US vetoes until 1989. The liberal framework that laid down the rules for the respect for territorial integrity and the use of articles 41 and 42 of the Charter regarding sanctions and interventions existed on paper, but it wasn't always used. The institutional power of sanctions was thus very weak, allowing those who created the norms to use the system according to their state-interests. However, in some cases the permanent members of the Security Council agreed on the need for intervention. Despite the relative side-lining of the UN, thirteen UN peace operations were carried out throughout the Cold War, six of which were typical interstate conflicts, two of which concerned decolonization, and five of which concerned civil conflicts.¹²⁵

The first intervention in a major territorial war of the Cold War, the Korean War, was approved by the United Nations due to a Russian failure to use its veto. Similar to the territorial division of Germany in the aftermath of WWII, the Korean peninsula, a former subject of the Japanese Empire, was occupied during the post-war years by Russian and American forces, with the Russians managing affairs in the North until 1948 and the Americans controlling the South until 1949. When in June 1950, the North, under the leadership of Kim Il-Sung, attacked the South, America gained UN approval to dispatch UN forces in defense of South Korea and to "defeat the Northern aggression". The Russian ambassador to the UN had abstained himself from the vote, not with the objective of allowing the UN mission, but as part of a boycott of the UN because the exclusion of communist China from the United Nations. Mao Zedong's China, who had just won the Chinese civil war in 1949 and supported the North Koreans, were not allowed to vote in the UNSC because the seat was occupied by the KMT nationalist government in Taiwan until 1971. After the Korean mistake, the Soviets used the veto rather than the abstention.

Another typical assumption about the Cold War is that many potential UN interventions were blocked through vetoes. Although it is true that the veto was used on many occasions by all the permanent members, the stalemate between permanent members of the UNSC and the use of the Veto, in contrast to popular belief, was never impenetrable.

¹²⁵ The interstate conflicts are: the Suez-crisis (1956), 6-day war (1967), Yom Kippur war (1977–79), Indo-Pakistani war (1965-66), Soviet-Afghan war (1988-90), and the US occupation of the Dominican Republic (1965–66). The other missions regard the Korean War (1950-53) Congo Crisis (1960-64), the transfer of Sovereignty to west-New Guinea (1962-63), the Lebanon crisis (1958), the Yemen Civil war (1963-64), the Cyprus conflict (1964-ongoing), and the Angola civil war (1988-91).

Many UN missions during the Cold War were actually established through the use of UNGA Resolution 377(A), also called the “Uniting for Peace” Resolution. As a matter of fact, between 1950 and 1997 the UN General Assembly has successfully pushed through ten “Uniting for Peace” Resolutions, essentially overriding vetoes or abstentions of permanent members of the Security Council. For example, Emergency Special Sessions have helped establish UN missions with regard to the Suez Crisis (1956), the Soviet invasion of Afghanistan (1980), and the South African occupation of Namibia (1981), overriding vetoes or abstentions of the UK and France, the Soviet Union, and the US and UK, respectively. The last “Uniting for Peace” Resolution however dates back to 1997.

The thirteen peacekeeping missions that did take place during the Cold War were each unique, but all adhered to a certain standard. Scholars have conceptualized the role of the UN during the Cold War as that of a traditional or Westphalian peacekeeper.¹²⁶ Traditional peacekeeping respects the premises of the so-called ‘holy trinity’ of consent, impartiality, and the minimum use of force. The agents in the international system, i.e. belligerent states, are assumed to be Clausewitzian actors with the objective of ending conflicts and that are open to conflict resolution with help from outside. The traditional role of the UN is that of a value-free peacekeeper, not intervening in internal affairs. Internal integrity political independence were expected to be maintained at all times. As Jeremy Farrall explains on the role of traditional UN peacekeeping:

“The idea [...] that the Council might initiate action to promote democracy or build the rule of law would have seemed not only fanciful, but highly dangerous. For what happened within the boundaries of a state was considered to be the business of that state and that state alone.”¹²⁷

Just as the Cold War protagonists were not neutral outside of the scope of the UN framework, obviously they also pulled strings within the UNSC. This led to an interesting mix between power-politics on the one hand, and impartial Peacekeeping missions on the other.

One good example of the interplay between the UN’s envisioned role as an impartial peacekeeper and stabilizing force for international security on the one hand, and the interests at stake for the permanent members of the UNSC, is that of the Suez Crisis in 1956 when Egypt’s president Nasser nationalized the Suez Canal. While the Arab world rejoiced over Nasser’s precipitous action, the British did not, recognizing that they stood to lose out economically as a result.

¹²⁶ Bellamy and Williams. “Thinking Anew About Peace Operations”. (2004).

¹²⁷ Farral. “The Role of the UN Security Council”. (2010).

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Negotiations between Britain and Egypt failed, leading Britain to look for political allies to remove Nasser from power and to regain control of the Canal. France and Israel were eager to join the alliance, seeing that France saw Egypt as a threat to its colonial interests in North Africa, and Israel was threatened by Egypt's military presence in the Sinai desert and the Gaza strip.

Officially, the act of aggression was carried out by Israel, when it invaded the Sinai desert on the 29th of October 1956. A day later France and Britain intervened to pacify the zone, and regain control over the canal. Votes in the Security Council did nothing to stop Britain and France; both used their veto. The US, despite being allied with all three aggressors, was not amused by this reckless action that could destabilize the region. With Russia being an ally of Egypt, they might have forced the US to take the side of Israel. Canada, under the presidency of Lester B. Pearson, recognized this risk, and pushed through the first "Uniting for Peace" resolution in the General Assembly, invalidating British and French vetoes and allowing for the United Nations Emergency Force I (UNEF I) to take over without the use of Chapter VII of the UN Charter. UNEF forces were deployed on the demarcation line and the international frontier south of the Gaza Strip in what can be recognized as a typical traditional peacekeeping operation, upon which many would later be based: "The peacekeepers were lightly armed, and only permitted to fire in self-defence. The nations who supplied the peacekeepers were intended to be impartial; the peacekeepers were not in the business of determining an aggressor. They were not there to solve the conflict, but merely to supervise the withdrawal of troops and give the hostile parties breathing space to find a solution on their own."¹²⁸ Pearson would later be rewarded with a Nobel Peace Prize, and the UNEF mission would lay a basis for traditional peacekeeping.¹²⁹ Later, other UN peace operations, such as those in Cyprus (1964-present), India-Pakistan (1965-1966), or the Golan Heights (1974-present), would represent a recognizable trend of traditional Westphalian peacekeeping.

Despite the UN Peace operations, and despite the use of the Uniting for Peace Resolution, the Cold War also knew a number failures to uphold international law and to respond to acts of territorial aggression. Taking into consideration those conflicts in which the UN did not interfere because of the Cold War divide we can hardly speak of neutrality. International relations during the Cold War in were far from neutral and the respect for national sovereignty only existed on paper. The ideological East-West divide turned foreign intervention and military support against the socialist/communist threat into a vital issue for the survival of western capitalism and vice versa. The proxy wars fought and regimes supported in Vietnam, Cuba, Cambodia, Angola, Indonesia, Libya, Somalia, and Ethiopia,

¹²⁸ Wallace. "Peacekeeping, Peace building, Human Security, and Self-Interest". (2000).

¹²⁹ Paris. "At War's End". (2004).

among others, support this argument. The role of UN peacekeeping should be viewed in perspective. The big and important battles were fought out between the US and USSR and their proxies; second-rank conflicts would be dealt with by the UN. The East-West divide in the UNSC thus both complicated and defined the use of the UN framework as an institution. As one author notes:

Peacekeeping was "not designed to be used at all in uncompromising conflicts between the rival power blocs, but instead for conflicts amongst smaller powers, in non-bloc areas, and in situations where the great powers might find their hard-core interests so little threatened that international intervention might be preferable to unilateral interventions which could lead to unwanted superpower confrontations."¹³⁰

In the Vietnam War for example, also officially an interstate war of aggression between two neighboring sovereign states (North and South Vietnam), UN approval was not an option. Having been split in the aftermath of WWII, the 1945 Potsdam conference decided that North Vietnam would be controlled by China, and South Vietnam by the British. However, as a former French colony, the French were quick to restore its authority. By 1949, when Mao had successfully consolidated communist control in China, a conventional war with the French in Northern Vietnam broke out, which eventually led to the control of North Vietnam by Ho Chi Min in 1954, and a continued conflict with the South until 1972. In 1966, UN Secretary General U Thant publicly spoke out against the war, denouncing it as "one of the most barbaric in history", and calling for a three-step plan to reach a peaceful settlement.¹³¹ However, the Vietnam issue never made it to a vote in the UN Security Council or even the General Assembly. The ideological and strategical interests of the US and the Soviet Union, but also of France and China, were too opposed and too important to allow the UN to play a role. The first Resolution on Vietnam regarded its admission as a member of the UN, in 1977.

Still, many of the traditional interstate conflicts of the Cold War were somehow dealt with in the UN. Besides the Vietnam War, the only other acts of international aggression that were left outside of the UN framework are the Ogden War of 1977 between Ethiopia and Somalia, and the Iran-Iraq war of 1980-88.¹³² The weakness of the UN during the Cold War thus had not so much to do with its inability to respond to classical border-wars, but rather with its inability to deal with the many proxy wars, which were officially recognized as domestic affairs or civil wars that lay outside of the jurisdiction of the UN and its role as a 'Westphalian

¹³⁰ Wallace. "Peacekeeping, Peace building, Human Security, and Self-Interest". (2000).

¹³¹ Thant. "Vietnam Peace Proposals". (1967).

¹³² Although the UN did send a Military Observer Mission (UNIIMOG) in 1988 after a peace treaty had been negotiated.

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Peacekeeper'. The promotion of political systems or the condemnation of autocracies was something completely outside of the scope and ambitions of the UN. The only exception to this rule absolute respect for territorial integrity by the UN concerned the issue of Apartheid, which was sanctioned on two occasions.

2.3. The Cold War and Sanctions

Although envisioned as a non-violent but highly effective tool by Woodrow Wilson, UN sanctions were not a tool of choice during the Cold War, even though the UN Charter explicitly mentions sanctions as a primary means of responding to breaches of the peace, threats to the peace, and acts of aggression. Article 41 of the Charter stipulates that: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." Subsequently, article 42 explains that the use of military intervention by the UN should only become an option when article 41 has been exhausted: "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." However, none of the interstate conflicts that broke out between 1945 and 1990 were met with Sanctions. As a matter of fact, even in the General Assembly only two votes on sanctions were called with regard to acts of aggression. In 1951 the UNGA voted for an economic blockade of China and North Korea in response to the North Korean aggression towards South Korea, and in 1962 it voted against sanctioning Portugal for its colonial war in Angola. Neither made it in the UNSC.

The only two cases in which the UNSC did successfully impose sanctions under Chapter VII of the Charter were the cases of Southern Rhodesia (1966-1979) and South Africa (1977-94). Both cases regarded internal issues in which white minority racist governments were in power, not acts of international aggression, meaning that both cases essentially fell *outside* the UNs own legal framework.

In Southern Rhodesia a white elite minority claimed independence from the United Kingdom in 1965. The UK, which had been stalling the road towards independence, considered this declaration of independence illegal and marked the new white government ruled by Ian Smith as a racist rebellion. UNSC Resolution 217 followed the same argument, and claimed that the proclamation of

independence by these illegal authorities constituted a threat to international peace and security. Subsequently, Resolution 232 in 1966 called upon all UN member states to prevent '(a) the import of asbestos, iron-ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia'.¹³³ The Resolution also included an export-ban, prohibiting member states from selling a long list of items to Southern Rhodesia. The sanctions, although comprehensive and mandatory on paper, had more impact in terms of diplomacy than in terms of economic isolation. In 1966 the UN counted only 120 member states, meaning that a large number of countries, including Switzerland and West Germany, could trade with Rhodesia legally. Other countries, most importantly Japan, Portugal, South Africa and the United States, also continued various types of trade despite the embargo. In the end, the government of Ian Smith remained in power until 1979, until internal military pressure in the Bush War and international political negotiations led to a political settlement and elections.

In South Africa the UNSC imposed sanctions in response to the Apartheid regime that had been in power since 1948, and that structurally segregated black South Africans and racially discriminated in favour of whites economically, socially, and politically. During the 1960s and 1970s, the South African government under Prime Minister Verwoerd resorted to massive violence against black citizens opposing the regime and supporting the African National Congress (ANC). Simultaneously, the international community was concerned about South African acts of aggression against neighbouring states, most importantly the occupation of Namibia, as well as suspicions that South Africa might be producing nuclear weapons. The UN was involved with the situation in South Africa from the start, organizing a task team to monitor the Apartheid regime in 1952, officially condemning Apartheid policies in 1962 in the General Assembly (UNGA 1761), and imposing a voluntary arms embargo in 1963 (UNSCR 181). In 1974 the General Assembly even passed a motion to expel South Africa from the United Nations, but this motion was vetoed by the US, the UK, and France. A mandatory UN arms embargo under Chapter VII of the Charter was imposed in 1977 (UNSCR 418), prohibiting 'the sale of arms and related *materiel* of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, and spare parts [.....]'. Economic sanctions were only imposed outside of the UN framework in the late 1980s.

The UN sanctions episodes of the Cold War teach us two things. Firstly, despite the many acts of international aggression and despite the explicit mention of sanctions as a primary tool to deal with threats to the peace and breaches of the peace, sanctions were not used. Secondly, the only two occasions in which the UN did impose mandatory sanctions, they dealt with 'internal affairs' of sovereign

¹³³ UNSC Resolution 232 paragraph 2a (1966).

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states. This is of course not to say that the governments of Rhodesia and South Africa did not deserve punishment (from a moral standpoint they obviously did), but rather that UN policies concerning sanctions were repeatedly inconsistent with its own legal guidelines. Had these guidelines been followed more accurately and more in line with the respect for territorial sovereignty, sanctions could have been imposed in response to the Arab-Israeli War (1948), the India-Pakistan War in Kashmir (1948-Currently) the Korean War (1950-53), the Vietnam War (1950-75) the Six-Day War (1967), the Yom Kippur War (1973), the Ethiopia-Somalia War (1977-1980), and the Iran-Iraq War (1980-88). The cases of Rhodesia and South Africa, to the contrary, could have been left to other UN organs or multilateral sanctions outside of the UN.

2.4. The promise of institutions?

In chapter one we discussed different Utopias that have dominated historical thought about political power and legitimacy. Whether through philosophy, god, or reason, the legitimacy of these ideas, time and time again, was only achieved when they were combined with real power. Whenever and wherever real power was not aligned with the Utopian ideas of Rousseau, Kant, Wilson, and others, these ideas stayed in the clouds. The Cold War illustrates this too: Realism trumps Liberalism.

However, the post WWII era of embedded liberalism had also added an extra dimension to International Relations and IR theory: namely that of international institutions. For the first time in history, international politics were to be coordinated and regulated by institutions such as the General Agreement on Tariffs and Trade (GATT), the International Monetary Fund (IMF), the UN, and regional organizations such as the Association of South East Asian Nations (ASEAN), the EU, and the North American Free Trade Agreement (NAFTA). Liberal Institutionalists scholars such as Krasner, Ruggie, and Keohane argued that as a result of these forums, the areas of trade and finance, but also those of governance and security, could not be described as 'anarchic' in nature anymore.

The following paragraphs will first show that international institutions have become an important variable in International Relations as well as IR theory since the Cold War. Organizations such as the WTO, the North Atlantic Treaty Organization (NATO), the UN, and other forums for cooperation in the areas of trade, finance, security and governance have fundamentally changed the way the world works.¹³⁴ Even structural realists such as Kenneth Waltz and John Mearsheimer recognize that institutions have to be part of a comprehensive realist analysis of international

¹³⁴ Krasner. "Structural Causes and Regime Consequences". (1982)

relations.¹³⁵ On the other, more liberal side, ideational liberals such as Moravcsik and Fukuyama also recognize the power of institutions, but rather than focusing on the realist power struggles *within* institutions, they focus on the ideational forces that precede institutions.¹³⁶

In an attempt to synthesize the debate on the power of institutions in international relations, specifically with regard to the UN and the issues of sanctions, we will consider the work of Joseph Nye Jr., who distinguishes between three faces of power: Realist Power, Institutional Power, and Ideational Power.¹³⁷ The shifts in power between 1945 and 2015, both in international politics in general and among states and non-state actors in specific, help us explain that institutional power and ideational power have become more and more important, but also that realist power is still an important determinant in deciding (1) which ideas become institutionalized, and (2) how well institutions work. Chapter 3 will then apply this theoretical framework on the ideational regime that has dominated international relations and UN sanctions since the 1990s: liberal peace. Together, chapters 2 and 3 help us in explaining (1) why sanctions were almost never imposed during the Cold War, (2) why UN sanctions were imposed much more often during the 1990s and 2000s and (3) why the record of UN sanctions and unimposed sanctions in the epoch of liberal peace is still determined by realist power.

At its core, institutional liberalism finds its origins in the shift to a rules-based system in general. Rather than legitimizing authority through mere power or charisma, liberal institutionalism is based on the premise that the authority lies with the law itself. This idea, better recognized as bureaucratic authority, was first identified by Max Weber, who applied it to the historical shift of legitimate authority within the state. According to Weber, authority within the European State had shifted from 'traditional' sources of authority such as Monarchs, to 'charismatic' sources of authority such as Napoleon, and eventually to 'legalistic' or 'bureaucratic' sources of authority, embodied not by a single person, but rather by a large body of bureaucrats in control of implementing the law, and adapting slowly it through bureaucratic expertise.¹³⁸ Weber's description of the modern State was thus a state in which no single person, not even Ministers and Presidents, had the power to make any drastic changes to the regime. It is the State in which the citizens of the democratic West have lived since the early 1900s, and the State in which the law protects people from arbitrary politicians. Contemporary discussions

¹³⁵ Waltz. "Structural Realism after the Cold War". (2000); Mearsheimer: "The False Promise of International Institutions". (1995).

¹³⁶ Moravcsik: "Taking Preferences Seriously." (1997); Fukuyama: "*The Origins of Political Order*". (2012).

¹³⁷ Nye. "*Soft Power*". (2004).

¹³⁸ Gerth and Mills. "Weber's Politics as a Vocation". (1946).

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on the strength of the rule of law and the issue of 'weak states' and 'failed states' all essentially refer to this Weberian conception of power.

Although it is not often explicitly mentioned, attempts to institutionalize the realm of International Relations are essentially attempts to create 'legalistic' or 'bureaucratic' forms of authority in the international arena. They are attempts to make the areas of international trade and international politics less arbitrary, less based on 'traditional' and 'charismatic' forms of authority, and more based on transparency, principles, norms, rules, and procedures. In other words, international institutions are attempts to create 'legalistic' or 'bureaucratic' forms of authority.

When students of International Relations discuss the nature of international institutions their arguments revolve around two central questions. (1) Why do international institutions exist? And (2) Can institutions alter the behavior of states? The answers to these questions depend on the theoretical perspective one uses. Liberal Institutionalists argue that institutions exist because the ideas and norms they embed lead to absolute advantages for all members involved, and that they can indeed alter the selfish behavior of players because institutions create transparency, trust, and legitimacy. The theory of liberal institutionalism builds on the premises that (1) States are willing to tie themselves to international institutions that foster cooperation and absolute gains even if the norms and rules of these institutions go against their selfish interests, and that (2) Once part of institutions, States will neatly operate within their legal boundaries and apply the 'rule of law' whenever appropriate. Neo-Realists, Social Constructivists, and other critical theorists take a darker and more vigilant perspective. They argue that institutions exist as a result of (power-) politics, and that they can only be created by hegemon who 'force' other players into accepting the terms that it dictates. The institution itself does not alter the behavior of players; the hegemon does.

In the 1980s the debate on international regimes led scholars such as Ruggie and Krasner to search for a comprehensive definition. On a conference they agreed to define international regimes as "sets of explicit or implicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations."¹³⁹ Krasner explained that the main ingredients of regimes are the principles and norms, as they form the ideological backbone of a regime, whereas the rules and procedures are mere annexes to define power relations within the regime. In other words, rules and procedures can change without changing the regime itself, but when norms and principles change they imply a regime change or shift. Krasner also recognized that regimes can grow stronger or weaker in accordance with the respect they enjoy: "If the principles, norms, rules, and decision-making procedures of a regime become less

¹³⁹ Krasner. "Structural Causes and Regime Consequences". (1982). page 186.

coherent, or if actual practice is increasingly inconsistent with principles, norms, rules, and procedures, then a regime has weakened".¹⁴⁰

One of the central questions of the debate about regimes concerned the power of institutions. Were institutions mere reflections of regimes that had already come into convergence naturally through the forces of history and real-politik, and the political hegemony of the United States? Or were they more than simply the formalized sum of its member's interests?

In his 1984 groundbreaking book 'After Hegemony', Robert Keohane explains that that International institutions have several ways to project power, that is, to cite the author who first defined power in international relations, 'to make actors do things that they would otherwise not do.'¹⁴¹ Keohane recognized that although institutions are indeed often established by a hegemon, as realists proposed, they can also be facilitated by international regimes, that is, under the circumstances of shared principles and implicit agreement on the general norms of a future institution between players. Distinguishing between situations of (1) harmony, (2) cooperation, and (3) discord, Keohane explains that the interests of selfish actors do not necessarily have to be in perfect harmony to create an institution (as Realists argue). Cooperation is possible when actors, through negotiations, come to a middle ground, in which each has to concede part of their preference to adjust to the preferences of the others. In this way, institutions can help players coordinate issues of discord, leading to norms and rules that are not in anyone's individual interest, but that do represent a common interest and absolute benefits.

When liberal institutionalists discuss institutions such as the World Trade Organization (WTO) or the North Atlantic Organization Treaty (NATO), they consider them as institutions that might have benefited from US Hegemony, but also as institutions that truly reflect cooperation based on negotiations. They would also have worked without the Hegemon. For example, even if WTO members recognize that eliminating trade barriers will affect some of their domestic producers would be better off under a protectionist regime, the promise that other countries will reciprocate this elimination, and the promise that on average, producers and consumers across the board will benefit from free trade, will still lead states to recognize the benefits of joining trade organizations. In Keohane's words, institutions solve the 'prisoner's dilemma' through the creation of transparency and trust between members. Time and time again, international institutions have created sets of norms, rules, and procedures to make coordination and cooperation more transparent, more frequent, and safer. Leaving aside the geo-political and ideological calculations and miscalculations of the Cold

¹⁴⁰ Idem, page 189.

¹⁴¹ Keohane: "After Hegemony". (1984).

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War, the United States has structurally attempted to multilateralize international relations and to build frameworks for international cooperation and international law. Combining the forces of manifest destiny, the rational supremacy of democracy, and the tool of liberal institutions, the US has created, and dominated, the institutions and laws that currently dictate debates on free trade, international security, since 1990 on governance and state sovereignty. In many ways the WTO, EU, NAFTA, the World Bank, the IMF, NATO, and the UN, have made people and countries wealthier and safer.

The second question about international institutions (do they affect the behavior of States?) was also answered confirmatively by Keohane. Although realists had correctly recognized that most international institutions since WWII were established and maintained under the leadership of a powerful and charismatic Hegemon, not in the absence of one, the gradual disappearance of a hegemon did not necessarily weaken the regime. Institutions do not fall apart in the absence of a Hegemon. Despite the declining military and economic hegemony of the US since the 1970s, the WTO and IMF have only grown stronger and an increasing amount of members is still willing to give up part of their economic sovereignty and contribute financially to these institutions in return for the institutional benefits of predictability, transparency, and shared gains. Despite the predictions of decline in political and security institutions such as the EU and NATO after the threat of the Soviet Union vanished in the 1990s¹⁴², both organizations have only expanded further after the Cold War. US hegemony and geo-strategic security calculations of states might have helped establish the EU and NATO, but they certainly can't explain their maintenance and progression.

The reason for this is that institutions are sticky, meaning that they endure even after hegemony.¹⁴³ Respecting the rules and maintaining the status quo is politically easier, safer and more convenient than changing the rules and disrupting the status quo. Once rules are fully institutionalized, players will come to consider the rules as 'the new normal' or a tradition or law that needs to be respected so as to maintain order. In other words, as an institution becomes stronger, the political cost of breaking the rules or altering them becomes higher.¹⁴⁴ The unchanged permanent membership of the UNSC, including two second-tier former European hegemon, but excluding emerging powers such as India and Brazil, is a perfect example.

¹⁴² Mearsheimer. "The False Promise of International Institutions". (1995).

¹⁴³ Keohane. "After Hegemony". (1984). Chapter 4.

¹⁴⁴ Fukuyama. "Political Order and Political Decay". (2014).

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Still, Keohane and the like must recognize, and have recognized,¹⁴⁵ that some international institutions are stronger than others. Both Liberals and Realists have recognized that successfully establishing and maintaining an international set of norms and rules becomes harder as the stakes grow higher. As a general rule, Realists have accepted the fact that cooperation is possible and even desirable in the realms of 'low politics', including issues of trade, finance, and cultural cooperation, among others.¹⁴⁶ Matters of discord on trade and economic integration can be resolved through negotiation and collaboration between likeminded states, and the spoils of transparency and trust can indeed produce absolute gains for all players involved.

Even though Keohane has argued that the institutionalists essentially 'won the theoretical debate',¹⁴⁷ structural realism is still a relevant tool in explaining international politics, especially when matters of security and state sovereignty are at stake.

One argument that realists use is that absolute gains are irrelevant in the areas of security and governance, and that only relative gains matter. After all, national security and state sovereignty only exist in relation to the other players in the system. To Realists, issues of security are by definition part of a zero-sum game, in which the gains of one player always translates to the relative loss of another player. The fact that these calculations take place within the framework of an institution does not change anything essential about this logic.

Secondly, institutions that regulate issues of security also suffer disproportionately from the lack of a 'Leviathan'. Studying the domestic social contract in 17th century Europe, Hobbes also came to the conclusion that life is a zero-sum game, but this problem could be solved by the State, an all-powerful authority with the legitimacy and capacity to punish individuals who veered outside of the borders of the law. However, international institutions do not work the same. In international institutions the players involved (normally sovereign states) are both the citizens and the executives, both the criminals and the police. This leads to potential conflicts of interests, and allows for a much higher risk on players cheating the system.

Since international institutions are at their core nothing more than voluntary agreements among self-interested states, they cannot truly change the behavior of their members in meaningful ways, especially when security is at stake. If states

¹⁴⁵ Keohane and Martin. "The Promise of Institutional Theory". (1995): pp. 39-51.

¹⁴⁶ Waltz: "Structural Realism after the Cold War". (2000).

¹⁴⁷ Keohane. Interview: "Conversations with History". (2004).

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voluntarily enter an international institution, their selfish interests were most likely already in harmony with the norms of the institution at hand. For example, Realists such as Mearsheimer, Snyder, and Waltz argued in the 1990s that the States that joined NATO during the Cold War did so on the basis of already aligned ideological and security interests in Western Europe.¹⁴⁸ With the threat of the Soviet Union gone, NATO would lose its meaning and quickly fall apart. We now know that this prediction was wrong; NATO has only grown further since the 1990s.

But many of the Realist assumptions about the failure of international institutions to deal with issues of high politics such as security still stand. Within the United Nations, major powers can afford to disobey the rules of the institution without getting punished for it, even if they instituted those rules themselves, while minor players cannot afford to do the same. Similarly, members of an international economic institutions such as the WTO or the IMF only have to adhere to the rules that they willingly agreed upon themselves, and any member can revoke its membership from the organization if it pleases to do so. Subjects of domestic institutions don't have this luxury.

Finally, and perhaps most importantly, it would be somewhat misleading to use the institutional setup of the UN Security Council as an example of liberal institutionalism. If anything, the rules that dominate decision-making in the Council are an example institutional realism. The fact that the same five permanent members have called the shots in the Council since 1945 proves that indeed institutions are sticky. Institutions consolidate power as much as they consolidate ideas.

Liberalism and Institutions

A third strain of theorists on international institutions, ideational liberalism, argues against both realism and institutionalism when attempting to explain the relevance of international regimes and international institutions. In the early 1990s, ideational liberalism built on the growing popularity of soft power¹⁴⁹ and Institutionalism by constructing a more rigid theory for Liberalism in International Relations. Liberalism until then had been sidelined by structural realists and neo-liberal institutionalists as a pseudo-science, or as a stream of IR theory that contributed to neo-liberalism and neo-realism by making it richer, but that should not be recognized as a full-blown theory of International Relations.

¹⁴⁸ Mearsheimer. "The False Promise of International Institutions". (1995).

¹⁴⁹ Nye. "Soft Power." (2004).

Moravcsik, in his critique on institutionalism and realism, exposed that both theories were in essence situated on the same side of the coin.¹⁵⁰ Both institutionalism and realism agreed that states were central units of analysis in international relations, and both agreed that various issues of international politics were staged in different-sized arenas in which states competed for power, sometimes allowing for cooperation and absolute gains, and sometimes resulting in discord, a focus on relative gains, and institutional weakness or decline. In other words, in the debate about institutions, the institutions of debate were taken for granted, and the selfish interests of actors were assumed to be independent variables.

Moravcsik built his liberal theory of IR on three pillars. Firstly, he argued that societal actors were the primary units of analysis in IR, not States. Each state is made up of a variety of societal actors, elites, pressure groups, civil society organizations, businesses, and other groups, that all try to have their interests represented in government. Some of these actors act through the state, others act outside of it, parallel to it, or contrary to it. Secondly, the interest of the state itself is not preservation or world domination, as realists claim, but rather the result of an aggregate of societal interests, some of which are better represented than others. In ideal-type full-fledged democracies such interests could be identified as the 'general will', but in other states the interests are rather identified as the interests of dominant ethnic groups, business elites, a dictator and his close associates, or a mix of societal groups that effectively turn their pressure into state preferences. As Moravcsik put it: "societal actors represent the interests of States and their preferences."¹⁵¹ Thirdly, and perhaps most importantly, liberal IR theory argues that the configuration of independent state preferences determines state behavior. In other words, "Liberal theory is analytically prior to both Realism and institutionalism because it defines the conditions under which their assumptions hold." The significance of this third pillar is that the core ideas that guide realism and institutionalism are not fixed. Preferences of states can be changed, and they have changed over time. : It's not so much about creating institutions and imposing norms and rules, but rather about changing the actual preferences of States. "Variation in ends, not means, matters most."

Joseph Nye Jr. agrees that ideas matter. In his work on soft power¹⁵² he explains that throughout time, the power of ideas and institutions has grown relatively stronger than the power to achieve political outcomes through sheer force and coercion. Recognizing that power has several different 'faces', Nye distinguishes

¹⁵⁰ Moravcsik. "Liberalism and International Relations Theory". (1992).

¹⁵¹ Ibid, page 9.

¹⁵² Nye. "*Soft Power*." (2004).

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between three faces that are roughly in line with the theories of realism, institutionalism, and idealism.

The first face of power, inspired by realism, is coercive power, hard power that helps states in getting others to do things that they otherwise wouldn't.¹⁵³ Traditional Westphalian power politics throughout most of history was characterized by this face of power. Having a large army, controlling economic resources, and developing superior fire-power mattered to the likes of Truman, Napoleon, Genghis Khan, and many before them. Coercive power still matters, but as the wars in Vietnam, Afghanistan, and Iraq have shown, superior coercive strength does not always yield results in the contemporary era. Total wars in which both sides put their full military arsenal and soldiers at disposal are a thing of the past; other variables have come to matter more. Insurgents in the contemporary Middle East are willing to take greater risks in defending their cause than western powers in promoting theirs. Battleships and state-of-the-art fighter jets are great assets in all-out wars, but are not very useful in establishing the rule of law.

The second face of power recognized by Nye is inspired by institutionalism. In line with the work of Bachrach and Baratz, who recognized two faces of power¹⁵⁴, the second face of power regards the power of being able to set and dominate the agenda and the rules around a certain topic so that the issues of some players never make it to the agenda in the first place, or so that the opinions and actions of some players come to be perceived as inappropriate or illegitimate. Indeed, Keohane commented that the cost of breaking rules is higher than the cost of breaking a promise. So in the long run, it pays off for individual players to grudgingly keep their promises in the long run. It is important for states and politicians to follow policies which make you seem legitimate in the eyes of large numbers of people. Those states who have institutional power will be better prepared to use their realist power legitimately and effectively. States that boast military power without institutional power will be labelled as the 'bad guys', severely limiting their chances to achieve their preferences.

The third face of power goes a step further than setting the agenda and constraining the actions of competitors in institutions. In line with Moravcsik's account of ideational liberalism, Nye's third face of power, called soft power, regards not the ability to control the *actions* of other states, but their *preferences*. "If we are trying to make changes on the bottom board of transnational and international politics, we can't do it by ourselves. We have to get others to work with us."¹⁵⁵ You can only manage these processes if you have soft power that enables you to organize networks, create institutions, to persuade others to join in

¹⁵³ Dahl. "The Concept of Power". (1957).

¹⁵⁴ Barach and Baratz. "Two faces of Power". (1962).

¹⁵⁵ Nye. "*Soft Power*". 2004. page 5.

common endeavors. For a long time during the Cold War, both the Soviet Union and the United States were able to project their hard power thanks to their soft power. Indeed many African and Asian states that had recently won their independence from their former colonizers saw the Soviet Socialist model as example to follow. The Cold War was as much a struggle for hard power as it was a struggle for soft power. The United States might have been in decline since the 1970s in terms of military and economic dominance, their institutional power and ideational power were to keep on growing until at least the early 1990s.

It is precisely the surge of soft power that has kept the United States on top of the international system. From the late 1940s until the early 2000s, the US did not only possess the hard military power to impose its principles and norms of free trade and liberal democracy on the rest of the world through international institutions, it also possessed a large amount of soft power as the leader of the free world. More often than not, the US did not have to force countries into the WTO or the UN; countries joined voluntarily because they shared (at least some of) the values of neo-liberalism. This was especially the case for the industrialized global north. The combination of American hard power and soft power thus helped the US not only in setting the agenda, but also in dictating the rules for the world's major institutions from the late 1940s to the early 2000s, ranging from institutions coordinating and regulating trade, finance, security, development, governance, and the environment.

To conclude, institutionalists build on the premise that institutions can foster collaboration and the adherence to rules as long as the amount of discord between States is bridgeable. Cooperation then brings transparency, trust between members, and absolute gains. Realists argue that although cooperation might be feasible when the stakes are low, when it comes to 'high politics' issues such as security and sovereignty, institutions lose their relevance and function. If they exist and function it's a reflection of harmony, not cooperation. In case of discord no bridges can be built. Finally, ideational liberals argue that ideas and soft power are analytically *prior* to institutionalism and realism. The ends of political actors are more important than the means, and they are more malleable than institutionalists and realists propose. In other words, even in 'high politics' bridges *can* be built. During the Cold War this was obviously not the case, as the ideological and strategic interests of States in the international community were highly opposed. However, during the 1980s and especially the 1990s, the global shift towards neo-liberal economics, the spread of democracy, and the merging of development and security, among other events, created a window of opportunity for a new international regime on security and a new paradigm on sovereignty and the role of the UN. This new international regime would come to be known as 'Liberal Peace' and was based on the definite laws of Kant's Perpetual Peace. If only enough States could be convinced to jump the ideological bandwagon; if a large

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majority of the international community would be able to agree on the general norms and principles of this new regime; then the institutions solidifying Liberal Peace could be a success. However, after an initial Hegemonic push towards implementing the Liberal Peace in the 1990s, the amount of discord in the international community proved too great to foster successful collaboration or the rule of law.

Chapter 3 of this book will explain how and why the paradigm of Liberal Peace was created, along with a range of ideas that also serve as hypotheses as to how UN sanctions policy changed since the 1990s, including ideas about new wars, terrorism, state failure, and the responsibility to protect. Subsequently, Chapter 4 (methodology) will explain how each of these hypotheses was tested. Afterwards, Chapters 5 to 9 will present the results of the track-record per type of threat that has historically been sanctioned by the UN (Nuclear proliferation, interstate war, civil war, terrorism, and coup d'état). Together, these chapters show that, between 1990 and 2018, the idea of Liberal Peace has successfully penetrated itself into the institutions of the United Nations. Simultaneously, the results show that each of the ideals institutionalized still has to face the barriers put up by powerful states, most notably Russia and China, but also the Western permanent members. A complete fulfilment of the liberal peace ideal thus remains a Utopia. Not only are there too many States that disagree with its philosophical foundations; even the (Western) States that do support it fail to live up to their potential to implement a true liberal peace

Chapter Three

Liberal Peace and Selective Security

The theory of liberal peace, or “democratic peace” rests on the premise that liberal states subsist in a separate peace.

In Chapter two we have read how liberal institutionalism and ideological liberalism promised the international community a way out of the stark realism of the Cold War. The Liberal institutionalism of Keohane offers a way out continuous discord and provides tools for cooperation, trust, and safety. The ideological liberalism of Moravcsik and Nye promises that any type of discord can eventually be overcome by the power of ideas. Rather than focusing on hard power, it is more important to change the preferences of States; to conquer the hearts and minds through soft power.

This chapter will show that the paradigm of Liberal Peace was indeed constructed through a combination of hard politics, institutional cooperation, and soft ideological liberalism. As a matter of fact, many of the assumptions of Liberal Peace and the renewed role of the United Nations in establishing this peace are based on soft power. The following paragraphs will show that Liberal Peace presents itself as a paradigm of morality and neutrality. Interventions in sovereign states in the global South are not presented as acts of politics, but as acts that are necessary to keep the world safe. Similarly, conflicts of the global South are not considered legitimate ‘continuations of politics by other means’, but rather as offences or crimes; acts that are punishable by international law.

However, when the acts carried by the international community under the umbrella of Liberal Peace are scrutinized, one quickly discovers that Liberal Peace is a failed Utopia at best, and a clever disguise at worst. As Waltz would put it, Liberal Peace is a change *within* the system, not a change *of* the system. So realism is still relevant. The final paragraphs of this chapter will go deeper into the workings of security in institutions, and will explain how different states act within institutions in order to use the institutions for their own interests. We will conclude that although institutions surrounding security and “liberal peace” claim to uphold universal standards and international law, the institutions regarding contemporary security are full of politics and power, not of law and cosmopolitanism.

3.1. The Origins of Liberal Peace

The origins of liberal peace lie with Emmanuel Kant's essay on Perpetual Peace. Whereas the foundations of the League of Nations and the United Nations lay with the preliminary articles of Kant's essay (no secret peace treaties to prepare for war, abolish standing armies etc.), the logic behind a truly successful Perpetual Peace lay with the expansion of the "Democratic Peace", that is, a world order or Republican States that refrain from international aggression and adhere to a form of cosmopolitan law.

Kant was by no means the first to propose that Republican states were inherently more peaceful than non-Republican ones. Thomas Paine, one of the founding fathers of the United States, arguing against the right of Monarchs and in favor of American independence, wrote in 1776 that:

"The Republics of Europe are all (and may we say always) at peace. Holland and Swisserland are without wars, foreign or domestic: Monarchical governments, it is true, are never long at rest; the crown itself is a temptation to enterprising ruffians at home; and that degree of pride and insolence ever attendant on regal authority, swells into a rupture with foreign powers, in instances, where a republican government, by being formed on more natural principles, would negotiate the mistake".¹⁵⁶

Kant's first definite article of his essay regarded precisely this critique. Echoing the demands of the French and American revolutions, and recognizing the peaceful nature of the Republics of his age, Kant prescribed that in order to achieve a perpetual peace "the civil constitution of every state should be Republican." After all, truly Republican states, that is states that protect the basic rights and liberties of their citizens and in which politics is a reflection of the interests of citizens, will not be so irrational as to wage wars, especially on other Republics who share the same values.

"If the consent of the citizens is required in order to decide that war should be declared (and in this constitution it cannot but be the case), nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war. Among the latter would be: having to fight, having to pay the costs of war from their own resources, having painfully to repair the devastation war leaves behind, and, to fill up the measure of evils, load themselves with a heavy national debt that would embitter peace itself and that can never be liquidated on account of constant wars in the future. But, on the other hand, in a constitution which is not republican, and under which the subjects are not citizens, a declaration of war is the easiest thing in the

¹⁵⁶ Paine. "Common Sense". 1776.

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world to decide upon, because war does not require of the ruler, who is the proprietor and not a member of the state, the least sacrifice of the pleasure of his table, the chase, his country houses, his court functions, and the like".¹⁵⁷

Kant's second definitive article regards an article of international law, assuming that the first article of constitutional law has been fulfilled by the states that are subject to it. It stipulates that international law should be "founded on a federation of Free states." Again, Kant was not the first to suggest a world order of Westphalian respect for State sovereignty, as this had already been proposed by de Saint-Pierre in the early 18th century. However, Kant was among the first to recognize that such a federation would only be feasible between states that had fulfilled definite article one. Since Kant recognized the idea of a "world government" to be neither feasible nor desirable, and since nation states would always remain separated due to differences in culture and language, the balance between states and the integrity of each could only be assured in a federation of mutual respect, which again could only be achieved between democracies. Over time, Kant predicted, the number of Republican states would grow and spread throughout the world, ever increasing the number of states enjoying the safety of the liberal peace.

Many political scientists have since attempted to test this premise, producing list of "Republican States" or "Liberal Democracies" throughout history, and showing that (1) the number of democracies has indeed spread all over the globe, and that (2) with some minor exceptions, democracies do not fight each other.

"The world will not have achieved the "perpetual peace" that provides the ultimate guarantor of republican freedom until "very late and after many unsuccessful attempts."¹⁵⁸

For example, in his 1983 article on Kant and his liberal legacies, Michael Doyle was one of the first influential scholars to show that the number of democracies in the world had risen from only three in the late 18th century, to eight by the 1850s, thirteen by the 1900s, 29 by 1945, and 49 by the 1980s (Doyle; 1983). According to Fukuyama the number increased from 35 to 110 since the 1970s, and although the last wave of democracy seems to be retreating since the 2000s, almost all of the world's rich countries are liberal democracies.¹⁵⁹ With some minor exceptions, many scholars have demonstrated (..), and many politicians have proclaimed (...)

¹⁵⁷ Kant. "*Perpetual Peace*". (1795).

¹⁵⁸ Doyle. "Kant, Liberal Legacies, and Foreign Affairs". (1983): page 226.

¹⁵⁹ Hu and Wang. "Why Fukuyama Still Beats a Drum for Democracy". (2012).

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that liberal democracies indeed do not wage war with each other, but only with states that (still) live outside of the liberal peace framework.

The states of the world that are regarded as “living outside of the liberal peace” do not only fail to fulfil Kant’s first article on Republicanism, but also his third definite article that prescribes the application of cosmopolitan law, or a law of “world citizenship, which would be limited to conditions of universal hospitality.” According to this law, foreigners should have a right not to be treated with hostility and should be allowed to develop commercial relations with the “old inhabitants” of the country. Free trade between countries is encouraged but not mandatory, and foreigners, although welcomed as traders or visitors, do not have to be awarded citizenship unless they risked being perished upon return to their home country. These cosmopolitan aspects of Kant’s third article are widely in line with current international conventions on human rights and are reflected in the laws and practices surrounding international commerce, travel, and asylum, although often exclusively within the zone of liberal peace, not outside of it.

Kant’s philosophy is embedded in a European tradition, but it’s the United States that has brought his ideas to the ground, and turned it into a tool of politics. Liberal ideology and the spread of freedom and democracy have guided the United States since its independence from Britain in 1776. One could even go as far as to say that US foreign policy was not inspired by Kant, but rather that Kant was inspired by America. After all, Kant’s 1795 essay was published when America already firmly proclaimed to be a shining city upon a hill. Thomas Jefferson was convinced that America was building an “empire for liberty”, acting for all mankind. Alexander Hamilton proposed that the success or the failure of the United States as a new democratic state would set a precedent for self-governance all over the world. When Kant proposed the abolishment of wars of aggrandizement in Europe, it was already implicitly part of US foreign policy. While Napoleon built and lost an old-fashioned Empire in Europe, John Quincy Adams wrote about the universality of American principles: “America goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.” Even Theodore Roosevelt, recognized by historians as a classical Realist trying to maintain a global balance of power in the run-up to WWI, was convinced that America was a shining example for the rest of the world to follow. However, unlike his successor, Woodrow Wilson, Roosevelt recognized that America’s manifest destiny could only be achieved if it was backed by hard power. “Nothing would more promote iniquity, nothing would further defer the reign upon earth of peace and righteousness, than for the free and enlightened

peoples deliberately to render themselves powerless while leaving every despotism and barbarism armed".¹⁶⁰

3.2. Liberal Peace and the Cold War

At the start of the Cold War, Harry Truman believed this too. If the United States were to successfully become the leader of the free world, it would need to show a demonstrated willingness to use its hard power to deal with threats to the peace. The ideology of liberal democracy had become something worth fighting for, and the threat of socialism something worth fighting against. So the Cold War was not only a time of hard-nosed Realism and geo-politics, but one in which hard and soft power had to be mixed. The end of WWII also marked a new stage of a major ideological struggle. Just as much as the United States calculated the geo-political consequences of Russian and Chinese expansion into Eastern Europe, Korea, and Vietnam, and just as much as the Soviets saw the expansion of NATO and the propping up of regimes in Indonesia and Pakistan as threats to their strategic position, so did both sides regard the war as a war about political ideology. A vital war between communism and capitalism, between Marx and Milton, and between autocracy and democracy. This interplay between geo-political calculations on the one hand and ideological threats on the other helped to reinforce the Utopia that had started with Kant in 1795, and that had failed miserably at the hands of Woodrow Wilson in the aftermath of WWI.

Despite the many failures and critiques, the pressures of the Cold War and the ambition of the United States to lead the free world undoubtedly reinforced the Utopia of a Kant 2.0 world order of Liberal and Republican sovereign states. Since the end of WWI, the West, most notably the United States, has travelled a third road towards Utopia: Law. Backed by the forces of both God and Reason, the United States has used its hard and soft power to institutionalize the ideal of liberal peace and an order of democratic states; to construct their Utopia on earth. Although it's philosophical origins lie with Kant and the founding fathers, its practical origins for the sake of this study lie with the foundation of the United Nations, the Bretton Woods institutions, and the start of American Hegemony on the world stage.

Initially, George F. Kennan, the UN ambassador in Moscow during the aftermath of WWII, was convinced that the Kremlin's view of world affairs was based on a traditional sense of geo-political insecurity. However, a few years later in 1947 he anonymously published an article in *Foreign Affairs* titled "The Sources of Soviet Conduct", in which he argued that Stalin's policies were also motivated by Marxist-

¹⁶⁰ Roosevelt. State of the Union. (1906)

Leninist ideology, and that the Truman Doctrine should focus more on ideological containment, rather than simply geographical containment. In the United States a similar duality between ideology and geopolitics existed. NATO was clearly established as a military-strategic tool, but the words of many American presidents that governed during the Cold War were just as full of idealism and manifest destiny as those of Woodrow Wilson. Inspired by Kennan, President Truman, in his 1947 speech that is often referred to by historians as marking the start of the Cold War, stated that "it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures." The Truman doctrine marked the beginning of a long list of anti-communist policies to contain the ideology of communism, rather than the mere geographical expansion of Russia. These policies included the rise of NATO, the EU, and the Bretton Woods Institutions, but also to financial and diplomatic support for self-proclaimed anti-communist governments in Africa and Asia, no matter how undemocratic or dictatorial. They included trade liberalization and support for multi-party democracy in geo-politically convenient places like South Korea and Taiwan, but also the propping up of dictators from Mobutu in Zaire to Suharto in Indonesia. Similarly, the Soviet Union was eager to support many newly independent states that pledged allegiance to socialism, whether to promote socialism or simply to procure Soviet arms and tighten their grip on power.

The 'hot wars' of the Cold War, most notably in Korea and Vietnam, but also in sub-Saharan Africa, were all framed as struggles between dictatorial communist regimes on the one hand and democratic liberators of the people on the other. Time and time again, the American presidents of the Cold War confirmed that their foreign policy was one based on helping friendly nations in their pursuit of liberty and the rule of law. In 1961 John F. Kennedy proposed that the US would "pay any price, bear any burden, meet any hardship, support any friend, and oppose any foe, in order to assure the survival and the success of liberty".¹⁶¹ His successor Lyndon Johnson promised that the United States of America would stand by the side of their peace-loving allies every step of the way. All that allied governments needed to do was pronounce themselves as ideological supporters of equality and liberty and enemies of communist totalitarianism.

Whether the American commitment to Freedom and Democracy during the Cold War was more than just words remains a topic of debate.¹⁶² America's claims to support regimes in Korea, Vietnam, Indonesia, Somalia, and the Congo against communist aggression and totalitarianism might have been justified in some cases, but more often than not the Nationalist governments they supported were not much different. In Indonesia, General Suharto, who came to power through a 1969 anti-

¹⁶¹ Kennedy. Inaugural Address. (1961)

¹⁶² Chomsky. "Failed States". (2007)

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communist coup d'état, has gone into history as one of the greatest mass murderers of the 20th century.¹⁶³ Similarly, President Mobutu of Zaire led his country into ruin after disposing of his socialist predecessor Lumumba in a CIA sponsored coup.

The Soviet ideology of spreading socialism was similarly misguided at times, but it did provide a clear alternative to the Western conception of world order and state development. Many African and Asian states pledged an allegiance to socialism and the Soviet Union in the course aftermath of their wars of independence from their European colonizers. In a mix of political pragmatism and optimistic idealism, many leaders of the Pan-African movement of the 1960s proclaimed to unite their subjects through nationalism and 'African Socialism', including Mengistu in Ethiopia, Nyerere in Tanzania, and Nkrumah in Ghana.¹⁶⁴

The ambiguous ambitions behind the proxy wars of the Cold War are exemplified by Somalia. When Major General Said Barre of Somalia came to power through a coup d'état in 1969, he first proclaimed to be a proponent of scientific socialism, inspired by the writings of Marx and highly centralizing state power.¹⁶⁵ Not surprisingly his Somali Revolutionary Socialist Party had little difficulty in ensuring diplomatic and military support from the Soviet Union. However, when in 1977 the Ogaden War broke out with neighboring Ethiopia, also a socialist state, and Brezhnev decided to side with Ethiopia, Barre expelled all soviet advisors and switched his allegiance to the West. The United States, eager to have a strategic ally on the Red Sea, happily stepped in and supported Barre's military dictatorship economically and militarily until the end of the Cold War. When the support stopped in 1989, the Somali state was quickly torn apart by clan rivalries. The political vacuum that ensued has never been successfully filled again until today.

Whether the third world was truly inspired by the US and the Soviet Union through ideology and soft power or whether African and Asian governments were simply taking the support in exchange for lip-service remains a topic of debate, but it is evident that during the Cold War there were two clearly distinct ideologies surrounding the issue of state building and economic development; the Western model focused on liberal democracy, trade liberalization, small government, and integration into international institutions. The Soviet model proposed a strong centralized government, state-led industrialization, and development through protectionism and import-substitution.

Mark Duffield explains that the Cold War also provided for two opposing, but equally legitimate ways of looking at the development and troubles of the Global

¹⁶³Robinson. "The Indonesian Army's role in the Mass Killings of 1965-66". (2017)

¹⁶⁴Thomson. "External Influences on African Politics". (2010)

¹⁶⁵Idem.

South, then frequently referred to as the third world.¹⁶⁶ Whereas the Western view of development promoted integration into globalized markets, there was a strong and legitimate stream of critical writing inspired by Marxism, for example that of Wallerstein's World Systems Theory. The idea that newly independent States in the global south were at a structural disadvantage in the global economy was widely accepted. Governments from Cambodia to Cote d'Ivoire did not only have to construct and manage their societies politically, they also had to deal with economies that lacked competitive infrastructure, an educated workforce, and technological knowhow. Their trading profiles, heavily based on exporting agricultural produce and primary resources in return for added value goods and services from the world's industrialized core countries, were not economically sustainable because of ever-deteriorating terms of trade.

In the 1980s, however, the alternative explanations of underdevelopment inspired by Socialism and World Systems theory, among others, started to fade, starting with the countries that had relied on Cold War support from the United States. Whereas the 1960s and 1970s had been decades of relative political stability and in many cases economic growth through cheap loans and diplomatic support for less-than-democratic regimes in countries from Zaire to Zambia, the oil crisis of the early 1980s made an end to cheap credit and forced many developing countries to default on their loans.¹⁶⁷ In order to secure new loans from the IMF, developing countries were now forced to adhere to a set of policies inspired by the neo-liberalism of Thatcher and Reagan, now known as the Washington Consensus. Loans that formerly propped up inefficient, protectionist, and corrupted regimes with large centralized state-bureaucracies and dozens of subsidized parastatal companies were now expected to liberalize trade, privatize parastatal companies, and cut government budgets. The third world was now to be held responsible for their own development; failure to develop was to become a failure of governance, not of the world system.

The shift from liberal peace as an inclusive system to an exclusive system in the 1980s also changed the attitude towards refugees from the third world.¹⁶⁸ During the height of Cold War the United States and its allies were highly willing to bear the burden of leading the free world to support governments and individuals worldwide in the struggle against communism. Large amounts of diplomatic and economic support were not only given to governments who claimed to respect the norms of liberal democracy, but also to individuals who tried to flee oppressive regimes in South-East Asia, Africa, and Latin America.

¹⁶⁶ Duffield. "*Global Governance and the New Wars*". (2014)

¹⁶⁷ Schraeder. "*Africa in World Politics*". (2004), pp. 288-291.

¹⁶⁸ Duffield. "*Global Governance and the New Wars*". (2014).

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In response to the establishment of the Socialist Republic of Viet Nam in 1976, and a growing amount of Vietnamese political and economic refugees fleeing the country by boat to neighboring countries such as China, Hong Kong, the Philippines, Malaysia, Singapore and Thailand, the United States and European countries made a huge effort in resettling these victims of communism. After a 1979 conference in Geneva financial pledges to the United Nations High Council for Refugees (UNHCR) doubled to USD \$160 million, and in the three years afterwards the United States, Australia, France and Canada, among others, resettled more than 600.000 refugees from Indochina.¹⁶⁹ However, as a fatigued western public lost interest in Vietnam and grew more intolerant of new waves of immigrants not only from Indochina, but also from Ethiopia and Somalia, the previous consensus within the UNHCR broke down. Whereas the governments of Malaysia, Thailand and Singapore, among others, had previously accepted boat-people to enter their countries temporarily in the knowledge that they would eventually be absorbed by the West, the fading Western commitment now led South-East Asian governments to change tactics and to let boat-people starve to death by keeping them off-shore. Nobody knows how many people died. In 1989 a new consensus was reached with the Comprehensive Plan of Action, but this time the responsibility of dealing with refugees lay much more clearly with the local government in Vietnam itself and regional governments. As a UNHCR report describes it: "This marked a crossroads in Western attitudes towards refugee issues. As the coming crises of the 1990s were to demonstrate all too clearly, Western countries, while upholding the principle of asylum, were no longer prepared to envisage the resettlement of massive refugee populations".¹⁷⁰ The shifting of responsibility, from lying with Western countries of resettlement in the 1970s and early 1980s towards a system of local and regional responsibility for dealing with UNHCR refugees shows that whereas during the height of the Cold War the zone of liberal peace was inclusive, in the 1980s, with the numbers of refugees growing and the threat of communism waning, liberal peace became more exclusive. In order to enter the club, the states of the third world would have to deal with their own problems. The best way to do so, the United States argued, was by becoming a Republic along the lines of Kant, and to become a Liberal Democracy in accordance with the prescriptions of the victors of the Cold War.

¹⁶⁹ Casella. "Managing the Boat People's Crisis". (2016)

¹⁷⁰ UNHCR. "The State of the World's Refugees". (2000). pp.79-80.

3.3. Liberal Peace as an International Regime

In 1795 at Kant's publication of his essay on perpetual peace and a total of 3 Republican States, liberal peace was a theory. In 1919 at the inauguration of the League of Nations and a total of 24 Republics, liberal peace became an experiment. During the Cold War, with the zone of liberal democracy expanding to 49 Republics in 1978, liberal peace turned into an ideology, competing with the opposing ideology of socialism. In the 1980s, and especially the 1990s, with the Soviet threat out of the way and the zone of liberal peace growing to over a hundred states, liberal peace became a regime. The following section explains that the leaders of the Liberal Peace movement in the 1990s did not only get to decide prerequisites for entering the club of liberal democracies, but they also got to identify the major threats to the regime and to international peace in general.

The end of the Cold War was inaugurated with a huge wave of optimism. Despite the new security dangers that were looming in former Soviet satellite states, but also in sub-Saharan developing states, the general atmosphere was one of optimism about a future in which democracy and liberal economics would triumph. In the early 1990s over forty countries adopted liberal democratic constitutions for the first time in their history.¹⁷¹ Some authors spoke of a democratic revolution, with ever more countries holding free elections. One columnist even titled an article "Democracy has won!"¹⁷² Research on the topic has since been so thoroughly supported that the focus has shifted to trying to explain it.¹⁷³

Surfing on the wave of the liberal victory, authors made predictions about what the new global order would look like. The definite triumph of liberal democracy over competing ideologies of nationalism and communism, and the birth of liberal peace as a full-fledged regime of international relations was best interpreted by Francis Fukuyama in his 1989 article 'The End of History?'¹⁷⁴ In this article, as well as a book published in 1992 with the same title, Fukuyama puts forward the thesis that the ideology of Liberal Democracy is now the only viable form of government left in the international state system.

Fukuyama described how the *idea* of liberal democracy, first recognized as the 'final' form of government by Hegel in 1806, triumphed over all its competitors. After two centuries of battling competing ideologies, from absolutism to bolshevism and from fascism to an 'updated Marxism', liberal democracy had proven the

¹⁷¹ According to Diamond and Plattner (1996), between 1990 and 1996 forty-two countries adopted liberal democratic constitutions, raising the total number of liberal democracies to 118

¹⁷² Krauthammer, Charles: "Democracy has Won!" Washington Post, March 24, 1989

¹⁷³ O'Connell. "Common Interests, Closer Allies". (2012). Page 367.

¹⁷⁴ Fukuyama. "The end of History?" (1989).

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unquestionable winner. With no serious alternatives left, and with the Liberal Peace rapidly expanding, Fukuyama argued that “What we may be witnessing in not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government.”¹⁷⁵

Indeed the ideal of liberal democracy had won a major battle, and Fukuyama’s predictions about the spread of democratic values and liberal economies in the globalizing world seemed to come true to a certain extent, especially concerning the spread of liberal democracy as the only remaining system that enjoyed major legitimacy.

Politicians of the early 1990s were no less optimistic about the triumph of liberal democracy. In Central and Eastern Europe former communist regimes fell apart and were replaced by democratic governments akin to those of their Western European neighbors; multiparty democratic elections and constitutions based on that of France and the United States popped up in various states in Asia and Africa; the breakout of traditional interstate conflicts saw a sharp decline. Perhaps Fukuyama’s prediction had been accurate when he stated that ‘in the post historical period there will be neither art nor philosophy, just the perpetual care taking of the museum of human history.’ Clinton in his 1994 State of the Union address, said that: ‘ultimately, the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere.’ After all, democracies don't attack each other’.¹⁷⁶

International institutions became more influential in peace operations in the 1990s. These included the UN and the organizations that fall under its umbrella, but also international, national, and sub-national organizations such as the European Union (EU), the North Atlantic Treaty Organization (NATO), the Organization of American States (OAS), national development agencies, Non-Governmental Organizations (NGOs), and the Bretton Woods Institutions. All together, these agents were influential in setting the agenda for contemporary security issues in the 1990s and for policy making in order to deal with such threats. All the organizations, however distinct, had in common a general line of thinking with regard to the relationship between liberal democracy and sustainable peace. All fashioned the idea that states with liberal democratic governments that respect human rights and that boast representative governments are generally less prone to conflict, both internally and internationally, than states that do not adhere to these institutions.

¹⁷⁵ Idem. Page 1.

¹⁷⁶ Clinton. “State of the Union”. (1994).

The UN also thrived in the 1990s. With the Cold War deadlock out of the way, the United Nations suddenly had the chance to finally take the responsibility it was created for. Together with a whole range of other international organizations, national development agencies, NGO's, and other sub-state players, they filled the vacuum that had been left behind. The United Nations had always constitutionally defended the fundamentals of representative democracy, as the General Assembly had adopted the Universal Declaration of Human Rights in 1948. However, the Cold War had always blocked the effective functioning of the UN in defending the will of the people through representative government. The end of the Cold War lifted this blockade and gave way to the first post-Westphalian peacekeeping mission in 1989 in Namibia, in which the UN actively assisted in creating democratic political institutions within a sovereign state. Subsequently, in 1991, the UN General Assembly adopted Resolution 46/137, enhancing the effectiveness of the principles of periodic and genuine elections. The Resolution stressed its conviction that:

“periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social, and cultural rights”.¹⁷⁷

The UN Secretary General reports from the early and later 1990s follow a similar logic; whereas the respect for national sovereignty had before been a central pillar of UN peace operations, this principle was trumped by the respect for democratic values and human rights issues in the 1990s. As Secretary General Boutros Boutros Ghali commented in *An Agenda for Peace* in 1992:

“The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world”.¹⁷⁸

Boutros Ghali's successor, Kofi Annan, continued this line of policy. In a 1997 UNDP conference he stated that support for democratization had become one of

¹⁷⁷ United Nations General Assembly: A/RES/46/137, enhancing the effectiveness of the principles of periodic and genuine elections, 17 December 1991, paragraph 3.

¹⁷⁸ Boutros Ghali. “An Agenda for Peace”. (1992), paragraph 17.

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the UN's major concerns. In that same conference, he mentioned that good governance and sustainable development are indivisible.¹⁷⁹

The UN Development Program (UNDP) also began focusing on issues of economic liberalization and "good governance" in the early 1990s, even though its original mandate was rather focused on eradicating poverty in host-states in order to promote sustainable human development. In 1992 the UNDP annual development report focused on the liberalization of markets and the lifting of protectionist restraints in developing countries. In 1997, the report linked good governance to poverty eradication, arguing that "enabling policies for poverty eradication include such fundamental reforms as promoting broader political participation, ensuring accountability and transparency of government, preventing the criminalization of politics, promoting free flows of information, and ensuring a strong role for community groups and NGOs in policy making and legislative decision-making."¹⁸⁰ Eventually, the promotion of good governance became one of the UNDPs central goals, with 46% of its budget going to good-governance programs in the period 1997-2000.¹⁸¹

Since the 1990s, the European Union (EU) has also been actively engaged in fostering democracy on the European continent and beyond. Initial efforts were focused on the EU's direct easterly neighbors in order to attract former Soviet satellites towards western values and political systems. Eastern European candidate countries expressly have to adhere to requirements of democracy, civil liberty, and the rule of law. Prospective candidates also have to adhere to liberal economics. It seems that the looming EU membership has induced many countries to make the transition necessary to join the organization. With regard to the relationship between the EU and developing countries, the EU has followed similar policies of aid-conditionality and trade-conditionality. Aid and trade relationships are only strengthened when the countries on the receiving end uphold a certain standard of human rights and democratic principles. When such conditions fail to sustain, the EU has the policy to suspend relationships, as it has done in the 1990s with regard to several African countries in the 1990s.¹⁸² As a result of these policies of conditionality, the EU has been referred to as a promoter of soft-power, using soft tools rather than hard (military) tools to promote liberal democracy.¹⁸³ The Organization of American States (OAS) has followed a similar line of policy since

¹⁷⁹UNDP: "Governance for Sustainable Development". (1997), page 19.

¹⁸⁰ United Nations Development Programme: "Human Development Report 1997". (1997) page 10.

¹⁸¹ Paris. "*At War's End*". (2007).

¹⁸² Relations were suspended with Lesotho (1994), Niger and Sierra Leone (1996), and Cameroon (1997).

¹⁸³ Tuomioja. "The Role of Soft Power in EU Common Foreign Policy". (2009).

the 1990s¹⁸⁴, actively monitoring democratic elections in several Latin-American countries, and imposing economic sanctions after coup d'états in Haiti and Peru. The AOS also set up a Unit for the Promotion of Democracy, training politicians and development officials and promoting local organizations in order to foster democratic institutionalization.¹⁸⁵

The World Bank and International Monetary Fund also added to fortifying the ideal of Liberal Peace. In the 1990s the World Bank added a layer of political conditionality to their loans, requiring client states to pursue policies of "good governance". A World Bank annual report from 1995 argued that "the strategy that has provided effective in improving economic and social well-being consists of three elements: labour-demanding growth, investments in education and health, and safety nets for poor and vulnerable groups. Increasingly, a fourth element – good governance – is being added, because governments directly control a significant share of national resources and shape the policy environment for private economic agents and civil society. In the interest of economic and social progress, the use of public resources must emphasize efficiency and equity. Beyond that, the most important attributes of good governance are accountability, transparency, and participation."¹⁸⁶ The World Bank's (and to a lesser extent the IMF's) conceptions of good governance lie in line with the ideals of representative government and accountable politics, added with neo-liberal economics, both of which are, in the words of Roland Paris, central elements in the Western notion of liberal democracy.

The vacuum that was left behind by the Cold War superpowers thus created a new playing field in which various national, international, and sub-national actors set the agenda for peace and development in the globalizing world. The nineties, in this sense, were a decade of hope, a decade of optimism and freedom.

However, the 1990s were simultaneously an age of new threats to international security. The end of the Cold War also left behind a political and military vacuum in the countries that had previously been supported by the US and the USSR for decades. These countries, many of them in reality weak states with high levels of corruption and institutions that did not provide social protection or sustainable economic growth, now found themselves in trouble, with their populations growing

¹⁸⁴ Although the organization had always been constitutionally committed to upholding representative democracy: the OAS charter mentions that representative democracy is an indispensable condition for the stability, peace, and development of the region

¹⁸⁵Policzer. "The Next Stage of Democracy Promotion". (2010). The author mentions that when Canada joined in 1990, it pushed for the establishment of a unit to promote democracy.

¹⁸⁶ World Bank. "Advancing Social Development". (1995).

increasingly disenfranchised. Threats of civil conflict, corruption, shadow economies, and other forms of state failure now faced increasing scrutiny.

The new international regime dominated by the ideal of Liberal Peace created a discussion about the new security threats and the origins of conflicts. Compared to the optimism of the Liberal Peace ideal, these analyses were much grimmer, portraying the future of the planet as much more dangerous and full of conflicts. Population growth, environmental stress, scarcity and inequality would turn the world into a systematically more insecure place, especially in the developing world, where weak governments without the capacity to shield people from these changes would be unable to create the necessary social, technical, and economical changes to cope with the coming anarchy.

3.4. Threats to the Liberal Peace

With the Cold War threat out of sight and the demise of communism in many parts of the world, the military and economic support for client states of the US and the Soviet Union (now Russia) quickly faded. Regimes that had been stable and that had been able to boost relatively consistent economic growth between the 1960s and 1980s suddenly had to deal with economic decline and political instability.¹⁸⁷ Dictatorial regimes that had been able to successfully suppress their subject populations, such as in Cote d'Ivoire, Cambodia, or the Democratic Republic of Congo, were suddenly confronted with popular revolts, coup d'états, and rebellions.

Many authors have confirmed that the 1990s brought along a wave of 'new conflicts'; conflicts in which people fought within national borders, and in which civilians killed civilians rather than soldiers killing soldiers, leading to ethnic strife, violations of human rights, hundreds of thousands of refugees, and a surge of illicit trade of arms and valuable resources to finance wars. To give an example, one UNDP report argued that before 1990 an estimated 90% of war victims were professional soldiers in regular state armies. Contrarily, since 1990 the tables have turned around; an estimated 90% of war victims are now civilians, more often than not killed by fellow civilians.¹⁸⁸ Also, civil wars have been argued to constitute 94% of all conflicts since the 1990s.¹⁸⁹

The 1990s brought along a range of academic studies and policy reports on how the nature of conflict had changed since the Cold War. Recognizing the new age

¹⁸⁷Schraeder. "Africa in World Politics". (2004), pp. 288-291.

¹⁸⁸ UNDP. "Human Development Report". (2002), page 16.

¹⁸⁹Wallensteen and Sollenberg. "Armed Conflict, 1989 – 2000". (2011).

of globalization, contemporary security threats were not to be sought only in conventional conflicts between states, but rather in sub-state groups in an increasingly interdependent world. States were still important agents in the security debate, but could not be analyzed without taking into consideration international trade, regional and international institutions, civil society organizations, human rights issues, scarcity, refugee streams, illicit trafficking of arms and drugs, and terrorist organizations, among others.

Martin van Creveld, an influential military historian and realist scholar, published a book in 1991 titled "The Transformation of War", in which he discussed contemporary wars, by whom they are fought, what it is all about, how it is fought, and what it is fought for. Creveld predicted that:

"We are entering an era, not of peaceful economic competition between trading blocks, but of warfare between ethnic and religious groups. Even as familiar forms of armed conflict are sinking into the dustbin of the past, radically new ones are raising their heads ready to take their place. Already today the military power fielded by the principal developed societies in both "West" and "East" is hardly relevant to the task at hand."¹⁹⁰

Creveld also destroyed the widely assumed notion that conflict is a phenomenon that human beings prefer to avoid. For many people in developing countries, conflict is a way of life, a way to achieve a sense of liberation, and above all, an end rather than a means. "Physical aggression is part of being human. In places where the Western Enlightenment has not penetrated and where there has always been mass poverty, people find liberation in violence. Only when people attain a certain economic, educational, and cultural standard is this trait tranquilized."¹⁹¹

This grim neo-realist future vision was shared by authors such as Thomas Homer-Dixon and Robert Kaplan. The first, focusing on environmental change and acute conflict, envisioned a planet tortured by scarcity, overpopulation, environmental stress, socio-economic shenanigans, and, inevitably in some regions, armed conflict. Homer-Dixon took as a starting point of his analysis the physical world of population growth, food scarcity, and declining energy resources, rather than the utopian notion that ideas would be able to overcome such crucial realities. As a neo-Malthusian, warning for the inevitable dangers of population growth and scarcity, especially in the developing world, he insisted that although neo-Malthusians may underestimate our adaptability in today's environmental-social system, their analysis may become ever more compelling as time

¹⁹⁰Creveld. "The Transformation of War" (1991), page ix.

¹⁹¹Kaplan. "The Coming Anarchy". (2000), page 45.

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passes.¹⁹² Robert Kaplan, another post-Cold War pessimist, or realist, also portrayed a future of anarchy rather than liberty. In his 1994 article *the Coming Anarchy*, Kaplan depicted a planet that would more and more resemble that of West-Africa, with a withering state, the rise of crime, the unchecked spread of disease, and the growing pervasiveness of war.¹⁹³ Fukuyama's last man and the end of history only existed in the rich world, where economic and social pressures could be overcome. The rest of the planet, where poverty, lack of clean water, and inequality reigned, was much more akin to Hobbes' *first man*:

"We are entering a bifurcated world. Part of the globe is inhabited by Hegel's and Fukuyama's Last Man, healthy, well fed, and pampered by technology. The other, larger, part is inhabited by Hobbes' First Man, condemned to a life that is "poor, nasty, brutish, and short." Although both parts will be threatened by environmental stress, the Last Man will be able to master it; the First Man will not."¹⁹⁴

More authors recognized the new types of security threats that emerged during the sanctions decade. As relationships between non-state, sub-state, and international agents became stronger, the role of the state in international security issues seemed to wither away. For example, William Reno focused on the ties between foreign firms and African rulers in Sierra Leone, where politicians and warlords used private networks that "exploit relationships with international businesses to buttress their wealth and so extend their powers of patronage."¹⁹⁵ Later, the term "shadow state" was coined, referring to states in which the government delivered hardly any services, while tightly controlling illicit trade networks and while controlling their subjects through patronage.

The character of modern warfare was fundamentally different from that of traditional warfare. Not only the location of political violence had changed, the organizational forms and borders of conflict had also shifted. "As militia groups replace regular armies, and internal wars transmute into protracted crises, the boundaries between such things as war, crime, and peace appear increasingly vague and blurred".¹⁹⁶

The transformation of conflict was perhaps best captured in Mary Kaldor's book '*New and Old Wars*'. Kaldor explains that in an increasingly globalized world, governments have increasingly lost the ability to successfully project power within

¹⁹²Homer-Dixon. "On the Threshold: Environmental Changes as Causes of Acute Conflict. (1991).

¹⁹³Kaplan. "The Coming Anarchy". (1994).

¹⁹⁴Kaplan. "*The Coming Anarchy*". (2000), page 24.

¹⁹⁵Reno. "*Corruption and State Politics in Sierra Leone*". (1995).

¹⁹⁶Duffield. "Post-modern Conflict: Warlords, Post-adjustment States and Private Protection". (1998), page 67.

the State. In a world dominated by transnational companies and international trade, vertical Weberian government structures can at best sign-post the rules of conduct within the State, and at worst serve to rubber-stamp decisions taken by international and transnational political, economic, and financial institutions. To the winners of Globalization, well-educated cosmopolitans of the global North and elites in the global South who thrive in a transnational environment dominated by international institutions, NGO's, transnational corporations, and international (social) media, the erosion of state power is not a reason for concern. For the losers of globalization, blue-collar factory workers, high school drop-outs, waiters, cleaners, and the unemployed, cosmopolitanism does not make sense. Globalization affects their lives just as much as it does the winners, but never in a positive way. Why strive towards cosmopolitan values of universal human rights and inequality in obscure countries on the other side of the world, if your own state cannot even provide descent goods, services, and stability at the national level? *"Zuerst kommt das Fressen, und dann die Moral"*.¹⁹⁷ Or as Palamarchus claimed in Plato's Republic: "Justice is taking care of your friends and harming your enemies".¹⁹⁸ According to Kaldor, the losers of globalization, both in the West, the East, and the South, tend to be sensitive to what she calls 'identity politics'.¹⁹⁹ Ethnic mobilization in Sub-Sahara Africa to 'grab' the state, religious mobilization to claim political legitimacy in the Middle East, and nationalist mobilization to authorize ethnic cleansing in the Balkans: all are examples of power politics, and all are the result of the discontents of globalization. These are the new threats to Liberal Peace.

3.5. The Responsibility to Protect and UN Peace Operations

The international regime of Liberal Peace culminated in 2001 in an influential report by the International Commission on Intervention and State Sovereignty (ICISS) titled 'The Responsibility to Protect'. The concept of R2P was borne out of the atrocities committed in the 1990s in the Rwanda genocide and the Srebrenica massacre in Bosnia and Herzegovina, in which the international community failed to intervene effectively. Something needed to be done to allow for humanitarian military intervention in certain cases. Critics warned that the concept of the 'right to intervene' could turn into a cover for gracious interference in the internal affairs of sovereign states. Others complained that only weak states would be subjected

¹⁹⁷ Brecht. *Denn wovon lebt der Mensch?* 1928. In English: First comes the food, then morality.

¹⁹⁸ Plato. *Republic*.

¹⁹⁹ Kaldor. *"Old and New Wars"*. 2012.

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to foreign interventions, leaving strong states untouched. As the ICISS report recognized:

“For some, the new interventions herald a new world in which human rights trumps state sovereignty; for others, it ushers in a world in which big powers ride roughshod over the smaller ones, manipulating the rhetoric of humanitarianism and human rights. The controversy has laid bare basic divisions within the international community. In the interest of all those victims who suffer and die when leadership and institutions fail, it is crucial that these divisions be resolved”.²⁰⁰

These were important (and to a large extent accurate) criticisms. “But”, asked UN Secretary General Kofi Annan in a 2000 report: “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity”?²⁰¹ The ICISS, established by the Canadian government to deal with this question, provided a framework on the rules surrounding R2P that has since been adopted by the UN General Assembly (2005) as well as the African Union.

The concept of R2P fully recognizes the changed nature of conflict, and purports that the international community has a responsibility to react to situations where large scale loss of civilian life or ethnic cleansing is threatened or taking place, but also to prevent conflicts from breaking out and to rebuild states in the aftermath of a conflict in order to diminish the risk of renewed conflict. All three responsibilities (to prevent, react, and rebuild) are fully integrated with the liberal peace ideal. For example, the Responsibility to Prevent recognized root causes of conflicts such as poverty, human rights abuses, and other political grievances, and provides tools of governance and diplomacy to put states on the ‘right track’. Similarly, the suggestions regarding the Responsibility to Rebuild are perfectly in sync with the prescriptions of Kant’s Republicanism and his disciples.

The use of sanctions pertains to the realm of the Responsibility to React. Just as in the UN Charter, R2P makes a distinction between ‘measures short of military action’ and ‘military intervention’, in which the former always has the initial preference. “As a matter of first principles, in the case of reaction just as with prevention, less intrusive and coercive measures should always be considered before more coercive and intrusive ones are applied”.²⁰² The threshold for military intervention should be high, whereas the bar for political, economic, and judicial measures can be set lower. The sanctions that the ICISS proposes as suitable

²⁰⁰ ICISS. “Responsibility to Protect”. 2001. page 2.

²⁰¹ Annan. Millennium Report. 2000.

²⁰² ICISS. “Responsibility to Protect”. 2001. page 29.

under suitable circumstances are arms embargoes, ending military cooperation, financial sanctions and asset freezes of individuals, restrictions on income generating activities such as oil, diamonds, timber, or drugs, restrictions on petroleum imports,²⁰³ aviation bans and travel restrictions, and diplomatic restrictions.

One of the advantages of sanctions is that they do not directly interfere with the concept of State sovereignty, whereas military interventions do. "Sanctions inhibit the capacity of states to interact with the outside world, while not physically preventing the state from carrying out actions within its borders".²⁰⁴ This implies that States such as China that have traditionally defended the importance of the respect for State sovereignty might be more easily persuaded to impose sanctions than to intervene militarily. After all, one can justifiably impose diplomatic or financial sanctions on a government without violating its (territorial) sovereignty.

Perhaps most importantly, the R2P report touches upon the issue of Just Cause, i.e. the idea that the international community can only intervene, either with sanctions or militarily, in case of a situation that surpasses a certain threshold. When it comes to military intervention there seems to be a general consensus as to when this threshold is surpassed. Military intervention is permitted in order to:

"halt or avert large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale 'ethnic cleansing', actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape."

Such situations typically include the actions defined in the 1948 Genocide Convention, crimes against humanity as defined in the Geneva Conventions, and different manifestations of 'ethnic cleansing' or other types of systematic killing or physical removal of members from a particular group, but also situations of state collapse that cause mass starvation or civil conflict and natural disasters in which the government is unable or unwilling to provide care for its people, such as in the aftermath of the 2007 Tsunami in South-East Asia. The concept of 'large scale suffering' is not quantified in any of these matters.

The concept of R2P was officially (and unanimously) adopted in the Outcome Document of the 2005 World Summit of the United Nations. Articles 138 and 139 stipulated that:

²⁰³ Although such restrictions can indirectly affect the livelihoods of innocent civilians and thus have to be imposed with extreme care.

²⁰⁴ ICISS. "Responsibility to Protect". (2001) page 29.

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“Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability”.

And also that:

“The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those under stress before crises and conflicts break out.”

R2P, not surprisingly, remains the subject of much scrutiny and debate about its selective nature, as well as its intrusive character.

Regarding the selectivity of humanitarian intervention, how can we explain that proponents of R2P never seem to push for military intervention in Gaza to protect the Palestinians from Israeli missiles? Or how can one defend the fact that China and Russia continually afford themselves the luxury of vetoing resolutions on military intervention in Syria? From a humanitarian point of view this type of selectivity is morally unacceptable. Nevertheless, R2P has also been recognized by political scientists and practitioners as “the most important shift in the definition of sovereignty since the treaty of Westphalia”,²⁰⁵ and as a concept that has positively influenced the behavior of international society in responding to mass

²⁰⁵ Slaughter. “A New U.N. For a New Century”. (2006).

killings.²⁰⁶ For example, Roland Paris argues that the track record of R2P is actually more successful and consistent than critics portray.²⁰⁷

On the other side of the selectivity spectrum, some authors have critically assessed the use of the 2011 humanitarian intervention in Libya (carried out by NATO with UN approval) to remove Colonel Gadhafi from power, especially since it has only brought the country into deeper trouble.²⁰⁸ Such critiques don't only aim at the selective nature of UN peace operations, they also point towards their intrusiveness. Whereas traditionally, UN peace keeping operations were politically and militarily conservative, respecting the holy trinity of consent, impartiality, and the non-use of force, humanitarian interventions breach with all three.²⁰⁹ Humanitarian interventions require consent from the UNSC, but not from the parties to the conflict. They use force per definition, and while they do not necessarily breach with the concept of impartiality, in practice they typically choose sides to a conflict. This firmly pushes R2P into the UN Charter's Chapter VII (Action with respect to Threats to the Peace), whereas peacekeeping has traditionally fallen under Chapter VI (Pacific Settlement of Disputes).

Whereas military intervention under the guise of R2P has been subject of intense debate, the more subtle and primary tool of R2P, sanctions, has been largely left outside of the debate. Surely there have been criticisms on sanctions regimes, but these typically regard the complaint that they are either too harsh on innocent civilians, or that they are ineffective in coercing the behavior of their targets. It is however worth digging deeper into the selectivity of UN sanctions regimes, as they are politically cheaper to impose, less intrusive than humanitarian (military) interventions, and useful tools for governments to signal moral outrage over violations of international law or threats to the (liberal) peace.

3.6. Liberal Peace and UN Sanctions

The following paragraphs will show that cosmopolitans in the UN have pushed for an expansion of international sanctions to deal precisely with the kinds of 'threats to the peace' that the doctrine of R2P aims at. Civil wars, coup d'état's, and terrorist groups are not only the major contemporary issues of concern when it comes to atrocities and crimes against humanity that require military intervention; they are also the main 'sanctionable offences' of today. Contemporary 'smart' or

²⁰⁶ Bellamy. "The Responsibility to Protect Turns Ten". (2015).

²⁰⁷ Paris. "Is it possible to meet the Responsibility to Protect?" (2014).

²⁰⁸ Pattison. "The Ethics of Humanitarian Intervention in Libya". (2011).

²⁰⁹ Weiss. *Peace Operations and Humanitarian Interventions*. (2015).

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'targeted' sanctions are designed to deal precisely with these issues. The cosmopolitans (utopians) that have moved the concept of sovereignty towards Kant 2.0 have also acquired the tools to sanction actors that are led astray. However, how do the rules of R2P, most importantly that of 'Just Cause' apply to sanctions? And what does the record of imposed sanctions look like when compared to other sanctionable offences that were not sanctioned? Can we detect any form of consistency in line with the 'rule of law'? Or do sanctions rather serve the interests of those in power?

As we have seen in the previous paragraphs, the early 1990s were a mix of liberalist optimism about the spread of liberal values, and at the same time of grim realism about the instability on the ground in developing countries. How did the regime of Liberal Peace affect UN Sanctions? United Nations policy mirrored this duality. Ideologically, they embraced the idea of the last man and confirmed that liberal democratic values were an important requisite for those underdeveloped countries that deserved the world's attention in the early 1990s. As a logical result, the rules around when sanctions could be legitimately imposed had to be adapted.

In 1992 UN Secretary Boutros Boutros Ghali recognized that the new sources of conflict and war were pervasive and deep. "To reach them will require our utmost effort to enhance respect for human rights and fundamental freedoms, to promote sustainable economic and social development for wider prosperity, to alleviate distress and to curtail the existence and use of massively destructive weapons".²¹⁰ The 1992 Agenda for Peace also mentions the relation between poverty, oppression, pollution, corruption, lack of democracy etc. and conflict. The UN reconsidered the sources of conflict, arguing for a different role of the UN; a role that allowed the organization to intervene in internal affairs of states. It was the task of leaders of States "to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world".²¹¹ Together with a wide range of international and sub-national organizations, they set the agenda for peacekeeping in the nineties. Together, they would deal with new wars, bringing peace and democracy to states in order to promote security. Sanctions were part of the tools available to ensure conflict resolution.

Twelve UN sanctions regimes were imposed during the 1990s, oftentimes referred to by scholars as the 'sanctions decade: Iraq (1990), Former Yugoslavia (1991, 1992, 1998), Libya (1992), Liberia (1992), Somalia (1992), Cambodia (1992), Haiti (1993), Angola (1993, 1997, 1998), Rwanda (1994), Sudan (1996), Sierra Leone (1997), and Afghanistan (1999).²¹² The diverse range of purposes for which

²¹⁰Boutros Ghali: *An Agenda for Peace*". (1992).

²¹¹Boutros Ghali: *An Agenda for Peace*". (1992).

²¹² Cortright and Lopez. "*The Sanctions Decade*". (2000): page 2.

sanctions were employed include: to reverse territorial aggression, to restore democratically elected leaders, to promote human rights, to deter and punish terrorism, and to promote disarmament. Of the twelve UN sanctions episodes in the 1990s, only one (Iraq 1990) concerned a traditional interstate conflict. In three cases the UN sanctions were a reaction to terrorist attacks or groups (Libya 1992, Sudan 1996, Afghanistan 1999). In another eight instances the issue to which the UNSC reacted was an issue that fell under the national sovereignty of the state at hand (Former Yugoslavia, Liberia, Somalia, Cambodia, Haiti, Angola, Rwanda, Sierra Leone).²¹³ Most of these internal issues regarded civil wars. In Haiti the sanctions were imposed after a coup d'état.

Table 3. United Nations sanctions regimes since 1945

Case Name	First Sanctions Resolution	Year Imposed	Year lifted	Offence
Southern Rhodesia	UNSCR 232	1966	1979	Apartheid regime
South Africa	UNSCR 569	1985	1994	Apartheid regime
Iraq-Kuwait	UNSCR 661	1990	2003	Aggression
FRY: Croatia	UNSCR 713	1991	1996	Civil War
FRY: Bosnia	UNSCR 757	1992	1995	Civil War
Southern Rhodesia	UNSCR 232	1966	1979	Apartheid regime
South Africa	UNSCR 569	1985	1994	Apartheid regime
Iraq-Kuwait	UNSCR 661	1990	2003	Aggression
FRY: Croatia	UNSCR 713	1991	1996	Civil War
FRY: Bosnia	UNSCR 757	1992	1995	Civil War
Somalia I	UNSCR 733	1992	-	Civil War
Libya	UNSCR 748	1992	2003	Sponsor Terrorism

²¹³The sanctions on Former Yugoslavia could also be considered as a sanctions regime imposed to deal with an internal issue. In this case the total number of internal conflicts would be eight.

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Cambodia	UNSCR 792	1992	1994	Civil War
Liberia I	UNSCR 778	1992	2015	Civil War
Haiti	UNSCR 873	1993	1994	Coup d'état
Angola	UNSCR 864	1993	2002	Civil War
Rwanda	UNSCR 918	1994	2008	Civil War
Sudan	UNSCR 1070	1996	-	Sponsor Terrorism
Sierra Leone	UNSCR 1132	1997	2010	Civil War / Coup d'état
FRY: Kosovo	UNSCR 1199	1998	2001	Civil War
Al Qaeda / Taliban	UNSCR 1267	1999	-	Terrorism
Eritrea- Ethiopia	UNSCR 1298	2000	2001	Aggression
DRC Congo	UNSCR 1493	2003	-	Civil War
Liberia II	UNSCR 1343	2003	2016	Civil War
Cote d'Ivoire	UNSCR 1572	2004	-	Civil War
North Korea	UNSCR 1718	2006	-	Nuclear Proliferation
Iran	UNSCR 1737	2006	-	Nuclear Proliferation
Somalia II	UNSCR 1844	2008	-	Civil War
Eritrea - Djibouti	UNSCR 1907	2009	-	Aggression
Libya II	UNSCR 1970	2011	-	Civil War
Guinea Bissau	UNSCR 2048	2012	-	Coup d'état
Central Afr. Rep.	UNSCR 2127	2013	-	Civil War
ISIS	UNSCR 2253	2014	-	Terrorism
Yemen	UNSCR 2140	2014	-	Civil War

The UN Sanctions episode of Iraq-Kuwait was an exception in the sense that it concerned one of the few cases of interstate aggression since 1990. The other eleven cases, especially the African civil wars and the terrorist threats, are all cases that seem to come straight out of Kaplan's *The Coming Anarchy*, Collier's *Greed vs. Grievance*, and Kaldor's *Old and New Wars*. Bloodthirsty warlords, child soldiers, illicit terrorist networks, and arms smuggling dominated the books and news-articles about many of these conflicts. Somali refugees, Sierra Leonean children with AK-47s, and state-sponsored terrorism dominated the news. The UN General Assembly and the Sanctions Committee also recognized these problems, hence their policies concerning these conflicts. In the case of Cambodia, a conflict that had raged since the 1970's but was only tended to in 1991 in the Paris Accords, the UN found itself attempting to create a politically viable Cambodian government with the factions willing to cooperate with the UN mission, while progressively isolating the Khmer Rouge, a rebel movement pillaging Cambodia's mineral and forest resources in order to sustain the conflict.²¹⁴ In Angola, another conflict that originated during the Cold War after independence was granted by Portugal, two factions (the MPLA government and the UNITA rebel movement) had been fighting over power for decades. For both parties, the war had become "commerce by other means", with the objective of controlling the country's vast wealth.²¹⁵ Despite the imposed arms embargo in 1993, three hundred thousand people were killed after UNITA's rejection of the election's result. According to Human Rights Watch, a thousand people died every day, making the Angolan civil war the bloodiest war on the planet at that moment.²¹⁶ In Somalia, perhaps the sanctions case that most resembled *The Coming Anarchy*, clan leaders and factional militia struggled over the control of food supplies and access to arms, as previous fighting had led to a famine, killing hundreds of thousands. Armed gangs ruled the streets, looting whatever they could in Mogadishu as well as the country side. Unfortunately, the only sanction imposed regarded an arms embargo in 1992, which hardly had any effect.²¹⁷ All the above examples had to be settled through military interventions. The only instance in which UN sanctions were thought to have achieved their objective without the need for military intervention is that of Libya after the Lockerby bombing of 1988.²¹⁸

In terms of widening the scope of international law, the sanctions decade was a success. Offences that could previously not be sanctioned by the United Nations

²¹⁴ UNSC Resolution 792 (1992).

²¹⁵ Billon. "Angola's Political Economy of War". (2001).

²¹⁶ Human Rights Watch Arms Project. "Angola, Between War and Peace, Arms Trade and Human Rights Abuses Since the Lusaka Protocol". (1996).

²¹⁷ Cortright and Lopez. "*The Sanctions Decade*". (2000).

²¹⁸ Idem.

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were now embedded in its institutional framework; the twelve sanctions episodes of the 1990s bear witness to this progress. However, the UN sanctions regimes of the 1990s were also largely failures. They failed in the sense that they did not project the power that UN policy makers had hoped for. Rather than coercing their targets into lawful behavior, UN comprehensive economic sanctions and arms embargoes either affected innocent civilians, or were evaded by their targets altogether through illegal arms trade networks.²¹⁹ In order to deal with these failures, policy makers of the early 2000s focused on making targeted sanctions more effective in actually undermining the financial and military networks of their targets: sub-national and transnational actors that facilitate the new wars.²²⁰

If the 1990s are dubbed the 'sanctions decade', the 2000's could be referred to as the 'targeted sanctions decade'. Targeted sanctions were already used in the 1990s in cases such as Libya, the Taliban, and Sudan, but became institutionalized, and arguably more effective, in the 2000s.²²¹ Much was learned about the effectiveness of smart sanctions thanks to three international projects around the turn of the millennium, along with the introduction of expert panels to monitor targeted sanctions regimes. From 1998 to 2001, the Interlaken Process, hosted by the Swiss government, in cooperation with the United Nations and the Watson Institute, brought together financial experts, academics, and policy makers to discuss the effectiveness of financial sanctions. From 1999 to 2001, the German government hosted the Bonn-Berlin process, focusing on travel and aviation sanctions. Later, between 2001 and 2003, the Swedish government hosted the Stockholm Process, bringing together experts and academics in the field of arms embargoes.²²² The Interlaken Process recognized that during the previous decade (the 1990s) not all sanctions regimes had been successful in inducing the targeted leaderships to return to policies respectful of international norms:

Targeted sanctions are designed to focus on groups of persons responsible for the breaches of the peace or the threats to international peace and security, while ideally leaving other parts of the population and international trade relations unaffected. Such sanctions can target financial assets as well as the freedom of movement of the targeted persons through travel and aviation sanctions."²²³

²¹⁹ Drezner, Daniel. *The Sanctions Paradox*. (1999); Cortright and Lopez. *The Sanctions Decade*. (2000); Andreas. "The Criminalizing Consequences of Sanctions. (2005).

²²⁰ Watson Institute. "Summary of the Interlaken Process". (2001); Bierstecker et al. "Targeted Sanctions". (2016).

²²¹ Cortright & Lopez. *Smart Sanctions*. (2002).

²²² UNGA. "Report of the Secretary General on the Work of the Organization". General Assembly report A/58/1 (2003).

²²³ Watson Institute. "Summary of the Interlaken Process". (2001).

The targeted sanctions decade is not precisely a decade, but rather a reference to the book *the Sanctions Decade* by Cortright and Lopez, which stands so central in the literature on sanctions and has become a widely shared expression in the literature. In reality, the targeted sanctions decade starts in the late 1990s and continues until this day. As targeted sanctions are closely related with the changes made in the Interlaken, Bonn-Berlin, and Stockholm processes, it makes sense to only count those sanctions cases in which these ‘new sanctions’ were applied. In some cases, these changes occurred during the sanctions regime. For example, the cases of Somalia, Liberia, Angola, Sudan, and Sierra Leone belong both to the sanctions decade and the targeted sanctions decade, as the sanctions were initiated in the 1990s, but lasted until the late 2000s, or are still in place.

Table 4 - UN Targeted Sanctions Cases

	Year	Arms	Finan cial	Commo dity	Aviation	Travel
Somalia	1992-now	x	x			
Liberia	1992-2016	x	x	x	x	x
Angola	1993-2002	x		x	x	x
Sudan	1996-now	x	x			x
Sierra Leone	1997-2010	x	x	x	x	x
Al Qaeda/ Taliban	1999-now	x	x			x
Eritrea	2000-2001	x	x			
Ethiopia	2000-2001	x	x			
Iraq	2003-now	x	x			x
DRC	2003-now	x	x	x		x
Ivory Coast	2004-now	x	x	x		x
North Korea	2006-now	x	x			
Iran	2006-now		x			
Libya	2011-now	x	x	x	x	x
Guinea-Bissau	2012-now					x

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The shift towards targeted sanctions can be explained in two ways. Firstly, the shift can be seen as a logical result of the failures of previous comprehensive sanctions cases, most notably Iraq. UN Sanctions regimes were not effective because they were blunt tools that hurt innocent civilians while leaving the actual targets unaffected.²²⁴ Many students of international sanctions have argued this, and it is certainly true that targeted sanctions are a lot more effective than comprehensive sanctions. The second explanation for the shift towards targeted sanctions is that they fit much better within the logic of liberal peace. The types of conflicts and targets that threaten the liberal peace are typically sub-state actors, non-state actors, or transnational actors. warlords, coup leaders, diamond smugglers, arms traders, and other actors of the new wars cannot be hurt by comprehensive economic sanctions because they don't represent the state.²²⁵ New Wars, manifesting themselves in civil conflict and terrorism, not wars of aggression, have become the main 'threats to the peace'; targeted sanctions deal with these new threats. New problems ask for new solutions.

A quick look at the sanctions regimes that have been imposed since 1990 show us that indeed only two traditional border conflicts were sanctioned by the UN: Iraq-Kuwait and Ethiopia-Eritrea. The other 24 cases since 1990 all concern offences that could only have been addressed within the wider doctrine of liberal peace. Already in 1993 did the UN allow for the imposition of a sanctions regime on Haiti in response to the military coup that ousted the democratically elected president Jean-Bertrand Aristide.²²⁶ The arms embargoes on Liberia, Somalia, and Libya in 1992, Angola in 1993, and on Rwanda in 1994, although large ineffective, show that sanctions were in a way ahead of their time in contesting the idea of state sovereignty. R2P did perhaps not exist to justify military intervention, but there was an unquestionable consensus that the failed states of the early 1990s were undeserving of complete sovereignty. The UN sanctions of the era attest to this.

During the targeted sanctions decade the track record of UN sanctions improved in terms of effectiveness too. Thanks to the efforts of the conferences in Interlaken, Bonn-Berlin, and Stockholm, UN sanctions regimes on Sierra Leone, Angola, Liberia, Cote d'Ivoire, and the DRC Congo, among others, became more effective in undermining the financial and military capabilities of regimes and rebel movements such as UNITA in Angola, the regime of Charles Taylor in Liberia, and that of Laurent Gbagbo in Cote d'Ivoire.²²⁷ The most influential of these sanctions

²²⁴ Weiss. "Political Gain and Civilian Pain". (1997); Gibbons & Garfield. *The Impact of Economic Sanctions on Health and Human Rights in Haiti 1991-94*. (1999).

²²⁵ Cortright & Lopez. "Smart Sanctions". (2002).

²²⁶ UNSC Resolution 814. (1993)

²²⁷ Kruiper. "*Recursos Naturales, Guerras, y Sanciones Internacionales*". (2014).

regimes was perhaps that imposed on the UNITA rebel movement in Angola, to which I will dedicate a few extra paragraphs for the purpose of illustration.

The UNITA (União Nacional para a Independência Total de Angola) rebel movement of Angola had been fighting for political control of the previously Portuguese colony since independence in 1975. As a typical Cold War proxy conflict, UNITA was backed by the United States and South Africa, whereas the MPLA government forces were supported by the Soviet Union and Cuba, which sent soldiers and doctors. In the early 1990s UNITA lost support from the West and started a renewed military campaign financed largely through the exploitation of diamond mines in the interior regions of Angola that it controlled, but also through looting and pillaging local populations. Between 1992 and 1994 the war killed many thousands and displaced 1.5 million people.²²⁸ Initially, a 1993 UN arms embargo did little to diminish the access to arms. Jonas Savimbi, UNITA's strongman, had a sophisticated network of diamond smugglers, Eastern European arms traffickers, and befriended heads of State from the DRC to Togo and Rwanda. It is estimated that UNITA's revenues from diamond exports amounted anywhere between USD \$400 million and USD \$700 million annually between 1992 and 1997.

In 1999, a report by Canadian Ambassador Robert Fowler, who led the UN Sanctions Committee on Angola, pointed out in much detail how Savimbi's conflict was financed, and who were involved in his network.²²⁹ The Fowler Report had for the first time employed a Panel of Experts that focused solely on the implementation of the sanctions and on finding and fixing the holes in the system. Thanks to improved monitoring of Arms trafficking and the establishment of the Kimberly Process Certification Scheme for diamonds (KPCS), which only allowed the export of diamonds certified by the Angolan government, the war effort of UNITA was largely undermined.²³⁰ Not long after Savimbi was shot dead in 2001, UNITA signed a peace agreement and accepted the role of political opposition party in the Angolan government.

Subsequent UN sanctions regimes have learned a lot from the Fowler Report. The KPCS grew out to an international institution with 54 members representing 81 countries.²³¹ Expert panels have become a standard function in UN sanctions committees, and have proposed and established other institutions to monitor and regulate the financing of war through export of other products, including the Dodd-

²²⁸ Billon. "Angola's Political economy of war". (2001). Page 58.

²²⁹ Vines. "Monitoring UN Sanctions in Africa". (2003).

²³⁰ Mollander. "UN Angola Sanctions". (2009).

²³¹ Many European countries are represented by the EU.

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Frank consumer protection act in the United States,²³² and growing membership of the the Extractive Industries Transparency Initiative (EITI), an organization that promotes transparency around the money involved in natural resource exports.

Finally, the UN targeted sanctions regimes of the new millennium have also brought us closer to the Liberal Peace in another way. Since 2003 UN Sanctions have also been brought in line with R2P's responsibility to rebuild. In the aftermath of the second Liberian civil war, the UN Security Council agreed to impose sanctions on the exports of Liberian Timber after the peace had already been signed.²³³ primarily aimed at diminishing the risk of renewed conflict financed by Timber exports, but the requirements that were stipulated for lifting the embargo were completely in line with the ideals of the liberal peace regime on governance and state building. Not only was Liberia to first hold successful and peaceful democratic elections, but the Government of Liberia was also to push through a number of reforms in the timber industry that were prescribed by the Liberian Forest Initiative (LFI), an initiative led by the US State Department. Similar sanctions regimes to improve governance and rebuild the State have since been used in Libya and Guinea Bissau.

The 24 UN Sanctions regimes 1990 leave no doubt that sanctions have contributed to bringing the world closer to the ideal of liberal peace. But have they done so consistently? Indeed they have been used to deal with the 'new wars' of the post-Cold War era; indeed they have become more targeted and better at dealing with dictatorial governments, rebel movements, arms traffickers, and other sub-national and trans-national players involved in contemporary conflicts; Indeed they have successfully responded to border wars, but also to civil wars, terrorist groups, and staggers of military coups; Indeed they have put post-conflict governments on the correct track towards sustainable peace and liberal governance. But what about all the other cases in which a civil war was not met with UN sanctions? What about the Coup d'état's since 1990 that were not replied to by imposing UN sanctions on those who staged it? What about terrorist organizations that have not been targeted by UN sanctions, even though they made more victims than some of the organizations that were sanctioned? Is there any consistency?

With regard to military interventions and the R2P, the ICISS report replied to these criticisms by saying that: "the reality that interventions may not be able to be mounted in every case where there is justification for doing so, is no reason for them not to be mounted in any case." In other words, we sometimes have to accept that although we are living in a world that is increasingly driven by cosmopolitan humanitarian morals, we are also still living in a world full of strategic and selfish interests and a UNSC that is dominated by five permanent members who

²³² Dodd Frank Wallstreet Reform and Consumer Protection Act. 2010.

²³³ UNSC Resolution 1521. (2003)

sometimes vote against the cosmopolitan interest and in favor of their selfish realist interests.

This argument may very well be true of military interventions, but much less so when it comes to UN sanctions. After all, UN sanctions are not a direct interference with state sovereignty (as China and to a lesser extent Russia often object). Additionally, and perhaps more importantly, sanctions are politically much cheaper to impose than a military intervention. After all, sanctions can be imposed without sending any soldiers and without losing much money economically.²³⁴ Diplomatic sanctions, travel bans, asset freezes of individual targets might not be the most effective sanctions, but they are a very cheap and effective way of at least signaling the intent to uphold cosmopolitan law. This makes them excellent tools of two-level games, satisfying domestic pressure and international interests simultaneously.²³⁵ If a government refuses to intervene militarily based on the argument that the political and economic costs of sending soldiers would be too high, the public might accept this argument as a legitimate and logical one.²³⁶ However, a State cannot refuse to impose a travel ban, diplomatic sanctions, or an arms embargo on the basis of the same argument. Governments are thus more likely to be convinced by humanitarian circumstances or public pressure to push for UN sanctions.²³⁷

Records of sanctions and votes on sanctions are thus a good tool to measure the 'intentions' of States in upkeeping the rule of international law and strengthening the regime of Liberal Peace than military interventions. The countries that have led the way establishing the doctrine of R2P should have a natural interest in being consistent when it comes to sanctioning targets who pose a threat to the Liberal Peace. Following the idealism of Kant, Wilson, and Nye, the institutional liberalism of Krasner and Keohane's, and the policies of liberal politicians from Annan to Guterres, and from Blair to Obama, in pushing the United Nations towards a more ambitious project, the West in general should have an interest in demonstrating consistency when it comes to imposing sanctions.

If the track-record shows that UN sanctions episodes since 1990 were consistent with the ideas described in this chapter, then we wouldn't have needed to look any further. We may have then simply congratulated the UN and the players involved with a job well done and move on to other matters.

However, the track record of UN sanctions since 1990 does not unquestionably and fully represent on of liberal peace. Progress may have been made, but the

²³⁴ Assuming that sanctions are typically sent by large economies and targeted against relatively small economies.

²³⁵ Putnam. "*Diplomacy and Domestic Policy*". (1988).

²³⁶ Binder. "*The UN and the Politics of Selective Humanitarian Intervention*". 2016.

²³⁷ Kruiper & Delgado. "UNder Pressure". (2018).

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record still reflects a policy of selectiveness. Many nuclear proliferators, interstate wars, civil wars, state-sponsors of terrorism, terrorist organizations, and coup's d'état remain unsanctioned. How can this selectiveness be explained? Are some threats to the peace, breaches of the peace, or acts of aggression objectively bigger than others? Is it all about power-politics of the permanent members of the Security Council and the UN veto? Are some armed groups and governments too powerful to be subjected to UN sanctions? Are the Western proponents of liberal peace coherent when it comes to proposing UN sanctions? Or do they sometimes act in conflict with the ideals they stand for?

If we find the answers to the above questions, we also find the answer to the central question of this thesis: What are UN sanctions for? Are they tools of justice? Or tools of power? If the track record can mostly be explained through vetoes and the countervailing power of some players to avoid getting sanctions, we could describe the liberal peace project as a process facing obstacles. If, however, the actions and intentions of the West go plainly against the ideals they claim to uphold, then perhaps one should regard the track record of UN sanctions as one of betrayal, and perhaps the end, of liberal peace.

Thomas Kruiper

PART II
METHODOLOGY AND HYPOTHESES

Chapter Four

Methodology

Chapters one to three have provided us with a theoretical framework surrounding the historical role of the League of Nations and the United Nations, as well as the significance of international institutions and the influence of ideas and power within them. We have also discussed the doctrine of Liberal Peace and its influence on UN sanctions regimes since 1990, concluding that the norms surrounding UN sanctions regimes have most definitely changed since the end of the Cold War, but that the rules and procedures surrounding decision making have stayed the same. As a result, the current regime of UN sanctions allows for a much more ambitious sanctions policy, but it doesn't guarantee a tangible liberal peace on the ground. Realism remains relevant. When geo-political stakes are low, cosmopolitan ideals sometimes come through; when it comes to hard issues, however, muscles matter.

The task at hand in the chapters to come (5-9) is now to present evidence that supports the claims above, and that explains precisely what the underlying motivations for the imposition of sanctions are. In other words, our analysis of UN sanctions regimes since 1990 needs to provide arguments to back up the claims that:

- a) The ideas surrounding when the United Nations should impose sanctions under Chapter VII of the UN charter have changed since 1990, and;
- b) As the geo-political stakes get higher, the likelihood of UN sanctions regimes to follow the logic of liberal peace decreases.

Chapters five, six, seven, and eight will scrutinize the track-record of the UNSC in imposing sanctions on different types sanctioned offences since 1990. Chapter five will look at six states that proliferated nuclear weapons or intended to do so outside of the Nuclear Non-proliferation Treaty of 1968, which 'legally' allowed the US, the Soviet Union, the United Kingdom, France, and China to possess nuclear arms. Out of the six offenders since 1968, three were subjected to UN sanctions regimes. Chapter six concerns the sanctioned offence of 'aggression', and will

consider four traditional border conflicts since 1990, two of which were sanctioned. Chapter seven will consider fifty-eight civil conflicts since 1990, twenty of which were sanctioned. Chapter seven will consider eighty-four terrorist organizations since 2001, twenty-one of which were sanctioned. Finally, chapter eight will examine thirty-six coups d'état, only three of which received sanctions.

The idea behind splitting the research up into different types of offences is that each offence represents a different type of threat to the peace, as well as different geopolitical stakes. Nuclear proliferation and interstate warfare are both classical issues of high politics. They both represent grave potential threats to international security, and they are typically dealt with at the highest diplomatic level. One would therefore expect actors within the Security Council to act in line with a typical neo-realist logic, sanctioning offenders whenever they pose a threat to the peace, with the exception of the P-5 members themselves or their closest allies. Civil wars sometimes present a geopolitical threat to the peace because they can induce regional instability, but they also represent a threat to human security. This makes civil war a type of hybrid between high-stakes and low-stakes issues. From a humanitarian point of view large-scale conflicts should receive more sanctions; from a geo-political point of view, however, the stability of the sovereign state-system might be more important, and strong governments might be more successful in posing a countervailing power to the UN, decreasing the likelihood of sanctions. The issue of international terrorism receives lots of attention in the international media, but should in reality be considered a low-stakes issue from a geopolitical point of view. Finally, coups d'état perhaps represent an even smaller threat to international stability and human security, but a bigger threat to 'democratic peace'. We would therefore expect these 'offences' only to receive sanctions when they serve a specific Western interest.

To be sure, critical scholars of security studies have argued that the past decades have witnessed a range of other security threats that might or should have been responded to with UN sanctions. Many low-intensity conflicts between governments and non-state groups involve structural discrimination, state oppression, and widespread human rights abuses of minorities. Ethiopia under Mengistu in the 1980s, Indonesia under Suharto in the 1990s, and Venezuela under Maduro since 2013 provide examples. Similarly, while some of those involved in coups d'état have been subjected to UN sanctions for illegally overthrowing sovereign governments, authoritarian and undemocratic governments from Zimbabwe to Iran have been able to stay in power through rigged election without ever having to fear (UN) sanctions.²³⁸ On the sub-state side or the equation, while rebels groups and terrorist organizations have been targeted

²³⁸ Of course many undemocratic governments have received unilateral sanctions from Western countries for rigging elections and violating human rights.

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by UN sanctions, equally bloody organized criminal gangs, drug-traffickers, pirates, and other criminals have not.²³⁹

There are good arguments for considering the actors mentioned above as ‘threats to the peace’, or at least as threats to human security and democratic peace. By all means the UNSC is selective in this sense. From an analytical point of view, it does however not make sense to include such ‘offences’ in the research of this thesis, as there is no possibility to compare sanctioned cases to non-sanctioned cases. For this reason, this thesis does also not include wider and deeper security threats such as climate change, disease, or cyber-terrorism.

The analysis of each of the five chapters of this thesis is based on a central ‘sanctionable offences database’ (SOD) that has been constructed by the author for the purpose of this study. This database contains a list of all nuclear proliferators (Ch.5) interstate conflicts (Ch.6), civil wars (Ch.7), terrorist organizations (Ch.8), and coups d’état (Ch.9) that are deemed ‘sanctionable’. In other words, the SOD includes all the offences since 1990 in which the UNSC could, some might even say *should*, have imposed at least some kind of sanction if it wanted to claim uphold a coherent doctrine of R2P and the general ideal of Liberal Peace.

There is currently no consensus or specific quantifiable guideline or threshold to define what should be regarded as a ‘sanctionable offence’ and what should not be regarded as such in the literature on security or on sanctions. The only existing legal guideline can be found in the UN Charter’s article 39, which states that sanctions may be imposed when the UNSC determines that an issue represents a ‘threat to the peace, breach of the peace, or act of aggression’.²⁴⁰ For obvious reasons, for the sake of this thesis this doesn’t get us very far.

However, for each of the offences that is studied in the following chapters, it is possible to extract a general consensus in the literature about when an offence becomes serious enough to consider the imposition of a UN sanction. For example, scholars of conflict studies generally recognize conflicts that surpass a threshold of a thousand casualties as a ‘war’, while defining the rest as ‘minor conflicts’.²⁴¹ This doesn’t mean that all major conflicts are automatically eligible for UN sanctions, but it provides us with a steady basis for comparative research. Similarly, coup d’état’s can only be considered as potentially sanctionable when they are successful, and they can be considered to become more sanctionable as

²³⁹ Although the UN has passed several resolutions on piracy off the coasts of Somalia and in the Gulf of Guinea since 2008, and has a special office on drugs and crime (UNODC).

²⁴⁰ UN Charter. Article 39.

²⁴¹ UCDP. “Battle-Related Deaths Dataset Codebook”. Version 18.1. (2017).

more people are killed or displaced in the process. Coups are also considered as less legitimate, and thus more sanctionable, if they replace a decent and democratic government, whereas they become more legitimate, and thus less sanctionable, if they replace a brutal tyrant who violates the human rights of his own citizens.

Defining, grading and scaling sanctionable offences is thus an essential part of this thesis. The first section of this chapter will therefore provide a comprehensive overview of the choices that were made in the database. Some readers might find my definitions too strict, arguing that more cases should have made the database. Others might think they are too loose, leading to an inclusion of cases that they think should have been left out. Still I am convinced that most readers will generally agree with the choices that were made.

The second part of the methodology regards the design of hypotheses about the reasons underlying the selective record of UN sanctions since 1990. I do this by comparing sanctioned and non-sanctioned cases within each category on the basis of variables, which serve as proxies for each hypothesis. Together, these variables can be grouped in several ways to help test each hypothesis. Roughly, the two main hypotheses revolve around the pillars of realism and idealism. However, each pillar is made up of a range of separate variables, each representing a different shade of realism or idealism. For example, variables that make up the realist pillar include vetoes in the Security Council, but also state strength and strategic alliances. Similarly, the idealist pillar can be divided into strains of 'human security', 'state-security', and 'democratic security', among others. Finally, some variables help in testing sub-hypotheses, such as the 'CNN effect', or 'neo-colonialism'. Each variable and its relevance to the research will be explained in section 4.2.

4.1. Sanctionable offences in the SOD

What makes a nuclear proliferator, interstate war, civil war, coup d'état, or terrorist group sanctionable?

The current answer for sanctions imposed under the framework of the United Nations is that an internal conflict is 'sanctionable' when the Security Council decides under article 39 of the Charter that it constitutes a threat to the peace, breach of the peace, or act of aggression. That is it. A conflict or actor in a conflict is sanctionable when the Security Council says so. Considering that the institutional design of the Council tilts power to its P-5 members, this definition leaves us largely dependent on their political interpretations of the terms 'threat to the peace' and 'breach of the peace.'

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It must be noted that, were we to simply accept the definition of a sanctionable internal conflict as 'whenever the UNSC agrees', this thesis would not be necessary. The very purpose of this study is to point out that there are plenty of conflicts that *could* or perhaps even *should* have been identified as sanctionable offences, but that were not. The purpose is to point out that the current rules surrounding sanctions are unsatisfactory from an idealist's point of view, because they reflect political interests, not international law, or a philosophical ideal. This is however not to say that the task of this thesis is to disqualify the track record of UN sanctions, or to propose a law that is somehow better than 'whenever the UNSC says so.' Rather, it is to figure out, and then point out, precisely what UN sanctions since 1990 are for. It is then up to the reader to draw conclusions about the morality of UN sanctions, or about how the UNSC should change in the future to address threats to the peace in other ways. Deciding which offences should have been sanctioned and which not is also not an easy task from a practical point of view. After all, each conflict is unique, and is the result of a complicated mix of political and historical events and interests. Determining who should be sanctioned (or not sanctioned) in each conflict cannot be determined by some sort of algorithm or magic formula.

The best way to test the claim that UN sanctions are tools of the states that impose them would be by providing a detailed case study of each of the 7 nuclear proliferators, 4 interstate wars, 58 civil wars, 88 terrorist organizations, and 54 deadly coups that are identified in this book as 'sanctionable' and that took place since 1990. This does however not fit within the scope of this book, as it would require more than 200 chapters with in-depth case studies of each one. This is not an option.

However, if some sort of algorithm did exist to determine which conflicts should be sanctioned and which should not, we would surely be able to establish at least the main ingredients. After all, some variables would undoubtedly be more important than others. Therefore, the following section proposes a few simple but powerful variables that can help us better define the ambiguous terms 'threat to the peace' and 'breach of the peace' for each of the offences. First we will look at minimum thresholds to define each offence. Subsequently we will present variables that do not only identify a certain threshold, but that also help us in determining the gravity of each offence compared to other offences.

4.1.1. Chapter 5 - Nuclear Proliferators (4/7)

Nuclear proliferation is the spread of nuclear weapons, fissionable material, and weapons-applicable nuclear technology and information to nations not recognized

as 'Nuclear Weapons States' by the Treaty on the Non-Proliferation of Nuclear Weapons, better known as the Nuclear Nonproliferation Treaty (NPT) of 1968.²⁴²

Conveniently, all the P-5 members in the UN Security Council had developed nuclear weapons by the time the NPT was signed, making China, France, Russia, the United Kingdom, and the United States the only five states that 'legitimately' possess nuclear weapons. The other states that have proliferated nuclear weapons are Israel, India, South Africa, Iraq, Pakistan, North Korea, and Iran. Some of them have done so outside of the NPT, as they were never part of it, whereas others either withdrew, or denied having nuclear weapons programs.

The prospect of nuclear warfare is without a doubt the gravest of all types of offences that have been sanctioned by the United Nations. The destructiveness of a nuclear bomb threatens the annihilation of whole cities, and even countries. One would therefore expect the UN sanctions policy surrounding nuclear proliferators to play out along classical realist lines. Allies can develop them. Enemies cannot.

To test whether this is indeed the case, chapter five will present short case-studies of each of the seven nuclear proliferators outside of the P-5, considering whether they were sanctioned or not and why. Since the chapter only concerns seven cases, it is not possible to conduct any large-N comparisons or statistical analysis. The conclusions of the chapter, combined with those of chapter six, are then used to construct proxies in subsequent chapters,²⁴³ in which quantitative analysis is more suitable.

It must be noted that chapter five is the only chapter that also includes a case from before 1990. Since the case of South Africa is one of the two countries that received sanctions during the Cold War (along with Southern Rhodesia), the development of its nuclear program and the related UN sanctions regimes has been included in the analysis alongside the cases of Israel and India, which also proliferated nuclear weapons during the Cold War, although without receiving sanctions.²⁴⁴

²⁴² Treaty on the Non-Proliferation of Nuclear Weapons, INFCIRC/140, 1970.

²⁴³ Quantitative analysis will only be used in Chapters 7 (58 civil wars), Chapter 8 (88 terrorist organizations), and Chapter 9 (33 coups d'état).

²⁴⁴ Officially Israel has never acknowledged being in possession of nuclear weapons. For more details, consult chapter 5.

Table 5 - Nuclear proliferators outside of the UNSC P5

State	Year of Proliferation	UN Sanctions?
Israel	Unknown	No
India	1974	No
South Africa	Unknown	Yes
Iraq	Unknown	Yes
Pakistan	1998	No
North Korea	2006	Yes
Iran	Unknown	Yes

4.1.2. Chapter 6 - Interstate Wars (2/4)

Interstate Wars are defined as sanctionable in the SOD database when they reach an accumulated death count of minimally 1000 since 1990.

The Uppsala Conflict Database Program (UCDP) defines an armed conflict as a ‘contested incompatibility’ that concerns government and/or territory where the use of an armed force between two parties, in which at least one of the parties is the government of a state, results in at least 25 ‘battle related deaths’ in one calendar year.²⁴⁵ Interstate conflicts are a subcategory of armed conflicts, along with internal conflicts, extra-systemic conflicts,²⁴⁶ and internationalized internal conflicts. Interstate conflicts, also known as ‘wars of aggression’, ‘Westphalian wars’, or ‘traditional wars’ are defined by the UCDP as ‘conflicts between two or more governments, i.e. the parties controlling the capitals of sovereign states’.²⁴⁷

Are all interstate wars sanctionable? In theory, all acts of aggression by government or non-government actors against a sovereign state could be considered as violations of international law. For example, the sporadic fighting in the 1980s and 1990 between Nigeria and Cameroon on the Bakassi peninsula, in which small numbers of soldiers were imprisoned and sometimes killed, was by all means a violation of international law, as the International Court of Justice (ICJ) attested in 2002.²⁴⁸ The same could be said about other minor territorial conflicts such as the Indonesian ‘Konfrontasie’ against Malaysia in 1963, the Laotian-Thai

²⁴⁵ UCDP. “Battle-Related Deaths Dataset Codebook”. Version 18.1. (2017).

²⁴⁶ An extra-systemic conflict is a conflict between a state and a non-state group outside its own territory. Most examples are colonial conflicts that stem from before 1974.

²⁴⁷ Sundberg and Melander. “Introducing the UCDP Georeferenced Event Dataset”. (2013).

²⁴⁸ International Criminal Court. Bakassi Ruling. ICJ/601. 2002.

border war of 1987,²⁴⁹ or Alto Cenapa War between Ecuador and Peru in 1995. Indeed, each of these conflicts represented a violation of state sovereignty and a breach of the peace. However, in none of these cases did the situation turn into a real threat to international security, and in none of these cases were UN sanctions considered or imposed.

Our task is then to establish a definition for a 'sanctionable' interstate conflict. There are two ways of doing so. The first is by using the UCDP's definition of a war. An interstate conflict passes the threshold from 'minor conflict' to 'war' when it has caused at least 1000 deaths in a given year. Additionally, the database also counts cumulative deaths over the course of the conflict, distinguishing between conflicts below 1000 cumulative deaths and that surpass that number. Some conflicts reach this threshold directly in their first calendar year, directly causing them to be labeled as 'wars'. Other conflicts surpass the threshold of 1000 casualties after several years of accumulated deaths.

In the SOD, all conflicts that surpass a cumulative death-count of 1000 are defined as sanctionable. This definition thus allows for the inclusion of conflicts that are relatively minor in a given calendar year but that persist over time and accumulate more than 1000 deaths. The logic behind applying this definition and not one that focuses more on intensity is threefold. Firstly, longer but less intensive conflicts that accumulate deaths over time are just as deadly as short and intensive wars. At the end of the day it's the amount of deaths that counts. Secondly, long non-intensive wars give the international community more time to design and implement (UN) sanctions cautiously and effectively. Sanctioning intensive conflicts might appear more urgent, but also proves to be more difficult. Thirdly, the inclusion of non-intensive wars does not exclude intensive wars from being analyzed. As a matter of fact, the inclusion of two different types of intensity allows for the use of a dummy variable.

In any case, the design of a dummy variable is of little importance for this chapter on interstate conflicts. Even when we include the interstate wars that were not 'intensive' in any given year but that did accumulate to more than 1000 deaths, the database only presents us with four conflicts since 1990. Additionally, the UNSC has also imposed sanctions in response to the 2008 border war between Eritrea and Djibouti. While this conflict is only minor, with The only way to say something intelligible about the sanctionability of these conflicts and the extent to which sanctions were imposed is through qualitative analysis of these four cases. Just as in chapter 5 (nuclear proliferation), there will be no quantitative analysis involved in this chapter.

²⁴⁹ Although some sources put the casualty rate at 1000+, the UCDP database considers it a minor conflict.

Table 6 - Interstate wars since 1990

Interstate Wars 1990-2018	Conflict Years	UN Sanctions?
Iraq - Kuwait	1990-1991	Yes
India - Pakistan	1948 - Ongoing	No
Eritrea, Ethiopia	1998-2000	Yes
US & Allies - Iraq	2003	No
Eritrea - Djibouti ²⁵⁰	2008	Yes

4.1.3. Chapter 7 - Civil Wars (23/58)

Civil wars are defined as sanctionable in the SOD database when they reach an accumulated death count of minimally 1000 since 1990.

Internal armed conflicts, civil wars, and internationalized internal conflicts are not easy to define and are oftentimes used in a confusing and imprecise manner. Although any observer can easily distinguish between a typical interstate conflict, such as that between Iraq and Kuwait in 1991, and a typical civil war such as the 1994 Rwanda genocide, there are plenty of armed conflicts that blur the line between the two, and that have been identified as both interstate wars and civil wars. For example, were the conflicts in the Balkans during the 1990s civil wars that took place within the Socialist Federal Republic of Yugoslavia, and later within the Federal Republic of Yugoslavia (Serbia and Bosnia-Herzegovina, FRY), or were they interstate wars between the FRY on the one hand and Croatia, Slovenia, Bosnia-Herzegovina, and Kosovo on the other?²⁵¹ Similarly, why do we regard the second Congo War (1998-2003) as an internal conflict between the Congolese government and various Congolese rebel groups, even if the war involved not only the DRC Congo, but also Zimbabwe, Namibia, Angola, Chad, Sudan, and Rwanda?²⁵² And the confusion also works the other way around. Why is the Nagorno Karabakh conflict between Armenia and Azerbaijan considered a civil

²⁵⁰ Eritrea-Djibouti was not a major interstate war, but the UN did impose sanctions.

²⁵¹ Tardy. "United Nations Protection Force, Croatia and Bosnia-Herzegovina". (2017).

²⁵² Tull. "Peacekeeping in the DRC". (2009).

conflict, even though many commentators have described the conflict as an act of territorial aggression by Armenia?²⁵³

The Uppsala Conflict Database Program (UCDP) defines an internal armed conflict as an armed conflict that occurs between the government of a state and one or more internal opposition group(s) without intervention from other states.²⁵⁴ If an internal armed conflict also includes the intervention from other states (secondary parties), it is defined as an internationalized internal armed conflict. For example, the 1998 conflict between Serbia and Kosovo is identified as an internal conflict because Kosovo was at that point considered an integral part of Serbia, and it is identified as internationalized because of the foreign interference of NATO.

Aren't all contemporary civil conflicts to some extent internationalized? Some authors have indeed recognized that most so called 'internal wars' receive at least some kind of foreign support.²⁵⁵ How does one distinguish between an internationalized (but internal) war, and an old-fashioned interstate war? The answer can be found by considering a conflict's 'incompatibility', i.e. the central issue at stake in the conflict. In the case of the Congolese Civil War, just as with NATO's support in the Kosovo War, the objective of the foreign states' support was not the annexation of territory, but rather the support of one of the internal parties to the conflict. In the UCDP database, the Congo War is therefore considered an internationalized internal conflict, with the Congolese government and Congolese rebel movements listed as the main belligerents, and with other states listed as second parties supporting either side A or side B in solving an 'internal incompatibility' concerning the control of the Congolese state.

Another difficulty when defining an internal conflict concerns the separation of conflicts that seemingly belong together. In the case of the Nagorno-Karabakh conflict, the UCDP identifies the conflict as two separate internal wars. The first conflict (1990-91) took place between the Soviet Union and its Soviet Republic of Armenia, to which the region of Nagorno-Karabakh wished to be transferred. The second conflict (1994) is defined as an internal conflict within Azerbaijan, to which the province of Nagorno-Karabakh officially belongs, even though they have never enjoyed political control over the region.²⁵⁶ It is clear that both conflicts concern the same incompatibility, namely the secession of Nagorno-Karabakh from Azerbaijan. Some commentators would even describe the 1994 conflict as a war of aggression

²⁵³ Broers. "The Nagorny Karabakh Conflict". (2016).

²⁵⁴ An armed conflict is a contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.

²⁵⁵ Detter. "The Law of War". (2013). Page 54.

²⁵⁶ Broers. "The Nagorny Karabakh Conflict". (2016).

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by neighboring Armenia, which provided much of the military support and soldiers to Nagorno-Karabakh, which has an Armenian ethnic majority. However, in the UCDP database Armenia is not recognized as an international aggressor, but rather as a foreign party that supported 'side B' in an internationalized internal conflict.

What about states that are home to a number of civil conflicts simultaneously? It is important to distinguish between separate conflicts with separate incompatibilities, and to recognize that some conflicts are 'sanctionable', whereas others are not. For example, the Indian government has been involved in 14 conflicts since 1989, in which more than 35.000 people have died. This includes the interstate war with Pakistan over Kashmir, but also a number of internal conflicts in Garoland, Assam, Bodoland, Kukiland, Manipur, Nagaland, Punjab/Khalistan, Tripura, Western South East Easia, as well as armed conflicts against communist groups and terrorist groups such as the Islamic State in India. Additionally, another approximately 15.000 people have died in India as a result of non-state violence²⁵⁷ and one-sided violence²⁵⁸. Although the Indian Government is involved in all of them, there is no sense in grouping the casualties together. Each conflict concerns a separate region and a separate incompatibility. Four²⁵⁹ of the conflicts in India are considered sanctionable.

Based on the limitations and definitions described above, the UCDP database provides comprehensive data on conflict casualties between 1945 and 2015, as well as an interactive 'conflict encyclopedia' that visualizes conflict deaths geographically since 1989. All data on conflict deaths and conflict length is taken from this database. It recognizes a total of 63 internal conflicts since 1989 that produced a minimum of 1000 casualties. These conflicts are recognized by the SOD as 'sanctionable'.

Why the threshold of 1000 deaths? Firstly, this threshold is methodologically convenient as it is in line with the UDCP distinction between 'minor conflicts' and 'wars'. Secondly, the SOD database shows us that the UN has indeed imposed sanctions in response to conflicts that just surpassed the 1000 deaths threshold, such as in the case of Mali (2012), where the accumulated deaths had just surpassed 1500 by the time sanctions were imposed, or as in the case of Ivory

²⁵⁷ Non-State Violence: Armed force between two organized armed groups, neither of which is the government of a state (UCDP Codebook Battle-Related Deaths v.18.1. (2017).

²⁵⁸ One-sided Violence: armed force by the government of a state or by a formally organized group against civilians (UCDP Codebook Battle-Related Deaths v.18.1. (2017).

²⁵⁹ India vs. Communist Groups (ID-29), Kashmir Insurgents (ID-169), Sikh Insurgents in Punjab/Khalistan (ID-156), and the ULFA in Assam (ID-170). All other conflicts produced less than 1000 accumulated casualties since 1989.

Coast (2004), where the casualty count had not reached 2000 yet. The threshold of 1000 deaths is therefore also in line with reality.

Establishing a threshold that is roughly in line with the least bloody sanctioned conflict is also in line with moral philosophy. Philosophers generally agree that numbers matter.²⁶⁰ We are morally obliged to let one person drown if we can save five other people from drowning instead. Similarly, it might be morally justifiable to not sanction conflicts that produced less deaths than the least deadly conflict that did receive UN sanctions.²⁶¹

The names of the conflicts in the table identify the country in which the conflict took place. For internal territorial conflicts, the disputed territory is mentioned after a colon (:). The conflict between the government of Israel and Palestinian armed groups such as Fatah, the Palestine Liberation Organization (PLO), and Hamas is therefore simply called Israel: Palestine.²⁶² For conflicts between a government and a clearly defined non-state armed group, the group is mentioned after a hyphen (-). These include Angola – UNITA, and Sri Lanka – Eelam (Tamil Tigers). In conflicts that include several non-state armed groups, or in which the armed group is not widely known, the term ‘civil war’ is used. For example, the conflict between the government and Colombia and FARC is called ‘Colombia Civil War’ because groups such as M19 and the ELN were also involved in the conflict. The same goes for the Afghan civil war and the Somali civil war, among others where there has been no clear and single opponent. In conflicts that concern an incompatibility between a government and military arms of communist parties, the term ‘communist groups’ is used after the hyphen. Specific and full names of the most important groups involved in each conflict can be found in the full dataset, under the variable named ‘case name database’.

²⁶⁰ Taurek. “Should the Numbers Count?” (1977)

²⁶¹ Although the parallel does not fit completely, as UN sanctions are not imposed in a situation of scarcity, where it has to choose one out of two possible options.

²⁶² The UCDP does not consider the conflict in the Gaza strip as a separate conflict. It does recognize the conflict Israel – Hezbollah separately.

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Table 7 - Civil wars since 1990

Conflict Name	Conflict Years	UN Sanctions?
Philippines – Communist Groups	1946-2014	No
Myanmar: Karen	1949-2013	No
India – Communist Group:	1948-2014	No
Myanmar: Kachin	1949-2014	No
Israel: Palestine	1949-2014	No
Philippines – Communist Groups	1946-2014	No
Myanmar: Shan	1993-2015	No
Nepal – Communist Group	1996-2006	No
Congo Civil War (I)	1996-1997	No
Congo Civil War (II)	1998-2003	Yes
Myanmar: Shan	1993-2015	No
Burundi Civil War	1991-2008	No
Chad Civil War	1990-2010	No
Colombia Civil War	1964-2014	No
Peru - Sendero Luminoso	1982-2010	No
Syria Civil War	2011-Ongoing	Yes
Cambodia Civil War	1967-1998	Yes
Philippines: Mindanao	1970-Ongoing	No
Sudan: South Sudan	1971-2011	No
Sudan: Darfur	2003-Ongoing	Yes
Burundi Civil War	1991-2008	No
Uganda Civil War	1971-2007	No
Pakistan: Balochistan	2004-2014	No
Angola – UNITA	1975-2002	Yes

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Ethiopia: Ogaden	1993-2015	No
Indonesia: East Timor	1975-1999	No
Mozambique – RENAMO	1977-2013	No
Afghanistan Civil War	1978-2016	Yes
Somalia Civil War	1982-2016	Yes
Iran Civil War	1979-2011	No
Liberia Civil War	1989 - 2003	Yes
India - Punjab/Khalistan	1983-1993	No
Sri Lanka – Eelam	1984-2009	No
Turkey – Kurdistan	1984-2013	No
India - Kashmir Insurgents	1990-2014	No
India:Assam	1990-2010	No
Mozambique – RENAMO	1977-2013	No
Indonesia:Aceh	1990-2005	No
Rwanda Civil War	1991-1994	Yes
Senegal: Casamance	1990-2011	No
Sierra Leone Civil War	2001	Yes
FRY: Croatia	1991	Yes
Algeria Civil War	1991-2014	Yes
Azerbaijan: Nagorno-Karagakh	1991-2015	No
Iraq Civil War	1994-2015	Yes
Croatia: Krajina	1995	No
Georgia: Abkhazia	1992-1993	No
Tajikistan Civil War	1992-2011	No
FRY: Bosnia-Herzegovina	1992-1995	Yes
Russia: Chechnya	1994-2014	No
Yemeni Civil War	1994-Ongoing	No

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Pakistan – Terrorist Group	2007-Ongoing	Yes
FRY: Kosovo	1998	Yes
Ethiopia-Oromiya	1977-2013	No
Central African Rep. Civil War	2000-2015	Yes
Cote d'Ivoire Civil War	2002-2004	Yes
Thailand - Patani	2003-2014	No
Israel - Hezbollah	1990-2006	Yes
South Sudan Civil War	2011-2013	Yes
Libya Civil War	2011, 2014	Yes
Ukraine Civil War	2014-Ongoing	No

4.1.4. Chapter 8 - Terrorist Organizations (21/84)

Terrorist organizations are defined as sanctionable in the SOD database when they produce more than 100 accumulated deaths. Terrorist organizations are considered as subject to UN sanctions when they are placed on the UN designated terrorism list pursuant to UNSC 1267 (1999) or 2253 (2015), related to the Taliban, Al-Qaida, or the Islamic State in Iraq and the Levant (ISIL).²⁶³

First of all it must be noted that the focus of chapter 8 is on terrorist organizations, not on state-sponsored terrorism. This is however not to say that state-sponsored terrorism is completely disregarded in this thesis; the introductory pages of the chapter describe the history of UN sanctions in response to state-sponsored terrorism by Libya, Sudan, and Afghanistan in the 1990s and the UN sanctions regimes that were installed in response. The chapter also considers the fact that other state-sponsors of terrorism have been left unsanctioned, but it does not go deeper than that.

The threshold of 100 accumulated deaths for terrorist organizations is substantially less than in the case of civil conflicts, where the threshold lies at 1000 deaths. The reason for this is twofold. The first reason is the practical fact that many of the

²⁶³ The Islamic State in Iraq and the Levant is also frequently described as Daesh, the Islamic State in Iraq and al-Sham / Syria (ISIS), or simply Islamic State (IS). Various terrorist groups have also proclaimed 'provinces' of the Islamic State, for example in Libya, Yemen, Sinai, and the Caucasus, among others. Throughout this thesis I will use the abbreviation ISIL, except when it concerns separate affiliates in states other than Iraq and Syria.

organizations that were placed on the 1267 or 2253 sanctions list were responsible for hundreds of deaths rather than thousands. The threshold for making it on the terrorism list is apparently much lower than that regarding civil war. If many of the sanctioned groups killed around 100 people when they were listed, it is only fair to consider unsanctioned groups that killed similar amounts of people. The second reason for setting the threshold at 100 deaths is related to the first, and holds that acts of terrorism, especially when international in nature, represents a bigger (perceived) threat to international security. Although from a humanitarian point of view each conflict-related death is equally tragic, the motivations behind terrorist attacks represent a big security threat to the P-5 members, as demonstrated by the roughly 3000 people that died in the September 11 attacks of 2001. The innocent victims killed by terrorists reverberate much more heavily, generating more upheaval and media attention, especially when westerners are involved.

The data provided on terrorist organizations in the SOD database comes from the Study of Terrorism and Responses to Terrorism (START) database, which is run by the US Department of Homeland Security in collaboration with the University of Maryland.²⁶⁴ This database keeps records of incidents of terrorism since 1970 and comprises roughly 150.000 attacks. Since terrorist organizations have only been subject of UN sanctions since 2001, the SOD only includes organizations responsible for at least 100 deaths since that year.²⁶⁵ The list comprises a total of 84 organizations, 21 of which received sanctions.

Whereas the definitions of nuclear proliferation, interstate war, and civil war are relatively straightforward, the definition of terrorism, and especially terrorist *organization*, is more problematic. The label of 'terrorist' is inherently political, as it instantly delegitimizes the target. The Council of Europe as well as the United Nations have therefore not been able (and willing) to provide an official definition for terrorist organizations, deciding to only define the act of terrorism. The UN's definition of acts of terror is as follows:

"Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them."²⁶⁶

²⁶⁴ National Consortium for the Study of Terrorism and Responses to Terrorism (START). (2018). Global Terrorism Database [Codebook 2016]. Retrieved from <https://www.start.umd.edu/gtd>

²⁶⁵ This means that organizations such as Sendero Luminoso in Peru are not on the list of 'sanctionable terrorist organizations', even if their conflict with the Peruvian government accumulated many thousands of deaths in the 1980s and 1990s.

²⁶⁶ United Nations A/RES/60/49

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The START dataset follows a similar strategy, defining acts of terrorism as “the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation”.²⁶⁷ As a result of this definition, many of the organizations listed below are not typically recognized as terrorist organizations, but rather as rebels, warlords, guerillas, or freedom fighters. Unsurprisingly, many groups use words such as ‘freedom fighters’, ‘liberation army’, of democratic front’ in attempt to legitimize their actions, some of which fall under the definition of terrorism.²⁶⁸ These, and other methodological issues, will be discussed in more detail at the beginning of chapter 8.

Table 8 - Terrorist Organizations that killed at least 100 people since 2001

Name Organization	State(s)	UN Sanctions
Taliban	AFG, PAK	Yes
Islamic State of Iraq and the Levant (ISIL)	IRQ, SYR, TUR, LEB, FRA, JOR, SAU, EGY	Yes
Boko Haram	NIG, CAM, CHA, NGR	Yes
Al-Shabaab	SOM, KEN	Yes
Tehrik-i-Taliban Pakistan (TTP)	PAK	Yes
Al-Qaida in Iraq	IRQ, JOR, UK, SYR	Yes
Al-Qaida in the Arabian Peninsula (AQAP)	SAU, YEM	Yes
Al-Nusrah Front	SYR, IRQ, LEB	Yes
Lord's Resistance Army	UGA, DRC, SUD, SSUD	No
Communist Party of India - Maoist (CPI-Maoist)	IND	No
Liberation Tigers of Tamil Eelam (LTTE)	SRI, IND	No
Fulani Militants	NIG	No

²⁶⁷ START Global Terrorism Database – Codebook 2016

²⁶⁸ While other actions by the same group may fall under a different definition.

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Revolutionary Armed Forces of Colombia (FARC)	COL	No
Huthi Extremists	YEM, SAU	No
Islamic State of Iraq (ISI)	IRQ	Yes
Donetsk People's Republic	UKR	No
Chechen Rebels	RUS, KAZ, TUR	No
New People's Army (NPA)	PHI	No
National Union for the Total Independence of Angola (UNITA)	ANG	No
Lashkar-e-Jhangvi	PAK, AFG	Yes
Sudan People's Liberation Movement in Opposition (SPLM-IO)	SSUD	No
Tawhid and Jihad	IRQ	Yes
Sinai Province of the Islamic State (Ansar Bayt al-Maqdis)	EGY, ISR	No
Lashkar-e-Taiba (LeT)	IND, AFG	Yes
Al-Qaida in the Islamic Mahgreb (AQIM)	ALG, MAU, NGR, MLI, MOR	Yes
Kurdistan Workers Party (PKK)	TUR, GER, IRQ, SYR	No
Allied Democratic Forces (ADF)	UGA, DRC	No
Communist Party of Nepal-Maoist (CPN-M)	NEP	No
Moro Islamic Liberation Front (MILF)	PHI	No
Hamas (Islamic Resistance Movement)	ISR, WB, GAZ	No
Salafist Group for Preaching and Fighting (GSPC)(AQIM)	ALG, MAU	Yes
Haqqani Network (Al-Qaida in Afghanistan, but separate)	AFG	No
Armed Islamic Group (GIA)	ALG, TUN, FRA	Yes

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Abu Sayyaf Group (ASG)	PHI, JAP, US, PAK	Yes
Sudan People's Liberation Movement - North (Former SPLA)	SUD	No
United Liberation Front of Assam (ULFA)	IND	No
Anti-Balaka Militia	CAR	No
Jundallah	IRA, PAK	No
Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs	RUS	Yes
Seleka	CAM, CAR, MLI	No
Al-Qaida	YEM, KEN, TAN, USA, AFG, TUR, PAK, SOM, TUN	Yes
Jemaah Islamiya (JI)	IND	Yes
Uighur Separatists	CHI	No
National Democratic Front of Bodoland (NDFB)	IND	No
Lashkar-e-Islam (Pakistan)	PAK	No
Khorasan Chapter of the Islamic State	AFG	No
Sanaa Province of the Islamic State	YEM	No
Al-Aqsa Martyrs Brigade	ISR, WB, GAZ	No
Baloch Liberation Army (BLA)	PAK	No
Palestinian Islamic Jihad (PIJ)	ISR, WB, GAZ	No
David Yau Yau Militia	SSUD	No
National Liberation Army of Colombia (ELN)	COL	No
People's War Group (PWG)	IND	No
Barqa Province of the Islamic State	LIB	No

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Bangsamoro Islamic Freedom Movement (BIFM)	PHI	No
Caucasus Emirate	RUS	No
Baloch Liberation Front	PAK	No
Tripoli Province of the Islamic State	LIB	No
Barqa Province of the Islamic State	LIB	No
Harkatul Jihad-e-Islami	IND, BAN, PAK	No
Abdullah Azzam Brigades	EGY, UAE, PAK, LEB	Yes
M23*	DRC	No
Baloch Republican Army	PAK	No
Al-Naqshabandiya Army	IRQ	No
Party for the Liberation of the Hutu People (PALIPEHUTU)	BUR	No
United Baloch Army	PAK	No
Movement for Oneness and Jihad in West Africa (MUJAO)	MLI, ALG, NGR	Yes
Mujahideen Ansar	PAK	No
Hezbollah	LEB, SYR, ISR, BUL, ARG	No
Military Council of the Tribal Revolutionaries (MCTR)	IRQ	No
Al-Mua'qi'oon Biddam Brigade (Those who Sign with Blood)	ALG, MLI	Yes
Ansar al-Sharia (Libya)	LIB	Yes
Eastern Turkistan Islamic Movement (ETIM)	CHI	Yes
Southern Mobility Movement (Yemen)	YEM	No
Haftar Militia	LIB	No

4.1.5. Chapter 9 - Coups d'état (3/36)

Coups d'état are more difficult to define than one might initially think. Welch in 1970 described coups as sharp, clear events, easy to date, and possible to document.²⁶⁹ Subsequent research has however shown that just as with counting battle deaths, the overthrow or attempted overthrow of a government is a highly political and sensitive topic. Since coups are per definition illegitimate, those who plot them and those who are targeted by them both have an interest in using the term in ways that suit their particular interests. As a result, coups are oftentimes conflated with assassinations, civil wars, revolutions, and transfers of power that fall within the legal boundaries of a state's constitution.²⁷⁰

The dataset that is used in the SOD on coups is constructed by Jonathan Powell and Clayton Thyne of the University of Kentucky. They define a coup d'état as an 'illegal and overt attempt by the military or other elites within the state apparatus to unseat the sitting executive'.²⁷¹ In order to construct this definition they focus on three important factors. First, the action must be carried out by actors within the state apparatus, meaning that regular assassins, foreign powers, or civilian insurgents cannot stage coups. Second, the objective of a coup is to unseat the sitting executive of a state, meaning that military and political pressures to oust cabinet ministers or members of parliament do not count as coups. Third, a coup is an 'illegal' action, in the sense that events in which a sitting executive is ousted in a constitutional manner do not count as coups.

The literature on coups also pays attention to attempted coups, coding rumors and plots in their datasets to be able to distinguish between successful and unsuccessful coup attempts. This distinction helps academics in better understanding what makes coups successful, and what policy makers can do to avoid coups from taking place or in order to deal with them in a peaceful manner. However, for the sake of the Sanctionable Offences Dataset attempted coups or rumors about coups are not relevant.

Coups d'état are defined as sanctionable in the SOD database when they are successful in unseating a sitting executive. Taking into account the fact that in several of the coups since 1990 that were met with UN sanctions nobody was killed, the threshold for coup-related deaths is put at zero. Since 1990 there has

²⁶⁹ Welch. "Soldiers and State in Africa". (1970).

²⁷⁰ Taylor. "Sanctions as Grand Strategy". (2010); Ferguson. "Coup d'État, A Practical Manual". (1987). Banks. "Cross-National Time-Series Data Archive". (2001).

²⁷¹ Powel & Thyne. "Global Instances of Coups: 1950 to 2010". (2011) Page 252.

been a total of 36 successful coups, 4 of which were targeted by UN sanctions (Haiti - 1991, Sierra Leone - 1996, Guinea-Bissau – 2012).²⁷²

Table 9 – Coups d'état since 1990

Country	Year	Coup leader	Deaths	UN Sanctions
Suriname	1990	Cmd. Iwan Granoogst; Col. Desi Bouterse	0	No
Chad	1990	Idriss Deby	5000	No
Thailand	1991	Gen. Sunthorn Kongsompong	0	No
Lesotho	1991	Col. Elias Tutsoane Ramaema	0	No
Haiti	1991	Brig-Gen. Raoul Cedras	26	Yes
Afghanistan	1992	Muhaheddin guerrillas; Ahmed Shah Masud	N/A	No
Sierra Leone	1992	Capt. Valentine Strasser	N/A	No
Nigeria	1993	Gen. Sanni Abacha	0	No
Gambia	1994	Lt. Yahya Jammeh	0	No
Liberia	1994	Tom Woewieyu	N/A	No
Qatar	1995	Sheikh Hamad bin Khalifa at Thani	0	No
Sierra Leone	1996	BG Julius Maada Bio	0	No
Niger	1996	Col. Ibrahim Barre Mainassara	2	No
Burundi	1996	army	6000	No
Cambodia	1997	Hun Sen	70	No

²⁷² The UN Sanctions regime imposed on the Central African Republic mentioned the coup d'état by the Seleka Coalition that ousted president Bozize, but the Marshall & Marshall coup dataset recognizes this case as a false positive because the executive was ousted by a rebel movement, not an internal military force.

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Sierra Leone	1997	Maj. Johnny Paul Koroma	N/A	Yes
Congo-Brazzaville	1997	former Pres. Sassou-Nguesso	N/A	No
Comoros	1999	Col. Azali Assoumani	0	No
Pakistan	1999	Gen. Musharraf	0	No
Guinea-Bissau	1999	Gen. Mane	300	No
Cote d'Ivoire	1999	Gen. Robert Guei	N/A	No
Nepal	2002	King Gyanendra	0	No
Guinea-Bissau	2003	Gen. Verissimo Correia Seabra	0	No
Central Afr. Rep.	2003	Gen. Francois Bozize	15	No
Togo	2005	Military; Faure Gnassingbe	0	No
Mauritania	2005	Military Council for Justice and Democracy led by Col. Ely Ould Mohamed Vall	0	No
Thailand	2006	Gen. Sonthi Boonyaratglin	0	No
Fiji	2006	Commodore Frank Bainimarama	0	No
Bangladesh	2007	Chief of Army Staff Lt-Gen. Moeen U. Ahmed; Chief Adviser Fakhruddin Ahmed; Maj-Gen. M.A. Matin	0	No
Mauritania	2008	Gen. Mohamed Ould Abdel Aziz	0	No
Guinea	2008	Capt. Moussa Dadis Camara	0	No
Niger	2010	Supreme Council for the Restoration of	10	No

		Democracy (CSR); Maj. Salou Djibo		
Guinea-Bissau	2012	Gen. Antonio Indjai	0	Yes
Mali	2012	Capt. Amadou Haya Sanogo	N/A	No
Egypt	2013	Gen. Abdul-Fattah el-Sisi	N/A	No
Thailand	2014	General Prayuth Chan-ocha	0	No

4.2. Hypotheses

It is difficult to form a single, straightforward, and undisputable thesis claim to guide this dissertation. The results of this thesis are based on more than 50 variables, described below, to describe over 200 cases in 5 different categories. The categories help us in comparing sanctioned cases with non-sanctioned cases that belong to the same type of offence, and certain thresholds have been built into the SOD to filter out irrelevant cases, but each case remains unique. The 2005 coup in Togo is comparable to the 2007 coup in Bangladesh in the sense that in both cases a sovereign leader was overthrown by a military official, hence their appearance in the SOD. This however says nothing about the legitimacy of the incumbent regimes, the political events in the run-up to each coup, or about public (international) opinion about each regime change.

On top of that, while each of the variables upon which the cases are tested helps in comparing cases on an objective and unbiased basis, the variables themselves are not value-free, nor are they inextricably linked to only one hypothesis. For example, the variable of 'state fragility' can be linked to the hypothesis that fragile states are more likely receive sanctions because their lack of governance is a threat to regional stability, but also because it leads to humanitarian suffering, which is a different concern. In a similar vein, the variable of 'unilateral sanctions' by the US or EU can be used to strengthen the hypothesis that Western P-5 members do a better job at upholding international norms, but also to argue that the West is more likely to use sanctions as a tool of neo-colonialism. Regardless of the rigor of the research, many of the assumptions made in this thesis will remain debatable. Political science remains a social science.

That being said, based on the literature review, in combination with the cases and variables presented in this chapter, it is possible to design hypotheses about the

selective nature of UN sanctions. Below I present seven hypotheses. Together, these hypotheses help paint a more comprehensive picture of what the selectivity of UN sanctions means. They are H1: Selectivity and Countervailing Power, H2: Selectivity and Humanitarian Concerns, H3: Selectivity and State Fragility, H4: Selectivity and Democracy, H5: Selectivity and Public Pressure, H6: Selectivity and Islam, and H7: Selectivity and Africa.

4.2.1. Hypothesis 1: Selectivity and countervailing power

Let us start with the obvious. All states are sovereign on paper, but not all states are equally sovereign in the real world.²⁷³ The military, economic, and diplomatic strength of the United States or China is substantially larger than that of Turkey, and almost infinitely larger than that of Tuvalu. Within the United Nations' institutional design this is reflected in the Security Council, five members of which enjoy a permanent status, as well as a right to veto resolutions. This privilege makes it practically, although not theoretically, impossible for P5 members to be subjected to UN sanctions. This ability to avoid getting sanctioned will be referred to as countervailing power.²⁷⁴ Countervailing power is perhaps the most obvious obstacle to UN sanctions regimes. Power matters in high politics, and countervailing power is a great asset to escape the grip of the international community.

Countervailing power can also be achieved through other means. For example, being closely allied or befriended to a permanent member of the UNSC can be sufficient in avoiding sanctioned. The United States has traditionally done the bidding for Israel, while former Soviet (satellite) states such as Georgia and Ukraine can count on the support of Russia. Even economic ties with a P5 member can get you a long way, as China's persistent abstention from voting on the Darfur crisis in Sudan, an important oil exporter to China, has proven, leading to very mild sanctions on Omar al Bashir's regime.

The possession of nuclear weapons is also an excellent way to boast countervailing power. While developing a nuclear weapon is likely to increase the risk of being targeted by UN sanctions (see the sanctions regimes against Iran and North Korea), the actual possession of the bomb gives states an instant status upgrade (see India, Pakistan and Israel).

A final form of countervailing power, albeit less potent, is simply by being a 'strong state', or a regional hegemon. It is however difficult to determine which states fulfil

²⁷³ For example, read Buzan: *"People, States, and Fear"*. (1972).

²⁷⁴ While the term countervailing power is used throughout the literature on international relations, I owe thanks to Martin Binder (2017), who uses the term in his research on humanitarian interventions.

those requirements, and where the threshold lies. Outside of the states that already meet the other requirements (P5 membership or nuclear weapons), the most likely candidates are Japan, Brazil, Germany, South Korea, Italy, Turkey, and Indonesia. Mexico, Spain, Saudi Arabia and Canada might also be added to the list, although it is not clear whether the above regimes have not been sanctioned because of their countervailing power, or simply because they have never posed any serious threats to the peace.

States are thus considered to have countervailing power to avoid sanctions if (a) they are a p-5 member of the UNSC, (b) a strong ally of a P-5 member, (c) a nuclear power, (d) a 'strong state' with sufficient national capability. More precise definitions for each variable can be found in section 4.3., which provides an overview of all variables of the Sanctionable Offences Dataset.

The general variable of 'countervailing power' can methodologically be used for two purposes in this thesis. Firstly, it serves as a hypothesis, testing to what extent it helps states in avoiding UN sanctions. Secondly, it serves as a filter, allowing to test the other hypotheses while filtering out or controlling for countervailing power. In other words, it allows us to ask the question: does hypothesis X work if we only consider the cases in which countervailing power is absent? This question is especially relevant in questions concerning humanitarian threats, state failure, democracy, and public pressure.

4.2.2. Hypothesis 2: Selectivity and humanitarian concerns

The second obvious hypothesis is that the UNSC is more likely to impose sanctions as humanitarian threats increase. The SOD sets thresholds of 1000 accumulated deaths for wars, and 100 deaths for terrorist organizations, but this doesn't mean that all conflicts and terrorist organizations pose equal threats. The gravity of the threat matters.

Hypothesis 2 considers the selectiveness of sanctions regimes based on 'human security', using death-counts as a proxy.²⁷⁵ While there are many other ways of measuring the humanitarian gravity of a conflict, coup, or terrorist organization, including their effect on refugee flows, internally displaced people, famine, and disease,²⁷⁶ the most obvious and methodologically practical proxy is measuring deaths.

Hypothesis 2 is clearly and directly related to the policy developments within the United Nations and international affairs more broadly since 1990, with an intensified focus on human rights, ethnic cleansing, genocide, and other human

²⁷⁵ UCDP Battle-Related Deaths Dataset Codebook, version 5.0. (2014)

²⁷⁶ For example, see Binder. "The UN and Selective Humanitarian Intervention". (2016).

security issues that go beyond state security. It's associated with Boutros Ghali's Agenda for Peace,²⁷⁷ the doctrine of the Responsibility to Protect,²⁷⁸ and the developments in security studies more generally.²⁷⁹

Deaths related to the different offences are taken from different sources. For precise information about the methodology used to get comparable death-counts, please consult section 4.3.

4.2.3. Hypothesis 3: Selectivity and state fragility

A third way to explain the selective nature of UN sanctions may be through the concept of state failure. Hypothesis three tests to what extent the fragility of the state at hand was a factor in discriminating between cases. The underlying idea of this hypothesis is that weaker states are potentially larger threats to regional stability and the international community. Weak states are associated not only with internal humanitarian suffering, but also with refugee streams, contagious diseases, and the trafficking of humans, arms, and drugs.²⁸⁰ Additionally, weak states potentially foment radicalization and terrorism, all of which present threats to the wider international community.

There are different ways to measure the fragility of a state. One way would be to focus on refugee streams. Another way would be to focus on the ability of the government to project authority within its sovereign territory. Yet another would be to look into links between state fragility and terrorist activities. While each of these separate issues have specific advantages, for this study I have chosen an indicator for state fragility that represents an aggregate of twelve variables, published by the Fund for Peace.²⁸¹ While some of the variables used by the FFP do not directly represent threats to international security, all variables are indirectly related to state failure as well as the outbreak of (renewed) conflict. Variables such as economic decline, public services, and demographic pressures thus indirectly say something about the potential risk of larger security threats, such as human rights violations, refugees, external interventions, and group grievances, all of which are variables in the fragile states index.

It must be noted that fragile states are not necessarily devoid of countervailing power. While there is a general correlation between state strength and state

²⁷⁷ Boutros Ghali. "An Agenda for Peace". (1992).

²⁷⁸ ICISS. "The Responsibility to Protect". (2001).

²⁷⁹ For example see Buzan. "*People, States and Fear*". (2007); Finnemore. "*The Purpose of Intervention*". (2003).

²⁸⁰ For example see Kaplan. "*The Coming Anarchy*". (2004); Robinson & Acemoglu. "*Why Nations Fail*". (2013); Rotberg. "*When States Fail*". (2004).

²⁸¹ FFP. "Fragile States Index". 2018.

stability, it is possible for fragile states to still have countervailing power. Pakistan serves as a good example, showing signs of fragility in terms of internally displaced people, human rights issues, and group grievances, while simultaneously counting as a 'strong state' with a potent military, nuclear capacity, and a large population. Judging by the fact that Pakistan has not been sanctioned by the UN in response to (a) its nuclear proliferation, (b) its interstate conflict with India over Kashmir, (c) various civil wars, (d) state-sponsored terrorism, and (e) several coups d'état, one might hypothesize that countervailing power (H1) trumps the other hypothesis. This is however not to say that state fragility does not matter, especially in the many cases in which countervailing power is absent.

A more detailed account of the variable of 'state fragility' and the FFP's index can be found in section 4.3.

4.2.4. Hypothesis 4: Selectivity and democracy

Hypothesis 4 tests whether, other factors being equal, less democratic states are more likely to receive sanctions in response to a sanctionable offence. The majority of the states that are represented in the SOD are relatively undemocratic, which is in line with theories about the peaceful and stable nature of liberal democracies, as well as the association between undemocratic governments, coups d'état, and (civil) war. Nevertheless, the SOD does also include relatively strong democracies such as India, Indonesia, Colombia, and Turkey, begging the question whether democracy helps.

The expectation with regard with democracy and selective sanctions is that Western states are more likely to propose sanctions that support democratic values or democratically elected leaders, and that specifically target autocratic regimes or non-state groups and individuals who undermine democracy. Taking into account the fact that some countries may be filtered out of the SOD because they enjoy countervailing power (H1), this leaves us with two relevant questions. (1) were non-sanctions cases more or less democratic than sanctioned cases? and (2) In the cases in which targeted sanctions were imposed, did they specifically target groups and individuals who acted as spoilers of the democratic process?

To collect comparative data on the democratic strength of all the states in the SOD, data was used from the Economist Intelligence Unit's Democracy Index, which rates states with a score from 1-7 based on variables including 'electoral process and pluralism', 'functioning of government', 'political culture', 'participation', and 'civil liberties'. While some of these variables show overlap with the FFP's state fragility index, and while most states that score well on democracy also score well on state stability, the Economist's Democracy Index is clearly distinctive in that it focuses solely on democratic variables, and leaves out national security issues,

economic development, public services, and demographic pressures, among others.

A more detailed account of the variable of 'democratic strength' and the Economist's Democracy index can be found in section 4.3.

4.2.5. Hypothesis 5: Selectivity and public pressure

Hypothesis 5 tests to what extent the senders of UN sanctions regimes are influenced by public pressure to. Since the end of the Cold War, a major paradigm-shift in the field of media and foreign policy occurred. The void left by the demise of the Soviet Union created opportunities for a more ambitious and liberal project of the United Nations. Simultaneously, technological advances saw the proliferation of 24hr news and extensive and explicit coverage by media outlets such as CNN of major conflicts in Iraq in 1990 and Somalia in 1991, among others. Suddenly, everybody was graphically exposed to catastrophes going on abroad- it was only natural that an important part of the population felt it was the obligation of the West, and the US in particular, to end the human suffering. The 'CNN effect', coined by Robinson, convincingly described the impact of media over a country's foreign policy. The conflicts in northern Iraq, Somalia, and Kosovo were seen as typical instances of media-led intervention.²⁸²

Media attention also has also been said to influence the United Nations Security Council, with some scholars speaking of it as the "sixth permanent member",²⁸³ referring to the international pressure to address conflicts and disasters that media causes. Contemporary research suggests that the relation between humanitarian suffering, the media, and foreign policy is not as straightforward as is sometimes claimed. There seems to be a rather cynical mismatch between the extent of humanitarian crises and the amount of attention they receive. For example, major conflicts in Africa typically receive less attention than they 'deserve',²⁸⁴ whereas relatively minor conflicts in the Middle East and Europe tend to get blown up by the media. It has been suggested that the CNN effect in cases like Bosnia or Somalia (an African exception) helped in setting the agenda of US foreign policy makers, whereas much bloodier, but less covered, conflicts in Sudan or Rwanda were largely left untouched. As former US Secretary of State James Baker put it: "all too often, television is what determines what a crisis is".²⁸⁵

²⁸² Shaw. "Civil Society and Media in Global Crises". (1966); Livingston & Eachus. "Humanitarian Crises And U.S. Foreign Policy". (1995); Babak. "The CNN Effect in Action". (2017).

²⁸³ Malone. "*The UN Security Council: From The Cold War to the 21St Century*". (2004).

²⁸⁴ Livingston. "Clarifying the CNN Effect". (1997)

²⁸⁵ Idem. Page 6.

The relationship between sending governments and their domestic audiences may thus be key when imposing sanctions. Like other tools of foreign policy, sanctions should be understood as two-level games in which the domestic audience can be as important as the actual target.²⁸⁶ Building upon earlier work on the tension between domestic politics and foreign policy by Haas, Katzenstein,²⁸⁷ and Krasner,²⁸⁸ among others, Putnam's theory of two-level games explains that diplomats always simultaneously negotiate on two boards. While the objective on the international board might be the primary goal of the negotiation at hand, politicians need to continually appease domestic groups and their interests to retain political power, especially when elections are nearby. Indeed, democratic governments are sometimes pressured by their own domestic audiences to be responsive to humanitarian crises. In other words, states do not only act in response to the actual events at hand, but also consider public opinion and pressure exerted by (international) media.

The advantage of sanctions, compared to UN peacekeeping missions, may be that they enjoy the advantage of appearing to 'do something' about a humanitarian crisis, while not burdening the senders with the domestic political and financial costs involved in military adventures. After all, David Baldwin already argued in the 1980s, "it would be a pity – perhaps a global disaster – if a contemporary American president were to resort to war solely because the nature, implications, and consequences of economic statecraft (sanctions) had been misinterpreted by his advisors".²⁸⁹ If indeed public pressure can mold foreign policy, it is more likely to do so with UN sanctions than with stronger types of UN action. Governments in favor of action might find it easier to propose sanctions to the SC, while those opposing UN intervention will be more likely to accept sanctions so as avoid stronger measures.

It would of course be naïve to expect that all permanent UNSC members are equally likely to be influenced by public pressure. In the cases of Russia and China, two notorious non-democracies with a tight grip on national media outlets, it is nonsensical to measure media pressure. In the cases of the US, UK, and France the influence of the media might be bigger, but it is not likely to be a major determinant. After all, in conflicts in which key allies or geopolitical heavyweights are involved, even a tsunami of newspaper articles pressuring for sanctions is not going to make any difference. Cases in which countervailing power (see hypothesis 1) obviously stands in the way, sanctions are unlikely anyway.

²⁸⁶ The term 'Two-Level Game' was coined by Robert Putnam in: "*Diplomacy and Domestic Politics*". (1988).

²⁸⁷ Katzenstein. "*Between Power and Plenty*". (1978).

²⁸⁸ Krasner. "Defending the National Interest". (1978).

²⁸⁹ Baldwin. "*Economic Statecraft*". (1985). Page 373.

Therefore, under hypothesis 5 I only expect the ‘CNN effect’ after having filtered out the obvious geopolitical obstacles.

In the SOD, the variables on media coverage (4.3.54 and 4.3.55) measure the annual amount of newspaper articles published in the New York Times (US), the Times (UK), and Le Figaro (France) about each specific conflict, both before and after (if applicable) sanctions were imposed. The prediction is that both for conflicts that form a big humanitarian threat and those who form a relatively small humanitarian threat, public pressure will increase the chance that sanctions will be imposed.

4.2.6. Hypothesis 6: Selectivity and Islam

Hypothesis 6 is strictly related to the chapter on UN sanctions and terrorism and holds that organizations that have staged terrorist attacks are more likely to receive sanctions when they have an Islamic background. While the activity of terrorism is in no way inherently an Islamic one, since the attacks of the 11th of September of 2001 terrorism has been inextricably linked with Islam in the minds of politicians, as well as the public at large. It is also true that a large majority of deadly terrorist attacks since 2001 have had a radical Islamist character, and that groups such as Al-Qaida and ISIL have been responsible for a climate of fear throughout the (Western) world. It is even true that some Islamic terrorist groups have explicitly stated goals to establish Islamic Caliphates or to ‘destroy the West’, threatening the Westphalian state system as well as the security of innocent citizens in at least 3 permanent member states of the UNSC.

Terrorism is however not a fundamentally Islamic activity, and terrorist attacks have not been staged exclusively by Islamic groups. Additionally, while many of the groups that used tactics of terror may have identified as ‘Muslims’, their political objectives could best be categorized as independence, secession, or rebellion against a government.

Academics who have done research about terrorist organizations, terrorist attacks, and counterterrorism policies have all recognized that the effort and money spent on counterterrorism policies humanitarian threat of terrorism is disproportionate to the size of the actual threat.²⁹⁰ In the West you are much more likely to be killed by your spouse or a kitchen accident than by a terrorist attack. Moreover, groups with political grievances such as the PKK in Kurdistan or the Tamil Tigers in Sri Lanka killed many more people over the past 40 years than Al-Shabaab in Somalia

²⁹⁰ Hoffman. “*Inside Terrorism*”. (1998). Lafree et al. “Putting Terrorism in Context”. (2015); Burke. “How the Media is Changing Terrorism”. (2016).

or Al-Qaida in the Islamic Maghreb. However, the latter two received sanctions under UNSCR 1267 / 2253, whereas the former two didn't.

Because of the strong association between terrorism and Islam, as well as the threat that Islamic terrorism represents in the minds of many western citizens, media, and politicians, hypothesis 6 holds that (a) Islamic groups are more likely to receive UN sanctions than non-Islamic groups, regardless of the amounts of people they have killed since 2001, and that (b) Islamic groups that have killed Westerners are even more likely to receive UN sanctions. Variables 4.3.42 until 4.3.53 of the SOD are all concerned with the background of the most deadly groups since 2001, their political objectives, and the people they have killed.

4.2.7. Hypothesis 7: Selectivity and Africa

Finally, hypothesis 7 tests whether there is a link between UN sanctions in response to conflicts, terrorist groups, and coup d'états and the African continent. Whereas variables such as countervailing power and geo-politics typically affect the ability to sanction powerful countries in the Americas, Europe, and Asia, Africa seems to be large free of major geopolitical alliances or heavyweights. Being the continent in which European colonial powers were able to hold on their possessions until the 1950s, 1960s, or even the 1970s in some cases, it seems that especially France and the United Kingdom still have an inexplicit right to intervene in the affairs of their former subjects whenever it suits their interest.

The 'neocolonial hypothesis' can easily be aligned with common complaints from African leaders that national sovereignty does not mean the same for African states as it does for rich industrialized ones. Since the 1990s western governments have been apt in targeting African economies with structural financial reforms, trade liberalization, aid conditionality, and the imposition of liberal democracy and good governance.²⁹¹ Western countries have also intervened in African civil wars on many occasions, both unilaterally and multilaterally.²⁹² France has done so in Rwanda, Cote d'Ivoire, and the Central African Republic. The UK has done so in Sierra Leone, Kenya, and Uganda. The US has done so in Somalia and Liberia. Complaints of the arbitrariness of the International Criminal Court, which has so far only indicted Africans, point towards the same direction.

It would thus be no surprise if the selectiveness of UN sanctions since 1990 also pointed towards a policy of neocolonialism. Many African governments, rebels, and

²⁹¹ Sicurelli. "The European Union's Africa Policies". (2010); Thomson. "Neo-colonialism, structural adjustment, and Africa's Political Economy". (2015).

²⁹² Young. "The Post-Colonial State in Africa". (2013).

other armed actors have been subject to UN targeted sanctions.²⁹³ Russia has been mostly absent in Africa since the 1990s. China is ratcheting up its economic ties with Africa but has no major geopolitical stakes to defend.²⁹⁴ The Western permanent members do have interests to defend, both in terms of economic ties as in terms of their liberal peace project. If they can maintain African states on the road towards liberal democracy, their liberal project will reap many fruits.

The only variable in the SOD that supports the quantitative analysis of the neo-colonialist hypothesis is that of 'continent' (4.3.37).

4.3. Variables in the SOD

There are many variables that help us better understand why some offences were sanctioned while others were not. For example, if UN sanctions are to some extent consistent with the ideals of liberal peace and the responsibility to protect, we would expect more deadly and longer conflicts to be sanctioned more often than short and minor conflicts. A lack of consistency with regard to accumulated deaths might point toward a more Realist track-record of UN sanctions. Other variables that might help us get a deeper insight into the consistency of sanctions regimes are by looking at 'State Strength' and 'Continent', as will be explained below. Not all variables are relevant to all offences. The following section will first go deeper into the most important variables of this thesis. Subsequently all other variables will receive a short explanation.

4.3.1. *Total Deaths since 1990*

The variable of 'Accumulated Deaths' measures 'simply' how many deaths have occurred as a result of the offence at hand. For each type of offence (interstate conflict, internal conflict, coup d'état, terrorism) a different methodology is used. For example, for the first two offences the SOD uses data from the Uppsala Conflict Data Program by the University of Uppsala (Sweden) in coordination with the Peace Resource Institute Oslo (Norway). Their database has been a respected source of information on security issues since the 1970s and collects general data on different types of conflicts that have occurred since 1946. The data on accumulated deaths is taken from the UCDP conflict encyclopedia, which is an

²⁹³ Vines. "Monitoring UN Sanctions in Africa". (2003).

²⁹⁴ It has so far only blocked tighter sanctions on Omar al Bashir's regime in Sudan, a major oil-exporter to China.

interactive database that allows the user to chart death counts per conflict and per year. The definition they use for battle-related deaths is as follows:

“Battle-related deaths refer to those deaths caused by the warring parties that can be directly related to combat. This includes traditional battlefield fighting, guerrilla activities (e.g. hit-and-run attacks/ambushes) and all kinds of bombardments of military bases, cities and villages etc. Urban warfare (bombs, explosions, and assassinations) does not resemble what happens on a battlefield, but such deaths are considered to be battle-related. The target for the attacks is either the military forces or representatives for the parties, though there is often substantial collateral damage in the form of civilians being killed in the crossfire, indiscriminate bombings, etc. All fatalities – military as well as civilian – incurred in such situations are counted as battle-related deaths.”²⁹⁵

That being said, measuring battle-related deaths is by no means an easy task. Counting deaths in a conflict is extremely difficult because of practical constraints as well as political interests. Scholars don't even seem to agree on whether the 20th century was the bloodiest century in history²⁹⁶ or whether new wars since the 1990s have produced more deaths than conflicts during the Cold War. Deaths in warzones don't tend to be reported to the local authorities, and independent journalists and researchers oftentimes lack access to warzones because they are either too dangerous, or because government officials or rebel groups prohibit them from nosing around. As a result, many estimates on battle deaths are based on analyses of collections of reports by human rights agencies, local authorities, the media, and independent monitors, each with their respective limitations and incentives to inflate or deflate the numbers.²⁹⁷ Other methodologies focus on mortality surveys in the aftermath of a conflict, typically leading to higher estimates of casualties,²⁹⁸ but suffering from their own methodological flaws.²⁹⁹

When it comes to coup d'état's, deaths arguably also matter. The 1996 coup in Burundi which left approximately 6000 people dead was without a doubt a larger threat to the peace than the coup in Niger that occurred in the same year, but which only produced two deaths. The 1991 coup in Haiti, which was the first one to receive UN sanctions, only produced 26 deaths, indicating that coups can be defined as 'sanctionable' more easily than civil wars, which is logical because coups by definition involve the overthrow of a government, which can more easily lead to a threat to the peace or breach of the peace. The data that is used on 'coup-

²⁹⁵ UCDP Battle-Related Deaths Dataset Codebook, version 5.0. (2014).

²⁹⁶ Pinker. *The better Angels of our Nature*. (2011). Pp. 193-195.

²⁹⁷ Zeger and Johnson. "Estimating excess deaths in Iraq". (2007).

²⁹⁸ Obermeyer et al. "Analysis of data from the world health survey programme". (2008).

²⁹⁹ Spagat and Cooper. "Estimating War Deaths: an Arena of Contestation". (2009).

related deaths' comes from the 'Global Instances of Coups from 1950 to 2010' dataset from the University of Kentucky.³⁰⁰

Finally, the 'Accumulated Death' count for terrorist groups comes from the START Database.³⁰¹ Counting terror deaths is also a difficult task, as many attacks are left unclaimed or claimed by several groups at the same time. Furthermore, the mere task of defining whether an attack qualifies as an act of terrorism is difficult. Groups that commit acts of terrorism never identify themselves as such, and many groups use a mix of military strategies and acts of terrorism to achieve their political goals. Despite these limitations, measuring accumulated deaths is relevant in the sense that more deadly terrorist groups are in principle more sanctionable (i.e. a bigger threat to the peace) than terrorist groups responsible for smaller amounts of deaths.

4.3.2. Offence Length

Just as the amount of deaths that an internal conflict produces is an obvious and practical variable to determine sanctionability, so is the length of a conflict. Other variables being equal, conflicts that continue for longer are more in need of UN sanctions. The same logic might apply to terrorist organizations that are active for long periods of time, or coups d'état that take a long time to be reversed, but the focus is rather on civil conflicts.

Just as with conflict deaths, determining the start-date and end-date of a conflict is more difficult than it may seem, and has been subject of fierce discussion. After all, the question of *when* a conflict started is closely related to *who* started it, and typically nobody wants to be labelled as an instigator of a conflict. For example, in the 1967 Football War between El Salvador and Honduras it is not clear whether the conflict started with the violence against El Salvadorians citizens in Honduras throughout June, which El Salvador labelled as "acts of genocide", or with the military invasion of Honduras by the El Salvador army on the 14th of July. Most studies recognized the latter of the two.³⁰² Similarly, in the Syrian civil war (2011-) one could mark the start of the conflict with the popular protests that began on the 15th of March 2011 and in which resulted in the deaths of several police officers and protesters, or with the defection of Syrian military officers at the end of July 2011 and the start of a militarized conflict.

³⁰⁰ Powel and Thyne. "Global Instances of Coups". (2010).

³⁰¹ National Consortium for the Study of Terrorism and Responses to Terrorism (START). 2018.

³⁰² Kapuscinski. "*The Soccer War*". 1978.

The UCDP dataset puts the start-date at the first battle-related death in the conflict, even if the conflict only reaches the minimum of 25 annual deaths in a posterior year. For example, even though the interstate conflict between Ethiopia and Eritrea only reached the official status of a conflict in 1964, the first battle-related death had already occurred in 1961.³⁰³ For the sake of this research however, this start-date is unsatisfactory. The objective of this variable is to measure how much time passed between the day on which UN sanctions became an obvious possibility and the day on which they were actually imposed. To use the case of Ethiopia and Eritrea again, it would be unfair to put the start-date in 1961 if during the three years after the first casualty no serious threat to the peace existed.

The most practical and relevant alternative is therefore to take the threshold of 1000 accumulated deaths again, at which point a conflict is serious enough to be considered for UN sanctions, and which is also in line with the widely accepted definition of war. The disadvantage of this variable is that it is not possible to provide a specific date or month in which a conflict reached the 1000 accumulated deaths threshold, forcing us to use the year, always using the 1st of July for the sake of consistency and fairness. Subsequently, the length of each conflict is calculated by measuring the amount of time that passed between the start-year and the month in which sanctions were imposed, as well as between the start-year and the month of the official end of the conflict.

The end of a conflict is equally difficult to establish. Does a civil war finish when the fighting has stopped? Or when a peace-agreement has been signed? When a conflict is ended with the signing of a peace-agreement, but after a year the agreement is violated and another conflict breaks out, should we consider it as a new conflict, or should we erase the previous 'end-date' from the dataset and replace it with a new date as soon as a new peace-agreement is signed? For example, the Angolan civil war was formally ended three times with the 1991 Bicesse Accords, the 1994 Lusaka Protocol, and the 2002 Lusaka Protocol II.³⁰⁴ Since each of the breaches of the peace represented a continuation of the same conflict (ID-131) between the same parties (UNITA and MPLA) and about the same incompatibility (Government of Angola), the conflict is registered as having started in 1975 (July), finished in 2002 (April), having lasted for 321 months (26 years and 9 months).

When it comes to responding to internal conflicts with UN sanctions, however, it is not relevant to use starting dates of the 1970s and 1980s. After all, during the Cold War the use of sanctions on internal conflicts was considered a breach of national

³⁰³ Bereketeab. "The Complex Roots of the Second Eritrea-Ethiopia War". (2010).

³⁰⁴ The second Lusaka Protocol was a Memorandum of Understanding that served as an addendum to the original Protocol of 1994.

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sovereignty, and did not form part of the UN's institutional mission or toolkit. For calculating the 'reaction time' of UN sanctions in response to internal conflicts that started during the Cold War the start-year is put at 1992. This year is chosen because it marks the publication of 'An Agenda for Peace' by former Secretary General Boutros Ghali, a document that comes closest to officiating the legitimate use of article 39 of the UN charter with regard to internal conflicts. The document was published on the 14th of June, but for the sake of consistency with the rest of the dataset I have chosen July 1992 as a starting date. In other words, if the first UN arms embargo on Angola was imposed in September 1993 (UNSCR 864), the 'reaction time' is calculated to be 14 months, even though the conflict had at that time been active for almost two decades. The shortest reaction times for UN sanctions concern those on Liberia (UNSCR 788, 4 months), Cambodia's Khmer Rouge (UNSCR 792, 4 months), and those on Serbia and Bosna-Herzegovina (UNSCR 713 and 757), both of which were actually imposed before the publication of 'An Agenda for Peace', and are recognized as one of the factors warranting this institutional change in the first place.³⁰⁵

The starting date for terrorist organizations is equally difficult to determine. Should the starting date be placed at the establishment of the organization? The date of the first attack? The date of the first deadly attack? And when does a terrorist organization cease to form a threat? When they officially dissolve? Or rather when they haven't committed any attacks in over a year? These are all questions that are hard to answer. For the sake of this thesis I only include organizations that have produced at least 100 deaths since the year 2000, as organizations that were more active in the 1990s were not on the UN's sanctions radar. In reality the 'War on Terror' began either in 1999 with UNSC 1267 when Al-Qaida was listed in relation to the Taliban regime in Afghanistan, or in 2001 after the 9/11 attacks. For the sake of consistency we have chosen the year 2000 as a starting point.

Coups d'état do tend to have a clear starting point. As a matter of fact, the dataset of Powel and Thyne mentions the dates on which each coup took place, as well as the amount of days it took to reverse the coup.³⁰⁶ Many coups d'état are however not reversed at all, allowing the new regime to stay in power for years. In the cases in which the UNSC imposed sanctions in response to a coup (Haiti 1991, Sierra Leone 1997, Guinea Bissau 2012), it took anywhere between a few days and two years for the UN to act. For the offences of terrorism and coups this thesis does not analyze 'conflict length' as a variable to determine why some cases were sanctioned and others not.

³⁰⁵ Boutros Ghali. "An Agenda for Peace". 1992.

³⁰⁶ Powel and Thyne. "Global Instances of Coups". 2010.

4.3.3. *State Strength*

One reason to decide to impose UN sanctions on in response to some breaches to the peace and not to others might have to do with state strength. In Chapter three of this book we discussed the thesis of Liberal Peace, which is closely related to that of state-failure and state-building. Arguably, the threat to the peace is larger in internal conflicts that take place in 'weak states' than those conflicts that take place in stronger states. This might for example explain why India has not been the subject of any UN sanctions regimes, even though it is by far the State with most internal conflicts within its borders since 1989. However, since none of these conflicts have seriously endangered the stability of the Indian State itself, sanctions were perhaps not deemed necessary. Somalia on the other hand, has been recognized as a failed state since the early 1990s, and has not had a credible central government for decades. The imposition of UN sanctions might therefore be more appropriate.

It must be noted here that the logic of only sanctioning 'weaker' states is in line with the theory of liberal peace, but certainly not with the doctrine of R2P. According to the logic behind the R2P there is no reason to make a distinction between a thousand deaths in India or Somalia. However, when it comes to preserving the liberal peace or democratic peace, the distinction between 1000 deaths in India and 1000 deaths in Somalia *can* actually be made, because 1000 deaths in India are not a threat to democracy and state stability in India, whereas in Somalia it is.

There is still another problem with the variable of state strength: It is also consistent with the theory of structural realism. Stronger states are less likely threats to the peace because they are more stable, but also because self-interested P-5 members of the UNSC oftentimes consider sanctioning strong states as geopolitically imprudent. The other edge of the knife works precisely the same. Small and weak states are easier to sanction geo-politically, but are also more consistent with liberal peace, because weak states are more likely to turn into failed states and breeding grounds for terrorism, and thus larger threats to the peace.

Despite the limitations mentioned above, it is still worth investigating the question: "Is there a relationship between 'sanctionability' on the one side and 'state strength' on the other"? Are stronger states in which sanctionable offences occurred since 1990 indeed less likely to be targeted by UN sanctions than weaker states? Or is there no correlation between the two? And if there is a correlation, what does it mean?

In the Sanctionable Offences Database, the variable 'State Strength' has been taken from the National Material Capabilities dataset by the Correlates of War

Project.³⁰⁷ This dataset identifies state strength by looking solely at states' hard power rather than at its legitimacy or democratic power. It combines six variables that give an indication of a State's national material capabilities: military expenditure, military personnel, energy consumption, iron and steel production, urban population, and total population, weighing each variable equally. The combined Composite Index of National Capability (CINC) score indicates a state's share of power as part of the world as a whole. In the early 1990s the United States clearly the world's strongest material capabilities with almost 15% of the world's material power. Currently China has taken over the top spot with close to 20% of the world's material capabilities in 2007, the latest year for which data are available.

The variable of State Strength is also used in the chapter on coups d'état to test whether coups in strong states are less likely to receive UN sanctions than weaker states. A more relevant variable for the chapter on coups is however that of 'Adverse Regime Change (ARC), which will be discussed further below.

4.3.4. State Fragility

If State Strength measures hard power and the material capabilities of states, State Weakness looks at the internal stability of a state and its ability to successfully deliver goods and services to its citizens. State Weakness is about internal governance, not the projection of power towards other states. Nigeria and Pakistan are weak strong states; their strong militaries, large share of regional GDP, and large populations give them high scores on the CINC index, but their failure to govern successfully within their own borders gives them a bad score on State Weakness. Countries like Luxemburg and Singapore on the other hand are 'weak strong states', as they are internally strong but geopolitically insignificant.

State Weakness is relevant because states that are closer to failure or collapse as a result of civil war or a coup d'état represent a bigger threat to international security than states that are internally strong. State failure is associated with refugee streams, regional instability, organized crime, and terrorism. One would therefore expect conflicts in weak states to be a greater concern than similarly bloody conflicts in politically stable states.

There are many organizations that index governance. The Index of State Weakness by the Brookings Institution is made up of a total of twenty different indicators that are divided into four groups: economic, political, security, and social welfare. Other Indices such as the Freedom Index by Freedom House and the Economist Democracy Index focus more on the democratic process and civil liberties, whereas organizations such as Transparency International tend to focus

³⁰⁷ Correlates of War Project. "National Material Capabilities Dataset". (v5.0). RAND. (2012).

on more specific issues such as corruption. The SOD makes use of the Fragile States index by the Fund for Peace (FFP) (formerly the Failed States Index).³⁰⁸ This index measures a total of twelve variables to establish a risk-score between 0 (no risk) and 120 (highest risk). Variables include Demographic Pressures, Group Grievances, Economic Decline, Public Services, Human Rights, and Security, among others.

There are two methodological issues surrounding the variable of State Weakness that need to be mentioned. Firstly, the PPF Fragile State index include variables that directly link to civil conflict and foreign intervention. In other words, states that have been home to civil conflicts, interventions by the international community, and indeed UN sanctions, will receive lower governance scores than those who do not score points on these variables. This is completely logical, but leads to the methodological problem of endogeneity when comparing cases that have been sanctioned to those which have not been sanctioned.

The second call for caution regarding indices on governance is that none of the indices provides data on all years since the early 1990s. The concept of state failure only entered the academic literature towards the end of the century, and most comprehensive datasets don't go further back than 2005. The PPF index indeed goes back to 2006 only, creating a methodological problem for cases of the 1990s. For those conflicts that started in the 1990s, the 2006 value has been used.

4.3.5. Adverse Regime Change

For the chapter on coups d'état, the variable of Adverse Regime Change indicates the impact of each coup on its Polity IV score.³⁰⁹ The Polity IV project is an index on political regime characteristics and transitions between 1800 and 2015, giving scores on both variables of 'Democracy' and 'Autocracy' between 0 and 7 in the aftermaths of world events, including coups d'état. The combined score results in an index that runs from -7 (Autocracy) to +7 (full democracy). Since coups d'état are events that can relatively easily be pinpointed to a specific date or at least year, the Policy IV score before and after the coup is indicative of the impact of the coup. Assuming that the UNSC (especially its Western members) have an interest in promoting democracy and punishing autocracy, coups that are more detrimental for democracy might be more likely to receive sanctions.

4.3.6. Stated Objectives

³⁰⁸ FFP. "Fragile States Index". (2018).

³⁰⁹ Marshall et al. "Polity IV Project". (2016).

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For Terrorist Organizations the SOD includes a variable that measures the states objectives of each organization. Following the hypothesis that terrorist organizations are more likely to get sanctioned when they aim to establish an Islamic State or when they aim to overthrow western institutions, destroy the United States, or kill westerners in general. The data is based on analysis of a collection of articles in international newspapers, and concerns claims about 'stated objectives', not targets hit or assumed objectives.

4.3.7. UNSC Vetoes

Article 27 of the UN Charter states that a Resolution in the United Nations Security Council is passed when a minimum of 9 out of 15 members vote in favor of the Resolution, including the concurring votes of the 5 permanent members, the United States, United Kingdom, the Russian Federation, China, and France. On top of this, the permanent members also have the option to block a Resolution from being passed by issuing their "right to veto", something which all of the P-5 members have done repeatedly since 1945.

The Russian Federation has used its power to veto Resolutions, including those regarding the imposition of UN sanctions, most often since 1945, followed by the US, UK, France, and China. Most of the Russian vetoes were however issued in the 1945-1965 era, in which they boycotted the Security Council in protest against the Chinese seat being given to Taipei rather than to Beijing. Ever since, the United States has by far been the most fervent user of the veto, mainly using it regarding issues concerning Israel and the Middle East in general. China only started using the power to veto more regularly since the 1990s, whereas France and the UK have not used their vetoes since 1989. In 2013 France and Mexico put forward an initiative to refrain from using the veto in cases of mass atrocities. It has been supported by 80 countries, but not by any of the other P-5 members.³¹⁰

³¹⁰ Charbonneau & Irish. "Dozens of Nations Back French Appeal to limit use of UN Veto." Reuters. (2015).

Table 10 - UNSC Vetoes since 1946

Country	1946-89	1990-2018
USSR/Russia	103	13
USA	90	16
France	16	0
UK	29	0
China	9	9

P-5 members that have openly supported the ideal of Liberal Peace and the doctrine of R2P are expected to have refrained from using their veto in manners of sanctionable offences since 1990 in the database. Vetoes used by China and Russia can be defended because their IR policy focuses on the respect for sovereignty. Vetoes on sanctionable offences used by the United States, France, or the United Kingdom, however, can only be seen as a betrayal of the values these countries claim to uphold. If such inconsistencies are found the credibility of these countries in upholding the international rule of law and constructing a world of peace according to the guidelines of Kant 2.0 would be seriously damaged. After all, if the leaders of the free world don't adhere to the rules they have imposed on the rest, then why would anyone else respect them?

The problem with vetoes is that oftentimes the mere threat of a veto is sufficient to prevent a draft from being written. Potential sanctions regimes in response to conflicts in Pakistan, Ethiopia or Myanmar are bound to end up in a deadlock between P-5 members who have traditionally supported the regimes in power in these countries. The failure to impose sanctions in these instances can be attributed to the so-called 'silent veto', which normally consists of a threat of a veto behind closed doors during negotiations in the UNSC.³¹¹ For example, potential sanctions regarding conflicts in states and regions that were formerly (or still are) part of the Soviet Union, such as Chechnya, Georgia, or the Ukraine, never made it to the negotiating table, and therefore never needed to be vetoed either.

4.3.8. Countervailing Power

Some states are 'too big to sanction'. These states naturally include the five permanent members of the Security Council (see 4.3.7.), but also their closest

³¹¹ Adams. "The Responsibility not to Veto". (2015)

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allies, states that have access to nuclear weapons, and states that sufficient geopolitical weight otherwise. Therefore, 'countervailing power' serves as a dummy variable to filter certain conflicts out, allowing for comparative research among cases in which this obstacle is absent. A state is considered to have 'countervailing power' if (a) it has a formal alliance with a non-western P-5 member, (b) has a 'Composite Index of National Capability'(CINC) score of at least 0,015,³¹² or (c) is a nuclear power.

4.3.9. Unilateral Sanctions

Arguably the most valuable variable in dealing with the issue of 'silent vetoes' is by asking whether those states that claim to uphold the ideals of liberal peace and the responsibility to protect at least managed to imposed sanctions unilaterally. Since the P-5 members that have claimed to do so are the US, UK, and France, the Sanctionable Offences Database looks at sanctions imposed by the US and by the EU.

Did the EU and US at least impose their own sanctions on those civil conflicts in which most people were killed and displaced? And did the UN at least sanction those terrorist organizations and coup stagers responsible for the most victims? If the answer is yes, then there exists an argument for defending the consistency and loyalty to the Liberal Peace when it comes to UN sanctions. Simultaneously one could then argue that the threshold for defining offences as sanctionable in the UN was perhaps too low. If the answer is no, then we must conclude that the ideal of Liberal Peace has been betrayed, either as a result of ignorance or as a result of politics.

If for some reason the United Nations was not capable or willing as an institution to implement sanctions, one would at least expect those countries who intend to uphold cosmopolitan values of human security and liberal peace to impose sanctions unilaterally. The SOD therefore includes a variable in which we indicate whether individual P-5 members (or the EU) have imposed sanctions unilaterally.

4.3.10. Case Code SOD

A number from 1 to 198 to give each sanctionable offence in the database a unique code

4.3.11. Case Code UCDP

³¹² Singer, Bremer, and Stuckey. "Capability Distribution, Uncertainty, and Major Power War." (1972).

For the offences of Interstate War and Civil War. The code corresponds with the code each conflict has in the Uppsala Conflict Data Program Encyclopedia.³¹³

4.3.12. Offence Type Code

Interstate War (1), Civil War (2), Coup d'état (3), Terrorism (4), Nuclear Proliferation (5).

4.3.13. Offence Type Text

Textual description of offence type code

4.3.14. Case Name Official

In the categories of interstate wars and civil wars, these are the official names of the conflicts.

4.3.15. Nickname

Short name for each of the offences. Interstate wars are indicated with a (-) between the participating states, whereas civil wars are indicated with a (:), first indicating the state and then the issue. In some cases the names of the main rebel movement is mentioned (e.g. Angola: UNITA), whereas in other cases a region is mentioned (e.g. Azerbaijan: Nagorno-Karabakh) to indicate that the conflict concerns control over a specific region. In cases in which there is no clearly defined armed group opposing the government the conflict is simply called according to the state at hand and the text 'civil war' (e.g. Liberia Civil War).

4.3.16. Country

Country in which the offence took place. In some cases more than one country is mentioned.

4.3.17. Offence Years

The years during which the event took place. In the cases of interstate wars, civil wars, and terrorist organizations, these can be several years. In the cases of coups d'état and nuclear proliferation the year in which the event took place is mentioned.

³¹³ UDCP conflict encyclopedia.

4.3.18. UN Sanctions

Did the United Nations Security Council impose sanctions under Chapter VII of the charter? (0 = no, 1 = yes, 2 = listed as terrorist organization).

4.3.19. First UNSC Resolution

The first United Nations Security Council Resolution in which sanctions under Chapter VII were imposed in relation to the sanctionable offence at hand.

4.3.20. Date First UNSC Resolution

Date on which the first sanction under Chapter VII was imposed (DD/MM/YYYY).

4.3.21. Target Description

Short description of the target(s) of the sanctions.

4.3.22. Target Code

Coded version of the target(s) of the sanctions. (S = State, SS = Sub-State, NS = Non-State).

4.3.23. Type of Sanction

Types of sanctions imposed under sanctions regime (AR = Arms Embargo, CU = Cultural, CO = Commodities, FI = Financial, TR = Travel, CE = Comprehensive Economic).

4.3.24. Veto

Was an unsanctioned offence vetoed by a permanent member of the Security Council? And if yes, which one(s)?

4.3.25. Against

In the first UNSCR in which sanctions were imposed or proposed, how many members of the Security Council voted against the motion?

4.3.26. Abstain

Thomas Kruiper

In the first UNSCR in which sanctions were imposed or proposed, how many members of the Security Council abstained from voting on the motion?

4.3.27. Favor

In the first UNSCR in which sanctions were imposed or proposed, how many members of the Security Council voted in favor of the motion?

4.3.28. UNGA SES

Were sanctions imposed by the UN General Assembly in a Special Emergency Session?

4.3.29. EU Sanctions

Did the European Union impose sanctions with regard to this offence unilaterally?

4.3.30. US Sanctions

Did the United States impose sanctions with regard to this offence unilaterally?

4.3.31. Deaths since 1990 – State Based

According to the UCDP encyclopedia, how many people died from state based conflict in the offence at hand? (Only for interstate wars and civil wars).

4.3.32. Deaths since 1990 – None-State

According to the UCDP encyclopedia, how many people died from none-state based conflict in the offence at hand? (Only for interstate wars and civil wars).

4.3.33. Deaths since 1990 – One-Sided

According to the UCDP encyclopedia, how many people died from one-sided conflict in the offence at hand? (Only for interstate wars and civil wars).

4.3.34. Large vs. Small

Does the offence at hand constitute a large or a small conflict or offence. This variable only applies to civil wars and interstate wars and the threshold lies at 10.000 deaths.

4.3.35. CINC Percentage

CINC Score of each state as a percentage of the world's total CINC score (100%)

4.3.36. Continent

Continent to which a sanctionable offence or offender belongs to. The Middle East, although officially part of Asia, is recognized as a separate continent, and ranges from Israel to Iran. Turkey is considered part of the Middle East. Egypt is considered part of Africa.

4.3.37. Reaction Time

Time in months between the outbreak of the conflict and the imposition of sanctions under Chapter VII of the UN Charter.

4.3.38. Coup Deaths

Amount of deaths produced by the coup d'état according to the Coup d'État Events 1946-2015 dataset by Marshall and Marshall.³¹⁴

4.3.39. Adverse Regime Change (Binary)

Coup's d'état that provoke an adverse regime change of larger than -5 are marked as '1'. All other instances are marked as '0'.

4.3.40. Coup Leaders

Name(s) of the coup leaders involved in the coup d'état. Data comes from the Marshall and Marshall Coup d'État Events 1946 – 2015 dataset.

4.3.41. Terror Deaths 1990 – 2015

Amount of deaths resulting from terrorist attacks per organization between 1990 and 2015. Data comes from the Study of Terrorism and Responses to Terrorism Database (START).

³¹⁴ Marshall & Marshall. "Coup d'État Events 1946-2015 Codebook". (2016).

4.3.42. *Terror Deaths since 2001*

Amount of deaths resulting from terrorist attacks per organization since 2001.

4.3.43. *Deaths at Time of Sanction*

Amount of deaths resulting from terrorist attacks per organization at the time the organization was listed under UNSCR Regime 1267 or 2253.

4.3.44. *Deaths after listed*

Amount of deaths resulting from terrorist attacks per organization after the the organization was listed under UNSCR Regime 1267 or 2253.

4.3.45. *Doubt Terror Deaths*

Not all deaths produced by 'terrorist organizations' in the SOD are recognized as acts of terrorism. Whenever the nature of the attack is not clearly terroristic, the START database marks it either as an act of rebellion, guerrilla warfare, or another type of event. The 'Doubt Terror Deaths' in the SOD database counts the amount of deaths that are not clearly produced by acts of terror.

4.3.46. *No Doubt Terror Deaths*

The amount of deaths produced by each organization that are fully recognized in the START database as acts of terrorism.

4.3.47. *No Doubt Terror %*

Percentage of deaths per 'terrorist group' that were without a doubt produced through acts of terrorism, and not through acts of rebellion, guerrilla, or other attacks (see above).

4.3.48. *Western Deaths*

Deaths produced per organization of Western citizens, including those from the United States, Canada, Australia, New Zealand, and the European Union.

4.3.49. *Western Deaths Story*

Summaries of attacks in which westerners were killed (see above).

4.3.50. Affiliation

Affiliation of each terrorist organization. (No affiliation = 0, Affiliated with Al-Qaida = 1, Collaborate with Al-Qaida = 2, Affiliated with ISIS = 3).

4.3.51. Stated Objectives Categorized

4.3.52. Islamic?

Is the terrorist organization at hand Islamic in nature? (0 = yes, 1 = no)

4.3.53. Media Coverage

Annual amount of articles per newspaper covering a sanctionable conflict. Data is based on analysis of articles in the New York Times, the Times, and le Figaro.

4.4. Limitations

The methodology of this thesis faces a number of limitations, some of which are content-related and others of which are rather practical.

In terms of content, the main limitation of the method of comparing sanctioned cases to comparable non-sanctioned cases is that the list of sanctionable offences is not a widely acknowledged list. As a matter of fact, such a list does not exist anywhere and will without a doubt be subject to academic discussion. The author of this thesis is fully aware of the fact that the list of sanctionable offences is arbitrary, and that it does not count as a source of authority. Rather, readers should consider it as a first academic attempt to establish an academic consensus. Critics are therefore more than welcome to debate the premises on which the list of sanctionable offences is built.

The thresholds to make it to the list of sanctionable offences have already been explained earlier in this chapter. There are however some extra issues that deserve mention. With respect to interstate wars and civil wars that produce at least a thousand deaths, some critics might ask which party to the conflict should be sanctioned. Counting casualties may help us in recognizing the biggest 'threats to the peace' since 1990, but it doesn't help us in establishing who is to blame for the violence, and which groups or individuals should be on the receiving end of the sanctions. Typically in an internal conflict, both sides of the conflict claim to use

violence legitimately. How can we establish which side is poses a threat to the peace? Which side, if any, should be sanctioned? Why did the UNSC sanction the regime of Muammar Gaddafi and not the rebels that tried to overthrow the government? Why were various rebel movements and individuals in the eastern DRC Congo subject to travel sanctions and asset freezes, and not the ruthless and (arguably) illegitimate regimes of Joseph and Laurent Kabila?

For the sake of this thesis this doesn't matter much. If UN sanctions were to *some* extent a reflection of international law and the ideals promoted by Liberal Peace, one would at least expect *someone*, or even *both* sided to be sanctioned. As a matter of fact it is perfectly normal for the Security Council to impose an arms embargo on both sides of a conflict. It has done so in response to conflicts in Rwanda, Angola, Ivory Coast, and many other places. The same goes for asset freezes, travel sanctions, and export restrictions. In other words, the argument that it is difficult to establish who is the main 'breacher of the peace' or 'threat to the peace', is not a good excuse for failing to impose sanctions.

Another critique on the list of sanctionable offences is that sometimes imposing sanctions on countries might be outright dangerous to international stability. For example, if Pakistan was not sanctioned in response to its aggression towards India in the 1998 Kargil War (part of the wider Kashmir conflict), this had much to do with the fact that Pakistan had just become the world's seventh nuclear power. The absence of sanctions should not be seen as a failure of the UNSC in upholding the rule of law, but rather as an act of political prudence.

Indeed, such prudence is at times necessary; 'sanctionable offences' cannot always be met by UN sanctions. Such cases thus somehow have to be filtered out of the database in order to prevent methodological distortions. There are two ways of doing so. Firstly, it is possible to earmark all the non-sanctioned cases in which there was a very obvious and clear-cut risk to imposing sanctions, for example when nuclear war is at stake. By doing so we can allow cases such as the Kargil War to be exempted. Such exceptions should however only be permitted in extremely sensitive cases.

Across the board, however, the excuse that the imposition of sanctions might further destabilize a conflict is not very relevant. First of all, UN arms embargoes, asset freezes, diplomatic sanctions, and travel bans are relatively minor instruments of politics. They are non-violent means to deal with violations of international law that cannot only be used a tools of effective punishment, but also to simply 'signal' to the target that their actions represent a 'sanctionable offence'. As a matter of fact, signaling was a purpose of all UN targeted sanctions episodes since 1990, albeit almost never the primary purpose.³¹⁵ Second of all, failing to

³¹⁵ Giumelli: "The Purposes of Targeted Sanctions". (2016).

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impose sanctions potentially has much bigger consequences than imposing them. Admittedly sanctions have the potential to alienate a target when it perceives that the international community is turning against it. The consequences of such reactions must be taken into account.³¹⁶ However, the failure to impose sanctions sends an even more dangerous signal: it legitimizes the continuation of conflict. As long as some violators receive sanctions while others do not, the credibility of UN sanctions as legitimate tools of law will be criticized.

Related to the above arguments, the reader should keep in mind that the objective of this thesis is not to convince the audience that all sanctionable offences should have been sanctioned. Rather, the objective is simply to give an approximate answer to the question of what UN sanctions are for. If our observation is that many 'sanctionable offences' were left untouched, it means that either the list is arbitrary, or that UN sanctions themselves are. Assuming that the list is based on a solid argumentative foundation, our task is then to tease out what moves the arbiters. If the answer does not lie with humanitarian variables, we have to consider other variables that represent a more Realist perspective on UN sanctions.

Some readers might point out that besides the five types of sanctionable offences (nuclear proliferation, interstate war, civil war, terrorism, and coups d'état), other offences should have been included. Although Saudi Arabia, Zimbabwe, and Venezuela have not been home to any wars since 1990, readers might argue that their human rights records, oppressive governments, and disappearances of government critics are also worthy of UN sanctions. Whereas an ethical argument can certainly be made to sustain this point, the SOD database does not include a list of "Oppressive Governments" or "Opposition Deaths". The most important reason for this decision is that the UNSC has never recognized such issues as threats to the peace under Chapter VII of its Charter. The number of sanctioned cases in the SOD would be zero. Additionally, the number of unsanctioned cases would be difficult to determine, as establishing a threshold of "oppressiveness" would not be a straightforward task. Similarly, other potentially sanctionable offences such as cyberwarfare, actions of intelligence agencies, or other security threats are not included in this thesis.

A final methodological limitation in terms of content is related to the fact that this thesis uses a list of variables that serve as proxies for hypotheses. This brings along three types of limitations.

Firstly, and perhaps most obviously, the method of using proxy variables rather than detailed case studies for each of the 200 or so sanctionable offences means that this thesis does not provide deep insights into each of the cases. Readers that are interested in the ins and outs of a specific conflict and the reasons for which it

³¹⁶ Elliot. "The Impacts of United Nations Targeted Sanctions". (2016).

was or wasn't sanctioned will not find any satisfying answers in this thesis. Some experts of specific cases might even find that the short case studies used in this thesis to illustrate the conclusions of the research are insubstantial or factually inaccurate. The former of these flaws is a necessary consequence of the method used; this thesis looks at a rather big and general issue and tries to pull across-the-board conclusions. Providing a full case study for each case would undoubtedly make the work richer, but is practically unfeasible within the scope of this thesis. The latter of the flaws (factual inaccuracy) is also a consequence of the method, but it is not inevitable. Readers are kindly encouraged to correct any mistakes that the author has committed in his ignorance.

Secondly, the use of proxy variables to draw conclusions about the reasons behind UN sanctions regimes only provide us with approximate answers, not with conclusive ones. The thesis claim that UN sanctions have moved closer towards ideas of Liberal Peace while still being ruled by Realist interests is backed by a number of convincing exhibits, but not by conclusive evidence. It looks at the UN's track-record regarding a list of offences, not at the words spoken by UN representatives in Security Council meetings or the thoughts present in their minds when voting in favor or against sanctions. If a conclusion of this thesis is that state-strength matters when it comes to sanctioning civil wars, it is because the data suggests so, not because P5-ambassadors to the UN repeatedly urged those words in meetings. If a conclusion of the thesis is that Salafist terrorists are considered a bigger threat to the peace than separatist terrorists, it's because the track record of UN sanctions since 1990 implies this conclusion, not because Ban Ki Moon issued an official statement announcing that separatists should not be sanctioned.

Thirdly, during the research I have come to realize that the method of using proxies provides an almost inexhaustible list of other variables that are worth studying. For example, participants in conferences have suggested considering variables that measure deaths per capita in civil wars, a friends vs. foes index that measures states' relations with the West, or the amount of recruits of terrorist groups. Many of these suggested variables are worth looking at, and readers are encouraged to use the SOD database to study these variables in relation to UN sanctions regimes and to publish their findings.

PART III

RESULTS: FIVE SANCTIONABLE OFFENCES

Chapter Five

Selective Sanctions and Nuclear Proliferation

Nuclear proliferation is the spread of nuclear weapons, fissionable material, and weapons-applicable nuclear technology and information to nations not recognized as “Nuclear Weapons States” by the Treaty on the Non-Proliferation of Nuclear Weapons, better known as the Nuclear Nonproliferation Treaty (NPT) of 1968.³¹⁷

The prospect of nuclear warfare is without a doubt the defining and most serious ‘threat to the peace’ that the United Nations face. The destructiveness of nuclear bombs gives those who possess them the possibility to wipe out cities, states, or even the world as a whole. After they were used for the first time with the US bombing of Hiroshima and Nagasaki in 1945, it was clear that nuclear warfare was to be avoided at all times, and that the Great Powers were to use extreme caution with nuclear technology.

This chapter will show that when it comes to imposing UN sanctions, the offence of nuclear proliferation is the embodiment of structural realism. Decisions about who gets sanctioned and who doesn’t can be fully explained through geopolitical calculations of the P-5. During the Cold war, this led to the successful proliferation of nuclear weapons by Israel and India, but not South Africa, which received UN sanctions in response to its nuclear ambitions combined with its internal Apartheid policies and acts of aggression against its neighbors. After the Cold War, Iraq’s nuclear ambitions were successfully contained, even though it was not clear whether such ambitions truly existed. The proliferation of nuclear weapons by Pakistan in 1998 was perhaps the UNSC’s biggest miscalculation. Not only did it bring Pakistan on the brink of a nuclear war with India, it also indirectly benefited North Korea and Iran, both of which benefited from the transfer of nuclear technology through Pakistan, bringing them closer to reaching their nuclear ambitions. The UN sanctions regimes against North Korea and Iran show that the P-5 are currently on the same geopolitical line when it comes to nuclear proliferation: keep the status-quo.

³¹⁷ Treaty on the Non-Proliferation of Nuclear Weapons, INFCIRC/140, 1970.

5.1. Background

At the time the NPT was established, five States had already developed nuclear weapons stockpiles, and one state had already used atomic bombs in an interstate conflict. The United States was the first and only State to use a nuclear weapon when it bombed the cities of Hiroshima and Nagasaki on the 6th and the 9th of August 1945, killing an estimated 200.000 people and marking the end of WWII. Although US President Truman argued that the use of the atomic bomb had actually saved the lives of many soldiers in so abruptly ending the war and forcing the surrender of the Japanese Empire, it also shaped a precedent for extreme caution. The words of the 'father of the atomic bomb' Robert Oppenheimer upon completing the first nuclear test, "Now I am become death, the destroyer of worlds"³¹⁸, reverberated across the world. Full-out nuclear warfare was to be avoided at all cost in order to save the world from annihilation.

Nuclear proliferation was on the top of the agenda of the United Nations. On the 24th of January 1946, the very first Resolution of the General Assembly established the United Nations Atomic Energy Commission (UNAEC), which was tasked with making proposals for the control of atomic energy for peaceful purposes only and the elimination of atomic weapons and other weapons of mass destruction (WMD), as well as establishing rules for inspection and compliance.³¹⁹ In June of that same year, US representative Bernard Baruch presented the Baruch plan, proposing that States destroy their nuclear stockpiles and that the development of atomic weapons would automatically be sanctioned by the UN, without the option for a veto in the Security Council. The Soviet Union however abstained from voting on the proposal, leaving the Baruch Plan as well as the UNAEC to die a slow death.

Unsurprisingly, in August 1949 the Soviet Union was the second State to become a nuclear power, marking the first milestone in the Cold War arms race between the US and the USSR. The United Kingdom followed in 1952, and France and China followed in 1960 and 1964, respectively, leading to a situation in which all P-5 members of the United Nations Security Council were nuclear states. In subsequent decades, both the US and the USSR shared their nuclear technology in cooperation agreements, signing treaties with states including South Africa and Spain in the case of the US, and a range of Soviet satellite states and communist allies in Africa, Latin America, and Asia in the case of the USSR. In 1957 the United Nations founded a more realistic successor to the UNAEC, named the International Atomic Energy Agency (IAEA). The IAEA has the difficult task of on the one hand promoting the use of civilian nuclear energy and its international spread, while on

³¹⁸ Oppenheimer cited the words of Bhagvadad Gita, part of the Hindu Epic Mahabharata.

³¹⁹ UNGA Resolution 1, 1946.

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the other hand preventing and detecting the spread of nuclear technology aimed at developing nuclear weapons. This proved to be a difficult task, with as IAEA inspections from South Africa to Iran would later prove.

In 1968 a group of eighteen nations negotiated the final text for the Nuclear Nonproliferation Treaty (NPT), which came into force officially in 1970. Forty three parties signed the agreement, which recognized five so-called nuclear-weapon states³²⁰ (the UNSC P-5 members), and agreeing that all other signatories were to refrain from proliferating nuclear weapons. The NPT also became instituted within the United Nations when the Security Council voted in favor of UNSCR 255 (1968), recognizing that “aggression with nuclear weapons or the threat of such aggression against a non-nuclear weapon State would create a situation in which the Security Council, and above all its nuclear-State permanent members, would have to act immediately in accordance with their obligations under the UN Charter”.³²¹ Currently, 190 states are party to the NPT, making them eligible for UN sanctions under chapter VII of its Charter. States that have not signed the NPT and are therefore not bound to its rules are India, Israel, North Korea,³²² Pakistan, and South Sudan. All of them except South Sudan have since developed nuclear weapons.³²³

Table 11 - Nuclear proliferators outside of the UNSC P5

State	Year of Proliferation	UN Sanctions?
Israel	Unknown	No
India	1974	No
South Africa	Unknown	Yes
Iraq	Unknown	Yes
Pakistan	1998	No
North Korea	2006	Yes
Iran	Unknown	Yes

³²⁰ Nuclear-Weapon States are those that have built and tested a nuclear explosive device before 1 January 1967

³²¹ UNSCR 255 (1968). Algeria, Brazil, France, India, and Pakistan refrained from voting.

³²² North Korea signed the treaty in 1985, but withdrew in 2003.

³²³ Israel is thought to have developed its first nuclear bomb in 1966, but is not officially recognized as possessing nuclear weapons.

5.2. Nuclear proliferators before 1990

Israel – not sanctioned

Including Israel on a list of nuclear proliferators is controversial, as Israel has never officially admitted to owning or having developed nuclear weapons. Ever since its birth in 1948, Israel has been surrounded by enemies who have openly called for its destruction or failed to recognize its statehood, including Iran, Lebanon, Syria, Saudi Arabia, and Palestine. After the experience of the Holocaust and the Arab-Israeli war of 1948, Prime Minister David Ben-Gurion was convinced that acquiring nuclear weapons was the only way for Israel to guarantee its future existence. When he came to power for the second time in 1955, his Defense Minister Shimon Peres established close relations with France, which was eager for an ally in the Middle East to balance against Egypt's Abdel Nasser, especially after Egypt nationalized the Suez Canal in 1956. The common interest of Paris and Tel Aviv led to a nuclear collaboration in which France supported the construction of a nuclear power plant at Dimona, a city in the desert west of the Dead Sea.³²⁴ In the 1960s France's position under Charles de Gaulle became more conservative as Paris became suspicious of Tel Aviv's true intentions. As France's Arab allies increased the pressure on de Gaulle, France briefly pushed for IAEA inspections at the Dimona plant. Eventually Israel and France reached a compromise in which France officially disengaged from the project while still allowing French companies to remain involved. France itself conducted its first nuclear test in 1960. Israel followed in 1966, just in time to deter its enemies in the 1967 Six-Day War and the 1973 Yom Kippur War from overplaying their hands.³²⁵ In 1968, when the Great Powers concluded negotiations on the NPT, Israel decided not to join.

Both Tel Aviv's allies and enemies are of course well aware of Israel's possession of nuclear weapons. Estimates since the 1980s based on intelligence leaks range between 60 and 400 nuclear weapons. Former US President Jimmy Carter put the number at at least 150 in a 2008 interview.³²⁶ The official policy of Tel Aviv is however one of 'nuclear ambiguity' or 'opaqueness', meaning that Israel has not officially denied or confirmed anything about its nuclear status.³²⁷ In official statements the Israelis have consistently declared that Israel would not be the first country to introduce nuclear weapons to the Middle East, conveniently leaving its enemies in the dark about the truth.

³²⁴ Cohen. "*Israel and the Bomb*". (1999). Pp. 57-75.

³²⁵ Idem.

³²⁶ Reuters: "Israel has at least 150 atomic weapons: Carter". 2008.

³²⁷ Cohen: "*The Worst-Kept Secret*". (2010).

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If Israel has not been subjected to UN sanctions in response to their nuclear proliferation, it is of course not because of their 'nuclear opaqueness' strategy or because they are not party to the NPT, but because Israel's allies allowed for it to happen. While Paris was initially most active in its nuclear collaboration with Tel Aviv, Washington and London were perfectly aware of the developments at Dimona. When Israel attempted to purchase heavy water for its nuclear plant through the somewhat hesitant government of Norway, the British under Prime Minister Macmillan were happy to serve as an intermediate.³²⁸ The Americans go as far as to pressure their own government officials to adhere to Israel's nuclear opaqueness strategy, censoring critical publications and firing academics who write unfavorably about Israel as a nuclear power. A State Department official under the Bush Jr. administration explained that they would "never say flatly that Israel has nuclear weapons", censoring allegations to the contrary by using softer terms such as 'we presume' or 'it is reported'.³²⁹

Israel's position as the first State to proliferate nuclear weapons in the Middle East has not only given a strategic advantage to Tel Aviv, but has also had major consequences on a wider geopolitical scale. For Israel itself the nuclear option works an insurance against regional enemies and allows them to project its strength. The Israeli airstrikes against Syrian nuclear reactors in 1981 and 2007 and the strong language directed against Iran show that Israel would like to keep its unique position as the region's sole nuclear power. From a geopolitical standpoint Israel's regional nuclear hegemony has also been considered as the safest option. Whereas on a global scale the nuclear arms race between the Soviet Union and the West created an awkward type of stability through the theory of Mutually Assured Destruction (MAD), the same logic can arguably not be applied in the Middle East. The history of conflict in the region and frequent threats by Iran to annihilate Israel make that any change to the status quo would only destabilize the situation further.

India – not sanctioned

The first State to officially proliferate nuclear weapons since the establishment of the Nuclear Nonproliferation Treaty of 1968 (NPT) was India, which detonated 'Smiling Buddha' in 1974. Just like Israel, India had not signed the NPT, even if it was actively involved in its design. Prime Minister Nehru, who had already authorized a peaceful Indian nuclear program in 1948 under the Atomic Energy Act, saw India's nuclear program as a source of anti-colonial pride, describing the

³²⁸ Cohen: *"Israel and the Bomb"*. (1999). Page 62.

³²⁹ Birch & Smith. "Israel's Worst-Kept Secret". (2014).

US-led nonproliferation regime as a system of “nuclear apartheid”.³³⁰ With regard nuclear weapons he stated that although India’s goal was to develop a nuclear program for peaceful purposes, “of course, if we are compelled as a nation to use it for other purposes, possibly no pious sentiments of any of us will stop the nation from using it that way.”³³¹ Unsurprisingly Pakistan, which had just split from British India in one of the bloodiest wars of decolonization and which would be India’s nemesis for the decades to come, did not sign the NPT either.

As the Nixon administration had given India’s nuclear program a relatively low priority, focusing rather on the Vietnam War and a grand strategy vis-à-vis Moscow and Beijing, the 1974 “Smiling Buddha” test came somewhat as a surprise.³³² India was not allied with the West at the time, initially proscribing to a neutral status in the Cold War and signing a treaty of friendship with Moscow in 1971. The West and China both sided with Pakistan, India’s arch-enemy, integrating Pakistan in the American Atoms for Peace program. India did however not immediately weaponize their arsenal, referring to the Smiling Buddha test as a peaceful nuclear explosion. It was only in the late 1970s, when it became clear that a Pakistani scientist had stolen nuclear technology from the Netherlands and that Pakistan might have forged a nuclear alliance with China that India started to take the matter seriously.³³³ Having successfully kept the rest of the world in the dark about its nuclear capabilities, in 1998 it launched five nuclear test missiles under the name of Pokhran II, leading to widespread condemnation. The United States under President Bill Clinton imposed unilateral sanctions, Japan suspended humanitarian aid, and Canada pulled back its ambassador.³³⁴ The United Nations Security Council reacted with words only; UNSCR 1172 expressed grave concern about the nuclear proliferation of both India and Pakistan and urged both parties to exercise maximum restraint to avoid threatening situations of provocations that could escalate the situation.³³⁵ It was the closest the world had ever come to nuclear warfare. The prospect of Mutually Assured Destruction between the two regional powers did not make the world a safer place. UN sanctions against Islamabad or Delhi were however not an option; they would only risk further escalation of the conflict. As we will see in the following sections, UN sanctions only make sense in earlier stages of nuclear development.

³³⁰ Perkovich. “India’s Nuclear Bomb”. (1999). Page 6

³³¹ Chengappa. “Weapons of Peace: The Secret of India’s Quest to be a Nuclear Power”. (2000).

³³² Burr. “The Nixon Administration and the Indian Nuclear Program”. (2011).

³³³ Jaishankar. “Decoding India’s Nuclear Status”. The Wire, 3 April 2017.

³³⁴ BBC News: “US Imposes Sanctions on India”; BBC News, 13 May 1998.

³³⁵ UNSCR 1172, para 4

South Africa - Sanctioned

When the Republic of South Africa came on the radar of the UNSC related to its apartheid regime, it was not a signatory to the NPT yet. Already in 1960 the Council passed Resolution 134 in response to the killings of protestors, recognizing that the situation in South Africa was causing internal friction. In the 1960s and 1970 this was followed up by a voluntary arms embargo in response to South Africa's arms build-up, the imprisonment of Nelson Mandela, and the 'evil and abhorrent policies of Apartheid. It was only in 1977, however, when South Africa became suspected of transforming its nuclear technology from its (US promoted) Peaceful Nuclear Explosions program (PNE) into a weapons program that the UNSC imposed a mandatory arms embargo on South Africa.³³⁶ From now on States were to refrain from cooperating with South Africa in the development of its nuclear program, in addition to the embargo on the sale or shipment of arms, ammunition, and military vehicles and equipment. The fact that South Africa was not a signatory to the NPT did not seem to make any difference. South Africa would later receive further sanctions for its armed aggression against neighboring Namibia, Lesotho, and Botswana, as well as additional targeted (but) voluntary economic and financial sanctions, including a ban on the sale of uranium, oil, coal, computers, and foreign currency. UNSCR 569 (1985) also recommended a (again voluntary) ban on investments in the nuclear sector and on cultural and sports events, all with the objective of freeing political prisoners (specifically Nelson Mandela), the abolishment of Apartheid, and the organization of free and democratic elections. Already before the 1992 establishment of the UN Observer Mission in South Africa (UNOMSA), the government under F.W. de Klerk signed the NPT on the 10th of July 1991, marking the beginning of South Africa's 'voluntary' dismantling of its nuclear arsenal and its return from pariah-statehood to normalcy.

5.3. Nuclear Proliferators after 1990

Iraq - Sanctioned

Just as South Africa, Iraq was subjected to UN sanctions in response to its nuclear ambitions and WMD-program after it had already been sanctioned for its aggression against Kuwait. After UNSCR 660 of 1990 had already imposed comprehensive economic sanctions on Iraq, Resolution 687 of the 8th of April 1991 dealt specifically with Saddam Hussein's weapons program. During and prior to the war with Kuwait, Iraq had used and threatened to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of

³³⁶ UNSCR 418 (1977).

Warfare (1925). Furthermore, Iraq had used ballistic missiles in unprovoked attacks and had attempted to acquire materials for a nuclear-weapons program contrary to its obligations under the NPT of 1968, which Iraq had ratified in 1969. Resolution 687 decided that Iraq should unconditionally accept “the destruction, removal, or rendering harmless, under international supervision, of all chemical and biological weapons as well as ballistic missiles with a range of more than 150km.³³⁷ The Resolution also decided that Iraq should unconditionally agree not to acquire nuclear weapons or develop its nuclear program, and mandated the IAEA to organize immediate on-site inspections throughout Iraq.

Throughout the 1990s sanctions on Iraq became tighter, with the UN practically controlling all of Iraq’s imports and exports through the Oil For Food Program (OFFP), which had been installed under UNSCR 706 (1991) to alleviate the humanitarian suffering of civilians that the economic embargo had caused. Under the OFFP Iraq was allowed to export oil, its main source of income, under the condition that revenues were paid into an escrow account managed by the UN. Indirectly, Iraq ended up contributing to its own humanitarian support, inspections and auditing of the OFFP, and the operating costs of the inspections by UNSCOM and the IAEA.³³⁸ In the late 1990s, as the monitoring mechanisms of UNSCOM became stricter, Iraq began to interfere with the work of the inspectors, prohibiting people from entering sites and tampering with surveillance equipment. The UN replied with UNSCR 1137 (1997), further expanding the sanctions regime to include travel sanctions against individuals (mostly military officials) involved. Three months later, noting that the Government of Iraq did not cooperate fully in the preparation of a report of the Secretary General related to the inspections, the Council (UNSCR 1153) decided to cap the oil exports of Iraq at roughly US\$ 5.2 billion for a 180-day period, including a specific breakdown of the allocation of the money. In 1999 the inspection activities into Iraq’s WMD program were expanded when UNSCOM was replaced by the United Nations Monitoring, Verification, and Inspection Committee (UNMOVIC)³³⁹, under the leadership of Hans Blix (Sweden), a former director general of the IAEA. While the language in subsequent Resolutions became stronger and stronger, the inspections were equally fruitless. On paper UNMOVIC ordered Iraq to give immediate and unimpeded access to and from the country, its inspections sites, and Presidential sites. In reality, inspection personnel was frustrated with stolen luggage, flat tires of vehicles, and bureaucratic obstruction, provoking Blix to warn Hussein that there must be no “cat

³³⁷ UNSCR 687 (1991)

³³⁸ Charron. “*UN Sanctions and Conflict*”. (2011).

³³⁹ UNSCR 1284 (1999)

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and mouse” games³⁴⁰, and that Iraq would face serious consequences as a result of its continued violations of its obligations.

In February 2003 Blix briefed the UN Security Council on the findings of 400 inspections (without notice) on approximately 300 sites with 100 UNMOVIC inspectors, 15 IAEA inspectors, 50 aircrew, and 65 support staff. Access to the sites had been without problems. The inspectors found more than 200 chemicals more than 100 biological samples, including 50 liters of mustard gas, which was subsequently destroyed. Related to WMDs or related items or programs, UNMOVIC had however not found any such weapons. Blix also made a comment referring to US Secretary of State Colin Powell’s presented material collected by the CIA and other intelligence agencies pointing to a contrary conclusion. In response to this information, Blix said that his inspectors must base their reports “only on evidence, which they can, themselves, examine and report publicly. Without evidence, confidence cannot arise”.³⁴¹

The decision of the United States and the United Kingdom to intervene militarily in Iraq without the consent of the UN Security Council greatly hurt the UN authority as the world’s most important institution to deal with issues of international security. In an attempt to disassociate itself from the US-led coalition that invaded Iraq, the UNSC dissolved the 661 Committee and replaced it with a new committee and sanctions regime (UNSCR 1518). This regime cancelled the sanctions on the previous government of Saddam Hussein, and only focused on Iraq’s WMD program and the Oil for Food Program. In 2007, UNMOVIC’s mandate was terminated, and in 2010 all sanctions related to Iraq’s WMD and nuclear-related programs were lifted. The arms embargo and asset freezes against individuals listed pursuant to resolution 1518 are still in place.

Pakistan – Not Sanctioned

The third State to proliferate nuclear weapons outside of the P-5 was Pakistan, which had been trying to obtain the bomb ever since its nemesis India had acquired one in 1974. Just like India and South Africa, Pakistan had not signed the Nuclear Nonproliferation Treaty of 1968. Pakistan had also abstained from voting on UNSCR 255 that institutionalized the NPT in the United Nations.³⁴² Pakistan’s nuclear ambitions started already in the 1950s, when Islamabad joined the US Atoms for Peace project, which also laid the foundations for Iran’s peaceful nuclear program. The search for nuclear weapons only ignited in the aftermath of Pakistan’s 1971 war with India, which led to the split of East Pakistan (now

³⁴⁰ Warren. “Don’t Mess With Us, UN Warns Saddam”. The Telegraph, 16 Nov 2002.

³⁴¹ Blix. “Briefing to the Security Council”; 14 February 2003.

³⁴² Although this was in vain, as the Resolution was adopted anyway.

Bangladesh) from West Pakistan (now Pakistan), and which led to the deaths of hundreds of thousands of Bangladeshi, as well as a geostrategic downgrade of Pakistan. In 1972 Pakistan's Prime Minister Benazir Bhutto established the Pakistan nuclear program, remarking that her people would eat grass to keep up with India.³⁴³ The West was not keen on Pakistan becoming another nuclear state, but could not prevent Abdul Qadeer Khan, a Pakistani nuclear scientist to steal nuclear centrifuge designs from a Urenco enrichment plant that employed him in the Netherlands. Returning to Pakistan, Khan established a network including scientists from Iran, Libya, and North Korea, creating further trouble down the road. Pakistan's first successful nuclear test was carried out on the 28th of May 1998, just weeks after Indian nuclear tests approximately 100km from India-Pakistani border in the province of Rajasthan. A year later, when the Kargil war between India and Pakistan over Kashmir broke out, the world was arguably closer than ever to the outbreak of a nuclear war.

The nuclear proliferation of Pakistan was perhaps the biggest geopolitical mistake of the P-5 in its history of nuclear nonproliferation. Just as in the case of Israel, as long as India was the only regional power with the nuclear option, the risk of nuclear escalation was minimal. This obviously gave India a large strategic advantage over Pakistan in its conflict of Kashmir, among others, but this was a relatively small-stakes game. Pakistan might have been an ally of both China (to balance against India) and the United States (in the war on Islamic extremism and to balance against Iran), but these stakes too were much smaller than that represented by nuclear weapons.

The UNSC was obviously 'gravely concerned' at the nuclear tests by India and Pakistan and the 'danger to peace and stability' in the region (UNSCR 1172), but it was unable to identify the situation as a 'threat to the peace' or 'breach of the peace' under Chapter VII, even after the Kargil war (a war of aggression) broke out. It was already too late to undertake any forceful action, so soothing the situation was the best option. The Council demanded that India and Pakistan refrain from further nuclear tests and called upon all states not to carry out any nuclear weapon test explosion in accordance with the provisions of the Comprehensive Nuclear Test Ban Treaty and encouraging all states to prevent the export of equipment, materials or technology related to India and Pakistan's nuclear programs.³⁴⁴ Sanctions were however never an option. Even if Pakistan had been a signatory to the NPT, UN sanctions on Pakistan might have only further escalated the situation. Once Pakistan had joined the group of States possessing

³⁴³ Epstein. "Why states go- and don't go- nuclear". (1977). pp. 16-28.

³⁴⁴ UNSCR 1172 (1998), para. 7 and 8

nuclear weapons, there was no way back. Reason the more to prevent future aspirants from doing the same.

North Korea – Sanctioned

Although North Korea's first nuclear test was only carried out in November of 2006, the story of North Korea and its ambitions to become a nuclear power go further back. North Korea initially joined the Nuclear Nonproliferation Treaty of 1968 under the leadership of its Supreme Leader Kim Il-Sung.³⁴⁵ In the 1960s and 1970s North Korea was a relatively stable country enjoying Soviet support and economically outperforming South Korea, from which it had split after the Korean War of 1950-1953. In the 1980s, however, Soviet support waned and the planned economy of North Korea started failing, leading Kim Il-Sung to create a personality-cult in order to cling on to political power, further isolating North Korea from the rest of the world. In 1993, North Korea's Minister of Foreign Affairs announced the country's intention to withdraw from the NPT under its article X, which allows a state to leave the treaty if "extraordinary events (...) have jeopardized the supreme interests of its country." In response, the UN Security Council passed resolution 825 (1993), in which it urged North Korea to reconsider. US ambassador Madeleine Albright announced that the US, UK, France, and Russia were also preparing a resolution to impose sanctions on North Korea, to which Pyongyang responded aggressively, threatening that they would regard such actions as 'acts of war', and also threatening to turn Seoul, the capital of South Korea, into a 'sea of fire'.³⁴⁶ Negotiations with the United States however convinced the North Korean's to put their official withdrawal from the NPT on hold in return for US support to replace North Korea's old nuclear plant with modern nuclear plants that made it more difficult to proliferate nuclear weapons.³⁴⁷ Under the Agreed Framework, North Korea would take steps towards implementing the Joint Declaration on the Denuclearization of the Korean Peninsula³⁴⁸, remain party to the NPT, and allow IAEA inspections on its old nuclear sites, among others. In return, the US would normalize relations with North Korea, which had been tense since the 1950s.

In the years following the 1994 Agreed Framework, new nuclear power plants did not materialize, and normalized relations between the US and North Korea emerged only very slowly, leading Pyongyang to pursue strategies not dissimilar from those used by Baghdad under Saddam Hussein. In 2002, when US assistant

³⁴⁵ North Korea joined in 1985

³⁴⁶ Taylor. "Sanctions as Grand Strategy". (2010). Pp. 25-58.

³⁴⁷ Agreed Framework between the United States of America and the Democratic People's Republic of Korea, 21 October 1994.

³⁴⁸ Joint Declaration on the Denuclearization of the Korean Peninsula, 19 February 1992.

Secretary of State James Kelly confronted his North Korean counterparts with intelligence indicating that Pyongyang was secretly developing nuclear weapons, North Korea dismissed the agreement and expelled all IAEA inspectors from the country. On the 10th of January 2003, two months before the US invasion of Iraq, North Korea announced its real withdrawal from the NPT. A military intervention of North Korea along the lines of that in Iraq, whether unilateral or through the United Nations, was not an option. Although the regime of Kim Jung-Il, Kim Il-Sung's son and successor, was named in the same breath with Iraq's Saddam Hussein and Iran's Mahmoud Ahmadinejad as part of George W. Bush's 'Axis of Evil', more geopolitical caution was warranted in the case of North Korea. China has been a traditional ally of North Korea, and although ideological relations between Beijing and Pyongyang have strained as China pursued a strategy of state-capitalism while North Korea stuck to old-fashioned communism, North Korea remains China's "little brother".³⁴⁹

North Korea's 2003 withdrawal from the NPT led the US to pass on the ball to China, eventually leading to negotiations not only between China, North Korea, and the United States, but also including Japan, South Korea, and Russia, creating the Six-Party Talks. Although each party had different secondary objectives vis-à-vis North Korea, the objective that bound all of them was to curb Pyongyang's nuclear ambitions.³⁵⁰ The Six-Party talks were however unsuccessful, and in July 2006 Pyongyang test-launched a series of seven ballistic missiles. Although the long-range Taepodong-2 missile failed after about 40 seconds of flight, it was estimated to be able to reach the West coast of the United States.³⁵¹ The tests clearly offended the members of the Six-Party talks, but since they were not a nuclear proliferation the ensuing UNSCR 1695 represented a half-hearted and ambiguous attempt to impose sanctions on North Korea. Since the resolution invoked neither article 39 (identifying a 'threat to the peace or breach of the peace) nor article 41 (regarding measures short of military force), Russia and China interpreted the requirement to prevent the transfer of missiles or missile-related items, materials, goods, and technology to North Korea as non-binding. Three months later however, when Pyongyang tested a real, albeit small, nuclear weapon on its Punggye-ri nuclear test site, both Russia and China were forced to let go of their secondary objectives vis-à-vis North Korea and strongly condemn the event. UNSCR 1718 of 14 October 2006 expressed the 'gravest concern' at the test, and acting under Chapter VII and article 41 of the Charter, imposed an embargo on military equipment, vehicles, technology, spare-parts, or anything that could

³⁴⁹ Jian, Kim & Smith. "Uneasy Allies: Fifty Years of China-North Korea Relations". (2003). Page 2.

³⁵⁰ De Ceuster & Melissen. "Ending the North Korean Nuclear Crisis". (2008). Page 6.

³⁵¹ McGrath & Wertz. "North Korea's Ballistic Missile Program". (2015). Page 9.

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“contribute to North Korea’s nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs.”³⁵² Sanctions also included an *export* ban on military goods and technology³⁵³, as well as an embargo on luxury goods and asset freezes and travel sanctions on a list of individuals within the regime. In order for the sanctions under the 1718 regime to be lifted, Pyongyang was required to abandon its ballistic missile and nuclear programs, rejoin the NPT, and allow IAEA inspectors into the country to verify its actions.

In the years following the 1718, Pyongyang seemed to be willing to negotiate giving up its nuclear program in exchange for removal from the US State Department’s State Sponsors of Terrorism list. However, negotiations were slow, and when North Korea decided to launch a second Taepodong-2 ballistic missile disguised as a satellite in April 2009 followed a month later by an underground nuclear test, it marked the beginning of a downward path towards further isolation of North Korea and ever-stricter sanctions. UNSCR 1874 of June 2009 further extended the arms embargo to include light arms and training of North Korean military officials, authorized UN member states to inspect North Korean vessels even on the high seas, and imposed financial sanctions on North Korea as a whole, prohibiting any investments, loans, or financial assistance to Pyongyang with the exception of humanitarian and developmental aid.³⁵⁴

Between 2009 and 2016, North Korea conducted further tests, including ballistic missile launches in 2012 and 2016, as well as nuclear tests in 2013 and 2016. As a response, UN sanctions have become even stricter, including a growing list of targeted individuals and entities, a ban on sending bulk-cash to North Korea (UNSCR 2094, 2013), the training of police-forces, and efforts by the Panel of Experts of the Sanctions Committee to shut down front companies and shell companies used by North Korean authorities to access cash, as well as efforts to prohibit not only the training of nuclear scientists, but also teaching or training people in advanced physics, computer simulation, computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, and aeronautical engineering, among others (UNSCR 2270, 2016). While all these measures have indeed further isolated North Korea from the rest of the world, economic relations with China and foreign direct investment from rest of the world seem to continue anyway, keeping Pyongyang and the regime afloat while citizens in the countryside continue to suffer. Kim Jung-Un, who succeeded his father to become the third generation of his family to rule the country in 2011, does not seem willing to open

³⁵² UNSCR 1718 (2006). Paragraph 8.

³⁵³ Charron has recognized this unusual ‘reverse’ sanction as a unique type of arms embargo, akin to the bans on exports of diamonds, minerals, and timber that represented sources of income for rebel groups in African civil wars.

³⁵⁴ UNSCR 1874 (2009). Paragraphs 10-20.

up North Korea or to reestablish the Six-Party Talks or relations with South Korea. China has steadily hardened its diplomatic stance towards its little brother, but is still rather reluctant when it comes to sanctions.³⁵⁵ The end of the 1718 sanctions committee is not in sight.

Iran - Sanctioned

Just like North Korea, Iraq, and South Africa, Iran was a member of the Nuclear Nonproliferation Treaty, ratifying it in 1970 under Mohammed Reza Pahlavi, Iran's last Shah. The Iranian nuclear program, much like that of South Africa and Pakistan, was established in the 1950s with the support of the United States as part of the Atoms for Peace program. After the 1979 Iranian Revolution that brought to power Ayatollah Khomeini and established the Islamic Republic of Iran, the country retained its membership of the Treaty. In 1980 the United States proposed the imposition of UN sanctions against Iran in response to the Iran Hostage Crisis of 1979, in which 52 Americans were held hostage for over a year in the US embassy in Tehran. US Secretary of State Vance urged the members of the Council "to demonstrate that the rule of law has meaning, and that our machinery of peace has practical relevance." The proposal to impose comprehensive economic sanctions, financial sanctions, and diplomatic sanctions did however not pass the Security Council, with the Soviet Union using its veto and China abstaining from the vote.³⁵⁶ The United States discontinued its collaboration with Iran, but its nuclear power program continued to operate.

In response to the 1988 interstate war between Iran and Iraq, both States were subjected to a voluntary ban on products to make chemical weapons (UNSCR 612 and 620, 1988), but as stability returned to Iran in the 1990s the country did not follow the same path as its neighbor. It was only under the presidency of Mahmoud Ahmadinejad, the conservative and religious hardliner that came to power in 2005 that Iran fully reappeared on the international community's radar again as a "rogue state". With his disregard for human rights and openly hostile language towards the West, most notably the United States, Ahmadinejad brought back international attention on Khomeini's 1989 fatwa against British-Indian author Salman Rushdie, as well as his continuous referral to America as "the Great Satan".

In September 2003 the International Atomic Energy Agency Board adopted a resolution regarding "concerns over failures by the Islamic Republic of Iran to report material, facilities, and activities as it was obliged to do pursuant to its safeguards agreement", noting that information and access were at times slow in coming and incremental, and that "some of the information was in contrast to that

³⁵⁵ Taylor. "Sanctions as Grand Strategy". (2010). Pp. 59-100.

³⁵⁶ Charron. "UN Sanctions and Conflict". (2011). Pp. 113-153.

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previously provided”. For example, inspectors found two types of highly enriched uranium at the Natanz nuclear power plant.³⁵⁷ In the following years, IAEA reports were somewhat milder, but after the election of Ahmadinejad the IAEA Resolutions returned to a more serious note, expressing concern about activities at a Uranium Conversion Facility in the city of Esfahan, at which personnel removed the seals on process lines to mislead the inspectors.³⁵⁸

In 2006, when IAEA Director General Mohamed El Baradei lost confidence that Iran’s nuclear program was exclusively for peaceful purposes, the UN Security Council started preparing a draft resolution to impose sanctions. Just two weeks after first sanctioning North Korea for its 2006 nuclear test, the UN Security Council imposed similar sanctions against Iran with UNSCR 1695, albeit voluntary and not under Chapter VII or article 41 of the UN Charter. The subsequent UNSCR 1737 of December 2006 was however much stricter, imposing a mandatory arms embargo, financial sanctions, and travel sanctions, and creating a sanctions committee. The Resolution also included a detailed list of banned items, banned activities, and twelve designated individuals and ten entities whose assets were to be frozen.

Iran’s reaction to the sanctions regime was different from that of North Korea. Whereas Pyongyang was initially persuaded to return to the negotiating table, Tehran’s reaction only further antagonized the IAEA. Ahmadinejad, maintaining that Iran’s nuclear power program served peaceful purposes only, dismissed the major powers as bullies trying to deprive Iran of its legal and natural rights.³⁵⁹ In a 2008 speech, just two days after Russia completed the delivery of nuclear fuel for Iran’s first nuclear power station in the city of Bushehr, he stated that Iran was moving towards the “summit of its nuclear path”, and warned Western leaders that their “mighty palaces would fall through the grace of God.”³⁶⁰ In response, the UN Security Council imposed ever stricter sanctions. UNSCR 1803 (2008) called upon member states to inspect ships and aircraft to and from Iran and urged Iran to continue negotiations with the P5 + Germany, which aimed to persuade Iran to give up its nuclear ambitions and collaborate with IAEA inspections diplomatically. Attempts to combine carrots and sticks however failed, leading to UNSCR 1929 (2010), further tightening the sanctions, including a stricter arms embargo, a ban on investments or acquiring of interests in any type of sector related to Iran’s nuclear program, and a ban on the transfer of technology related to Iran’s ballistic missile program. Furthermore, the call on member states to inspect cargo of Iranian vessels was expanded to include the high seas, and designated individuals

³⁵⁷ IAEA. “Implementation of the NPT Safeguards Agreement in Iran”. (2003).

³⁵⁸ IAEA. “Implementation of the NPT Safeguards Agreement in Iran”. (2005).

³⁵⁹ Whitaker. “Mahmoud Ahmadinejad, the Nuclear Prophet”. (2006).

³⁶⁰ BBC. “Iran Claims Nuclear Power Triumph”. (2008).

listed on the 1737 Sanctions Committee's list were banned from travelling. Perhaps most importantly, the Resolution called upon states to prohibit the opening of branches of Iranian banks in their countries and vice versa, leading the Iranian economy to contract in subsequent years.³⁶¹

The negotiations between Tehran and the P5 + Germany were further complicated by actions of unidentified spies who killed a number of Iranian nuclear scientists in car-bombings between 2010 and 2012, as well as the 2010 Stuxnet computer virus that infected computers within Iran's nuclear facilities. Strict unilateral sanctions by the United States and the European Union don't help either.

In 2012, as US President Barack Obama announced that all elements of American power remained an option to stop Iran's nuclear ambitions, and as Israel warned that time for a diplomatic resolution was running out, threatening to take nuclear action, Iran's stance somewhat softened. In 2013, when Hassan Rouhani is elected President of Iran and phoned with President Obama, representing the first official contact between the heads of those states since the 1979 Iranian revolution, the prospect of returning to normalcy became more realistic. In July 2015 Iran and the P5 + 1 announced a framework deal to restrict Iran's nuclear program and to lift some of the sanctions. The Joint Comprehensive Plan of Action (JCPOA), under which Iran would drastically reduce its stockpile of low-enriched uranium and its number of gas centrifuges, led the Security Council to lift the sanctions on Iran in UNSCR 2231 on the 20th of July 2015.

5.4. Conclusions

There is perhaps no better way to explain geopolitical relations between the Great Powers than through the lens of their actions in the United Nations Security Council. The decisions behind imposing UN Sanctions regimes in response to issues of nuclear proliferators, or rather their ambitions to develop nuclear weapons, are fully in line with the teachings of structural realism. First of all, it is no coincidence that the five permanent members of the Security Council, China, France, Russia, the United Kingdom, and the United States are also the only five original nuclear-weapons states that are legally allowed to have nuclear weapons under the NPT. The institutional configuration of the Security Council is therefore conveniently in line with the distribution of legally possessed nuclear arsenals in the world. Whether this is fair from a moral or legal point of view is only of secondary importance.

³⁶¹ UNSCR 1929 (2010). Paragraphs 21-24.

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That Israel was allowed to upgrade its nuclear power plant at Dimona into a nuclear weapons program can also best be explained through the geopolitical interests of the Great Powers and the regional politics at the time. The fact that Israel had not signed the NPT, making their actions legally clean, was irrelevant, as the later cases of South Africa, Iraq, and Iran would prove. If the Western powers had had different interests in the region, Israel would probably not have acquired the bomb when they did.

India's path towards acquiring nuclear weapons could perhaps have been slowed down, but arguably not avoided due to the country's political weight, essentially making it another Great Power. If the other Great Powers during the Cold War had been able to reach a compromise on India things might have worked out differently, but the alliance between the Soviet Union and India on the one hand and that between China and the US and Pakistan on the other did not allow for this. Even if India's nuclear program before the 1974 launch of Smiling Buddha had been less secretive they would have been able to do what they did.

The case of South Africa is somewhat of an outlier, in the sense that the country was already on the United Nation's radar because of its voluntary sanctions regime in response to its Apartheid policy and its related human rights abuses. Together with Southern Rhodesia South Africa was already in the spotlights when it became clear that de Klerk was developing a nuclear weapons program. Being a long-time ally of both the United States and the United Kingdom, South Africa might have gotten the geopolitical benefit of the doubt as Southern Africa's regional hegemon were it not for Apartheid.

Iraq arguably shows that a State doesn't even have to possess a serious nuclear weapons program to be subjected to UN sanctions. There was no doubt that Iraq's 1990 invasion of Kuwait constituted an act of aggression and thus a "breach of the peace", opening the door for a the UNSCR 661 sanctions regime. Iraq had also clearly proven to breach other international conventions regarding chemical weapons, as witnessed in the 1981 was against Iran as well as the weapons stockpiles controlled by Baghdad. Iraq however had few allies in the Security Council, making it easy to tighten the screws on Saddam Hussein in an attempt to topple his regime and completely dismantle Iraq's WMD program. The fact that Iraq's nuclear capabilities were nowhere near those of Pakistan, North Korea, or Iran, seemed relevant to the IAEA as well as to China, France, Russia and most of the rest of the world, but not to the United States and the United Kingdom. Considering that the WMD's in question were never found, the decision to intervene outside of the UN framework was a high geopolitical price to pay.

Pakistan's nuclear proliferation of 1998 could, and should, have been avoided by the P-5. Although from a legal and moral point of view there was no reason for Pakistan not to follow India's nuclear path, from a structural realist point of view it was highly imprudent to allow for a situation of mutually assured

destruction to emerge on the Indian subcontinent. Beijing's motives to back Islamabad in an attempt to balance against India, as well as the United States support of Musharraf's regime in the fight against Islamic extremism, were understandable, but the threats these interests represented were only minor compared to the prospect of nuclear warfare between India and Pakistan. The fact that Pakistan's development of the bomb indirectly helped North Korea and Iran in developing theirs only adds to this geopolitical miscalculation.

The political history of the Korean peninsula is a geopolitical artefact in itself. The United Nations sanctions regime pursuant to UNSCR 1718 is too. Had the P-5 not learned anything from the nuclear stand-off between India and Pakistan, the position of Russia and more importantly China towards North Korea might have been softer. Had it been up to the United States, the reaction might have been harsher. A military mission akin to that in Iraq is however unthinkable, as China will not allow this type of interference in its direct sphere of influence. Despite the ever-widening ideological gap between Beijing and Pyongyang, UN sanctions will only go as far as China allows.

Finally, Iran, the third state in George W. Bush's 'Axis of Evil' was also not allowed by the P-5 to develop its nuclear weapons program. Just as Pyongyang, Tehran's language towards the United States was openly hostile, and just as in the case of North Korea and Iraq, Iran gave the IAEA inspectors a hard time in trying to verify the peaceful nature of its nuclear program. While it is not clear whether the threats of military action by the United States and Israel were real or a case of nuclear brinkmanship, the pressure exerted by UN sanctions in combination with unilateral sanctions and the threat of further escalation finally brought Iran back into the P5+Germany negotiations. For now, Iran under president Rouhani seems to be steering away from further confrontation, making Israel, India, and Pakistan the only states to have successfully proliferated nuclear weapons without being subjected to UN sanctions. North Korea might be the first and only to proliferate nuclear weapons despite UN sanctions.

Chapter Six

Selective Sanctions and Interstate Conflicts

6.1. Defining the offence

The Uppsala Conflict Database Program (UCDP) defines an armed conflict as a 'contested incompatibility' that concerns government and/or territory where the use of an armed force between two parties, in which at least one of the parties is the government of a state, results in at least 25 'battle related deaths' in one calendar year.³⁶² Interstate conflicts are a subcategory of armed conflicts, along with internal conflicts, extrasystemic conflicts, and internationalized internal conflicts. Interstate conflicts, also known as 'wars of aggression', 'Westphalian wars', or 'traditional wars' are defined by the UCDP as 'conflicts between two or more governments, i.e. parties controlling the capitals of sovereign states.'

Are all offences of interstate wars sanctionable? In theory, all acts of aggression by government or non-government actors against a sovereign state could be considered as violations of international law. For example, the sporadic fighting in the 1980s and 1990 between Nigeria and Cameroon on the Bakassi peninsula, in which small numbers of soldiers were imprisoned and sometimes killed, was by all means a violation of international law, as the International Court of Justice (ICJ) attested in 2002. The same could be said about other minor territorial conflicts such as the Indonesian 'Konfrontasie' against Malaysia in 1963, the Laotian-Thai border war of 1987³⁶³, or Alto Cenapa War between Ecuador and Peru in 1995. Indeed, each of these conflicts represented a violation of state sovereignty and a breach of the peace. However, in none of these cases did the situation turn into a real threat to international security, and in none of these cases were UN sanctions considered or imposed.

Our task is then to establish a definition for a 'sanctionable' interstate conflict. There are two ways of doing so. The first is by using the UCDP's definition of a war. An interstate conflict passes the threshold from 'minor conflict' to 'war' when it has caused at least 1000 deaths in a given year. Additionally, the database also

³⁶² UCDP Battle-Related Deaths Dataset Codebook, version 5.0. (2014).

³⁶³ Although some sources put the casualty rate at 1000+, the UCDP database considers it a minor conflict.

counts cumulative deaths over the course of the conflict, distinguishing between conflicts below 1000 cumulative deaths and that surpass that number. Some conflicts reach this threshold directly in their first calendar year, directly causing them to be labeled as 'wars'. Other conflicts surpass the threshold of 1000 casualties after several years of accumulated deaths.

In the 'Sanctionable Offences Database' all conflicts that surpass a cumulative death-count of 1000 are defined as 'sanctionable'. This definition thus allows for the inclusion of conflicts that are relatively minor in a given calendar year but that persist over time and accumulate more than 1000 deaths. The logic behind applying this definition and not one that focuses more on intensity is threefold. Firstly, longer but less intensive conflicts that accumulate deaths over time are just as deadly as short and intensive wars. At the end of the day it's the amount of deaths that counts. Secondly, long non-intensive wars give the international community more time to design and implement (UN) sanctions cautiously and effectively. Sanctioning intensive conflicts might appear more urgent, but also proves to be more difficult. Thirdly, the inclusion of non-intensive wars does not exclude intensive wars from being analyzed. As a matter of fact, the inclusion of two different types of intensity allows for the use of a dummy variable.

In any case, the design of a dummy variables is of little importance for this chapter on interstate conflicts. Even when we include the interstate wars that were not 'intensive' in any given year but that did accumulate to more than 1000 deaths, the database only presents us with four conflicts since 1990. The only way to say something intelligible about the sanctionability of these conflicts and the extent to which sanctions were actually imposed is through qualitative analysis of these four cases.

6.2. A history of the offence

In contrast with all other cases in the Sanctionable Offences Database (SOD), the offence of traditional interstate wars is one that belongs to the traditional role of the UN as a Westphalian Peacekeeper. The respect for territorial sovereignty of States and the prohibition of waging war on other states is one that finds its origins in 1648 with the peace treaties of Münster and Osnabruck, and finds its philosophical grounds in Kant's preliminary articles for a perpetual peace. Territorial aggression was first institutionalized as a sanctionable offence by Woodrow Wilson with the establishment of the League of Nations.

For a very long time however, there seemed to be no relation whatsoever between the stipulations of the moral laws of Kant and Wilson on the one hand and the actions of States on the other. As Kissinger explained in his book *World Order*, the

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tides of war and peace were not determined by ideas about justice but rather by the balance of power. When the States of Europe were at war with each other it was because they thought they could exploit a weakness of an adversary or because they thought it imminent to balance against an expanding France or Germany. All the major wars in continental Europe since Westphalia attest to this logic. Even when the architects of the League of Nations attempted to turn the doctrine of non-aggression into international law (albeit non-binding) it seemed to have little effect on the behavior of states.

The Uppsala Conflict Data Program (UCDP) and the International Peace Research Institute in Oslo (PRIO) have collected data on different types of conflicts since 1948. It counts 46 interstate conflicts since the end of WWII, 22 of which are defined as 'major conflicts', meaning the accumulated deaths surpass one thousand. Out of these 22 major conflicts, 19 started during the Cold War and 3 started in or after 1990. During the Cold War none of these conflicts were met with UN sanctions, although the UN did send peacekeeping missions and monitors in response to the Arab-Israeli War, the Korean War, the Suez Crisis, and the Six Day War, and was also involved in negotiating peace settlements in various conflicts. For example, after the 1974 Turkish invasion of Cyprus the United Nations was able to adopt, after an initial Veto by Russia³⁶⁴, Resolution 353, which demanded the immediate withdrawal of all foreign military personnel and called upon Greece and Turkey to enter into peace negotiations and established a green line monitored by the United Nations Peacekeeping Force in Cyprus (UNFICYP), which had already been present in Cyprus for a decade.³⁶⁵ However, when Turkey launched a second military offence later that same year, occupying 40% of Cyprus territory and declaring Cyprus as a Federated Turkish State, The UN was unable and unwilling to impose sanctions on Turkey, which had clearly been the aggressor of this episode. The UN General Assembly adopted various Resolutions in order to promote the independence of Cyprus and in order to demand the withdrawal of foreign military forces, but the option of imposing UN sanctions never reached the General Assembly or the Security Council. The United States did impose an arms embargo on both Turkey and Cyprus, and the EU imposed a trade embargo on Northern Cyprus that is still partly in place. Athletes from Northern Cyprus that compete in the Olympics are forced to do so as independent athletes under the Olympic flag.

³⁶⁴ UNSC draft resolution S/11400 (31 July 1974)

³⁶⁵ It is interesting to point out here that the UNFICYP peacekeeping mission was established in response to a civil conflict between Greek and Turkish Cypriots, not an interstate conflict.

Table 12 - Interstate Wars since 1945

Conflict	Years of conflict
	1945-1989
India, Hyderabadh	1948
ISR - EGY, IRQ, JOR, LEB, SYR	1948-1949
China, Taiwan	1949-1950, 1954, 1958
North Korea - South Korea	1949-1953
Hungary - Soviet Union	1956
France, Israel, UK – Egypt (Suez Crisis)	1956
France -Tunisia	1961
China - India	1962, 1967
Israel - Jordan	1967
Ethiopia - Somalia	1964, 1977-1978, 1980
South Vietnam - Vietnam	1965-1975
Israel - Syria	1967, 1973
Egypt - Israel	1967-1973
El Salvador - Honduras (Football War)	1969
China - Vietnam	1974 -1988
Iran - Iraq	1974, 1980-1988
Cyprus - Turkey	1974
Chad - Libya (Toyota War)	1987
Since 1990	
Iraq - Kuwait	1990-1991
India - Pakistan (Kargil War)	1998
Eritrea - Ethiopia	1998-2000
Australia, US, UK - Iraq	2003

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UN Sanctions were thus not imposed on any of the interstate conflicts of the Cold War. In some cases this failure to impose sanctions was logical if one takes into account the players involved. For example, it is only logical that the UN was unable to sanction the 1956 Soviet invasion of Hungary or China's annexation of India's Aksai Chin region in 1962. The former case was vetoed by the Soviet Union, whereas the latter case never even made it to the UNGA.³⁶⁶ Similarly, attempts to deal with interstate conflicts involving Israel were structurally blocked by the United States, and conflicts involving France and the UK in Tunisia and the Falklands were blocked by France and the UK. Some of the other conflicts could however easily have been met with UN sanctions. However, typically the interstate wars that were fought outside of the core interests of the Cold War never made it to the agenda. For example, the 1969 'Football War', in which El Salvador was clearly the aggressor against neighboring Honduras, never made it to the General Assembly. Similarly, the 1977 Somali invasion of the Ogaden region in Ethiopia, the Iraq-Iran war of 1980-1988, and the 1987 'Toyota War' between Libya and Chad, played out largely outside of the framework United Nations, even though there were clear indications that those wars had been started by Somalia, Iraq, and Libya, respectively.

6.3. Offences since 1990

Since 1990 only four sanctionable interstate conflicts have occurred, out of which two were actually sanctioned by the UN. Additionally, in 2008 the UN also sanctioned an minor interstate conflict between Eritrea and Djibouti that is not included in the Sanctionable Offence Database as a sanctionable offence. The small number of sanctionable interstate conflicts is good news for the doctrine of non-aggression, but for the sake of this book it does not allow for a quantitative analysis. I will therefore provide a short description of each of the four sanctionable interstate conflicts, as well as a description of the case of Eritrea-Djibouti. The value for the reader is that each of the five cases discussed in this chapter represents the thesis of this study in general, as well as the historical circumstances in which the UN found itself during each episode. For example, the Iraq-Kuwait case greatly reflects the general sense of euphoria about the renewed role of the UN in the early 1990s. The cases of Eritrea-Ethiopia and Eritrea-Djibouti show us that Africa is historically an easy target of UN sanctions. Finally, the cases of the Kashmir conflict and the US-led invasion of Iraq in 2003 show that the rules

³⁶⁶ The only UNGA cases that concerned China in 1962 regarded its representation by Communist China instead of Taiwan (not adopted), and aid to Chinese refugees in Hong Kong.

regarding sanctionable interstate conflicts do not apply to states that are sufficiently powerful.

Table 13 - Interstate Wars since 1990

Case	Years	UN Sanctions?
Iraq, Kuwait	1990-1991	Yes
India, Pakistan	1948 - Ongoing	No
Eritrea, Ethiopia	1998-2000	Yes
Australia, US, UK, Iraq	2003	No
Eritrea-Djibouti ³⁶⁷	2008	Yes

Iraq-Kuwait (1990-1991, sanctioned)

President Saddam Hussein of Iraq was hoping that the world would be reluctant to act in favour of a small country such as Kuwait. However, the response of the international community was strong. As Kuwait owned about 10% of global oil reserves, and as the occupation of Kuwait might also threaten Saudi Arabia to the South, Iraq was not going to get away with it. France and India, traditional allies of Iraq, condemned the annexation and called for an Iraqi withdrawal. Russia and China, among others, imposed arms embargoes.

Only four days after the invasion of Kuwait UNGA reacted almost unanimously. ‘Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait’, the UNSC installed Resolution 661 (1990). The Resolution mandated the complete isolation of Iraq, blocking all exports from Iraq and all financial and economic resources towards it, except for ‘supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs’.³⁶⁸ The sanctions were accompanied by a military alliance of over 30 states, led by the US and UK, which had stationed soldiers to defend Saudi Arabia and to prepare a military invasion if Iraq did not comply.³⁶⁹

³⁶⁷ Eritrea-Djibouti was not a major interstate war because it produced less than 1000 accumulated deaths, but the UN did impose sanctions.

³⁶⁸ UNSC Resolution 661, paragraph 3C.

³⁶⁹ Snow & Snow. “20th Century Battlefields – Gulf War”. BBC Documentaries (2007).

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The sanctions were effective in isolating and starving Iraq economically. However, US military attacks on factories and infrastructure also contributed to this isolation. As activist Ramsey Clark put it in a speech:

We demonstrated the capacity of technology to cripple a country, without ever setting foot on it. [...] it is important to recognize that because it goes hand in hand with the sanctions. [...] We destroyed every silo for grain or anything else storing food in the whole country. We destroyed all the storage and processing of food plants throughout the country. Even dates, the world's biggest exporter of dates. Famous processing and packaging plants in Bagdad; deliberately destroyed. We didn't want them to be able to feed themselves for a long long time.³⁷⁰

It was estimated that Iraq's GDP decreased by nearly two-thirds in 1991.³⁷¹ Power shortages, sky high inflation, malnutrition, diseases, famine, and premature death of children were all direct consequences of this effectiveness. In 1995 the FAO estimated that over 500.000 children might have died as a result of the sanctions.

Initially the willingness of the international community to form a bloc against injustice, and the consensus among the P-5 in the UNSC, created a sense of euphoria. Some scholars comment that the P-5 had already lived through an informal reapproachment since the late 1980s, with the Security Council proposing a cease-fire and UN observer mission in response to the Iran-Iraq war in 1987 and with Gorbachev calling for the P-5 to become 'guarantors of international security'.³⁷² The UN sanctions regime on Iraq in combination with operation Desert Storm (which was also authorized by the UNSC), thus represented a real breakthrough. Former constraints on UN sanctions and peacekeeping seemed to have disappeared. In the roughly two and a half years after the sanctions on Iraq the UNSC passed 186 Resolutions and launched 15 new peacekeeping operations.³⁷³ All of these operations regarded internal conflicts, however. The next interstate conflict broke out only in 1998.

Ethiopia-Eritrea (1998-2000, sanctioned)

Between 1998 and 2000 Eritrea and Ethiopia, two formerly friendly neighbours, fought a border war about a relatively small stretch of disputed territory, but that turned out to bigger and bloodier than any of the other conflicts that captured the

³⁷⁰ Blangger. "Ramsey Clarck Predicted New Conflict with Iraq". (1993).

³⁷¹ Cortright & Lopez. "*The sanctions decade*". (2000). Page 43.

³⁷² Malone. "The UN Security Council: From the Cold War to the 21st century". (2004).

³⁷³ Idem; page 6

world's attention, such as those in Kosovo or Sierra Leone. The International Crisis Group estimated that between 70.000 and 100.000 people were killed in the war, which has been described as Africa's first 'total war' since WWII. The UNSC eventually imposed an arms embargo on both sides with UNSCR 1298, but only did so at the end of two devastating years of full-scale trench warfare, and mere weeks before the signing of a Peace Agreement. The case of Ethiopia-Eritrea should thus be considered as a failure, not a success.

When Eritrean forces moved across the Ethiopian border into the disputed Badme region in May 1998, constituting an act of international aggression,³⁷⁴ the country of Eritrea had only existed as a sovereign State for 5 years. After having been a UN trust territory under British rule and as federal component of Ethiopia, Eritrea had only won its independence in 1993 thanks to the Eritrean People's Liberation Front's (EPLF) support in toppling the Derg regime under Haile Mariam Mengistu.³⁷⁵ In the aftermath, President Meles Zenawi allowed for Eritrea to vote for independence, which they did overwhelmingly. Many in the Ethiopian administration were however deeply unhappy with Zenawi's decision to grant Eritrea its independence, and by 1998 Ethiopian forces became involved in a series of incidents around Badme, killing several Eritrean officials. When the Eritrean army replied by invading Ethiopia, it marked the start of the war. A month later the conflict had turned into a full scale war, with both sides spending millions of dollars on tanks and military equipment, launching air attacks on strategic ports, and digging long trenches along the common border in preparation for a sustained war. Thousands had already died.

On the 26th of May 1998, just three weeks after the start of the conflict, the UNSC unanimously adopted Resolution 1177, in which the conflict was clearly recognized as an interstate war, and in which the Council demanded an immediate ceasefire. In a subsequent Resolution of February 1999 the Council 'strongly urged all states to end immediately all sales of arms and munitions to Ethiopia and Eritrea'.³⁷⁶ However, by this time both Eritrea and Ethiopia had already spent years arming themselves to the teeth, allegedly spending \$1 billion in the two years leading up to the war. Why did the UN not impose an arms embargo right away? What was keeping them from imposing sanctions under Chapter VII of the UN Charter?

One explanation of the failure to impose sanctions in a time manner is that, even as the Ethiopia-Eritrea conflict was the deadliest in the world at that time, the focus of the international community lay elsewhere. In Africa, the United States was

³⁷⁴ An International Commission in The Hague ruled in 2005 that Eritrea triggered the war when it invaded Ethiopia.

³⁷⁵ Zahorik. "Turbulent Political Developments in the Horn of Africa in the Cold War". (2016). Page 19.

³⁷⁶ UNSCR 1227 (1999)

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much more concerned with the war in Sudan, supporting Sudanese rebels in their fight against Omar al-Bashir's authoritarian government in Khartoum. As a matter of fact, the US did manage swiftly to impose sanctions against Sudan in 1996 in response to the refusal of al-Bashir to extradite the terrorists responsible for the assassination of Egyptian President Hosni Mubarak in 1995. Both Eritrea and Ethiopia supported the US in their campaign against Sudan, so the US happily provided loans to both in the run-up to the war.

Another explanation for the failure to impose an arms embargo seems to be the legacy of the tight sanctions on Iraq, which had inadvertently killed more civilians than the government of Saddam Hussein in their war against Kuwait. The claim of US secretary of state Madeleine Albright that the death of 500,000 children in Iraq as a result of its economic isolation was 'worth it' did not help in improving the reputation of UN sanctions either. When an arms embargo on Ethiopia and Eritrea, two of the world's poorest countries at the time, was proposed, both Russia and France warned against the indirect impact on civilians, pushing for the imposition of an arms embargo with a time-limit of twelve months.³⁷⁷ Unfortunately, by the time this reform was finally pushed through at least 70,000 people had already died and many more displaced. In 2001, twelve months after the imposition of Resolution 1298, the UNSC did indeed lift the arms embargo again. The UN led Eritrea–Ethiopia Boundary Commission finally established that the disputed Badme region is part of Eritrea, but until today it is still controlled by Ethiopia, which has grown into a regional power during the past decade. Despite continuing tensions, the UK has returned to selling arms to Ethiopia. Eritrea is currently subject of another UN arms embargo regarding the support of terrorist groups in Somalia, which will be discussed later in this chapter.

India-Pakistan (Kargil War, 1999)

The 1999 Kargil War between Pakistan and India is in reality part of a larger conflict in the Northern Indian region of Kashmir that has been going on intermittently since the partition of British India into a Hindu-majority India and a Muslim-majority Pakistan in 1947, during which hundreds of thousands died and during which large masses of people were abducted, sexually assaulted, and displaced, creating one of the major humanitarian disasters since WWII. Part of the conflict concerned control of the province of Kashmir and Jammu, a Muslim-majority region that had been granted to India by the last British Viceroy, Lord Louis Mountbatten. In October 1947, only two months after the division and independence of both India and Pakistan, local Muslim tribal forces, supported militarily and logistically by Pakistan, launched an attack on the region, but were unsuccessful in resisting

³⁷⁷ Cortright et al. "Sanctions sans Commitment: An Assessment of UN Arms Embargoes". (2002). Page 7

India's counteroffensive. In 1948 the UN established a Commission for India and Pakistan (UNCIP) and the UNSC called for a cease-fire and called for a withdrawal of troops. Kashmir and Jammu have remained divided since, and also India enjoys the official recognition of the region, the conflict has been an ongoing issue of concern until today.

Although Pakistan was widely regarded as the aggressor in the Kashmir conflict, the geo-political circumstances throughout the Cold War did not allow for consensus within the United Nations during the Cold War. After two centuries of humiliation and imperialism under the British, Gandhi and Nehru were not keen on allying themselves with the West. As India turned towards Soviet Socialism after independence, Britain and the United States responded by supporting the Pakistani side. In 1962 China could get away with annexing a small part of Kashmir's northern region of Aksai Chin in the Sino-Indian border dispute, and during the 1970s and 1980s the Kashmir issue remained unresolved, with Pakistani and Indian soldiers patrolling an agreed-upon Line of Control and occasionally killing soldiers and civilians of the other side.

With the Cold War blockade out of the way in the 1990s and the P-5 members finding it easier to reach consensus on pressing issues, the UN was presented with an opportunity to show more resolve with regard to Kashmir. While Pakistan remained a US-ally in the fight against terrorism in the 1990s, India had also found its way back into friendly relations with the West. In case of another break-out of conflict over Kashmir, the P-5 members could finally afford to look at the matter in a more neutral manner, guided by international law rather than geo-political considerations.

However, when in 1999 Pakistan launched a renewed military effort in the district of Kargil, passing the de facto border line that had been recognized since 1972, the UN was silent. No votes were held about the issue in the UNGA. The Pakistani aggression marked the start of the Kargil War, also known as the fourth Indo-Pakistani war. The war lasted for two months and killed about a thousand people.³⁷⁸ Surely the Kargil war was relatively minor in comparison to other sanctionable interstate wars, but it also presented an obvious opportunity for the UNSC to finally respond decisively to the Kashmir conflict and uphold international law. The imposition of sanctions on Pakistan would have an excellent signal towards this commitment, demonstrating consistency and continuity after Iraq and Ethiopia-Eritrea. The P-5 members all condemned Pakistan's actions. Even China,

³⁷⁸ The UCDP database considers the Kashmir conflict as one large conflict, with the Kargil war just representing an episode of it. Since the conflict in general has killed many thousands over people over time, and since the 1999 Kargil war killed approximately 1000 people, we can include it in the SOD.

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a traditional enemy of India and ally of Pakistan, called for a military withdrawal. Why did the UNSC not even consider the sanctions?

Two explanations seem noteworthy, both of which concern geopolitical interests. For example, India was reluctant to draw too much international attention to the Kashmir conflict. Although India clearly benefited from the international outrage over Pakistan's recklessness in the Kargil War (India's first televised war), they had been against UN interference from the start of the conflict, grudgingly accepting the UNMOGIP monitoring mission of the LOC in 1972. Secondly, and most importantly, Pakistan had just successfully turned itself into the world's 7th state to possess nuclear weapons in 1998 (after the UNSC P-5 members and India, which carried out its first test in 1974). The Kargil conflict was thus the first direct interstate conflict between two nuclear powers, making the Kashmir conflict one of the most dangerous potential conflicts on the planet. Imposing sanctions on Pakistan would have demonstrated the intention to respect international law, but would also certainly have antagonized Pakistan in an extreme, and dangerous, manner. Pervez Musharraf, Pakistan's commander of the army at the time, once asked a British official in the Blair to remind the Indians that it would take Pakistan only eight minutes to 'get the missiles over'.³⁷⁹ Bill Clinton too was convinced that both sides were on the brink of nuclear war.³⁸⁰ The United States did consider imposing unilateral sanctions on Pakistan if they continued with their 'intransigent posture'³⁸¹, but UN sanctions were out of the question.

US, UK, Australia, Poland – Iraq (2003, not sanctioned)

The 2003 invasion of Iraq is a strange case. Although 'Operation Iraqi Freedom' was justified by the coalition of invading forces as a pre-emptive war, the UCDP database identifies it as a war of aggression. By pushing forward the military intervention of Iraq without international consensus and without a mandate of the United Nations, the 'coalition of the willing' did not only damage the image of the United States as a protector of the international order ruled by international institutions and respect for international law, but it also laid bare once again one of the fundamental weaknesses of the UN as an institution.

The idea to 'do something' about Iraq and Saddam Hussein's regime had been lingering in the minds of US policy makers for some time. In the aftermath of the 1991 Gulf War and the harsh UN economic sanctions that crippled Iraq's economy and led hundreds of thousands to starve to death, the Iraqi regime still seemed to have the ambition to expand and upgrade its stockpiles of biological and chemical

³⁷⁹ Watt. "Pakistan Boasted of Nuclear Strike on India within Eight seconds." (2012).

³⁸⁰ Branch. "*The Clinton Tapes – Conversations with a President, 1993-2001*". (2010).

³⁸¹ Tellis et al. "Limited Conflicts Under the Nuclear Umbrella". (2001).

weapons. Indeed Iraq had on various occasions denied access to the United Nations Special Commission on Iraq (UNSCOM) that inspected for weapons of mass destruction, indicating a violation of various UNSC Resolutions. Already in 1998, the US congress under Bill Clinton approved the 'Iraq Liberation Act', which stated that Iraq had committed various violations of international law and had ignored UNSC Resolutions. The Act's expressly stated purpose was that "it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq."³⁸² Just two months later, in December 1998, the United States in coordination with the United Kingdom started aerial attacks on Iraq in 'Operation Desert Fox'. 1400 people died in 4 days of bombing.

The UN Security Council was livid. The bombings had taken place without the approval of the Council. The US and UK had tried to legitimize the bombing on the basis of an UNSCOM report, but as Russian representative Lavrov said, the Executive Chairman of UNSCOM, Richard Butler, had 'grossly abused his authority'³⁸³ and had presented a distorted picture of what was going on in Iraq. The Chinese delegate said there was no reason for the use of force against Iraq. The US and UK had acted independently on behalf of the United Nations, without even putting the attack to a vote. It was a sign of things to come.

In the aftermath of the 9/11 terrorist attacks on the United States, the Bush administration was eager to include Iraq in the wider 'war on terror.' After the International Security Assistance Force (ISAF) military invasion of Afghanistan, which was not put to a vote in the UNSC and was only legitimized by the UN in 2003, Iraq was to be next. Members of the Bush administration, including President Bush himself, had already been pushing for another military intervention in Iraq since 2001, trying to link Saddam Hussein to Al-Qaeda and arguing that Iraq's stockpile of chemical and biological weapons asked for the authorization of a pre-emptive strike. The UN Security Council did however not approve of the 'Bush-Doctrine', with France and Germany proposing a compromise of renewed UN sanctions and stricter UN monitoring of Iraq's weapons programme. UNSCR 1441 promised that non-compliance would have "serious consequences" for Iraq, but also that a failure to comply would not automatically legitimize military action.

When US Secretary of State Colin Powell addressed the UN General Assembly in February 2003, presenting (later proven incorrect) evidence of Iraq's weapons of mass destruction programme and Saddam Hussein's links to Al-Qaeda, it seemed as if UN approval of a military intervention was within reach, with the UK, Poland, Italy, Denmark, Japan, Spain, and Australia proposing a Resolution. However, as the resolution encountered resistance from many countries, most importantly P-5

³⁸² Iraq Liberation Act of 1998; Public Law 105-338—Oct. 31, 1998, Section 3

³⁸³ UN Press Release SC/6611; 16 December 1998

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members France and Russia, it never came to a vote. At this time the United States took what has perhaps been the biggest stab to the legitimacy of the UN in history. George W. Bush announced in a televised speech that:

“The United Nations Security Council had not lived up to its responsibilities, so we will rise to ours. Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict, commenced at a time of our choosing”.³⁸⁴

As the ‘coalition of the willing’ prepared for an attack outside of the UN framework, popular demonstrations broke out all over the globe, with tens of millions of people in more than 600 cities participating. It did not help.

The failure of the United Nations to deal with the Iraq crisis is does not only teach us that major powers can enjoy the luxury of disregarding international law and acting without UN approval; it also shows that they can do so without being punished for it. Even if Operation Iraqi Freedom can only be identified as an act of aggression, and thus a ‘sanctionable offence’, it is of course unthinkable that the UN would impose sanctions on the aggressors, most importantly the United States and the United Kingdom, both P-5 members. Not a single country seems to have proposed even unilateral sanctions against the US or UK in response to the Iraq intervention. Once again, the United Nations proved very well when sparrows shout, but no good at all when eagles fall out.

Eritrea – Djibouti (2008, Sanctioned)

Just like Eritrea’s 1998-2000 border war with Ethiopia was sanctioned after the conflict had already come to an end, so did the UNSC impose sanctions on Eritrea over its aggression against neighbouring Djibouti only 18 months after the breakout of the conflict. In fact, it can be argued that the 2008 border war at Ras Doumeira, with only about a hundred casualties, was not the real reason for the imposition of sanctions, but rather a pretext to constrain Eritrea’s support to Al-Shabaab and other groups that were destabilizing Somalia.

The Ras Doumeira peninsula that marks no more than one kilometre of border between Eritrea and Djibouti has been a source of conflict since the colonial era, during which the Northern, Eritrean side of the hills belonged to Italy’s Eritrean colony, while the Southern, Djiboutian side belonged to what was then called French Somaliland. As the peninsula was nothing more than a few barren hills, the border never needed precise settling, eventually leading to tensions between Eritrea and Djibouti after Eritrea had become independent from Ethiopia. In the

³⁸⁴ Bush. “Address to the Nation”. 17th of March 2013.

spring of 2008 Eritrea started digging trenches alongside the border, and in June tensions exploded into a four day conflict, killing a claimed 100 Djibouti and less than 50 Eritreans. In the aftermath of the conflict Eritrea refused to withdraw its troops and refused to allow a UN fact finding mission to enter the country. UNSC Resolution 1826, 'urging a dialogue' between the parties did not exert any influence. When the UNSC finally adopted Resolution 1907, imposing an arms embargo on Eritrea and asset freezes and travel bans on several government officials, eighteen months had passed. Eritrea did eventually pull its troops in 2010, but this achievement should rather be credited to the government of Qatar, which acted as a mediator in the conflict and finally managed to establish a Qatari monitoring mission on the Ras Doumeira peninsula and the nearby island. The UN sanctions on Eritrea have not been lifted yet.

Why did the United Nations impose sanctions only in 2009? And why are they still in place? The answer lies with the fact that Eritrea was in reality sanctioned for another offence, namely that of destabilizing neighbouring Somalia by supporting and harbouring fighters of the 'Mujahedeen Youth Front', a terrorist group based in East Africa better known as Al-Shabaab. UNSCR 1907 specified that the embargo on Eritrea was not only a response to the Ras Doumeira border conflict, but also recalled its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia. Eritrea was thought to be engaged in such matters. It was sanctioned even before Al-Shabaab itself, which only happened in 2010.

Resolution 1907 also extended the mandate of the United Nations Monitoring Group (UNMG). This group was initially created in 2002 to monitor events within Somalia, but since Eritrea played a destabilizing role the UNMG also received a mandate to monitor Eritrea's compliance with the new set of sanctions. A 2012 report by the Monitoring Group did not only confirm Eritrean support for groups in Somalia, but also for rebel groups in Ethiopia and occurrences of human trafficking from Eritrea to Israel through Sudan and Egypt.³⁸⁵ In recent years the representatives of Russia and China have called for a lifting of the sanctions on Eritrea, as the Monitoring Group has not been able to present any evidence of Eritrean support for Al-Shabaab. Russian representative Ilichev talked about "intrusive provisions that undermined national sovereignty."³⁸⁶ The British and American representatives have however argued that finding more evidence has been impossible since 2011 because the Monitoring Group has been denied

³⁸⁵ UN Monitoring Group Report S/21012/545, 13 July 2012

³⁸⁶ Security Council Meeting SC/12094, 23 October 2015

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access to Eritrea for years. The sanctions on Eritrea remain in place today and form one of the keys to rebuilding the Somalian State.

The UN sanctions regime on Eritrea shows that even though 2008 the border conflict with Djibouti cannot be considered as a sanctionable offence in itself, political opportunism can still lead to the imposition of sanctions if the P-5 members deem it convenient. Eritrea is clearly a sanctions spoiler, and clearly constitutes an obstacle to achieving peace and stability in Somalia. Eritrea is also not the only country that has been sanctioned as a result of a failure to comply with UN sanctions regimes in neighbouring countries. Still, there seems to be something aching when a sanction is imposed eighteen months after a minor border conflict. The sanctions would have been more convincing if the Ras Doumeira conflict had been left out of the equation, leaving no room for ambiguity about the nature of the true defence. As we will see in the next chapter, imposing UN sanctions in response to civil conflicts and government and non-government groups that act as sanctions spoilers has become perfectly legitimate as part of the R2P doctrine. That is, of course, if the sanctions are politically convenient.

6.4. Conclusions

The track record of UN sanctions in response to interstate conflicts reveals a logic that is not dissimilar to that of nuclear proliferation. Wars of aggression do not only present a threat to the peace in terms of international law and humanitarian suffering, but also in the sense that they threaten the international system of sovereign states as such. Border wars, like nuclear proliferation, are high-stakes issues, and as such require UN sanctions to act accordingly. However, precisely because of the high stakes involved, they also ask for geopolitical caution.

Initially there was great optimism about the role of sanctions in the 1990s. After decades of Cold War deadlock, the aggression of Iraq against Kuwait and the decisive action of the UNSC to impose comprehensive economic sanctions shaped a hopeful precedent for future cases. Despite the criticism on the humanitarian consequences of the UNSCR 661 regime, it was clear that interstate conflicts would not be tolerated anymore in the post-Cold War era.

The late UN sanctions in response to the war between Ethiopia and Eritrea reveals a more realist truth. The UNSCR 1298 regime shows that when an interstate conflict occurs between two countries of little geo-political importance, sanctions risk the chance of being imposed after all the harm has already been done.

The realist truth of UN sanctions in response to interstate wars becomes even clearer with the Kargil War between Pakistan and India. It reveals the hard truth that even when there is a clear aggressor, if that aggressor happens to possess

nuclear weapons it is sometimes better to practice geo-political prudence and not to antagonize it by imposing sanctions. An idealist might see this as a loss for international law and a blow to the UNSC's credibility, but the UNSC's actions in response to the Kargil War teach us that they considered it a loss worth taking. As we will see in upcoming chapters, stronger states tend to stay out of the reach of the UNSC; State power matters. The best exhibit to the argument that state power matters when it comes to UN sanctions is undoubtedly the US invasion of Iraq in 2003. P-5 members can not only afford to intervene military without explicit consent from the United Nations Security Council, thereby committing an act of international aggression, but they can also do so without being sanctioned for it.

The realist logic that allows powerful states to get away with acts of international aggression applies inversely to small states. When Eritrea fought a border war with Ethiopia that resulted in at least 70.000 casualties, sanctions were only imposed after the fact. However, when a much smaller conflict broke out with Djibouti, killing less than 150, the UNSC regarded it as an ad hoc legitimization to impose sanctions that were in reality about something else. This is a logic that we will also find again in following chapters, most notably with regard to the 2012 coup d'état in Guinea Bissau and the 2011 civil war in Mali.

Chapter Seven

Sanctionable Offence Three: Civil War

The United Nations Security Council has imposed sanctions in response to a total of twenty three civil wars since 1990. Although there has been some criticism on sanctions regarding their effectiveness as tools of coercion and their unintended consequences, UN sanctions regimes since 1990 are generally considered to be progressively successful in signaling violations of international norms and coercing targets towards compliance. However, the Sanctionable Offences Database (SOD) that forms the backbone of this thesis shows that in fact there have been fifty eight civil wars in which the Security Council could, some would even say should, have responded with sanctions. Considered as such, twenty three out of fifty eight doesn't sound very impressive at all.

What is the logic behind sanctioning civil wars? How did the idea of imposing UN sanctions in response to civil wars come into being in the first place? And most importantly, were all the fifty eight 'sanctionable civil wars' since 1990 really equally sanctionable? Or were some conflicts truly more eligible for UN sanctions than others, for example because they were much bloodier, lengthier, or a larger threat to state collapse? And if there is no convincing evidence that the sanctioned conflicts were more 'sanctionable' than the non-sanctioned conflicts, could be that the explanation lies with the 'senders' rather than the 'receivers'? And if so, who is to blame?

This chapter shows that although the record of twenty three out of fifty eight can surely be seen as an indicator of progress in dealing with many of the most bloody and serious internal conflicts, UN sanctions have been, and will remain, tools of politics. The seriousness of the offence matters, but the fact that several serious civil wars have remained unsanctioned shows that it also matters who you are. Even unilateral sanctions by the EU and US on conflicts that were left unsanctioned in the UNSC can't always escape this reality.

7.1. Defining the offence

The Uppsala Conflict Database Program (UCDP) calls civil wars "internal armed conflicts" defining them as as "armed conflicts that occur between the government

of a state and one or more internal opposition group(s) without intervention from other states".³⁸⁷ If an internal armed conflict also includes the intervention from other states (secondary parties), it is defined as an internationalized internal armed conflict. For example, the 1998 conflict between Serbia and Kosovo is identified as an internal conflict because Kosovo was at that point considered an integral part of Serbia, and it is identified as internationalized because of the foreign interference of NATO. In the Sanctionable Offences Dataset, internal armed conflicts are defined as those conflicts in the UCDP encyclopedia that have produced a minimum of a thousand accumulated deaths since 1990. Based on the limitations and definitions described in chapter 4, the UCDP database provides comprehensive data on conflict casualties between 1945 and 2015, as well as an interactive 'conflict encyclopedia' that visualizes conflict deaths geographically since 1989. All data on conflict deaths and conflict length is taken from this database. It recognizes a total of sixty three internal conflicts since 1989 that produced a minimum of a thousand casualties throughout the conflict. Fifty eight of these conflicts produced at least a thousand deaths since 1990. These conflicts are recognized by the SOD as 'sanctionable'.³⁸⁸

Why the threshold of 1000 deaths? Firstly, this threshold is methodologically convenient as it is in line with the UDCP distinction between 'minor conflicts' and 'wars'. Secondly, the SOD database shows us that the UN has indeed imposed sanctions in response to conflicts that just surpassed the 1000 deaths threshold, such as in the case of Mali (2012), where the accumulated deaths had just surpassed 1500 by the time sanctions were imposed, or as in the case of Ivory Coast (2004), where the casualty count had not reached 2000 yet. The threshold of 1000 deaths is therefore also in line with reality. This is of course not to say that conflicts that did not reach the threshold did not constitute local political and personal dramas for the people involved in them. As a matter of fact, besides the 58 civil wars that took occurred since 1990 there UCDP counts another 95 minor conflicts in which over 26.000 people died.³⁸⁹ None of these conflicts however constituted a threat to the peace or international security, and they are therefore not considered as sanctionable offences.

7.2. A History of the Offence

³⁸⁷ UCDP Battle-Related Deaths Dataset Codebook, version 5.0, June 2014.

³⁸⁸ The conflicts in Guatemala, el Salvador, Ethiopia (EPRDF), Ethiopia (ELF, EPLF), and Bangladesh (Chittatong) all ended in 1990 and 1991, and are therefore not considered as sanctionable under the 1992 Agenda for Peace mandate.

³⁸⁹ According to the UCDP dataset, conflicts that accumulated between 25 and 999 deaths are considered minor conflicts.

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Civil wars are of all times. From the Medieval Europe to the Chinese Ming dynasty, and from African pre-colonial kingdoms to the Aztec Empire, people have fought over the control of political units and against corrupted, violent, and oppressive governments and tyrants. The civil wars discussed in this chapter however begin with the establishment of modern states. The British civil war, the French revolution, and the American Civil war show us that many successful modern states were home to civil conflicts, and were to a certain extent founded on civil conflict. As sociologist Charles Tilly put it, “war made the state, and the state made war”.³⁹⁰

In the aftermath of World War I and World War II the international community was clearly more pre-occupied with the prevention of new interstate conflicts and preventing a World War III from breaking out than with internal conflicts. As a matter of fact, the design of both the League of Nations and the United Nations provided for legitimate interventions and sanctions in response to wars of aggression, but most certainly not in response to internal conflicts. Indeed, neither of the organizations dealt with internal conflicts during the 1920-1990 period, with the exception of sending UN observer missions in response to the Lebanon Crisis (1958), the Yemeni Civil War (1963-64), and a verification mission to the Angolan Civil War (1989-91). Sending UN soldiers or imposing sanctions was however unthinkable, as it would breach the doctrine of state sovereignty, which was highly respected in the United Nations during the Cold War. As Jeremy Farrall explains on the role of traditional UN peacekeeping:

“The idea [...] that the Council might initiate action to promote democracy or build the rule of law would have seemed not only fanciful, but highly dangerous. For what happened within the boundaries of a state was considered to be the business of that state and that state alone.”³⁹¹

Of course this doesn't mean that there were no civil conflicts during the Cold War, or that the belligerents of the Cold War did not interfere in civil wars across the world. To the contrary, both the Soviet Union and the United States were heavily involved in civil conflicts throughout Asia, Africa, and Latin America, supporting governments or rebel movements economically and militarily, and at times even putting boots on the ground, such as in Korea, Vietnam, Cambodia, and Angola.³⁹²

³⁹⁰ Tilly. “The Formation of States in Western Europe” (1975). Page 42.

³⁹¹ Farral. “The Role of the UN Security Council”. (2010).

³⁹² In the cases of Korea, Vietnam and Cambodia troops were sent by the US. In the case of Angola troops came from Cuba. The Soviet Union itself tended to send military advisors, but not soldiers.

Although many of these conflicts led to international outcries about civilian casualties, refugee streams, genocide, and other human atrocities, many conflicts were either framed as ideological battlegrounds between socialists and capitalists, or were simply regarded as humanitarian disasters. None of them was however considered as a 'threat to the peace' or a 'breach of the peace', and UN intervention or the imposition of sanctions was never an option.

During the 1945-1990 period, the UCDP dataset counts 66 civil conflicts, 34 of which continued into the 1990s. That's an average of some 15 civil wars per decade. These conflicts were typically bloodier than those of the post-Cold War era. Although accurate death counts on Cold War conflicts are even harder to find than statistics on casualties in conflicts since 1990, academics generally agree on the fact that wars have become less deadly since the end of World War II, and also when one takes a longer perspective.³⁹³ For example, although the Rwanda genocide is typically regarded as the deadliest civil conflict since World War II with over half a million victims, the Chinese civil war of 1946-1949 killed perhaps ten times that number. Similarly, the conflict that ensued after the partition of India in 1947 also killed anywhere between 200.000 and 2 million people. The Vietnam War (1955-75), which would be defined by the Uppsala Conflict Data Program as an internationalized internal conflict, produced anywhere between 1.5 million and 3.8 million deaths.

When UN Secretary General Boutros Ghali presented his agenda for peace in 1992, promoting a new and more active role for the UN Security Council and for preventive diplomacy, peace keeping, and peace building, the deadliness of civil wars had already declined substantially. The first 'internal' conflict that had been responded to with a UN arms embargo, that on the Federal Republic of Yugoslavia (Serbia, 1991), had produced just over 3.000 deaths.³⁹⁴ This places the conflict among the less deadly ones to receive UN sanctions.

The early 1990s did see a clear spike in the *number* of civil conflicts that broke out, 42 but almost all of these conflicts were very minor conflicts at the time. By the time Boutros Ghali presented his Agenda for Peace, ten new internal conflicts had already broken out,³⁹⁵ eight of which were still minor conflicts at the time because they had produced less than 1000 accumulated deaths. The only new conflicts that had surpassed the 1000 deaths threshold were those in Rwanda, which had

³⁹³ For example see Pinker. "*The Better Angels of our Nature*". (2011); Roser. "War and Peace". (2016).

³⁹⁴ Although some sources mention much higher numbers, the UCDP encyclopedia that is used in this thesis, the conflict between Serbia and Croatia produced 3060 casualties in 1991.

³⁹⁵ Pakistan – Insurgent Groups, Indonesia: Aceh, Israel – Hezbollah, India: Assam, Senegal: Casamance, India – Kashmir Insurgents, Rwanda – Insurgent Groups, Algeria – Insurgent Groups, Azerbaijan: Nagorno-Karabakh, FRY: Croatia.

produced an estimated 3700 deaths by the end of 1991, and indeed the Federal Republic of Yugoslavia.

7.3. The first sanctioned civil war – The Federal Republic of Yugoslavia

The United Nations sanctions on the Federal Republic of Yugoslavia (FRY) are symbolic in several ways. First, they represent the strategical and ideological shift from sanctioning interstate conflicts to internal conflicts in the sense that the Yugoslav conflict of the early 1990s was a type of hybrid conflict, characterized by some as a series of internal secessionist conflicts within the FRY, and by others as a set of interrelated interstate wars between formerly federated, but internationally recognized separate states, most notably Croatia, Bosnia-Herzegovina, Kosovo, and the FRY (Serbia and Montenegro).³⁹⁶ Second, the conflict is also symbolic because it represented a threat to the peace in the very region that ignited World War I, after which the League of Nations was established, and after which, ironically, the state of Yugoslavia first came into existence. Third, the lessons learned from sanctioning the FRY contributed to the shift towards smart sanctions in the 2000s.

Since the beginning Yugoslavia was a troublesome marriage of convenience between Croat and Slovenian “Yugoslavists” on the one hand and Serbian Nationalists on the other. Finding each other in the aftermath of WWI, with Croatia and Slovenia freeing themselves from the Austria-Hungarians and with the Serbian Kingdom completing their final steps out of the influence of the Ottomans, the newly formed Kingdom of Serbs, Croats, and Slovenians (later renamed Kingdom of Yugoslavia) was troubled from the start.³⁹⁷ The 1948 change towards the ‘Socialist Federal Republic of Yugoslavia’ under Josip Broz (Tito) for a while seemed to diminish ethnic rivalries during the economically successful 1960s and 1970s, but as economic growth dwindled and unemployment rose in the post-Tito 1980s the richer republics of Croatia and Slovenia became less willing to pay for Federal expenditures, especially as they were increasingly misspent, in their eyes, in the late 1980s. In the Republic of Kosovo the grievances of ethnic Albanians resurged, challenging Serbia’s regime under Slobodan Milosevic through 1989 and 1990. Throughout 1990 both the Croatian and Slovenian Republic increasingly distanced themselves from the Yugoslavian Federal Republic. Initially many

³⁹⁶ All the conflicts started with a claim of independence, although the official independence and international recognition occurred during or after the conflicts. Especially the case of Bosnia-Herzegovina is normally recognized as an interstate conflict between the two sovereign states of Serbia-Montenegro and Bosnia-Herzegovina.

³⁹⁷ Cohen. “*Broken Bonds*”. (1995).

Croats and Slovenes expressed a preference for a confederal state with multi-party elections, but as negotiations deteriorated the option of secession became more imminent. On the 25th of June both Slovenia and Croatia declared their independence,³⁹⁸ leading the Serb-dominated government to start internal armed conflicts in both cases.

In the case of Slovenia, the so-called 'Weekend War' only lasted for ten days and produced less than a hundred casualties until the signing of the Brioni Accords on the 7th of July, which suspended the official independence until December of that year. In the case of Croatia, the Brioni agreement suspended official independence until the 8th of October. In the meantime, the death toll surpassed 3000 over the course of just a few months, although some sources claim numbers of over 10.000 deaths³⁹⁹, most notably in the regions of Dalmatia and Eastern Slavonia.

The UNSC imposed an arms embargo on the FRY on the 25th of September of 1991 with UNSCR 713, when the hostilities between Serbs and Croats had turned into a full-scale war. Unilateral sanctions by the US and EU were already in place since July 1991. The Resolution, sponsored by France and Austria, was first confronted with a Chinese attempt to block the sanctions because it would constitute a breach of Yugoslavian sovereignty, but the block was lifted because the Serbian representative himself welcomed the resolution. The Serbs knew that although the embargo was politically directed against them, it was precisely the Serbs that were relatively unaffected by the embargo as they were in control of the Yugoslav National Army (JNA), which had plenty of weapons and ammunition stockpiles. Indeed the UN embargo has been recognized as being ineffective in stopping the Serbs in Croatia from fighting, while being counterproductive for the Croats, who were supposed to be protected by the sanctions.⁴⁰⁰

As one conflict came to an impasse, the next was about to start. While the conflict between Serbia and Croatia came to an impasse with a peace agreement that was signed in Sarajevo on the 2nd of January 1992 and that allowed for a UN peace force (the Vance plan), Muslim and Croat politicians in the very same city were preparing for the secession of Bosnia-Herzegovina. Already in December the Bosnian government under Alija Izetbegovic had formally applied for recognition at the EC. A subsequent referendum in February, in which Muslims and Croats overwhelmingly voted in favor of independence and in which the Serbs felt that they had lost an integral part of their heritage, sealed the deal. However, Izetbegovic knew that he had also made new bloodshed inevitable.⁴⁰¹ The official

³⁹⁸ Otiñano & Bermejo. "*Los Conflictos de los Balcanes*". (2007). Page 185.

³⁹⁹ Cohen. "*Broken Bonds*". (1995). Page 230.

⁴⁰⁰ The Graduate Institute Geneva. "UN Targeted Sanctions Qualitative Database". 2014.

⁴⁰¹ Cohen: "*Broken Bonds*". (1995).

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recognition of Bosnia-Herzegovina as a sovereign State by the EU and US in April 1992 did not help in avoiding renewed Serbian aggression either.

The conflict in Bosnia-Herzegovina was much bloodier than those in Croatia and Slovenia. The ethnic mix of Muslims (42%) Serbs (31%), Croats (17%) and Yugoslavs (6%) that had for many decades lived peacefully within the Yugoslav borders turned into a conflict of intercommunal hatred and unsettled accounts between neighboring families and communities. With the effective monopoly on legitimate violence gone, the Bosnian conflict represents what Mary Kaldor has recognized as a typical case study of a 'New War'. Bosnia had no official army, so the militants that fought in the Army of Bosnia-Herzegovina (ABiH) was in reality a motley crew of paramilitary bands, gangsters, and self-defense forces, almost half of which were not armed. Besides the Bosnian Serb Army (BSA) and the Croatian Defense Council (HVO), which were both better organized because they received support from Serbia's JSA and Croatia, respectively, the UN Commission of Experts identified another 83 paramilitary groups.⁴⁰²

According to the UCDP database the conflict in Bosnia-Herzegovina produced approximately 26.000 deaths between 1992 and 1995, although other estimates put the death-toll at 100.000 or higher. Paramilitary groups were responsible for many of the atrocities that occurred, including mass executions, rape, and torture. Hundreds of thousands of people were displaced. Census statistics show that by 1995 Croats and Muslims had almost completely disappeared from Northern Bosnia-Herzegovina, whereas the region of Bihac had been practically cleansed of Serbians.

In response to the Bosnian conflict, the UNSC extended the sanctions on Yugoslavia and imposed comprehensive trade sanctions on Serbia and Montenegro with UNSCR 757 of 30 May 1992. The Resolution had been drafted by Belgium, France, Hungary, Morocco, the United Kingdom, and the United States, with abstentions from China and Zimbabwe. The objective of the sanctions was not only to signal that the atrocities in Bosnia presented a breach of the peace, but also to coerce the Serbs to stop fighting and to end Serbian 'outside interference' in what the UN described as an internal conflict in Bosnia. In other words, strictly spoken the Security Council did not impose any sanctions on the fighting parties within the newly formed state of Bosnia-Herzegovina, but rather on a secondary party (Serbia and Montenegro) in an 'internationalized internal conflict.'⁴⁰³ Subsequent to Resolution 757, the Security Council adopted extra Resolutions to freeze financial assets of the Yugoslav government and to limit the

⁴⁰² Kaldor. "New and Old Wars". (2012). Chapter 3.

⁴⁰³ It is worth noting that many authors have defined the conflict between Serbia and Montenegro against Bosnia-Herzegovina as an interstate conflict. The UCDP database recognizes it as an intrastate conflict within Bosnia-Herzegovina, with Serbia as a secondary intervening party.

transshipment of goods through Yugoslavia (UNSCR 820, 1993) and later to shift some of the restrictions towards Serbs in Bosnia while easing sanctions on Serbia itself as a reward for Milosevic's agreement to limit external involvement in the conflict (UNSCR 942 and 943, 1994).

Whereas the role of the international community in general in Bosnia-Herzegovina has been largely regarded as a failure, the sanctions have been described relatively effective in terms of their implementation as well as a negotiating tool to limit Serbia's involvement in Bosnia-Herzegovina.⁴⁰⁴ The main criticism has been that, just as in Iraq, the trade sanctions had significant unintended consequences for civilians. The Serbian economy collapsed in 1992 and 1993, with real income and industrial production dropping to half of their pre-war numbers. The Yugoslav currency (dinar) completely lost its value, and Yugoslavia suffered the largest humanitarian crisis in Europe since WWII, with hundreds of thousands of people depending on humanitarian aid as a result of the trade embargo. To what the sanctions on Yugoslavia were successful will remain a topic of debate.

The question that this thesis attempts to answer is however not whether the sanctions regimes in response to civil conflict were effective, but whether the conflicts at hand were indeed the biggest threats to the peace of the early 1990s? Indeed the war in Bosnia created a huge amount of international outrage. Occurring on the border of the European Union, it was without a doubt the single biggest threat to stability in the West, and by far the conflict that received most coverage in the media. But as UN Secretary General Boutros Ghali, rather crudely, pointed out in a speech in Sarajevo in December 1992, 'I understand your frustration buy you have a situation that is better than ten other places in the world I can give you a list.'⁴⁰⁵

7.4. UN Sanctions and Humanitarian Concerns

The list that Boutros Ghali had in mind at that event in Sarajevo at the end of 1992 arguably included conflicts in Afghanistan, Angola, Azerbaijan (Nagorno-Karabakh), Colombia, Liberia, Mozambique, Myanmar, Peru, the Philippines, Tajikistan, Somalia, Sri-Lanka, and Sudan, all of which were conflicts that had produced many thousands of deaths in the years prior, and some of which had been unresolved for many years.⁴⁰⁶

⁴⁰⁴ Cortright & Lopez. *"The Sanctions Decade"*. (2000).

⁴⁰⁵ Quoted in Rieff. *"Slaughter House: Bosnia and the Failure of the West"* (1995). Page 24.

⁴⁰⁶ He might have also had in mind the interstate conflicts of Iraq-Kuwait and India-Pakistan, but these are left out this equation because they are not civil wars.

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After the UNSCRs 713 (1991) and 757 (1992) many UN sanctions regimes followed to deal with other civil wars of the 1990s, most notably Somalia, Cambodia, Liberia, Angola, and Sierra Leone, all of which suffered grave humanitarian crises as well as conditions of state failure, destabilizing the region and at times providing breeding grounds for terrorist groups or narco-traffickers. In several of the conflicts child soldiers were recruited, for example to fight in the ranks of the UNITA rebel movement in Angola, or for the Khmer Rouge in Cambodia. The experiences of these sanctions regimes taught the respective sanctions committees how to make arms embargoes more effective, how to mitigate unintended consequences for innocent civilians, and how to use commodity sanctions and asset freezes to undermine the financial flows of rebel groups and other spoilers.

However, of the fourteen conflicts mentioned above that Boutros Ghali might have had in mind in 1992, only those in Angola (UNSCR 864, 1993), Bosnia-Herzegovina (UNSCR 757, 1992), Liberia (UNSCR 788, 1992) and Somalia (UNSCR 733, 1992) received UN arms embargoes in the years directly following them. Afghanistan and Sudan did eventually become subject to UN sanctions regimes, but only many years later and in relation with terrorism (see chapter 8), not in response to civil conflict. Sudan was also sanctioned in 2005 in response to the civil conflict in the region of Darfur, but by this time tens of thousands of people had already died in a long list of conflicts between the government and armed groups, most notably the Sudan's People Liberation Front (SPLM). In the remaining conflicts on Boutros Ghali's hypothetical list of 1992 (Azerbaijan, Colombia, Myanmar, Peru, Philippines, Tajikistan, and Sri-Lanka), UN sanctions were never imposed.

To be sure, the track record of UN sanctions has improved over time. One of the most influential books on UN sanctions dubbed the 1990s as the 'sanctions decade',⁴⁰⁷ but in reality this title befits the 2000s much better than the 1990s. Of the twenty two civil conflicts that broke out in the 1990s, only seven received UN sanctions. In contrast, out of the fourteen civil wars that broke out since 2000, nine have been met with UN sanctions.

⁴⁰⁷Cortright & Lopez. "The Sanctions Decade". (2000).

Table 14 - Civil wars since 1990 – in order of deadliness

Case Code UCDP	Conflict Nickname	Offence Years	Battle Deaths since 1990	UN Sanctions
179	Rwanda Civil War	1993-1994	520.569	Yes
102	Syria Civil War	2011-Ongoing	326.495	No*
137	Afghanistan Civil War	1978-2016	200.582	Yes
113	Sudan Civil War	1971-2014	89.794	Yes
62	Iraq Civil War	2002-Ongoing	87.945	No*
157	Sri Lanka – Tamil Tigers	1984-2009	63.298	No
86	Congo Civil War (I)	1996-1997	48.937	No
141	Somalia Civil War	1982-2016	41.363	Yes
131	Angola - UNITA	1975-2002	32.862	Yes
86	Congo Civil War (II)	1998-2003	31.568	Yes
159	Turkey: Kurdistan	1984-2013	29.474	No
209	Pakistan: Waziristan	1990-Ongoing	28.634	No*
194	FRY: Bosnia	1994-1995	26.336	Yes
146	Liberia Civil War	1989-2003	23.244	Yes
92	Colombia Civil War	1964-2014	22.140	No
207	Yemen Civil War	2011-Ongoing	20.863	Yes
191	Algeria Civil War	1991-2014	20.942	No*
187	Sierra Leone Civil War	1991-2001	20.543	Yes
169	India: Kashmir	1990-2014	20.228	No
206	Russia: Chechnya	1994-2007	21.129	No
118	Uganda Civil War	1971-2007	17.021	No
90	Burundi Civil War	1991-2008	16.488	No
222	CAR Civil War	2000-Ongoing	11.015	Yes

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271	Libya Civil War	2011-Ongoir	10.710	Yes
72	Nepal: Communists	1996-2006	9.925	No
270	South Sudan Civil War	2011-Ongoir	9.922	Yes
91	Chad Civil War	1990-2010	9.718	No
156	India: Khalistan	1983-1993	9.531	No
200	Tajikistan Civil War	1992-1998	9.089	No
112	Philippines: Mindanao	1970-2014	8.300	No*
95	Peru - Sendero Luminoso	1982-2010	8.120	No
10	Philippines - Communists	1969-2014	7.960	No
283	Ukraine Civil War	2014-Ongoir	6.371	No
37	Israel: Palestine	1949-2014	6.362	No
29	India - Communists	1948-Ongoir	6.107	No
193	Azerbaijan: Nagorno-Karabakh	1991-Ongoir	5.288	No
103	Cambodia Civil War	1967-1998	5.082	Yes
23	Myanmar: Karen	1949-2013	4.550	No
171	Indonesia: Aceh	1990-2005	3.377	No
190	FRY: Croatia	1991	3.060	Yes
274	Mali Civil War	2009-Ongoir	2.699	Yes
203	Bosnia: Herzeg Bosnia	1994	2.657	No
218	Serbia: Kosovo	1998	2.648	Yes
197	Georgia: Abkhazia	1992-1993	2.180	No
219	Ethiopia: Oromiya	1977-2013	2.131	No
74	Iraq: Kurdistan	1961-1996	2.036	No
67	Myanmar: Shan	1993-2015	2.030	No
180	Senegal: Casamance	1990-2011	1.949	No
225	Cote d'Ivoire Civil War (I)	2002-2004	1.890	Yes

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248	Thailand: Patani	2003-Ongoir	1.823	No
170	India: Assam	1990-2010	1.721	No
251	Israel - Hezbollah	1990-2006	1.606	No
34	Myanmar: Kachin	1949-2014	1.545	No
133	Ethiopia: Ogaden	1993-2015	1.454	No
143	Iran Insurgency	1979-2011	1.282	No
129	Pakistan - Balochistan	2004-2014	1.221	No

*The conflicts with a *were sanctioned under UNSCR 1267 related to terrorist organizations. This important observation, as the difference between rebel groups and terrorist groups seems to be increasingly vague, and more and more armed insurgencies are nowadays recognized as terrorist whereas before they were recognized as rebels.

7.4.1. *Battle related deaths*

Boutros Ghali's statement in Sarajevo was politically insensitive, but factually correct. There were indeed several other places in the world that were worse off than the people of Bosnia-Herzegovina, and that were not as closely monitored and protected by the United Nations or the international community in general. This observation in no way excuses the horrific events of the Bosnian war, in which many more people would die in subsequent years, but it does beg the question whether United Nations sanctions regimes are a reflection of the biggest conflicts, or rather to those conflicts that are closest to home or most likely to outrage the public. In order to test this question, the list of sanctionable civil conflicts since 1990 lists the accumulated deaths of all civil wars that produced at least 1000 deaths since 1990.

Humanitarian suffering can clearly be a reason for the UN to impose sanctions. On average, the conflicts that were sanctioned produced approximately 56.000 deaths, compared to approximately 9.000 for those conflicts that were not sanctioned, pointing towards a general concern for humanitarian suffering. Indeed, in the Rwanda Genocide as well as the Congolese civil war, humanitarian concerns about the thousands of innocent civilians suffering that were killed, raped, or displaced played a major role in mobilizing UNSC support for action under chapter VII of the UN Charter. The same can be said about conflicts in Afghanistan, Sudan, Somalia, Angola, Bosnia-Herzegovina, and Liberia, among others. The fact that

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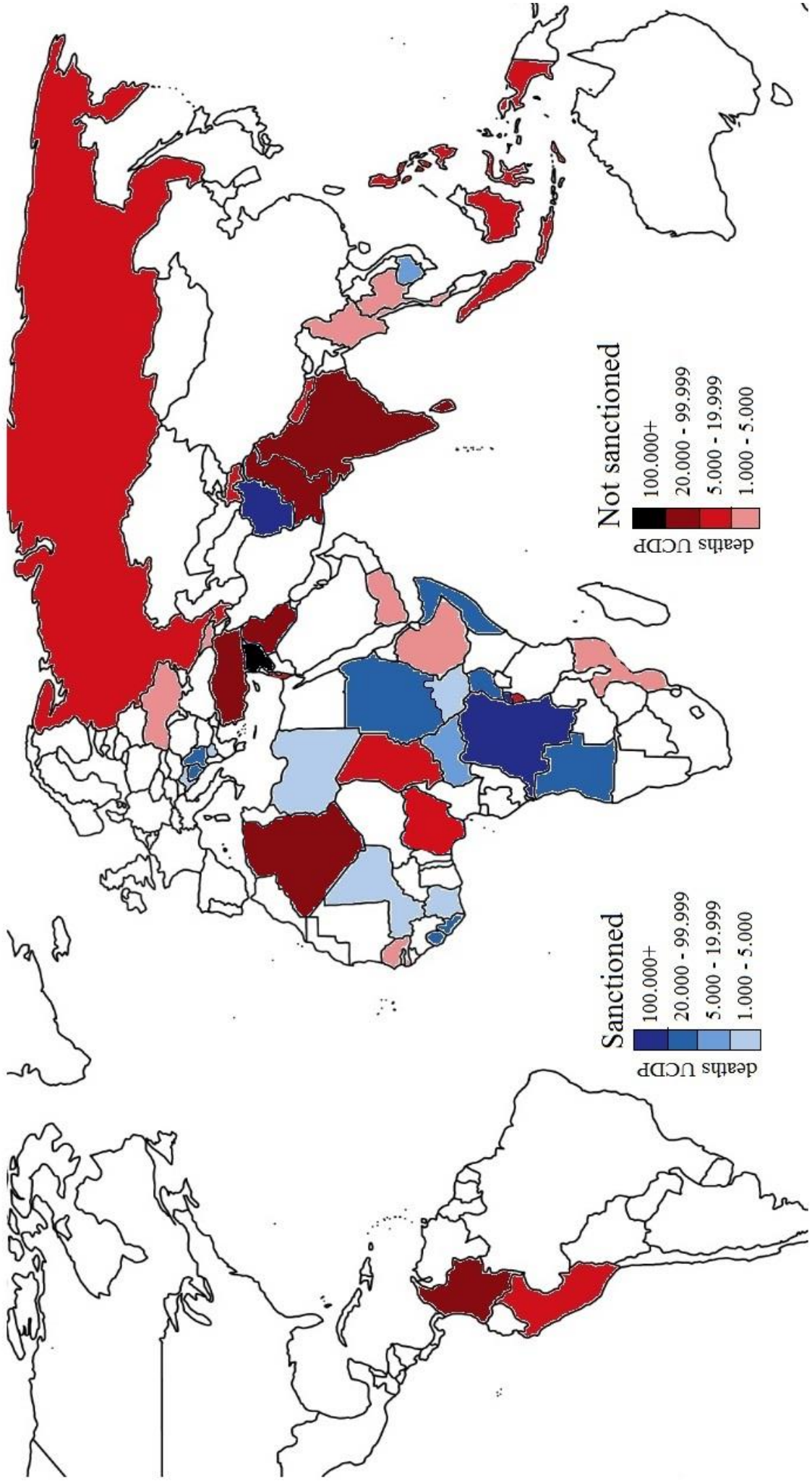
sanctions were sometimes imposed after much of the harm had already occurred is a cynical reminder that conflict-related deaths matter, but that they sometimes have to occur first for anyone to notice.

Humanitarian concerns and conflict deaths however can't sufficiently explain the track record of UN sanctions in response to civil war since 1990. There are two reasons for this. Firstly, there are too many exceptions in the upper half of the table. Of the twenty civil wars that killed at least 10,000 people only nine received UN sanctions. Five of the eleven deadliest civil wars (Syria, Sri Lanka, Iraq, Turkey, and Pakistan) were not responded to with UN arms embargoes, commodity sanctions, or smart sanctions on armed groups or government officials.⁴⁰⁸ In order to understand why these conflicts were outside of the reach of UN sanctions we have to look for other explanations.

The second argument that backs up the claim that humanitarian concerns and conflict deaths can't sufficiently explain what UN sanctions are for can be found in the bottom half of the table. The conflicts in Cambodia, South Sudan, Croatia, Kosovo, Libya, Cote d'Ivoire, and Mali were all responded to with UN sanctions despite the fact that the humanitarian suffering in these conflicts was relatively minor. As a matter of fact, the civil war in Sri Lanka produced three times as many battle related deaths (63,298) than all of the sanctioned conflicts mentioned above (20,052). This is not to say that these relatively 'minor' conflicts should not have been sanctioned, but sufficient reason to suspect that humanitarian concerns are not always the primary motivation for the UNSC to impose sanctions.

⁴⁰⁸ In the cases of Syria, Iraq, and Pakistan the UNSC did 'sanction' terrorist organizations linked to Al-Qaida and ISIS by placing them on a designated list, but these designations were related to the threat they posed as international terrorists, not to the humanitarian suffering in the civil wars in which they participated, and in which they produced most of their victims. I will go deeper into these issues in chapter 6.

Map 1 States home to civil conflicts producing at least 1000 deaths since 1990



7.5. UN Sanctions and Other Concerns

In section 7.4 we learned that although there seems to be some sort of correlation between the amount of deaths produced in a civil war and the likelihood of that being sanctioned by the UNSC, there are too many exceptions to fully accept the claim that the UN has been consistent in sanctioning the biggest threats to the peace since 1990 when it comes to civil wars. On the upper end of the list the main exceptions to this rule were Sri-Lanka, Turkey, Colombia and India with more than 20.000 accumulated deaths according to the UCDP encyclopedia, and to a lesser extent Russia, Uganda, Burundi, with over 10.000 accumulated deaths, placing them among the deadliest civil wars since 1990. None of these cases received UN sanctions. On the lower end of the list we found a number of conflicts that did receive UN sanctions despite the fact that these conflicts were only minor in comparison, sometimes barely surpassing the 1000 deaths threshold. These cases include Mali, Cote d'Ivoire, Libya, and FRY-Croatia, whereas similar conflicts in Indonesia, Myanmar, and Georgia were let off the hook.

The following section will consider a number of variables. We will consider whether it matters in which continent the conflict took place, whether the state in question had any countervailing power to block sanctions from being imposed, and to what extent each conflict affected state fragility in the state in question.

7.5.1. *Continent*

A quick look at the map seems to point towards a bias in favour of (or against) African states. It was to be expected that African states have been subject to more UN sanctions regimes than other continents. The African continent is notorious for underdevelopment, post-colonial instability, corruption, weak states, rebellions, warlords, and civil unrest in general. Indeed, up to 20 different states in Africa have been home to sanctionable civil wars since 1990.⁴⁰⁹ The rate of civil wars that were responded to with UN sanctions is significant. Out of 20 African States that experienced civil war since 1990, only six (Mozambique, Ethiopia, Uganda, Chad, Burundi, and Senegal) were left off the hook, whereas the other fourteen (70%) (Algeria, Libya, Sudan, South Sudan, Somalia, Mali, Sierra Leone, Liberia, Cote

⁴⁰⁹ The civil war in Mozambique has been left out because it ended in 1992 before the publication of an agenda for peace, and was therefore not eligible for UN sanctions.

d'Ivoire, Nigeria, DRC, CAR, Rwanda, Angola) all received UN sanctions, even if some of them were relatively small-scale.

If one adds up all the separate civil conflicts that surpassed the threshold of 1000 deaths in Asia the list counts 22 sanctionable offences, although only in 14 different countries.⁴¹⁰ The only Asian states that have been subject to UN sanctions regimes, however, are Cambodia and Afghanistan.⁴¹¹ States that were let off the hook include Syria, Iraq, India, Pakistan, Indonesia, the Philippines, Thailand, Myanmar, Nepal, Tajikistan, Russia, Azerbaijan, Georgia, and Turkey. This puts the sanctioning rate in Asian civil wars at only 14%.

It is important to note that armed (terrorist) groups in several Asian countries did receive targeted sanctions under UNSCR 1267/1989/2253, as they were listed on a UN designated terrorist organizations list. The civil wars in which terrorist groups participated include those in Syria, Iraq, Indonesia, the Philippines, Pakistan, and Russia, in which Al-Qaida, ISIS, Abu Sayyaf Group, Tehrik-i-Taliban Pakistan, and Chechen terrorist groups were listed, among others. This finding is interesting because compared to African cases, all these states are relatively strong, relatively stable, and predominantly Muslim. It is not clear whether armed groups in Asian countries are more likely to be listed as terrorists because of the nature of their activities or rather because doing so is politically more convenient for those who want to impose sanctions.

Until recently Europe had a full score when it came to sanctioning civil wars within its continent. The conflicts in Yugoslavia were not only humanitarian tragedies, but they also directly threatened the security of Europe, providing an extra urgency for the EU to push for sanctions, both in the UN and within the CSFP framework.⁴¹² The 2014 conflict that broke out in Ukraine in the aftermath of the Ukrainian revolution and the Russian annexation of the Crimean Peninsula changed this, as well as the fighting between pro-Russian separatists in the regions of Donetsk and Lugansk. Since both Russia, the European Union, and the United States were directly or indirectly involved in the conflict in Ukraine, supporting opposing sides to the conflict, UN sanctions

⁴¹⁰ Russia and the Caucasus are categorized as part of Asia in this account, whereas Iran, Iraq, Turkey, Syria, and Yemen are categorized as the Middle East. States that have been home to more than one conflict include India (4), Myanmar (3), Philippines (2), Russia (2), Pakistan (2), Liberia (2), and the DRC Congo (2).

⁴¹¹ In the cases of Syria, Iraq, and Pakistan the UN did list organizations on their designated terrorist organizations list, which is in many ways similar to being subjected to targeted sanctions. However, in each of these cases the sanction was imposed in response to the threat of international terrorism, not the civil war.

⁴¹² Portela. "Where and Why does the EU Impose Sanctions?" (2005).

were never an option. Neither was a peacekeeping mission. The UN General Assembly managed to pass a Resolution (A/RES/68/262) condemning the annexation of the Crimea peninsula by Russia, but not with regard to the internal conflict in Eastern Ukraine.

In Latin America, the civil conflicts that have been ongoing for several decades in Colombia and Peru have not been subjected to UN sanctions. Neither has any other Latin American state. In the case of Peru, the civil conflict between the government of Peru and 'Sendero Luminoso' killed many thousands of people in the early 1990s. In Colombia, the conflict between the government and the Fuerzas Armadas Revolucionarias de Colombia (FARC), started in 1964 and is currently coming to an end. Since 1990 more than 27.000 people were killed, with peaks in the early 2000s. Although the civil war in Colombia is in many ways reminiscent of those in West and Central Africa, UN sanctions were never proposed. In the cases of both Sendero Luminoso and FARC, the EU and the US did list both organizations on their lists of designated terrorist organizations. Both have since been suspended, with FARC having been de-listed in 2016.

Considering the different track records of sanctions on different continents one might conclude that UN sanctions serve neo-colonial purposes. However, the previous sections have shown that there are clear differences between the civil wars in Africa and those in other continents. These differences reveal that UN sanctions serve to deal with humanitarian concerns, the protection of state-sovereignty, and international stability rather than pure neo-colonial interests. For example, table 1 shows that the conflicts that occurred in ex-colonies in Africa were on average substantially bloodier than those in ex-colonies in Asia (approx. 34.000 vs 17.000), and also that conflicts in Africa were a larger threat to state-fragility than those in Asia.⁴¹³

7.5.2. State Fragility

If UN sanctions in response to civil wars since 1990 have not been completely in line with the extent of humanitarian suffering that occurred in each conflict, the variables of 'state fragility' and 'state strength' help us in explaining a number of the outlier cases in the SOD. The following section shows that UN sanctions are

⁴¹³ African states score an average of 92,4 on State Fragility, whereas Asian states scored an average of 85,9.

mainly imposed to maintain and stabilize the international state system, rather than to simply deal with humanitarian suffering.

The variable of 'State Fragility' helps us in understanding why some relatively minor conflicts received UN sanctions whereas relatively deadly ones did not. On average, regardless of the amount of conflict-related deaths involved, those conflicts that received UN sanctions under Chapter VII of the UN Charter received a score of 94.7 on the Fragile States index of the Fund for Peace, placing them in the category of Alert or High Alert. Those states that did not receive sanctions in response to their civil conflicts scored an average of 86.3, still placing them in the category of High Warning, but putting them significantly further away from state collapse and closer to relatively healthy states such as Morocco (74.2) or Tanzania (81.8).⁴¹⁴

State failure or state collapse have indeed been recognized as being particularly dangerous to international security, although the UNSC does not explicitly mention state failure as a reason for imposing sanctions in its Resolutions regarding sanctions. State failure is however widely associated with other types of security threats. For example, failed states create streams of refugees, warlordism, drug trafficking, and safe-havens and training grounds for international terrorism, among others, all of which contribute to the risk of regional and/or global insecurity.⁴¹⁵ A good example of how a failed state can create security issues in the region is Somalia. Having suffered from a power vacuum for over 20 years, the civil war in Somalia has not only killed many thousands of Somali, but it has also increased pressure on neighboring Ethiopia and Kenya and other states in the region, where many refugees have fled. Somalia has become a training ground for international terrorism, with the Al-Shabaab terrorist organization allying itself to the Al-Qaida network in 2012. Furthermore, the Indian Ocean in and near the territorial waters of Somalia has for many years been notorious for being one of the most dangerous international shipping routes on earth, with Somali pirates hijacking merchant ships and kidnapping sailors for ransom.

Somalia is by no means the only failed state that has increased insecurity outside of the state. The first Congolese civil war has also been dubbed Africa's World War, as it dragged in neighboring countries including Rwanda, Uganda, the Central African Republic, Zimbabwe, and Angola most notably. The civil wars in Sierra Leone and Liberia were connected to arms-trafficking and commodity-smuggling networks that spanned the globe, including arms shipments from Eastern Europe

⁴¹⁴ The average score for all countries in the world is 70.3, with a standard deviation of 24.2, making the difference between 94.7 and 86.3 between sanctioned and non-sanctioned conflict significant.

⁴¹⁵ For example, read Rotberg. "*When States Fail: Causes and Consequences*". (2004).

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and exports of diamonds and timber to New York, Antwerp, and Kuala Lumpur, among others. The power vacuums that were left behind in the civil wars in Afghanistan and Syria have largely contributed to the expansion of terrorist organizations such as Al-Qaida and ISIS. Once a government loses its ability to successfully project a legitimate monopoly on violence within the boundaries of the state, threats to the peace accumulate. State failure is therefore a good reason to impose sanctions.

The least deadly conflict that was nevertheless sanctioned by the UN in order to prevent state failure occurred in Mali. Although the UCDP encyclopedia only recorded a little over 1700 deaths since 2011, the conflict that included Tuareg rebel groups Ansar Dine and the secessionist National Movement for the Liberation of Azawad (MNLA) as well as support from the originally Algerian al-Qaida Organization in the Islamic Maghreb (AQIM) and the *Mouvement pour le Tawhîd et du Jihad en Afrique de l'Ouest* (MUJAO) quickly formed a threat to Malian sovereignty and state stability. In just a matter of months during the first half of 2012, Mali had lost control over the government in Bamako due to a coup d'état on the 22nd of March, as well as the Northern region of Azawad, which proclaimed its independence a few weeks later. The coup was relatively quickly mitigated by the international community, with the African Union (AU) expelling Mali, the World Bank suspending funds, and the Economic Unity of West African States (ECOWAS) imposing asset freezes and travel bans. Two weeks later a new transitional government was established. The political vacuum in Northern Mali however continued to be a source of unease for western countries, as they worried that the Azawad region would be used as a safe-haven and training ground for terrorists linked to al-Qaeda. AQIM had already been added to the UN list of terrorist organizations pursuant to UNSCR 1267 on al-Qaeda. By the end of 2012, in coordination with a French-led UN military mission, the UNSC decided to also add MUJAO (December 2012) and Ansar Dine (March 2013) to the list of designated terrorist groups.

The logic of state fragility and UN sanctions also works the other way around. Those conflicts that were not sanctioned by the UN were on average better at projecting power within their borders than those who did receive sanctions, even if they killed thousands of people. In strong states, rebel groups and secessionist groups might cause trouble and produce deaths, but they don't tend to threaten the sovereignty of the state itself. For example, nobody fears that the Indian central government will implode, even if India has been home to more civil conflicts than any other state since 1990. The war in the north-western region of Kashmir has cost over seventeen thousand lives since 1990 produced by Kashmiri secessionist insurgents and the Indian government. As a matter of fact, Kashmiri insurgents, some of which fight for reunification with Pakistan whereas others aim for complete

independence, have killed many more people than the Pakistani army.⁴¹⁶ Similarly, the conflict in the region of Punjab/Khalistan that lasted until 1994 also killed over eight thousand people, but never threatened the stability of the state. The same goes for conflicts in the north-eastern appendix of India that circumvents Bangladesh and that borders China and Myanmar. Together, a range of insurgent groups in the regions Assam, Bodoland, Manipur, Nagaland, Tripura and Garoland have been involved in conflicts that produced close to ten thousand deaths since the end of the Cold War, many of which at the hand of the government. If one were to add up all the conflict related deaths of the various conflicts within the Indian state, only a handful of countries have produced more casualties since 1990. India has however never been subject to a UNSC resolution, let alone a sanctions regime. India is the world's largest democracy, and with over a billion inhabitants the second most populous country on earth. With economic growth rates between 4-10% annually since 1990 it is one of the world's most important economic engines, and with a defense budget of over \$50 billion in 2016⁴¹⁷ it has overtaken France and Japan as the 6th largest military spender in the world. The conflicts with (mostly Muslim) insurgents in its border regions with Pakistan and Bangladesh might constitute humanitarian disasters; they don't form a threat to the Indian State.

7.5.3. State Strength

The example of India also points towards another potential relation between the strength of states that are home to civil conflicts and the likelihood that the UN imposed sanctions in response to these conflicts: geo-political power. After all, even if the UNSC had been more concerned with humanitarian suffering than with the dangers of state-failure, India would probably still have been untouchable, along with a range of other states that carry sufficient geo-political weight to stay outside of the grasp of the Council. So are geo-politically strong states less likely to receive sanctions, other factors being equal?

In order to answer this question I used the National Material Capabilities dataset by the Correlates of War Project. This dataset identifies state strength by looking solely at states' hard power rather than at its legitimacy or democratic power. It combines six variables that give an indication of a State's national material

⁴¹⁶ It must be noted that the internal conflict in Jammu and Kashmir and the interstate conflict between India and Pakistan in the same region are heavily intermixed. The Pakistani army has been less actively involved in a direct manner, but is known to have supported Kashmiri insurgents militarily and financially in their struggle against India.

⁴¹⁷ Global Security. "India Military Budget". (2016).

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capabilities: military expenditure, military personnel, energy consumption, iron and steel production, urban population, and total population, weighing each variable equally. The combined Composite Index of State Capability (CISC) score indicates a state's share of power as part of the world as a whole. In the early 1990s the United States clearly the world's strongest material capabilities with almost 15% of the world's material power. Currently China has taken over the top spot with close to 20% of the world's material capabilities in 2007, the latest year for which data are available.

Looking at the graph below one can observe a general trend in which more capable states are less likely to receive sanctions, whereas less capable states are more likely to receive UN sanctions in response to the outbreak of civil war. The average CINC score of a non-sanctioned state is 1.3%, compared to only 0.3% for states that did receive sanctions. India (6.6%), Russia (6.5%), Turkey (1.6%), Pakistan (1.3%) Indonesia (1.3%), and the Philippines (0.5%) were never sanctioned despite being home to a number of relatively bloody civil wars, some of which have been going on for decades. Similarly, many of the less capable states in the list did receive sanctions in response to the civil wars that broke out. Liberia, Mali, Ivory Coast, Rwanda, Afghanistan, and Somalia are again the list of usual suspects, even though some of these conflicts produced significantly less deaths than those in India or Turkey.

Although none of the strong states (except Russia) has the power to veto UNSC Resolutions, states such as India, Pakistan, Turkey, and Indonesia carry sufficient geo-political weight as regional hegemony to avoid outside interference into their internal conflicts. If one adds to this the fact that the conflicts in these states don't pose a threat to international security or the sovereign state system, there is no reason for the UNSC to put their foot down based purely on humanitarian concerns. Interfering in the internal affairs of strong sovereign states would be imprudent, and might only risk further destabilization. This claim is backed by the fact that among big (+10,000 deaths) conflicts, those states that did receive sanctions scored an average of only 0.2% CINC score, whereas those who didn't receive sanctions were on average ten times as powerful, at 2%. On top of that, the decision not to sanction strong states might also be related to the fact that they are less likely to be effective.

Even if you are not a regional hegemon yourself, being friends with one can be sufficient to avoid being subjected to a UN sanctions regime. Both governments and rebel groups can use this tool. For example, the Liberation Tigers of Tamil Eelam (Tamil Tigers) that fought against the Sri Lankan government for 26 years and that produced an estimated 63,000 deaths (both sides) were supported by India during many years⁴¹⁸, and later by Thailand, Malaysia, and Indonesia, most

⁴¹⁸ Although after 1992 India ceded military support for the Tamil Tigers,

importantly. Although the Secretary General and the UN Human Rights council produced several reports on the humanitarian situation in Sri Lanka, a UN sanctions regime was never imposed. Similarly, even though the civil wars between communist insurgents in the Philippines (CPP), Nepal (CPN-M), Colombia (FARC/ELN), and Peru (*Sendero Luminoso*) and their respective governments produced tens of thousands of deaths, the ideological support from Russia and/or China proved sufficient to avoid UN sanctions regimes. Separatist groups in Georgia (Abkhazia), Azerbaijan (Nagorno-Karabakh), and Ukraine (Donetsk and Lugansk) also benefit from having a strong ally in the UNSC. The United States, United Kingdom, and especially France⁴¹⁹ have used their geopolitical weight less often in this sense, but they cannot be fully acquitted either, hence the lack of sanctions in response to conflicts involving Israel, most notably. The west has however rather used its geo-political weight since 1990 to impose sanctions, not to block them.⁴²⁰

Finally, the thesis that UN sanctions serve international state stability rather than humanitarian concerns is further strengthened by the fact that some relatively strong states have received sanctions in favor of the state and against terrorist organizations that threaten both state stability and international security. Terrorist organizations in Pakistan, Nigeria, Algeria, and the Philippines have all been placed on the UN's designated terrorism list related to UNSCR 1267 (Taliban, Al-Qaida, ISIS). In the case of Nigeria for example, sanctions were imposed in response to the bloody rise of Boko Haram since 2014, which has become the terrorist organization responsible for more deaths than any other terrorist organization in 2014 and 2015, including ISIS. Earlier civil conflicts in Nigeria however, such as that in the Niger Delta that killed many thousands of people in the late 1990s and early 2000s, were never sanctioned by the UN. In the case of Pakistan, the United Nations have sanctioned two terrorist organizations. In 2005 Tehrik-e-Taliban Pakistan (TTP) was added to the designated sanctions list for its association with Al-Qaeda and Osama bin Laden, as well as for its links to several terrorist attacks in neighboring India, including attacks in New Delhi, Bangalore, and Mumbai between 2001 and 2008. In 2011 the organization Lashkar-e-Tayyiba was added to the list in response to the explosion of violent terrorist attacks in the

⁴¹⁹ France has pledged to refrain from using its veto power.

⁴²⁰ In the cases of Burundi and Chad, two African conflicts in which sanctions were not imposed, it must be noted that the UN did have a presence in these states in the form of UN monitors or peacekeepers. In the case of Burundi, by far the most deadly of the non-sanctioned conflicts in the bottom of the table, the African Union and the UN had a significant presence until 2007. By the end of 2015 the UNSC also passed Resolution 2248 in which it threatened the imposition of sanctions in response to a constitutional crisis and an attempted coup, although sanctions were never really imposed.

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region of Waziristan on the border with Afghanistan. Finally, in Algeria Al-Qaida in the Islamic Maghreb was added to the list of designated terrorist organizations in 2005, but this was done in response to terrorist attacks on western targets, rather than on the civil war that killed over 20.000 people since 1990. In none of the cases mentioned did the UNSC impose sanctions on state-actors. A deeper understanding of UN sanctions in response to international terrorism is provided in Chapter 6.

Table 15 - Civil wars since 1990 – In order of state capability (CINC)

Nickname	Deaths since 1990	State Failure	State Strength	UN Sanctions
India - Communists	5.861	70,4	6,60%	No
India: Assam	1.721	70,4	6,60%	No
India: Kashmir	20.228	70,4	6,60%	No
India: Khalistan	9.531	70,4	6,60%	No
Russia: Chechnya	21.129	87,1	6,50%	No
Turkey: Kurdistan	28.524	74,4	1,60%	No
Indonesia: Aceh	3.377	103,1	1,30%	No
Indonesia: East Timor	1.461	89,2	1,30%	No
Pakistan: Balochistan	1.212	89,2	1,30%	No
Pakistan: Waziristan	27.626	103,1	1,30%	No*
Ukraine: Novorossiia	5.570	84	1,20%	No
Iran Civil War	1.282	67,2	1,20%	No
Thailand: Patani	1.730	74,9	0,70%	No
Nigeria - Boko Haram	10.330	94,4	0,70%	No*
Iraq Civil War	46.325	109	0,60%	No*
Iraq: Kurdistan	2.036	109	0,60%	No
FRY: Croatia	1.329	91,1	0,50%	Yes
Algeria Civil War	20.942	91,9	0,50%	Yes*
Philippines - Communists	7.572	88,5	0,50%	No

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Philippines: Mindanao	8.300	79,2	0,50%	Yes*
Bosnian War	26.336	91,8	0,50%	Yes
Bosnia: Herzeg Bosnia	2.657	61,9	0,50%	No
Ethiopia: Ogaden	1.454	N/A	0,50%	No
Colombia Civil War	22.140	88,5	0,50%	No
Ethiopia: Oromiya	2.131	77,8	0,50%	No
FRY: Kosovo	3.628	79,2	0,50%	Yes
Israel - Hezbollah War	1.606	96,5	0,40%	No
Israel: Palestine	6.319	96,5	0,40%	No
Syria Civil War	326.459	79,4	0,40%	No*
Myanmar: Kachin	1.545	96,5	0,40%	No
Myanmar: Karen	4.550	79,4	0,40%	No
Myanmar: Shan	2.030	110,1	0,40%	No
Congo Civil War (I)	48.937	94,5	0,40%	Yes
Congo Civil War (II)	31.568	94,5	0,40%	Yes
Peru - Sendero Luminoso	8.120	79,2	0,30%	No
Libyan Civil War	2.408	92,4	0,20%	Yes
Angola - UNITA	32.862	84,9	0,20%	Yes
Sri Lankan Civil War	63.298	88,3	0,20%	No
Sudanese Civil War	89.794	112,3	0,20%	Yes
Senegal: Casamance	1.949	66,1	0,10%	No
Mozambique Civil War	5.819	104,8	0,10%	No
Azerbaijan: Nagorno-Karabakh	5.288	74,8	0,10%	No
Cambodian Civil War	5.082	105,9	0,10%	Yes
Rwanda Genocide	520.569	94,5	0,10%	Yes
Uganda Civil War	17.021	81,9	0,10%	No

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Nepal Civil War	9.925	95,4	0,10%	No
Afghanistan Civil War	200.582	109,2	0,10%	Yes
Yemen Civil War	16.789	105,9	0,10%	No
Chad Civil War	9.718	92,9	0,10%	No
Somalia Civil War	41.363	85	0,10%	Yes
First Ivorian Civil War	1.890	99,8	0,10%	Yes
Mali Civil War	1.698	82,2	0,05%	Yes
Georgia: Abkhazia	2.180	77,9	0,05%	No
Burundi Civil War	16.488	108,4	0,04%	No
South Sudan Civil War	3.447	96,7	0,04%	Yes
Tajikistan Civil War	9.089	87,7	0,03%	No
Sierra Leone Civil War	20.543	97,5	0,02%	Yes
CAR Civil War	8.447	96,6	0,02%	Yes
Liberian Civil War	23.244	99.0	0,02%	Yes

7.6. Who is to blame?

In the previous sections we have come to the conclusions that humanitarian suffering matters when it comes to imposing sanctions in response to civil war, but that considerations of state strength and state fragility also play an important role in deciding who gets sanctioned and who doesn't. To put it bluntly, as long as you are a sufficiently sovereign state or as long as you have a loyal friend in the UNSC, humanitarian concerns in civil wars are largely irrelevant.

Those who are more persuaded by the Realist school of international relations might be satisfied with this answer. After all, the role of the UNSC is not, and should not be, to interfere in civil wars and humanitarian crises everywhere and all the times without taking into account the political circumstances that surround each unique conflict. Imposing UN sanctions regimes as if they were speeding tickets might seem fair in theory, but is both impracticable and imprudent in the arena of international security. Mussolini's claim that the League of Nations is "very well when sparrows shout, but no good at all when eagles fall out" is still largely

relevant, so politicians have to pick their battles wisely. If as a result only 20 out of 58 civil wars received sanctions, there is probably a perfectly good explanation for this. Realists might argue that although China and Russia did adopt the Secretary General's 1992 report and the guidelines for R2P, both are widely known to pursue a foreign policy ideal based on much more traditional concepts of peacekeeping, focusing on diplomacy and the respect for state-sovereignty. It would to some extent be meaningless to consider the Security Council as an organic whole, because the differences between the P-5 members are not only strategical, but also ideological, or at least so they claim.

Those who are inspired by liberal institutionalism and the power of ideas in international relations might however hold the UNSC to a higher standard, and ask why certain internationally established norms have not always been upheld. After all, the United Nations as an institution has most definitely made moral progress since 1990, hence the increasing amount of sanctions in response to humanitarian suffering, sanctions to restore democratically, and sanctions to assure good governance in post-conflict situations. Official UN policy documents are teeming with language that stresses the importance of democratic elections, protection of human rights, good governance, and the responsibility to protect.⁴²¹ The moral framework for a more ambitious UN sanctions regime is fully in place. If the biggest humanitarian crises and threats to the sovereign state system we were not always sanctioned, then who is to blame for this failure? Can the failure be attributed to the persistent use of the veto in the UNSC? Can those 38 failures out of 58 sanctionable offences all be blamed on China and Russia? And if the veto does not provide us with sufficient answers, did the permanent members of the UNSC that claim to uphold the norms of R2P and Liberal Peace at least impose sanctions in response to these conflicts unilaterally? If the answers to these questions are yes, then the alliance of Western democracies might take seriously the question of Security Council reform, the abolishment of the Veto, or the establishment of a an alternative 'League of Democracies', as has been proposed by some.⁴²² However, if a substantial part of the failure to impose UN sanctions resides with those states who claim to represent the vanguard of liberal peace, the US, France, and the UK, then we ought to be more critical of those states before criticizing those states who never rooted for it in the first place.

Since it is not possible within the methodological scope of this thesis to provide deep qualitative analyses for each of the 58 sanctionable internal conflicts since 1990, the following section considers three variables that help us allocate blame; UNSC vetoes, General Assembly votes, and US & EU unilateral sanctions. These variables help us in confirming that the liberal ambitions of the United Nations to

⁴²¹ See chapter 1.3

⁴²² Kissinger. "World Order". (2014).

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use sanctions for objectives related to humanitarianism and democracy are inherently Western ambitions. However, if the Western P-5 members want to expand their legitimacy as leaders in the fight against humanitarian suffering and in favor of liberal democracy, they will need to commit more fully to the norms they have instituted themselves.

7.6.1. Vetoes

Article 27 of the UN Charter states that a Resolution in the United Nations Security Council is passed when a minimum of 9 out of 15 members vote in favor of the Resolution, including the concurring votes of the 5 permanent members, the United States, United Kingdom, the Russian Federation, China, and France. On top of this, the permanent members also have the option to block a Resolution from being passed by issuing their “right to veto”, something which all of the P-5 members have done repeatedly since 1945.

The Russian Federation has used its power to veto Resolutions, including those regarding the imposition of UN sanctions, most often since 1945, followed by the US, UK, France, and China. Most of the Russian vetoes were however issued in the 1945-1965 era, in which they boycotted the Security Council in protest against the Chinese seat being given to Taipei rather than to Beijing. Ever since, the United States has by far been the most fervent user of the veto, mainly using it regarding issues concerning Israel and the Middle East in general. China only started using the power to veto more regularly since the 1990s, whereas France and the UK have not used their vetoes since 1989. In 2013 France and Mexico put forward an initiative to refrain from using the veto in cases of mass atrocities. It has been supported by 80 countries, but not by any of the other P-5 members.

Related to the sanctionable offences dataset, sanctionable internal conflicts that fail to receive sanctions because of a veto clearly go against the ideals of liberal peace and the responsibility to protect. The most clear-cut example seems to be the civil conflict in Syria, in which United Nations sanctions against the regime of Assad were blocked by both Russia and China, who have repeatedly used their vetoes.⁴²³ Another often-mentioned example is that of Israel’s ‘internal’ conflict with Palestine, in which the US (and to a lesser extent the UK) have repeatedly used their vetoes.

A quick look at the list of vetoes since 1990 however teaches the observer that most of the vetoes used did not concern the internal conflicts of the sanctionable

⁴²³ The UNSC has imposed sanctions on ISIS, Al-Qaeda in Syria, and other terrorist organizations involved in the Syrian civil war.

offences database. Besides the situations in Syria and Israel/Palestine, most vetoes concerned human rights violations in Bosnia-Herzegovina and Macedonia, the extension of UN observer or peacekeeping missions in Georgia and Cyprus, and violence and intimidations in the aftermath of the 2008 elections in Zimbabwe. Although Zimbabwe is not part of the sanctionable offences database (less than 300 people were reported killed), a large number of countries proposed the imposition of UN sanctions on Zimbabwe. The draft resolution was blocked both by China and Russia. Recording vetoes is thus unsatisfactory when it comes to explaining the many failures to impose sanctions.

7.6.3. *Unilateral sanctions*

Arguably the most valuable variable in dealing with the issue of 'silent vetoes' is by asking whether those states that claim to uphold the ideals of liberal peace and the responsibility to protect at least managed to imposed sanctions unilaterally. Do China and Russia indeed impose sanctions unilaterally less often than the other members? And do the United States and the European Union impose sanctions unilaterally if the UN framework fails to serve their interests? To a large extent the answer is yes, although the unilateral sanctions records of the US and EU seem to reflect their political interests as much as the 'general' interest.

China and Russia have both long pronounced a foreign policy strategy based on respect for state sovereignty internationally, with exceptions in their direct spheres of influence. In the case of Russia this sphere of influence includes the Baltic States, Eastern Europe, the Caucasus, and Central Asia. In the case of China, its direct sphere of influence includes its neighboring regions in East and South-East Asia, and to a lesser extent in China's interior neighbors in South and Central Asia.

Russia's sanctions policy is indeed largely in line with its general foreign policy. Within the UNSC it has mostly voted along or abstained from voting with resolutions regarding civil conflicts in Africa, the Balkans, the Middle East, and Central Asia outside of its direct sphere of interest. However, when it comes to conflicts in states that Russia considers to be historically and culturally part of 'Greater-Russia', such as is the case in former Soviet Republics, their sanctions policy changes accordingly. For example, in the aftermath of the 2008 election of the pro-European President Saakashvili in Georgia and the subsequent civil conflict in the regions of Abkhazia and South-Ossetia, UN sanctions were not on the table. Although the Georgian foreign minister called on the UN Security Council to take action against Russia, whose soldiers had been involved in the fighting, his request was in vain. As a matter of fact the only sanctions that were imposed

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effectively were those imposed unilaterally by Moscow. The energy sanctions, trade and financial sanctions, and restrictions on migrant workers from Georgia to Russia are thought to have been largely effective in pushing Georgia back on a more pro-Russian trail.⁴²⁴ More recently, the UN's efforts to impose sanctions in response to the civil war in Ukraine, perhaps of even larger geo-political interest to Russia, have equally been in vain.

China's sanctions policy in the UNSC is largely similar to that of Russia, the difference being that China tends to be more conservative when it comes to respecting state sovereignty. Traditionally, China's foreign policy has been characterized by non-interference, a stance that is reflected in the large amount of abstaining votes in the UNSC on resolutions regarding sanctions. Since 1990 China has abstained from voting to impose sanctions in response to civil wars in the cases of Bosnia-Herzegovina, Cambodia, Kosovo, Sudan. This tradition of non-interference is exemplified by China's initial threat to use its veto on UNSCR 713 (1991) in response to the Croatian war for independence in the Federal Republic of Yugoslavia. It was only when the Serbian UN representative indicated that he would consent to the UN arms embargo that China withdrew its objections and voted for the Resolution.⁴²⁵ Similarly, China has consistently blocked sanctions against the regime of Bashar al-Assad in Syria, Robert Mugabe in Zimbabwe, and the military junta in Myanmar, claiming that such sanctions would interfere with the sovereignty of these governments.

Much like Russia, China too considers itself a great power with a historical and cultural sphere of influence, most notably in North Korea and Taiwan. China's sanctions policy with regard to civil conflicts has however not been as controversial as that of Russia. Rather, the unilateral sanctions that China has imposed on other states regard 'punishments' for states that have tried to interfere with China's internal politics. For example, China has punished French, American, and Norwegian companies and products in response to critique over China's human rights record in Tibet, arms sales to Taiwan, and the rewarding of a Nobel Prize to Liu Xiaobo, a Chinese dissident, respectively.⁴²⁶

The United States and the European Union⁴²⁷ have been much more active when it comes to imposing sanctions unilaterally in response to civil conflicts. Whereas the United Nations as an organization has imposed at least some sort of sanction

⁴²⁴ Newnham. "Georgia on my mind? Russian sanctions and the end of the Rose Revolution". (2015).

⁴²⁵ The arms embargo on Yugoslavia is now largely regarded as a mistake, as it gave Serbia a clear military advantage over Croatia, leading the conflict to be prolonged.

⁴²⁶ Reilly. "China's unilateral sanctions". (2012). pp. 121-133.

⁴²⁷ Rather than considering France and the United Kingdom separately, this research presents sanctions by the EU because their sanctions policies tend to overlap.

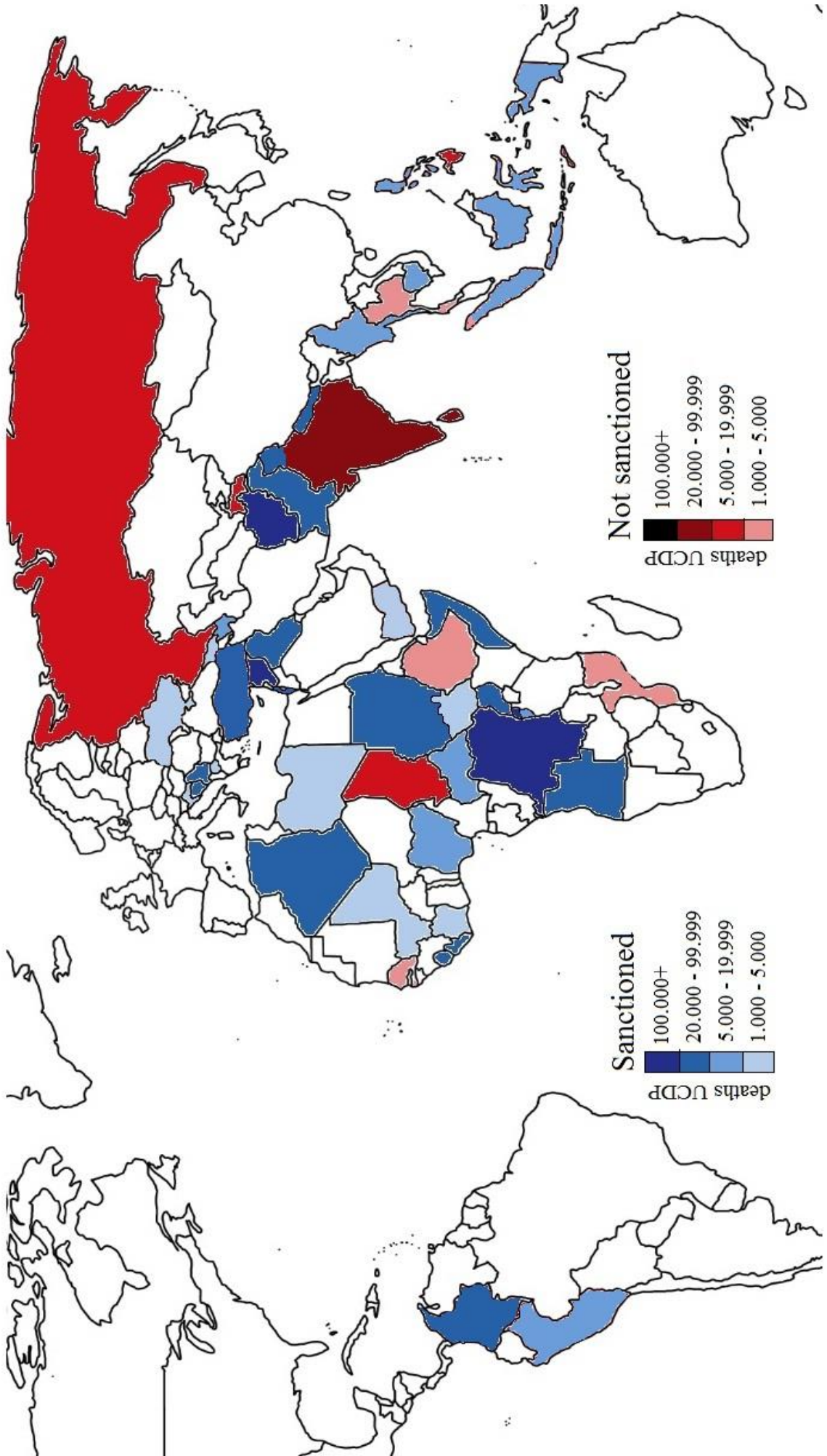
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in 23 out of 58 conflicts, the United States did so in 40 cases. The EU imposed unilateral sanctions in 39 cases. Taking into account the fact that the UN sanctions regimes on Rwanda and Cambodia were not accompanied by unilateral sanctions from the EU and US⁴²⁸, this leaves us with 19 cases in which the EU and the US imposed sanctions while the UN didn't, but also with another 15 cases in which nobody imposed sanctions.

⁴²⁸ The United States imposed an arms embargo on Angola until 1993 where the EU didn't. Neither the US nor the EU imposed unilateral sanctions in response to the conflicts in Rwanda and Cambodia.

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Map States home to civil conflicts producing at least 1000 deaths since 1990



7.7. Conclusions

The analysis of the 58 sanctionable civil conflicts that occurred between 1990 and 2015 provides us several conclusions that together present a mixed picture of the motivations that steer the imposition of United Nations sanctions regimes.

In 20 out of the 58 potential cases, the UN Security Council indeed imposed sanctions under Chapter VII of its Charter, ranging from arms and trade embargoes to restrictions on financial assets, travel of individuals, and the export and import of specific products. Compared to the other sanctionable offences that are discussed in this book, the rate of 20 out of 58 (35%) is relatively high.⁴²⁹ Considering that the use of UN sanctions in reaction to internal conflicts has only been part of the UN's institutional framework since the early 1990s, the 20 cases that were sanctioned can only be regarded as 20 victories for the philosophy that was first proposed by UN Secretary General Boutros Ghali in his 1992 'Agenda for Peace' and the actors that supported this shift of regime.⁴³⁰

Despite the failures to impose sanctions in all of the humanitarian crises, humanitarian concerns matter. This claim only becomes stronger when one takes into consideration the fact that the cases that were sanctioned were considerably larger humanitarian crises than the cases that were left unsanctioned. Across the board the most deadly conflicts since 1990 have indeed been sanctioned by the UN Security Council. The conflicts in Rwanda, Syria, Afghanistan and the Democratic Republic of Congo, all of which represent at least 100.000 deaths in the UDCP encyclopedia, were all met with sanctions. The same goes for those conflicts in Sudan, Iraq, Somalia, Angola, Colombia, Liberia, and many other conflicts that produced at least 20.000 deaths. A large share of the conflicts that were not met with UN sanctions were conflicts that were relatively small-scale, and therefore arguably smaller 'threats to the peace', such as those in Pakistan (Balochistan), Senegal, Yemen, and Thailand, among others. The analysis of conflicts deaths therefore also points towards a somewhat consistent regime when it comes to sanctioning civil wars.

Concerns about state sovereignty however matter more than those about humanitarian suffering. State fragility and the risk on state collapse as a result of civil war prove to be a strong predictor of UN sanctions. The sanctions imposed in response to relatively small-scale conflicts that nevertheless led to power vacuums in countries such as Mali, Cote d'Ivoire, and South Sudan confirm that state failure is sometimes considered a larger threat to the peace than a death-count. After all,

⁴²⁹ In the case of interstate wars (3/5), coups (4/36), terrorist organizations (12/36), and nuclear proliferators (2/8).

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state failure, even in a relatively unimportant part of the world, can lead to all sorts of other international security threats, ranging from terrorism and narco-trafficking to regional instability. Following the same logic, deadly conflicts in large sovereign states are not considered threats to the peace, especially if the state at hand carries sufficient geo-political weight, or if a party to a conflict is allied with a regional hegemon. India, Russia, and Turkey seem to have had this advantage thanks to their own strength, whereas Syria, Sri Lanka, and Israel owes the absence of sanctions to Russia, India, and the United States, respectively.

Outside of the United Nations, China and Russia have not actively imposed sanctions unilaterally, but that is only logical considering their stated policies of non-interference. Both the EU and the US have been much more active in imposing sanctions unilaterally where the Security Council failed to do so. The EU did so in 19 cases and the US in 20 bringing their totals to 42 and 43 out of 58. This is not a perfect score, but it does point towards a rather consistent regime.

Chapter Eight

Selective Sanctions and Terrorism

Between 2001 and 2015 the United Nations sanctioned 26 major terrorist organizations under 1276/1989/2553 regimes. However, in total there were 88 organizations that were responsible for at least 100 deaths through terror attacks, arguably making them 'sanctionable'. So why have some terrorist organizations been subjected to UN sanctions, while others have not? Why some individuals, entities, and groups associated with Al-Qaida and ISIL, and not a single terrorist organization unrelated to these groups? Did the sanctioned organizations represent a bigger humanitarian concern? Did they pose a bigger threat to the international state system? Did they pose a bigger threat to Westerners? Are UN sanctions on terrorism part of the 'clash of civilizations?'

Based on the definitions on terrorism and how it's distinct from other forms of political violence, one would expect the 'threat' of terrorism to be determined by the tactics of terrorists and their destructiveness. However, the track record of UN sanctions in response to terrorism since 1990 shows a different logic. Sanctions are imposed largely on Islamic extremist terrorist organizations, regardless of the amount of people they killed or the tactics they used.

The focus on Islamic extremism may be partly defensible; After all, the stated objectives of Al-Qaida, ISIL, and their affiliates are more incompatible with the modern state system than the objectives of separatists, communist, and others. Other explanations for a potential bias are both institutional and political. Institutional because the UNSCR 1267/2253 regime only allows for certain groups to be listed and not others. Political because (1) the West has successfully framed the threat of Islamic terrorism as a bigger and more urgent security issue, and (2) because P5 members have been able to use the 1267/2253 institution to list groups that in reality have more local objectives than appears.

8.1. Defining the Offence

Terrorism is arguably the most ambiguous sanctionable offence in this thesis to define. Whereas interstate wars and civil wars encounter some methodological hurdles when it comes to thresholds of conflict-related deaths, and whereas coup's d'état are sometimes confused with other types of regime-change, the terms 'terror', 'terrorism', 'terrorist', and 'terrorist organization' are all used to describe a

wide range of events, actors, and actions. The definitions surrounding terrorism are highly politicized and oftentimes used loosely by politicians, journalists, and other commentators alike. A comprehensive definition is therefore necessary if one wants to explain why some groups have been sanctioned by the United Nations Security Council and others not.

Definitions about terrorism have changed radically throughout history and continue to shift. The word terror was first coined during the French revolution under de Robespierre's *Regime de la Terreur* in the early 1790s. Terror had a positive and democratic connotation as a method to revolutionize France and to get rid of members and supporters of the *Ancien Regime*. Similarly, in many 19th century European revolutions, the anti-monarchical and anarchist groups that used tactics of terror to democratize Imperial Russia and Habsburg were not ashamed of their terrorist label.⁴³¹ During the early 20th century the Irish Republican Brotherhood and the Bosnian Black Hand group (that assassinated Archduke Franz Ferdinand of Austria in 1914 and ignited WWI) were not regarded as illegitimate. In the early 20th century terrorism became associated with totalitarian and fascist regimes in Germany, Italy, and Russia, who unleashed terror on minorities and political opposition at will, killing scores of their own citizens. Similarly, state-imposed violence by autocratic regimes in Latin America and Eastern Europe during the cold war was labeled terrorism, with governments from Greece to Guatemala intimidating and killing their own citizens.

Since the end of WWII terrorism has however mostly become associated with violence perpetrated by non-state groups. Terrorism has been employed by national liberation movements against colonizers across Africa, the Middle East, and Asia. Indeed many terrorist groups originated during independence struggles, hence the names Palestine Liberation Organization (PLO), Revolutionary Armed Forces of Colombia (FARC), and the Moro National Liberation Front (MNLF) in the Philippines. Many groups now labelled as terrorist organizations started out as communist opposition parties linked to militant insurgent groups, including the Communist Parties of Nepal (CPN), India (CPI-Maoist), or Peru's *Sendero Luminoso*.

Since the attacks on New York and Washington on the 11th of September 2001 terrorism has mostly become associated with Islamic terrorism. The planes that flew into the World Trade Center in New York were responsible for 2603 deaths⁴³², by far the deadliest terrorist attack in modern history.⁴³³ In response, the government under US president George W. Bush announced a 'war on terror',

⁴³¹ Hoffman. "*Inside Terrorism*". (2006). Pp. 5-9.

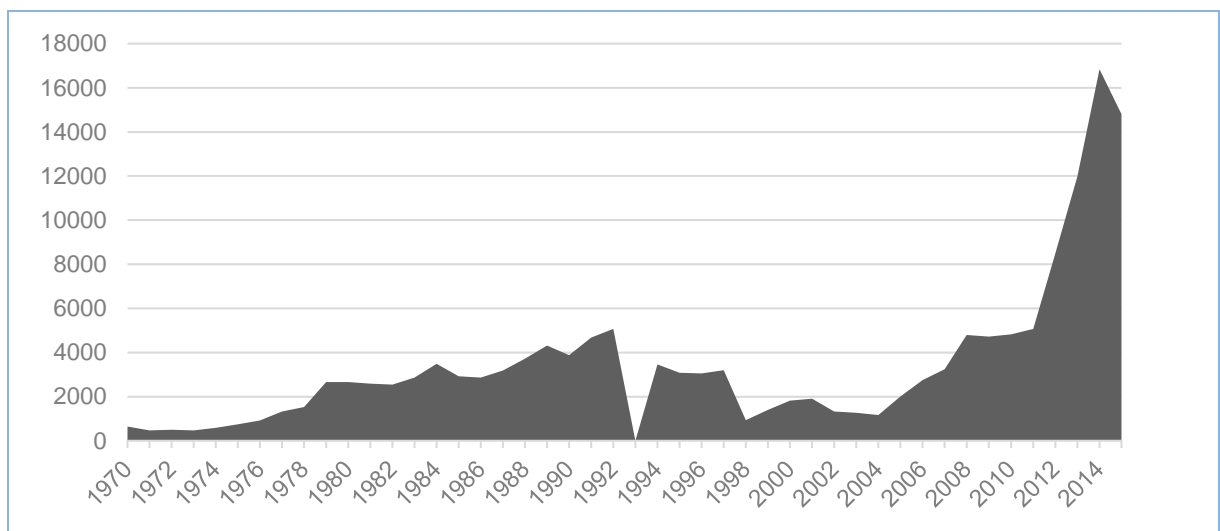
⁴³² Not including the deaths of 11 hijackers.

⁴³³ The START database on terrorism incidents keeps records of terrorist attacks since 1970.

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pushing terrorism to the top of the international security agenda. Whereas in the 1960s the words 'rebel' and 'guerilla' were used about ten times as often as the word 'terrorist', since 2000 the word 'terrorist' is used three times as much as the word 'guerrilla' and almost two times as much as the word 'rebel'.⁴³⁴ The 'war on terror' however also further complicated the question of what terrorism is in the first place. The mid-1990s saw an explosion of the use of the term terrorism, but the amount of terrorist attacks and resulting deaths hardly changed between 1970 and 2010. Despite the consistent and enduring focus on the Taliban regime in Afghanistan and the Al-Qaida terrorist organization as major threats, terror-related deaths have only started significantly increasing since 2012, mainly due to the Islamic State in Iraq and the Levant (ISIL) and Boko Haram in Northern Nigeria and neighboring regions.⁴³⁵

Figure 1 - Terror attacks 1970 - 2015



Despite the growing urgency to deal with terrorism in international relations, there is no clear, comprehensive and widely accepted definition. Dictionary definitions are of little help. Merriam Webster describes terror as 'violent or destructive acts (such as bombing) committed by groups in order to intimidate a population or government into granting their demands', and terrorism as the systematic use of terror, especially as a means of coercion. This definition fails to explain which

⁴³⁴ According to Google Ngram, the word terrorist was used in approximately 0.0001% of all unigrams in English-language books available on Google Books, a database. In 2004 this number had thirteen-folded to 0.0013%. Frequencies for 'guerrilla' and 'rebel' have stayed relatively stable around 0.0004% and 0.0008% respectively.

⁴³⁵ Due to an accident a large share of the START data on 1993 were lost. As a result, the researchers decided to leave out all incidents recorded in this year so as to avoid confusion.

types of actions should be regarded as terrorist attacks and which would be better defined as acts of rebellion or guerrilla warfare, or even of narcotics-traffickers, gangs, or bank robbers. The Oxford dictionary is somewhat more helpful, describing the term as 'the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims', in the sense that it recognizes terrorism as a political activity.

Indeed, Bruce Hofmann, an influential student of terrorism, recognizes that acts of terrorism are inherently political.⁴³⁶ Mafia groups, pirates, and lone wolves responsible for mass shootings in public places may very well terrorize citizens, but if their motives are not political they are not recognized as terrorists. For example, narco-traffickers in Colombia and Mexico, oftentimes responsible for thousands of civilian deaths, many of which are innocent victims, are not recognized as terrorists because their objectives are primarily economical, primarily political. The 2011 mass shooting in Norway by Anders Breivik, who killed 69 people on a summer camp and 8 in a bomb-attack in Oslo, can however be regarded as an act of terrorism, as his objectives were stated an act against Islam and Cultural Marxism.⁴³⁷

If the objectives of terrorists are by definition political, the task of labelling terrorist organizations and distinguishing them from rebels or guerrillas is even more politically motivated. Definitions provided by the US State Department, the Central Intelligence Agency (CIA), and the Federal Bureau of Investigation (FBI) leave the question wide open, allowing for policy makers to label violent non-state organizations as 'terrorists' as they please. The EU and UN, in an attempt to be more politically sensitive to grievances of perpetrators, have chosen to define terrorist 'acts', but not terrorist 'organizations' although both organizations do publish designated lists of terrorist organizations that should receive targeted sanctions.

The US State Department and the CIA both use Title 22 of the US Code to define terrorism as "premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents".⁴³⁸ The FBI's definition adds that terrorism is by definition 'unlawful', but leaves out the requirement of the perpetrator being a non-state actor, allowing for some ambiguity as to whether governments can be terrorists.⁴³⁹ Regardless, the official Designated

⁴³⁶ Hoffman. *"Inside Terrorism"*. (2006). pp. 20-34.

⁴³⁷ In his 'Manifesto', Breivik advocated for the expulsion of all Muslims from Europe.

⁴³⁸ United States Code of Law, Section 2656f (d).

⁴³⁹ The FBI's definition of terrorism is "the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."

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Foreign Terrorist Organizations list of the Bureau of Counterterrorism includes a number of organizations that have been recognized by others as rebel groups or guerrillas, including *Sendero Luminoso* in Peru, the Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers), and Al-Shabaab in Somalia and Kenya.

The Council of Europe Convention on the Prevention of Terrorism does not provide a definition for terrorism, but nevertheless criminalizes acts surrounding terrorist activities, including recruitment, training, and sponsoring of terrorism. Just as the US State Department, the European Commission has a designated Terrorist List, established in December 2001, listing persons, groups, and entities involved in terrorist acts and subject to restrictive measures.⁴⁴⁰ This list is separate and more comprehensive than that of the United Nations, and has listed organizations such as the Armed Revolutionary Forces of Colombia (FARC) and the Communist Party of the Philippines, groups that have not been listed by the UN and that have been associated with rebellion and insurgency rather than pure terrorism.

Attempts within the United Nations to push for a comprehensive convention on international terrorism have stumbled upon two issues. The first issue deals with the complaint that state-actors have terrorized citizens without being defined as terrorists. Why is Hamas labelled a terrorist organization and the Israeli government not? And what about governments from Myanmar to Sudan? The answer to such complaints is that the international legal system provides sufficient means to deal with such violations and that there is therefore not reason to include governments in definitions about terrorism.⁴⁴¹ The second issue is that labelling political violence as 'terrorism' wholly and directly delegitimizes and criminalizes the perpetrators. The label 'terrorist' is very powerful because it censures and stigmatizes them in the worst way possible, denying them of any legitimate social grievances or political objectives. This explains why politicians find it convenient to use the terrorist label as a tool of policy, as well as the reaction of groups who feel that they are labelled as terrorists unjustly.

The United Nations have been sensible to the argument that minority groups and national liberation movements should have the right to resist against oppressive regimes or other political enemies. Being labelled a terrorist organization effectively eliminates this right. UN conventions have therefore focused on the act of terrorism, rather than defining groups as terrorist organizations. For example, in 1994 the UN General Assembly stated that "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or

⁴⁴⁰ EU Common Position 2001/931/CFSP.

⁴⁴¹ UN Secretary-General's High-Level Panel on Threats, Challenges, and Change: "A More Secure World – Our Shared Responsibility"; 2004, paragraphs 157-164.

any other nature that may be invoked to justify them"⁴⁴². Similarly, the Convention of Combating International Terrorism by the Organization of Islamic Cooperation (OIC) in 1999 stated that terrorism is "any act of violence or threat thereof [...] perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people, notwithstanding its motives or intentions"⁴⁴³. The UN's reply to issues of legitimacy of terrorism is thus to look at the type of attack, not the political grievances or objectives of the perpetrators. To use the terminology of Just War Theory, it is not about being able to claim 'Jus Ad Bellum' or a 'Just Cause', but rather about 'Jus In Bello' doctrines such as the distinction between combatants and non-combatants, proportionality, and the types of weapons or attacks used.

The importance of the distinction between acts of terrorism and terrorist organizations is also recognized in the academic literature. It makes no sense to distinguish between terrorists and rebels in terms of their grievances and political objectives, because terrorists don't consider themselves terrorists. As Konrad Keller put it: "A terrorist without a cause (at least in his own mind) is not a terrorist".⁴⁴⁴ Bruce Hoffman has argued that terrorists never agree with the label 'terrorist', as they all see themselves as fighting for a righteous cause in which attacks against their enemies are justified. Indeed, scary-sounding names as Al-Shabaab and Al Nusrah, and Al-Qaida simply mean 'the Youth', 'the Supporters', and 'the Base', and all see themselves as freedom fighters who are left with no other choice than to stage public attacks to promote their goals. How is that different from resistance movements or rebel groups such as the National Union for the Total Independence of Angola (UNITA) or the Kurdistan Workers Party (PKK) in Turkey and Northern Iraq and Syria?

The answer lies with the nature of the act. According to Hoffman's definition, terrorism is "the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change." The advantage of such a definition is that it only recognizes terrorist activities, not terrorist organizations. It is not a relevant question to ask whether Boko Haram is a terrorist organization; what matters is whether the acts they have perpetrated were acts of terrorism or acts of insurgency, civil conflict, or other types of violence, such as criminal violence.

The database on terrorist attacks and UN sanctions on which this chapter is based comes from the National Consortium for the Study of Terrorism and Responses to Terrorism (START), headquartered at the University of Maryland. Their Global

⁴⁴² United Nations Document A/RES/60/49.

⁴⁴³ Convention of the Organization of the Islamic Conference (OIC) on Combating International Terrorism (1999)

⁴⁴⁴ Kellen. "On Terrorists and Terrorism". (1982). Page 10.

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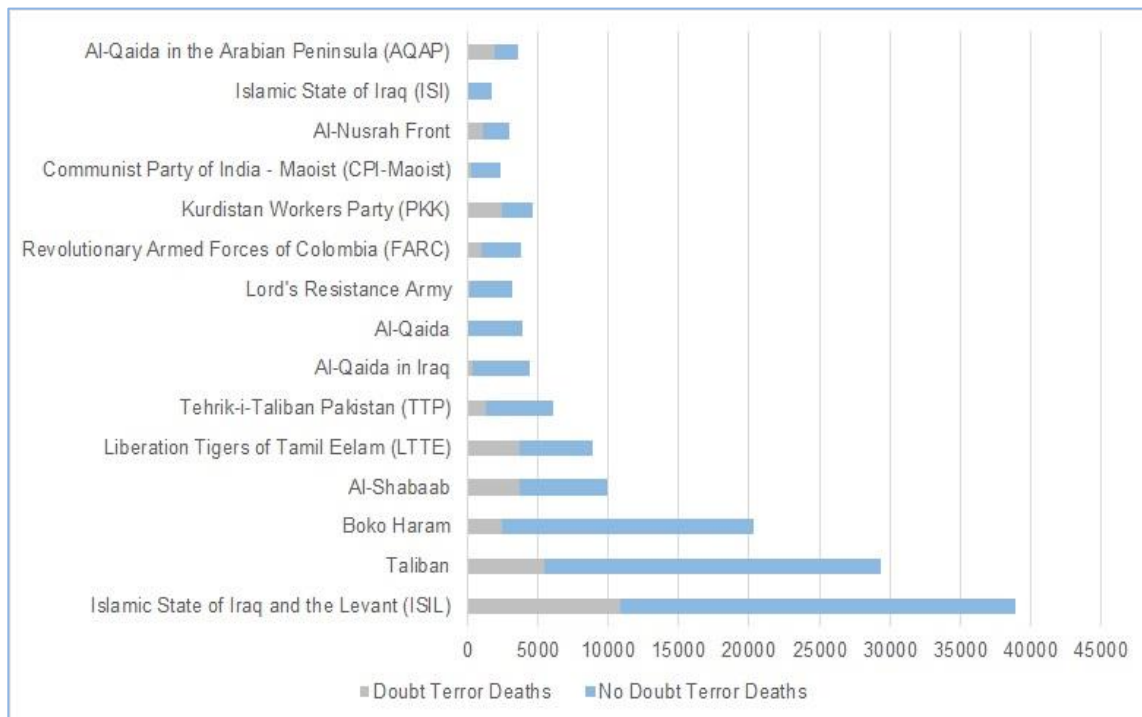
Terrorism Database (GTD) records data on terrorist attacks since 1970, counting 156,772 incidents since 1970, defining terrorism as “the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation”.⁴⁴⁵ In addition to this definition, at least two of the three criteria below must be fulfilled:

- The act must be aimed at attaining a political, economic, religious, or social goal.
- There must be evidence of an intention to coerce, intimidate, or convey some other message to a larger audience(s) than the immediate victims.
- The action must be outside the context of legitimate warfare activities.

The START database also recognizes that there is often a definitional overlap between acts of terrorism and other forms of political violence and ordinary crime, such as insurgency, organized crime, or intra/inter-group conflict. For example, several of the attacks by the Abu Sayyaf Group (ASG) in the Philippines have been identified as acts of insurgency or guerrilla against the national military forces. The same goes for Hamas in the West Bank and Gaza Strip and the Donetsk People’s Republic in Ukraine. Similarly, a majority of the attacks by Al-Qaida in the Arabian Peninsula (AQAP) carried out in Yemen in 2014 and 2015 were identified by the GTD analysts as acts of inter-group violence against Huthi extremists rather than pure acts of terrorism.

⁴⁴⁵ START Global Terrorism Database – Codebook 2016.

Figure 2 - Deadliest Terrorist Groups 1990 - 2017



Based on the definitions used to distinguish terrorism from other forms of violence, one could reasonably expect that the United Nations' counter-terrorism strategy focuses on the act of terrorism rather than the political motives that lie behind the attacks. After all, it is possible to distinguish acts of terror from more legitimate acts of violence. However, the track-record of UN sanctions on state-sponsors of terrorism since 1990 and on terrorist groups and individuals since 2001 shows a rather different picture. It most definitely matters what the terrorists want. The 'threat to the peace' seems to be determined not by the nature of the attacks or the number of people killed, but rather by the objectives of the groups. Separatists, communists, and armed groups that use tactics of terror don't get sanctioned; Islamic extremists do.

8.2. State-Sponsored Terrorism and UN Sanctions since 1990

The UN sanctions against the Libyan Arab Jamahiriya (1992-1998), Sudan (1996-ongoing), and the Taliban regime in Afghanistan (1999-ongoing) represented the first UN sanctions regimes in response to acts of international terrorism. In all three cases, they were targeted against states who sponsored terrorism or harbored terrorists rather than the perpetrators themselves.

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The attacks that led the UN to impose sanctions were two bombings of airplanes on Pan Am Flight 103 over the Scottish town of Lockerbie in 1988 and on UTA flight 772 over Niger in 1989, killing 270 and 170 people respectively, many of which were American and French. In both cases Libyan security officials under the regime of Muammar Qaddafi were suspected to be involved, including in one case Qaddafi's own brother in law.⁴⁴⁶ Unilateral sanctions by the United States had however been in place since the early 1980s in response to concerns about Libyan support for international terrorist attacks in Italy, Greece, the United Kingdom, and the United States. On the 31st of March 1992 the United Nations imposed Security Council Resolution 748, installing aviation sanctions, an arms embargo, diplomatic sanctions, and travel sanctions for officials suspecting of terrorist activity. Interestingly, the first UN sanctions regime in response to terrorism was thus not aimed at a specific terrorist organization, but rather at a government that supported terrorism and gave them refuge. It is unknown how many terrorist attacks in the 1980s were sponsored by Qaddafi's regime, but Libya has indeed been known as a military training ground for liberation movements and terrorists across Africa and the Arab world, including Abu Nidal Organization, the Popular Front for the Liberation of Palestine, the Irish Republican Army, and the National Union for the Total Independence of Angola.⁴⁴⁷ The UN Sanctions against Libya have been regarded as relatively successful, as they eventually succeeded in bringing Qaddafi to the negotiating table and agreeing to extradite the indicted suspects to the United States and France.⁴⁴⁸ Most of the real pressure came from the United States, as they unilaterally imposed an additional oil embargo on Libya. European states did not want to go as far as to stop importing Libyan oil as they were relatively dependent on Libyan oil imports.⁴⁴⁹

The UN Sanctions on Sudan under Resolution 1054 in 1996 are another exhibit in the claim that the 'war on terror' started long before US President George W. Bush coined the term in 2001. Sudan's government was subjected to sanctions in the aftermath of an assassination attempt on Egyptian President Hosni Mubarak in 1995 in Addis Ababa, Ethiopia. The Organization of African Union (OAU) requested Sudan to extradite the three suspects of the attack who were allegedly in Sudan. When Sudan's government under Omar Al-Bashir did not comply, the UN Security Council considered Sudan's 'harboring' of terrorists as a threat to the peace, and imposed diplomatic sanctions, for example by calling on member states to reduce the number of diplomatic staff in Sudan and telling international

⁴⁴⁶ Strangely enough, the START database identifies Hezbollah as the perpetrators of the UTA bombing, but other sources don't confirm this. The perpetrators of the Pan Am flight are filed as 'unknown'.

⁴⁴⁷ Boucek: "Libyan State-Sponsored Terrorism." 2005.

⁴⁴⁸ Cortright & Lopez. "*The Sanctions Decade*". (2000). Chapter 6.

⁴⁴⁹ It was estimated that approximately 90% of Libyan oil exports at the time went to Europe.

institutions to refrain from convening conferences in Sudan. Later that year, after Sudanese officials had denied that the suspected plotters of the assassination were in Sudan, UNSCR 1070 was imposed to install travel sanctions, although these were never implemented due to concerns about Sudan's humanitarian situation.⁴⁵⁰ Although the sanctions never achieved their goal of catching the suspects, the Sudanese government did force Osama Bin Laden, a major supporter of international terrorism, to leave the country and to move to Afghanistan.

UNSCR 1267 on the Taliban regime in Afghanistan in 1999 shows that international terrorism against Western targets can sometimes be perceived as a bigger threat to the peace than a civil war in central Asia. Whereas during the Cold War Afghan Mujahedeen 'freedom fighters' were backed by the United States in their fight against a Soviet invasion, Western interests in Afghanistan soon faded in the early 1990s, allowing for the country to disintegrate politically, leading to a the third bloodiest civil war since the end of the Cold War after the Rwandan genocide and the Syrian civil war. In 1996 the war brought to power the Taliban regime, which became known for its grave human rights abuses and strict enforcement of Sharia law in the territory they controlled. The international community did not approve of the Taliban, and the United Nations did not recognize its leader Mohammed Omar as Afghanistan's official sovereign leader, but no decisive action against the Taliban was taken until 1999, when it became clear the Taliban had forged a relationship with Osama Bin Laden. Bin Laden had been on the radar of US anti-terrorism agencies for longer, but only became a prime target in 1998 after bombing US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing a total of 224 people, twelve of which were American officials. Earlier that year Bin Laden had publicly announced a 'fatwa' against the West, calling upon his followers to kill American citizens. Later that year, after retaliatory US attacks on Bin Laden's training camps in Afghanistan, Taliban Leader Omar officially backed Bin Laden and declared that the United States was their biggest enemy. UNSCR 1267, currently known as the basis of the sanctions regime against the Taliban and Al-Qaida, was a strange mix between condemnation of the Taliban as a regime and coercing the Taliban to extradite Osama Bin Laden. The Resolution first expressed concern about the regimes violations of international humanitarian law and human rights and the illicit production of opium. Subsequently, it condemned the Taliban for sheltering and training terrorists, and for providing a safe haven for Osama Bin Laden. The sanctions included a travel ban, an arms embargo, and diplomatic sanctions. The requirements for lifting the sanctions however were completely unrelated to the Taliban's governance in Afghanistan, and focused exclusively on combatting

⁴⁵⁰ Cortright & Lopez. "The Sanctions Decade". (2000). Chapter 6.

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terrorism and having Bin Laden extradited. Al-Qaida as an organization was not mentioned at all in the Resolution.

Why were these state-sponsors of terrorism subjected to UN sanctions regimes? Libya, Sudan, and Afghanistan indeed sponsored terrorism activities in the 1990s that formed a threat to the international community, although arguably this threat was much smaller than those posed by more than a dozen civil conflicts and interstate conflicts during the same decade. The bombings of Pan Am flight 103 and UTA flight 772 killed 440 people.⁴⁵¹ The failed assassination attempt on Hosni Mubarak killed two Ethiopian police officers and two of the assailants. The 1998 US embassy bombings in Nairobi and Dar es Salaam killed 224. In the same year, the civil conflict in Sudan had already produced over 40.000 deaths in Darfur and Southern Sudan, and the Afghan civil war had produced at least 50.000 deaths since 1990. UN sanctions with regard to the harbouring of terrorists were imposed swiftly. Those related to civil war materialized much slower. In the case of Sudan's conflict in Darfur the UNSC only succeeded in imposing targeted sanctions in 2005 under Resolution 1591.

It is also imperative to consider other state-sponsors of terrorism that were not sanctioned under the UN framework, most notably Iran, Iraq, Syria, Saudi Arabia, and Pakistan, but also India, Israel, Malaysia, the Philippines, Qatar, Russia, Turkey, the United Kingdom, and the United States, all of which are known to have sponsored terrorist groups in the past. Iran, Iraq, and Syria have all been officially recognized by the US State Department as state sponsors of terrorism since the late 1970s or 1980s, but were never sanctioned as such by the UN. More interestingly, the two states that have perhaps been most influential in supporting Osama bin Laden and Al-Qaida (Saudi Arabia and Pakistan) don't appear even on the US State Department list. Considering the fact that the majority of the 9/11 attackers were of Saudi nationality, and that both the Taliban and Al-Qaida in Afghanistan received substantial military and financial support through Pakistan, one can only reach the conclusion that the UN track record on sanctioning state-sponsored terrorism is far from consistent.

The focus of the rest of this chapter is on UN sanctions in response to terrorist organizations themselves as part of the 'war on terror' since 2001. The following sections will go deeper into the 'war on terror' as a phenomenon, the UN Global Counter Terrorism Strategy, and the policies of the UN Security Council Committee pursuant to resolutions 1267 (1999), 1899 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities.

⁴⁵¹ It must be noted that the bombings sponsored by Libya were supported by Gadhafi's regime in a much more direct manner, whereas the governments of Sudan and Afghanistan merely 'hosted' / refused to extradite members of Al-Qaida.

Subsequently we will compare the sanctioned organizations that were listed on the UN designated terrorism list with those who weren't listed.

8.3. Al-Qaida and the War on Terror

Al-Qaida came on the radar of the US - and subsequently the UN – several years before 9/11 as the first non-state target of terrorism-related sanctions. After the 2001 attacks on the United States targeted sanctions against Al-Qaida and associates were put at the helm of UN targeted sanctions policy through the UN sanctions committee pursuant to Security Council Resolution 1267.

Al-Qaida was established in 1988 in the aftermath of the war in Afghanistan against Soviet invaders. Osama bin Laden had been involved with the Afghan Mujahidin since the early 1980s, running a Mujahidin Services Bureau (*Maktab Khidamat al-Mujahidin*) and guesthouse for Arab fighters wishing to join the Jihad in Afghanistan or to receive training for their own struggles against Arab apostate governments in Egypt, Libya, and Algeria, most notably.⁴⁵² As a matter of fact, Al-Qaida (the Base) was established for bureaucratic reasons in order to administer the arrivals and conflict-deaths of Arab jihadist fighters varying from the Armed Islamic Group (GIA) in Algeria, the Libyan Islamic Fighting Group (LIFG) that fought the regime of Muammar Gadhafi, and the Egyptian Islamic Jihad (EIJ) and al-Gama'a al-Islamiyya (IG) that fought the regime of Hosni Mubarak. Although most of the groups related to Al-Qaida shared a general ideology of Islamic Jihad and proposed a version of Sharia law, the interactions between groups were full of disagreements and internal conflicts about leadership and objectives. Each group clearly had their own local objectives against what they saw as local apostate and illegitimate governments, typically backed by the West.

It was only in the late 1990s in Sudan that Al-Qaida began to significantly expand its activities. Having received a warm welcome by the Sudanese government under Omar al-Bashir, Bin Laden increased Al-Qaida's financial strength, allowing his organization to establish more training facilities and attract more fighters. Still, the organizations that received training through Al-Qaida were not keen on outsiders meddling in their local struggles. When GIA's senior mufti Abou Bassir visited Bin Laden in Khartoum in 1995 he made it very clear that Al-Qaida or other affiliates were not to interfere in Algeria without consulting the GIA leadership first, threatening Bin Laden to kill any Jihadist who entered Algeria without their consent.⁴⁵³ Similarly, when the Egyptian Islamic Jihad (EIJ) under Al-Zawahiri attempted to assassinate Hosni Mubarak in 1995 in Addis Ababa, Al-Qaida was

⁴⁵² Tawil: "Brothers in Arms". 2010. Pp. 15-35.

⁴⁵³ Tawil: "Brothers in Arms". 2010. Pp. 89-99.

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only involved in an indirect manner. When the EIJ trialled and sentenced to death two suspected spies without involving the Sudanese authorities, it was reason for al-Bashir to expel the EIJ, not Al-Qaida. Al-Qaida and Osama Bin Laden were only expelled from Sudan in the aftermath of the 1998 US Embassy bombings in Nairobi and Dar es Salaam, after which the Sudanese government received UN sanctions and Bin Laden went back to Afghanistan. It was in this same year that Bin Laden had publicly announced a *fatwa* against the West, calling on his followers to kill American citizens worldwide.

When Bin Laden moved back to Afghanistan in 1998, the United Nations was already involved with the Afghan civil war and the Taliban regime, although sanctions had not been imposed yet. When the first sanctions were imposed on the Taliban regime with UNSCR 1267 (15 October 1999), the extradition of Osama Bin Laden was one of the requirements for the lifting of sanctions, along with a general ceasefire related to the civil war. Whereas most other Security Council members saw the sanctions as being related primarily to the humanitarian situation in Afghanistan and the excesses of the Taliban regime, US representative Nancy Soderberg was clearly more concerned with seeking justice for the US embassy bombings of the preceding year. She called the Resolution a courageous step in combating international terrorism, sending a direct message to Osama bin Laden, and terrorists everywhere: "You can run, you can hide, but you will be brought to justice."⁴⁵⁴

UNSCR 1333 of 19 December 2000 explicitly mentioned the Al-Qaida organization as part of the 1267 sanctions regime, freezing the financial assets of the Al-Qaida organization, including:

"funds derived or generated from property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly for the benefit of Usama bin Laden, his associates or any entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organization."⁴⁵⁵

Additionally, the Council requested the Committee to maintain an updated list, based on information provided by States and regional organizations, of the individuals and entities designated as being associated with Osama Bin Laden, including those in the Al-Qaida organization. This list of designated terrorist organizations would however only become a reality on the 15th October of 2001,

⁴⁵⁴ UNSC 4051st Meeting, 15 October 1999.

⁴⁵⁵ UNSCR 1333 (2000).

after the terrorist attacks on New York and Washington of the 11th of September of that year.

In the 9/11 attacks nineteen Al-Qaida terrorists hijacked four passenger airplanes and flew them into the Twin Towers in New York and the Pentagon in Washington, killing 2763 people and injuring many thousands more. It was the deadliest and most spectacular terrorist attack in modern history, defining not only the US counterterrorism strategy for the years to come, but also the very manner in which international security is perceived and studied.

In the years following the 9/11 attacks everything related to the issue of Islamic terrorism exploded, except for the actual number of terror attacks. In 1997 the words terrorist, rebel, and guerrilla were used roughly equally frequently by authors; by 2007 the word terrorist was used three times as often as rebel and six times as often as guerrilla. Al-Qaida, Bin Laden, and the War on Terror dominated headlines. Al-Qaida seemed to be everywhere. In 2002 Al-Qaida claimed responsibility for an explosion in Tunisia that killed 14 German Tourists and five locals, as well as for the bombings of two night clubs in Bali, killing 202. In 2003 Al-Qaida claimed attacks around the world, including Kenya, Saudi-Arabia, Spain, Morocco, and Turkey. In 2004 the most important attack was the bombing of the Atocha train station in Madrid, Spain, killing 191 people and leading the Spanish government to withhold its support for the US invasion in Iraq. In 2005 an explosion in the London metro system killed 52. The attacks were not just considered acts of terrorism, but acts of war. The actual number of deadly terrorist attacks worldwide between 2001 and 2005 actually declined however, from 242 in 2001 to 120 in 2005.

In the United States, the War on Terror defined US foreign policy. The establishment of the US department of Homeland Security was a direct result of the 9/11 attacks, and after 2001 the activities of the FBI and CIA pivoted largely towards counter-terrorism activities.⁴⁵⁶ If it had not been for 9/11, the US PATRIOT act and the Guantanamo Bay prison might not have existed. In the decade after the 9/11 attacks the US spent between US\$ 100 billion and US\$ 235 billion annually on the War on Terror, totalling over US\$ 2 trillion between 2001 and 2018.⁴⁵⁷ Shortly after 9/11 George W. Bush said to the US Congress that “Our war on terror starts with Al-Qaida, but it does not end there.”⁴⁵⁸ That was an understatement.

⁴⁵⁶ LaFree et al. “Putting Terrorism in Context”. (2015). Page 27.

⁴⁵⁷ Amadeo. “War on Terror Facts, Costs, and Timeline”. (2017).

⁴⁵⁸ Bush. “State of the Union”. (2001).

8.4. UN Sanctions and on the War on Terror

Just as 9/11 and the war on terror completely dominated US foreign policy since 2011, the United Nations also made some significant policy shifts in order to deal with the threat of international terrorism. The establishment of the Counter Terrorism Committee (CTC), the UN Counter Terrorism Strategy, and the dramatic expansion of the 1267 sanctions regime created a comprehensive framework to combat Al-Qaida and their associates and later the Islamic State in Iraq and the Levant (ISIL).

Before 9/11 the United Nations' focus on terrorism was relatively minor. UNSCR 1267 of 1999 might have remained its focus on the Taliban regime and the civil war in Afghanistan, rather than on Al-Qaida, which until then had posed a relatively minor threat.⁴⁵⁹ There were at least seventeen organizations that had been responsible for more deaths in terrorist attacks between 1990 and 2000, none of which had been subjected UN sanctions until then, and most of which never would.⁴⁶⁰ The first mention of Al-Qaida as a terrorist organization occurred in UNSCR 1333 (2000) on Afghanistan, deciding that all States should take measures to freeze funds and financial assets of Osama Bin Laden and entities associated with him, including Al-Qaida. Interestingly, Al-Qaida had until that point been a relatively unimportant terrorist organization. The START dataset on acts of terrorism only counted five attacks by Al-Qaida between 1990 and 2000 of which only one killed more than twenty people. It is also interesting to note that the first mention of Al-Qaida in UNSCR 1333 happened a mere seven days after a suicide attack in the port of Aden, Yemen, killing seventeen American sailors. Add to this the American casualties of the 1998 attacks in Nairobi and Dar es Salaam, and Al-Qaida had become the terrorist organization responsible for most American deaths since the Cold War, with the exception of the Armed Islamic Group (GIA) in Algeria.⁴⁶¹ The 1267 sanctions regime focused on the use of targeted sanctions to get Bin Laden brought to justice; the war on terror was yet to break out.

Directly after the 9/11 attacks the United Nations Security Council started building a more comprehensive policy framework to combat international terrorism. UNSCR 1368 on the 12th of September expressed general outrage about the attacks as well as the Council's determination to combat by all means threats to

⁴⁵⁹ Until the 9/11 attacks Al-Qaida had been responsible for five deadly terror attacks, only one of which killed more than 20 people.

⁴⁶⁰ Al-Gama'at al-Islamiyya (IG) and the Allied Democratic Forces (ADF) were added to the UN designated terrorist organization's list in 2001 and 2014 respectively.

⁴⁶¹ GIA killed 120 Americans in two related attacks on a movie theater and a mosque in 1998.

international peace and security caused by terrorist acts.⁴⁶² Two weeks later, UNSCR 1373 laid the foundation for the United Nations Counter Terrorism Committee, which was tasked with monitoring implementation of resolution 1373 (2001), which requested countries to:

“implement a number of measures intended to enhance their legal and institutional ability to counter terrorist activities at home, in their regions and around the world, including taking steps to criminalize the financing of terrorism, freeze funds related to persons involved in acts of terrorism, deny all forms of financial support for terrorist groups, suppress the provision of safe haven, sustenance or support for terrorists, share information with other governments on any groups practicing or planning terrorist acts, cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts, and criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.”⁴⁶³

In 2004 the CTC also established an executive directorate (CTED), in addition to five technical working groups to deal with technical assistance, border control and arms trafficking, the financing of terrorism, legal issues, and human rights issues. In 2006 the UN General Assembly also adopted a Global Counter-Terrorism Strategy, based on four pillars to (I) address the conditions conducive to the spread of terrorism, (II) preventing and combatting terrorism, (III) building states' capacity and strengthening the role of the United Nations, and (IV) ensuring human rights and the rule of law.⁴⁶⁴

The United Nations institutional framework is thus completely prepared to deal with international terrorism in all its forms and in all corners of the world. When it comes to sanctioning terrorist organizations under Chapter VII of the UN Charter, however, only the Al-Qaida network and the Islamic State have been subjected. The international 'war on terror' is in reality an international war against these two networks.

8.4.1. 1267/1989/2253 Committees

One of the CTC's major responsibilities related to the 1267 'Al-Qaida and Taliban Sanctions Committee' was to maintain an updated list of designated terrorist organizations eligible for sanctions. The process of listing was ambiguous; UN member states could submit listing requests for Al-Qaida and Taliban-related

⁴⁶² UNSCR 1368 (2001).

⁴⁶³ United Nations. "UN Counter-Terrorism Committee Mandate". 2001.

⁴⁶⁴ UNGA Resolution 60/288 (2006).

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entities and individuals at any time, and the decision-making process to either accept or reject requests was vague.

A week after its establishment, on the 6th of October of 2001, the CTC added four individuals and fifteen entities to the list.⁴⁶⁵ Some of the entities listed were part of Bin Laden's direct network, including the Afghan Services Bureau that preceded Al-Qaida (*Makhtab al-Khidamat*), Al Rashid Trust (a financial facilitator), and the Wafa Humanitarian Organization, which was considered as an integral component of Al-Qaida involved in raising money, organizing trainings, and distributing manuals for attacks. The Egyptian Islamic Jihad, which had officially joined forces with Al-Qaida in 2001 under the leadership of Aiman Muhammed Rabi al-Zawahiri, Bin Laden's successor, was also listed. The other organizations that were listed were either militant groups in Afghanistan and Pakistan involved in the Afghan civil war (Harakat Ul-Mujahidin, Jaish-i-Mohamed), or Islamist militant groups in other countries that had received various levels of support for their local struggles through Al-Qaida, including the Abu Sayyaf Group in the Southern Philippines, the Armed Islamic Group (GIA) and Salafist Group for Call and Combat (GSPC) in Algeria, Al-Itihaad Al-Islamiya (AIAI) in Somalia, the Libyan Islamic Fighting Group (LIFG), the Islamic Movement of Uzbekistan (IMU), and the Islamic Army of Aden (IAA) in Yemen.

By the end of 2003 the list had already grown to 71 individuals and 36 entities. By this time the relationship between the sanctions regime and the Al-Qaida link became more ambiguous. Western nations used the 1267 committee to list Islamic organizations in their countries that has somewhat vague organizational ties to Al-Qaida. For example, the US succeeded in listing the Global Relief Foundation, an organization linked to Jemaah Islamiyah (JI), which funds Islamists active across South East Asia and which was inspired by Bin Laden's ideology. France and the UK pushed for the listing of Moroccan and Tunisian Combatant Groups affiliated with the GSPC that were thought to have terrorist sleeper-cells in Western Europe, as well as a number of Islamic foundations based in Bosnia-Herzegovina. One organization (al Furqan) was listed because one former employee had ties to the Armed Islamic Group. The ease with which entities could be listed also helped China, Russia, India, and Pakistan in listing organizations such as the Eastern Turkestan Islamic Movement (ETIM) in China's eastern Xinjiang Province, several Chechen groups responsible for attacks across Russia, Lashkar e Taiba (LeT) in India, and Lashkar I Jangvi (LJ) in Pakistan's Punjab region. All of these organizations were only loosely and indirectly associated with Al-Qaida, but that was sufficient to make it to the list.

⁴⁶⁵ Before the establishment of the CTC six individuals were already added to the list in January 2001 because of their connection to Osama Bin Laden.

In response to the ambiguity surrounding the 1267 list, human rights activists and legal scholars started to point out that there were no procedures in place for delisting, and that listed individuals and entities were denied due process.⁴⁶⁶ These critiques might help explain the fact that between 2005 and 2010 only four new entities were added to the list. To deal with these issues, in 2009 the CTC created an office for an Ombudsperson to deal with de-listing requests. There are currently also clear listing criteria to help decide whether acts of activities or individuals or groups associated with ISIL or Al-Qaida are eligible for inclusion on the list, including:

- a) Participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;
- b) Supplying, selling or transferring arms and related materiel to;
- c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof;⁴⁶⁷

For twelve years between 1999 and 2011, the UN sanctions regime against the Taliban, Al-Qaida, and associated individuals and organizations was managed under the UNSCR 1267 regime. The list that started out as a tool to deal with the in the Afghan civil war and the extradition of Osama Bin Laden had turned into an all-you-can-eat buffet in which anything could be placed on the menu. After the 2003 invasion of Iraq the 1267 committee served to sanction Ansar al Islam as well as Al-Qaida in Iraq. Between 2010 and 2015, when conflict moved to the Maghreb region and Sub-Sahara Africa, 1267 served to sanction Al-Qaida in the Arabian Peninsula, the Movement for Unity and Jihad in West Africa (MUJAO), Al-Qaida in the Islamic Maghreb,⁴⁶⁸ and Boko Haram, respectively. Conveniently, these organizations had all publicly pledged allegiance to Al-Qaida in order to attract recruits, even if their objectives were rather local.

In 2011 the UNSC adopted Resolutions 1988 and 1989, essentially splitting the 1267 sanctions regime in two, one focusing on the Taliban regime and governance and security in Afghanistan, and the other dealing with international terrorist groups linked to Al-Qaida, meaning that organizations such as AQIM and Boko Haram were in reality listed under UNSCR 1989. By this time, however, Al-Qaida had already seized to be the biggest terrorist threat; the war in Syria and the rise of the

⁴⁶⁶ Fassbender. "Targeted Sanctions and Due Process". (2006).

⁴⁶⁷ UNSCR 2253 (2015). Paragraphs 3-5.

⁴⁶⁸ In reality AQIM had already been sanctioned in 2001 as GSPC.

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Islamic State in Syria and Iraq asked for yet another adaptation to the 1267/1989 sanctions committee.

In 2015, when the world's biggest terrorist threat had shifted from Al-Qaida to the Islamic State in Iraq and the Levant (ISIL), UNSCR 2253 expanded the sanctions regime to also include organizations associated with this organization. In reality this change was rather superficial, as ISIL had been listed on the original 1267 list as a terrorist organization since 2004, under the name of Al-Qaida in Iraq. By the time the 2253 Committee was established, the split between Al-Qaida and the ISIL had however already materialized. ISIL's predecessor, Al-Qaida in Iraq (IQI), or also called Islamic State of Iraq (ISI), had initially started out as an Al-Qaida affiliate in the war in Iraq, with its initial leader Zarqawi pledging allegiance to Osama bin Laden and Al-Qaida acknowledging ISI leadership. Both organizations pursue a Salafist branch of Islam and both share the same ultimate goal of establishing an Islamic Caliphate, but as Al-Qaida's international allure faded in the mid-2000s IQI leader al-Zarqawi started pursuing a much more radical path, attacking a wide range of moderate Muslims and trying to control territory.

After Bin Laden's death in 2011, his successor Zawahiri did not acknowledge ISIL's new leader Abu Omar al-Baghdadi, who already announced his objective to restore the Islamic Caliphate in 2011, when ISI was still a relatively minor terrorist group in Iraq and Syria. In 2013, when another al-Bagdadi (Abu Bakr) officially established the al-Dawla al-Islamiya al-Iraq al-Sham (Daesh), translated to the Islamic State of Iraq and the Levant (ISIL), and also known as the Islamic State in Iraq and Syria (ISIS), or simply Islamic State (IS), the organization already controlled a vast amount of territory in Iraq and Syria. Whereas Al-Qaida's core organization killed only 374 people since the 9/11 attacks, ISIL killed close to 20.000 people between 2013 and 2015. Currently the list established and maintained pursuant to Security Council res. 1267/1989/2253 counts 402 individuals and 151 entities and groups that are subject to sanctions.

8.5. Sanctioned vs. Unsanctioned

The efforts of the United Nations to impose targeted sanctions in response to terrorism are fully focused on the Taliban, Al-Qaida, ISIL, and their affiliates. Between 2001 and 2015 the United Nations sanctioned 26 major terrorist organizations under 1276/1989/2553 regimes, all of which were linked one way or another with these 'big three'.

So did these 26 sanctioned organizations truly form the biggest 'threat to the peace'? Or should other terrorist organizations since 2001 also have been considered for targeted sanctions? The answer to this question depends on how

we interpret the term ‘threat to the peace’. One could argue that terrorism is a threat because of its brutal tactics against civilian targets to spread fear and chaos. In that case the most ‘terroristic’ terrorist groups should be sanctioned. Another way of determining the gravity of the threat of terrorism is through the lens of human security. In that case the terrorist groups that killed most people should get sanctioned. A third way of interpreting the ‘threat’ posed by terrorists is by asking ‘what do the terrorists want?’ After all, some terrorist groups, despite their awful tactics, might have understandable grievances or political objectives that we can identify with, whereas other groups might have objectives that are fully incompatible with the international state-system.

As a starting point, let us consider a terrorist group as ‘potentially sanctionable’ when they have killed at least 100 people since 2000. The threshold of 100 deaths is lower than that used to define war, but then again the threat posed by terrorism is arguably more terrifying than that posed by other forms of political violence. This is not to say that a terror-related death is ten times graver than a civil-war related death, or that terrorist groups that killed less than 100 people since 2001 can clean their conscience. It also doesn’t mean that all groups that killed more than 100 people should definitely have been sanctioned. The threshold of 100 deaths simply serves to get approximate answers to our questions about what the UN considers a ‘threat to the peace’ when it comes to terrorism. The choice of the year 2000 is based on the fact that the UN only started listing terrorist groups under its UNSCR 1267 regime since 6 October 2001. Terrorist groups that were mostly active in the 1990s, such as Peru’s ‘*Sendero Luminoso*’, are thus not considered.

The table below lists the most deadly organizations responsible for terrorist attacks since 2000, including the amount of deaths for which each of the sanctioned terrorist organizations was responsible at the time the organization was listed. In total there were 88 organizations that were responsible for at least 100 deaths. The Taliban, the organization responsible for the most deaths, comes close to 20.000, with most deaths occurring since 2012. The organization that was responsible for the least deaths and that was still placed on the UN’s 1267 list is Al-Mua’qi’oon Biddam Brigade (Those who Sign with Blood), which was added in 2014. At the time of the listing, they had been responsible for one attack in which assailants held hostage 800 people at a British Petroleum gas complex, eventually killing 69 people. Besides the amount of people killed, the columns of ‘no doubt terror’ and ‘objectives’ help us in testing to what extent the tactics and objectives are influential in determining the threat.⁴⁶⁹

⁴⁶⁹ For more detailed information on the columns of ‘Terror Tactics’ and ‘Objectives’, see sections 8.5.1 and 8.5.3.

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**Table 16 - Terrorist organizations that killed at least 100 people since 2000
– in order of deadliness**

Group Name	Listed?	Date Listed	Deaths 2000-15	Terror Tactics %	Objective
Taliban	yes	06/10/2001	19.465	90%	C
Islamic State of Iraq and the Levant (ISIL)	yes	14/10/2004	19.224	83%	C
Boko Haram	yes	22/05/2014	17.093	92%	C
Al-Shabaab	yes	12/04/2010	5.804	69%	C
Tehrik-i-Taliban Pakistan (TTP)	yes	29/07/2011	5.347	83%	C
Al-Qaida in Iraq	yes	14/10/2004	4.357	95%	C
Al-Qaida	yes	06/10/2001	3.370	97%	C
Al-Qaida in the Arabian Peninsula (AQAP)	yes	19/01/2010	3.197	63%	C
Al-Nusrah Front	yes	14/05/2014	2.690	73%	C
Lord's Resistance Army	no	N/A	2.500	95%	B
Communist Party of India - Maoist (CPI-Maoist)	no	N/A	2.172	94%	B
Liberation Tigers of Tamil Eelam (LTTE)	no	N/A	2.138	61%	A
Revolutionary Armed Forces of Colombia (FARC)	no	N/A	1.785	82%	B
Islamic State of Iraq (ISI)	yes	14/10/2004	1.720	100%	C
Donetsk People's Republic	no	N/A	1.602	62%	A
New People's Army (NPA)	no	N/A	1.062	62%	B

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National Union for the Total Independence of Angola (UNITA)	no	N/A	992	83%	B
Lashkar-e-Jhangvi	yes	03/02/2003	928	100%	B
Sudan People's Liberation Movement in Opposition (SPLM-IO)	no	N/A	861	81%	A
Tawhid and Jihad	yes	14/10/2004	843	96%	C
Lashkar-e-Taiba (LeT)	yes	02/05/2005	822	87%	A
Al-Qaida in the Islamic Mahgreb (AQIM)	yes	06/10/2001	786	88%	C
Kurdistan Workers Party (PKK)	no	N/A	767	53%	A
Allied Democratic Forces (ADF)	no	N/A	731	94%	B
Communist Party of Nepal- Maoist (CPN-M)	no	N/A	654	96%	B
Moro Islamic Liberation Front (MILF)	no	N/A	637	84%	A
Hamas (Islamic Resistance Movement)	no	N/A	635	92%	B
Sinai Province of the Islamic State (Ansar Bayt al-Maqdis)	no	N/A	623	87%	B
Salafist Group for Preaching and Fighting (GSPC)(AQIM)	yes	06/10/2001	575	93%	C
Haqqani Network	no	N/A	574	76%	C

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Abu Sayyaf Group (ASG)	yes	06/10/2001	515	92%	A
Armed Islamic Group (GIA)	yes	06/10/2001	515	98%	C
Sudan People's Liberation Movement - North (Former SPLA)	no	N/A	513	64%	A
United Liberation Front of Assam (ULFA)	no	N/A	475	97%	A
Anti-Balaka Militia	no	N/A	430	86%	B
Jundallah	no	N/A	414	100%	A
Riyadus-Salikhin Rec. and Sabotage Battalion of Chechen Martyrs	yes	04/03/2003	412	100%	A
Seleka	no	N/A	398	77%	B
Salafist Group for Preaching and Fighting (GSPC)(AQIM)	yes	06/10/2001	575	93%	C
Democratic Front for the Liberation of Rwanda (FDLR)	no	N/A	373	95%	B
Jemaah Islamiya (JI)	yes	25/10/2002	341	100%	C
National Democratic Front of Bodoland (NDFB)	no	N/A	329	99%	A
United Self Defense Units of Colombia (AUC)	no	N/A	326	96%	B
Lashkar-e-Islam (Pakistan)	no	N/A	312	58%	C
Khorasan Chapter of the Islamic State	no	N/A	310	58%	C

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Sanaa Province of the Islamic State	no	N/A	304	98%	C
Movement for the Emancipation of the Niger Delta (MEND)	no	N/A	290	96%	A
Islamic Front (Syria)	no	N/A	287	45%	B
Al-Aqsa Martyrs Brigade	no	N/A	285	99%	B
Baloch Liberation Army (BLA)	no	N/A	285	90%	A
Free Syrian Army	no	N/A	279	61%	B
Hizbul Mujahideen (HM)	no	N/A	262	56%	N/A
Justice and Equality Movement (JEM)	no	N/A	261	100%	B
Luhansk People's Republic	no	N/A	249	27%	A
Palestinian Islamic Jihad (PIJ)	no	N/A	224	96%	A
David Yau Yau Militia	no	N/A	218	53%	A
National Liberation Army of Colombia (ELN)	no	N/A	218	79%	B
People's War Group (PWG)	no	N/A	217	97%	B
Barqa Province of the Islamic State	no	N/A	215	93%	C
Bangsamoro Islamic Freedom Movement (BIFM)	no	N/A	211	65%	A
Caucasus Emirate	no	N/A	210	100%	A
Abu Hafs al-Masri Brigades	no	N/A	198	100%	C

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Baloch Liberation Front	no	N/A	197	52%	A
Deccan Mujahideen	no	N/A	184	100%	A
Tripoli Province of the Islamic State	no	N/A	184	82%	C
Special Purpose Islamic Regiment (SPIR)	yes	04/03/2003	184	92%	A
Harkatul Jihad-e-Islami	yes	06/08/2010	183	100%	B
Abdullah Azzam Brigades	yes	23/09/2014	181	100%	B
M23	no	N/A	177	3%	B
Baloch Republican Army	no	N/A	172	71%	A
Al-Naqshabandiya Army	no	N/A	165	87%	B
Ansar al-Sunna	no	N/A	163	87%	B
National Liberation Front of Tripura (NLFT)	no	N/A	162	80%	A
Party for the Liberation of the Hutu People (PALIPEHUTU)	no	N/A	158	77%	B
United Baloch Army	no	N/A	149	97%	A
Mujahideen Ansar	no	N/A	141	60%	B
Movement for Oneness and Jihad in West Africa (MUJAO)	yes	05/12/2012	141	50%	C
Ogaden National Liberation Front (ONLF)	no	N/A	134	97%	A

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Sudan People's Liberation Army (SPLA)	no	N/A	126	90%	A
Hezbollah	no	N/A	125	74%	B
Military Council of the Tribal Revolutionaries (MCTR)	no	N/A	122	66%	B
Islambouli Brigades of al-Qaida	no	N/A	120	100%	C
Al-Mua'qi'oon Biddam Brigade (Those who Sign with Blood)	yes	02/06/2014	117	98%	C
Ansar al-Sharia (Libya)	yes	19/11/2014	117	85%	B
Free Aceh Movement (GAM)	no	N/A	113	84%	A
Eastern Turkistan Islamic Movement (ETIM)	yes	06/10/2001	113	100%	A
Southern Mobility Movement (Yemen)	no	N/A	112	26%	A
Union of Forces for Democracy and Development (UFDD)	no	N/A	103	100%	B
Haftar Militia	no	N/A	101	50%	B

So what are some of the insights that the above table gives us?

8.5.1. *Terror Tactics*

First of all, UN sanctions on terrorist organizations have nothing to do with the brutal tactics of terrorism. While terrorism is undoubtedly a more despised tactic of conflict than guerrilla warfare or rebellion, which aim at government or military

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targets rather than civilian ones, the UN does not appear to sanction groups because of their tactics. The START database keeps record of each attack and defines to what extent it can be recognized as a true terror attack and not as a different type of violent action, for example a guerrilla attack against a military base or an act of violent crime. For non-sanctioned group their true percentage of attacks that were undoubtedly terrorist attacks is 81%. For sanctioned groups this is somewhat higher at 90%, but there is a large range of exceptions that invalidate the hypothesis that UN sanctions are only imposed on organizations that are undoubtedly terrorist organizations. For example there are eight organizations⁴⁷⁰ that score 100%, meaning that in none of their attacks there was any doubt about the nature of the attack, and that were not sanctioned nevertheless. Other organizations that are undoubtedly terrorist organizations and that were not sanctioned nevertheless include the National Democratic Front of Bodoland (India, 99%), the Al-Aqsa Martyrs Brigade (Israel, Gaza, West Bank, 99%), the United Baloch Army (Pakistan, 97%), the Ogaden National Liberation Front (Ethiopia / Somalia, 97%), the People's War Group (India, 97%), and the Communist Party of Nepal (96%). Some of the organizations that did make it to the designated terrorism list even though a substantial amount of their attacks were not clearly defined as acts of terrorism include the Movement for Oneness and Jihad in West Africa (50%), Al-Qaida in the Arabian Peninsula (63%), Al Shabaab (69%), and al-Nusrah Front (73%).

8.5.2. Terror Deaths

Second of all, while terror deaths seem to matter somewhat, they are not decisive either. Those organizations that were sanctioned under the 1267/1989/2253 regime killed an average of 3186 people since 2000, whereas those that were not sanctioned killed only 554 people on average. The eight deadliest terrorist organizations since 2001 were all placed on the 1267/1989/2553 list, most notably the Taliban, ISIL, and Boko Haram, each responsible for more than 17,000 deaths. There are however too many exceptions, both at the top and at the bottom of the SOD list, to conclude that the UN imposes sanctions in order to stop or prevent organizations from killing people. If human security had been the top priority of UN sanctions, organizations such as the Communist Party of India (CPI-Maoist), the Liberation Tigers of Tamil Eelam (LTTE), the Revolutionary Armed Forces of Colombia (FARC), the Donetsk People's Republic in Ukraine, and the New People's Army (NPA) in the Philippines should also have been listed as terrorist organizations, since each of them killed at least 1000 people since 2000. The

⁴⁷⁰ Abu Hafs al-Masri Brigades, Caucasus Emirate, Deccan Mujahideen, Fulani Militants, Islambouli Brigades of al-Qaida, Jundallah, Uigur Separatists, Union of Forces for Democracy and Development.

United States and the European Union did list most of these groups as designated terrorist organizations unilaterally. The United Nations didn't. At the bottom of the list there several terrorist organizations that are relatively harmless in terms of deaths, but that were listed nevertheless. For example, When the Al-Mua'qi'oon Biddam Brigade (Those who Sign with Blood), an AQIM offshoot, was listed in 2014, they had been responsible for a mere 69 deaths. The Eastern Turkmenistan Islamic Movement (ETIM), a group of Uighur separatists in Western China, had killed 113. Human security cannot have been the primary motivation for sanctioning these groups.⁴⁷¹

8.5.3. Objectives

UN Sanctions are not anti-Islamic. Looking at the origin of the groups and the countries in which they are active, one might come pull the erroneous conclusion that UN sanctions are anti-Islamic. Listed groups tend to come from Islamic countries such as Afghanistan and Algeria, not Colombia or India. However, while practically all sanctioned groups are Islamic, not all Islamic groups were sanctioned. For example, the Kurdistan Workers Party (PKK), the Moro Islamic Liberation Front (MILF), Hezbollah, and Hamas by all means identify themselves as Muslims. The same goes for terrorist groups in Balochistan and the Caucasus.

The true issue that makes terrorism a sanctionable threat is not with Islam as a religion as such, but rather with Islamic extremist groups that aim to promote a worldview that is incompatible with the international state system. Whereas the stated objectives of communists and separatists seem to be accepted as legitimate struggles by the international community, the establishment of an Islamic Caliphate is not.

In order to test whether the objectives of terrorist organizations matter, we first have to ask ourselves: What do the terrorists want? Analysis of the 88 most deadly groups since 2000 shows us that different terrorist groups want different things. The most important objectives are:

⁴⁷¹ To be sure, UN sanctions do appear to induce the unintended consequence of antagonizing the targeted groups in a way that only makes them deadlier. If one compares terror-deaths before being listed to those afterwards, one comes to two conclusions: (1) Many listed organizations had only killed a handful of people at the time of listing, and (2) after being listed the groups staged more deadly attacks, not less.

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- A. Autonomy
 - Gain Rights within State (Rights)
 - More autonomy for region (Autonomy)
 - Separate from state (Independence)

- B. Overthrow
 - Overthrow national government (Overthrow)
 - Establish communist government (Communism)
 - Fight armed group within state (Civil war)

- C. Islamic Extemism
 - Eliminate Western Influence (Anti-West)
 - Kill / Expel Minorities (Anti-Minority)
 - Establish Sharia Law within state (Sharia)
 - Establish Islamic Caliphate / Emirate (Caliphate)

Groups that aim at objectives that fall roughly within categories A and B are never sanctioned. Groups whose aims fall within category C are almost always listed under UNSCR 1267 / 2253, especially if their ultimate goal is to pursue a type of political entity in which religion is prior to the State.

Let us first consider the terrorist organizations that largely fall within category A. Terrorist groups that fight for greater autonomy within the state or separation from the state of which they are part exist across the world. The most deadly separatist terrorist organizations since 1990 include the Tamil Tigers in Sri Lanka (8735 deaths), and the Kurdish PKK in Turkey (3820 deaths). Although these organizations have been recognized by various governments as terrorist organizations, they have also received political support from governments that support their cause or that recognize their right to struggle against oppression. For example, while the PKK is listed as a terrorist organization by the US State Department, the United Kingdom's Home Department, and NATO, Russia, Greece, and Iran, among others, do not recognize it as such. The European Union lists the PKK merely as "having been involved in terrorist attacks", but many countries do recognize the Kurdish oppression at the hands of the Turkish governments. Similarly, while the Tamil Tigers were widely recognized as a terrorist group, including by India, The US, UK, and EU, many governments have recognized the Tamil cause as such, calling on the LTTE to allow for political pluralism and alternate democratic voices in the northern and eastern parts of Sri

Lanka.⁴⁷² Between the lines, the message seems to be that while the tactic of terrorism is not approved of, the objective of autonomy or separation as such is considered to be a valid one.

Terrorist groups in category B (Overthrow Government) seem to enjoy a similar approach. While governments denounce the terrorist attacks of groups fighting civil wars or attempting to overthrow their governments, the aim seems to be at the tactics rather than the objectives themselves. Colombia's FARC, the most deadly group in its category since 1990 (3744 deaths), has been listed as a terrorist organization by many governments, but not by the United Nations. Since the 2016 peace-agreement between FARC and the Colombian government, a UN verification mission to monitor the disarmament of former combatants is trying to reintegrate its members into Colombian society.

The Lord's Resistance Army (LRA), a Christian terrorist organization in Uganda and regions of the Central African Republic and the DRC Congo, further illustrates the point that the UN's beef with terrorist organizations focuses specifically on Islamic Extremism, not separatism or civil war. While the LRA and its infamous leader Joseph Kony did receive UN targeted sanctions 2016 for "engaging in or providing support for acts that undermine the peace, stability or security of the CAR", they were not recognized as a terrorist organization, but rather as an armed group. Even though 95% of the LRA's deaths are recognized in the START database as terrorist attacks, the language of UN Resolution 2262 revealed that the LRA was considered as a rebel group in an African civil war, not a terrorist group.

In order to be listed as a designated terrorist organization under UNSCR 1267/2253, groups thus need to have objectives of category C (Islamic Extremism). Indeed, all groups that were listed since 10 October 2001 could be identified as Islamic extremist groups with stated objectives related to (a) the killing of westerners or other non-Sunni minorities (b) installing Sharia Law, (c) establishing an Islamic Emirate or Islamic State. All these objectives are incompatible with the modern international state-system, and therefore present a threat to the peace, even if the amount of deaths is at times negligible.

The terrorist organization that started it all, Al-Qaida, had promoted explicitly anti-western objectives long before being listed on the UNSCR 1267 list on the 10th of October of 2001. Osama Bin-Laden had not only been involved in a number of attacks on western targets, including the US embassies in Nairobi and Dar es Salaam in 1998, but he had also been responsible for popularizing Jihad against the United States among Salafists across the Islamic world. In an interview with a

⁴⁷² Baruah: "European Union bans LTTE". 2006.

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Pakistani newspaper in 2001, he said that “Jihad will continue even when I am not around.” In a video tape that same year he addressed his followers saying:

"We stress the importance of martyrdom operations against the enemy, these attacks that have scared Americans and Israelis like never before."

Terrorist groups across the world identified with Al-Qaida’s message, or at least saw the strategic advantage of affiliating themselves with them. Some groups even changed their name to become recognized as official representatives of the Al-Qaida franchise. Al-Qaida in the Islamic Maghreb originated as the Salafist Group for Preaching and Combat (GSPC); Al-Qaida in Iraq originated in 1999 as the Group of Monotheism and Jihad. Its leader Al-Zarqawi pledged allegiance to Al-Qaida in 2004 in response to the US-invasion of Iraq, after which they changed their name to Organization of Jihad’s Base in Mesopotamia (Tanzim Qaidat al-Jihad fi Bilad al-Rafidayn), which subsequently became known in the West under the name Al-Qaida in Iraq.

Just as Al-Qaida quickly managed to extend its network throughout the Islamic world, so has the Islamic State created ‘Provinces’, or ‘Emirates’ ranging from the Philippines to Libya. In 2015 ISIL’s leader Abu Bakr Al-Baghdadi told his followers:

“Do not think the war that we are waging is the Islamic State’s war alone. Rather, it is the Muslims’ war altogether. It is the war of every Muslim in every place, and the Islamic State is merely the spearhead in this war. It is but the war of the people of faith against the people of disbelief...”⁴⁷³

In subsequent years, Salafist groups across the world have used the label of IS to create the Sinai Province of the Islamic State (Egypt, Israel), the Sanaa Province of the Islamic State (Yemen), the Tripoli and Barqa Provinces of the Islamic State (Libya), and the Khorasan Chapter of the Islamic State (Afghanistan), and the Philippines Province of the Islamic State.

8.5.4. Selectivity

The conclusion that the stated objectives of terrorist organizations are the determining variable for receiving UN sanctions still needs to be treated with caution. Whereas the objectives of Al-Qaida and ISIS themselves are undoubtedly a big threat to the international community, not all their associates are as dangerous as they claim. Due to the institutional architecture of the UNSCR

⁴⁷³ BBC. “Islamic State Releases Al-Baghdadi Message”. 14 May 2015.

1267/2253 regime, even the faintest association with Al-Qaida can get you listed, allowing for political interests to interfere. Some groups seem to have been listed directly after specific attacks on western targets or against western interests, rather than their affiliation with Al-Qaida or ISIL. Other listed groups had only minor support from or contact with Al-Qaida in their local struggles, but were listed nevertheless because it suited a P-5 member or their allies. Yet others have openly associated themselves with Al-Qaida or ISIL for strategic reasons rather than ideological ones, for example to attract more recruits or attention to their local cause. Not all terrorist groups that were sanctioned under the UNSCR 1267/2553 regime for their association with Al-Qaida or ISIL should thus be blindly accepted as threats to the peace.

Take the example of Al-Shabaab, a militant organization in Somalia. Al-Shabaab originated in 2006 after the Islamic Courts Union, its mother organization, lost power to the Transitional Federal Government. Ever since it has been fighting the Federal Government, as well as the African Union Mission to Somalia (AMISOM). Al-Shabaab only pledged loyalty to Al-Qaida in 2012, at which time they had already killed over 1100 people. The UN had however already listed them two years prior in 2010, just five days after Al-Shabaab fighters seized a UN operations compound.⁴⁷⁴ Whereas the language of Al-Shabaab is one of Jihad, their objectives and targets essentially remain local.

The Eastern Turkistan Islamic Movement (ETIM) provides an example of power-politics by a P-5 member. The Uighur separatists in China's Western Xinjiang province had been active terrorists since 1990, being responsible for over 200 terrorist attacks in the decade prior to 2001. Although ETIM fighters had indeed trained in neighboring Afghanistan and allegedly received some funds from Bin Laden in 1999, ETIM's objectives remain related to autonomy, not a Crusade against the West. While ETIM never posed a real threat, China was quick to propose to list ETIM to the UNSCR 1267 upon its creation in October 2001.

Much like ETIM, the Philippines Abu Sayyaf Group (ASG) has fought for independence of the islands of Jolo and Basilan for over four decades, using a mix of insurgency and terrorism against the Filipino government as well as foreign tourists. The ASG however pursues a very much local agenda among a relatively small and tight-knit group of followers. In the 1990s the ASG received some funds through Osama Bin Laden's brother-in-law, as well as through other radical Islamic charities, but most of its funding comes through local extortion and ransom from kidnappings. The members of the ASG can hardly be said to be devout Salafists. According to two kidnapping victims who were held by ASG members for over a year, their captors were not familiar with the Quran and could hardly be described

⁴⁷⁴ National Consortium for the Study of Terrorism and Responses to Terrorism (START). (2018).

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as devout Muslims.⁴⁷⁵ Although the ASG killed only 224 in the previous decade, the Philippines government and the United States successfully listed the group under UNSCR 1267 directly after its establishment. In 2014 and 2015 the ASG has become increasingly active. Although their separatist objectives remain the same, they have started calling themselves the “Philippines Province of the Islamic State.” This name however reflects the ASG’s own agenda than a true threat to the peace.⁴⁷⁶

8.6. Conclusions

The history of UN sanctions in response to terrorism shows that the Security Council was already concerned with Islamic extremist terror before 9/11. The UN sanctions regimes of the 1990s on Libya, Sudan, and Afghanistan showed that the United Nations took the threat of Islamic terrorism seriously, but also that similar sanctions on other state sponsors of terrorism such as Saudi Arabia or Pakistan was politically unfeasible. The 1267/2253 list of designated terrorist organizations only made this clearer. Analysis of the 88 deadliest terrorist organizations since 2001 however shows that the selectiveness of UN sanctions is not only biased against Islamic Extremism, but that within the 1267/2253 regime there is also room for political agendas.

The track-record of UN sanctions on terrorist groups since 2001 shows that it does not matter how many people you kill or whether your acts reflect tactics of terror or other, more legitimate, forms of violence. Even though the academic community as well as the United Nations themselves make it clear that terrorism can only be defined on the basis of tactics, not objectives, UN sanctioning policy shows quite the opposite.

In order to receive UN sanctions, a terrorist group has to be only slightly related to Al-Qaida or ISIL, the two most prominent terrorist networks since 2001. Some groups can only blame themselves for pledging allegiance to Al-Qaida to further their own agenda; others are designated as guilty by association, especially when their listing is politically convenient for those who call the shots. The 22 terrorist organizations that received UN sanctions under the 1267/2253 regime all had Islamic extremist agendas. However, whereas Al-Qaida and ISIL themselves arguably truly formed threats to international stability, many of their so-called associates did not. Al-Shabaab could have perfectly just been sanctioned under

⁴⁷⁵ Bowden. “Jihadists in Paradise”. (2007).

⁴⁷⁶ Forcruz. “Abu Sayyaf may be using ISIS link for own agenda”. (2014).

the UN sanctions regime related to Somalia's civil war. The same goes for MUJAO in Mali.

Part of the bias against Islamic extremism could be explained through the fact that the objectives of the groups sanctioned pose conceptually bigger threats to the peace than those posed by separatists and communists. After all, attempting to establish an Islamic Caliphate that transcends the borders of the international sovereign state system is fully incompatible with the modern world. Similarly, it is understandable that groups such as Al-Qaida and ISIL, whose leaders call on its followers to kill all non-believers and even fellow Muslims who are not sufficiently devout, form a threat to the peace. The 'war on terror' against these groups is essential, and UN sanctions can contribute in naming and shaming those organizations who pledge allegiance to them. We must however not confuse Al-Qaida's and ISIL's core organizations with armed groups with local objectives who simply got caught up in the Al-Qaida storm after 9/11. At the end of the day, terrorist groups should be sanctioned based on the gravity of their actions, not on their words.

Chapter Nine

Selective Sanctions and Coups d'état

The United Nations Security Council has imposed sanctions under Chapter VII of its Charter in response to three coups d'état since 1990. Although there has been some criticism on sanctions regarding their effectiveness as tools of coercion and their unintended consequences, UN sanctions regimes since 1990 are generally considered to be progressively successful in signaling violations of international law and coercing targets towards compliance. However, the Sanctionable Offences Database (SOD) that forms the backbone of this thesis shows that in fact there have been thirty six coups d'état in which the Security Council could have responded with sanctions..

What is the logic behind sanctioning coups d'état? How did the idea of imposing UN sanctions in response to coups come into being in the first place? And most importantly, were all thirty six 'sanctionable coups' since 1990 equally 'sanctionable'? Were some coups larger threats to the peace than others, for example because they were bloodier or because they instigated civil wars? Or could the sanctioned coups be identified as the largest threats to the 'democratic peace'? And if there is no convincing evidence that the sanctioned conflicts were more 'sanctionable' than the non-sanctioned conflicts, could be that the explanation lies with the 'senders' rather than the 'receivers'? And if so, who is to blame?

The data presented in this chapter will show that the three coups that were met with UN sanctions since 1990 (Haiti 1991, Sierra Leone 1997, Guinea-Bissau 2012) all represented threats to the 'democratic peace' and a threat to the interests of those who imposed the sanctions rather than a real threat to international peace. A comparison of the sanctioned cases versus the non-sanctioned cases since 1990 also shows us that UN sanctions in response to coups reflect a policy of cherry picking rather than a consistent policy to uphold international norms.

9.1. Defining Coup d'état

A coup d'état is a sudden attempt by a small group of people to take over the government usually through violence. The origin of the word is French, and the

best translation for the word *coup* is 'stroke', although the words 'hit' and 'blow' are also used in translations. A coup d'état is thus a stroke of the state, as in the strike of a sword. The Germans refer to it as a 'Putsch', and the Spanish as a 'golpe de Estado'. There is no satisfactory English term, hence the use of the French one.

In the late 1960s coups d'état were described as sharp, clear events, easy to date and, if successful, possible to document.⁴⁷⁷ Indeed, coups have played a popular role in history and politics, and it doesn't take much effort to recognize a coup when it happens. The Ancient Greeks recognized it when the Athenian democracy was replaced by the Thirty Tyrants in 404BC; the Romans when Julius Caesar came to power after defeating (and later assassinating) his predecessor Pompey. He was later famously assassinated in a plotted coup too. The Glorious Revolution of 1688 in England that overthrew King James II and replaced him with William III of Orange was one of many coups in Monarchical Europe.

In the beginning of the 20th century coups were associated mostly with Latin America, with military coups in Costa Rica (1917), Mexico (1920), Chile (1925, 1932), Brazil (1930, 1937, 1945), Dominican Republic (1930), Argentina (1930, 1943), Uruguay (1933), Cuba (1933), and Venezuela (1945). Southern Europe is also prone to coups, with military takeovers in Greece, Italy, Spain, and Portugal. As a matter of fact, Greece and Spain were home to 17 and 11 coups and attempted coups throughout the 20th century, respectively.

Serious research on the phenomenon of coups d'état however only started in the second half of the 20th century in response to the 'wave of coups' that occurred throughout 'black Africa', as sub-Saharan Africa was then referred to, in states that had recently become independent from their European colonizers. In just a matter of years, the governments of Congo-Kinshasa (25 Nov. 1965), Dahomey (22 Dec. 1965), Central African Republic (1 Jan. 1966), Upper Volta (4 Jan. 1966), Nigeria (15 Jan. 1966), Ghana (24 Feb. 1966), Nigeria once again (29 Jul. 1966), Burundi (28 Nov. 1966), Togo (13 Jan. 1967), and Sierra Leone (23 Mar. 1967) fell victim to coups d'état (Welch; 1967). In response to these events, Edward Luttwak (1969) wrote a handbook on coups d'état in which he tried create a deeper understanding of the strategies and tactics that lead to a successful coup, as well as the circumstances that typically lead to a coup attempt in the first place. With regard to tactics he explained that:

"The Coup d'état relies on precisely those parts of the state which guerrilla warfare seeks to destroy, the armed forces, the police, and the security agencies. The technique of the coup d'état is the technique of judo: the planners of the coup must use the power of the state against its political masters. This is done by a process of infiltration and subversion

⁴⁷⁷ Welch: "*Soldiers and State in Africa*". (1970).

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in which a small but critical part of the security forces are totally subverted, while much of the rest is temporarily neutralized.”⁴⁷⁸

Most academics were however more interested in discovering which circumstances were most conducive to the occurrence of a coup. Whereas Luttwak had described coups as a-political events in the sense that they are not by definition undesirable or morally wrong, research since the 1970s has mainly focused on the symptoms and tell-tale signs that a coup might be in the making. Academics have considered governance (Goodspeed: 1962, Zolberg: 1969), macro-economic variables and military variables (Wells: 1974, Morrison & Stevenson: 1976), and social mobilization and cultural and political pluralism (Huntington: 1968, Jackman: 1972, Lunde: 1992), among others. Thanks to this body of research it became clear that the probability of a military coup was greater in states that score lower on indicators of socio-economic strength, as well as in states that are home to high levels of urban inequality, ethnic and linguistic diversity, and a high rate of militarization.

A consensus also formed around the idea that coups d'état are not as easy to define and recognize as was proposed initially. The Thirty Tyrants and Julius Caesar came to power through civil wars, not through swift coups. President Carranza of Mexico was ousted (and assassinated) in a popular revolt rather than a coup in 1920. The 1933 coup of Uruguay should be defined an '*auto-golpe*', or auto-coup, as president Terra was already President when he dissolved parliament. The same goes for the 1937 auto-coup of President Vargas in Brazil. Almost all of the coup events in Spain in the 20th centuries were failed attempts.

So what exactly is a coup d'état then? Powel and Thyne (2010) made an effort to answer this question comprehensively by summing up the definitions used in the fourteen most important studies on coups and considering common trends and ambiguities. They looked at (1) who may be targeted? (2) Who can be the perpetrators? (3) Which tactics can be used? And (4) can plots and rumors be counted as coups? The definition that was proposed as a result is “illegal and overt attempts by the military or other elites within the state apparatus to unseat the sitting executive.” A coup is considered successful if the perpetrators “seize and hold power for at least seven days.”⁴⁷⁹

The definition of Powel and Thyne is largely in line with that used by Marshall and Marshall (2016), whose dataset forms the backbone of this chapter.⁴⁸⁰ The

⁴⁷⁸ Luttwak. “Coup d'état, a Practical Handbook”. 1969. Page vii.

⁴⁷⁹ Powel & Thyne. “Global Instances of Coups”. 2011. Pp. 5-6.

⁴⁸⁰ Marshall & Marshall: “Coup d'État Events 1946-2015 Codebook”. 2016.

definition they use for their dataset on coup d'état events between 1946 and 2015 is as follows:

“A coup d'état is a forceful seizure of executive authority and office by a dissident/opposition faction within the country's ruling or political elites that results in a substantial change in the executive leadership and the policies of the prior regime.”

A good way of getting a deeper understanding of a definition is by looking at the events it excludes. Marshall and Marshall's database excludes transfers of power through social revolutions, civil wars, and popular uprisings. For example, the 1996 ousting of the Rabbani regime in Afghanistan by the Taliban is considered an armed conflict, not a coup. Similarly, the Seleka rebel coalition that ousted President Bozizé in 2013 did so through a rebellion, not a coup. Voluntary transfers of executive authority or transfers of office due to the death or incapacity of a ruling executive are, likewise, not considered coups d'état. For example, Bolivian President Carlos Mesa voluntarily resigned in 2005 in response to anti government protests. In the Central African Republic, President Djotodia stepped down in 2014 due to international pressure. Finally, the forcible ouster of a regime accomplished by, or with the crucial support of, invading foreign forces is also not considered a coup d'état in Marshall and Marshall's dataset. Examples include the 1994 restoration of Haitian President Aristide, which was achieved through military pressure from the US and comprehensive sanctions by the UN, and the ousting of the Sierra Leonean military leader Koroma in 1998 by an ECOWAS military operation.

9.2. A history of the offence - Coups d'état since 1946

As Samuel Finer remarked in his foreword of Luttwak's 1969 practical handbook on coups d'état:

“...on Luttwak's count, which goes back 23 years, there have been successful coups in no less than 70-odd countries, which is to say well over half of the total sovereign states in existence today. The coup is a more widespread way of changing governments than elections.”⁴⁸¹

While such a claim cannot be defended anymore nowadays, coups d'état still occur much more frequently than many students of international politics may think.

⁴⁸¹ Luttwak. “Coup d'état, a Practical Handbook”. 1969. Page ix.

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Between 1946 and 2015, Marshall and Marshall observe a total of 840 successful coups, attempted (failed) coups, coup plots, and alleged coup plots. Admittedly, these observations include 147 alleged coup plots and another 142 'proven' coup plots that were never carried out. Of the remaining 551 actual attempts, 327 failed, leaving us with 224 successful coups d'état, the last of which occurred in Thailand during May 2014, when the Thai Armed Forces under General Prayuth Chan-ocha overthrew the government of Prime Minister Yingluck Shinawatra and installed a military junta.

The 1960s were indeed a coup d'état decade, with a total of 61 successful coups. The 1970s follow with 56 coups. After that the amount of successful coups per decade has kept on falling, with only 36 observations since 1990, and only five during the period 2010 – 2015.

Table 17 - Successful coups d'état since 1946

Period	No. of successful coups
1946-1949	14
1950-1959	21
1960-1969	61
1970-1979	56
1980-1989	36
1990-1999	21
2000-2009	10
2010-2015	5

Some of the countries that were most prone to successful coup d'état's since 1946 include Thailand (10), Bolivia (8), Syria (8), Argentina (7), Haiti (6), and Nigeria (6). Africa has however been home to the most coups compared to other continents. During the Cold War coup d'état's occurred much more frequently and throughout the world, but since the 1990s they have become an almost entirely African phenomenon with more than two thirds of all successful attempts as well as total attempts. The states most affected since 1990 include Guinea-Bissau (3 successes out of 11 attempts), Sierra Leone (3/6), Thailand (3/3), and Burundi (1/8).

Table 18 - Successful coups d'état per continent

Continent	Coups 1946-1989	Coups 1990-2015
Africa	65	24
Asia	28	8
Europe	7	0
Middle East	24	1
North America	25	1
Oceania	1	1
South America	31	1

9.3. Coups d'état and Liberal Peace since 1990

During the Cold War coups were not necessarily considered as unlawful acts. As a matter of fact, politicians and academics alike recognized that coups were a tool of politics, and that supporting a putsch could be of great political and strategic value to the United States or the Soviet Union. International legal scholars could best be described as 'agnostic' when it came to coups. Although a general consensus had formed around the idea that coups tended to happen as a result of bad politics, there was no clear consensus on whether the action of staging a coup d'état should by definition be condemned. When Joseph-Desiré Mobutu overthrew the leftist government of Patrice Lumumba in the Congo in 1960 it was widely regarded as a victory for the West in the global fight against Communism. As a matter of fact, it later became clear that the coup was sponsored by the CIA. It would be one of many US-supported coups d'état during the Cold War, many of which occurred in Latin America.⁴⁸²

The end of the Cold War, however, kindled a great enthusiasm for the principle of democracy and democratic transitions of power. In the early 1990s a doctrine began to form in which the legitimacy of governments was no longer confined to the unquestioned and unlimited respect for national sovereignty. Rather, state legitimacy was to be evaluated on the basis of universal norms and values of democracy. As a result of this change of perspective, the "democratic entitlement school" was established, defending the theory that States and governments had to

⁴⁸² Powel and Thyne. "Global Instances of Coups. 2010.

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'earn' their sovereignty. As UN Secretary General Boutros Ghali stated in 1992, the time of absolute and exclusive sovereignty had passed. It was now the task of leaders of states to find a balance between the needs of good internal governance.

Coups are per definition irreconcilable with the democratic entitlement theory or the doctrine of liberal peace. They are inherently undemocratic. Civilians cannot vote for coups in popular elections and constitutions of States do not provide laws for legal coups. All coups are then wrongful acts, even if they are not fully recognized as violations of international law per se.⁴⁸³ Even so-called 'democratic coups' in which the military overthrows a dictatorial regime and organizes democratic elections, cannot be considered as legal, even if proponents of democratic entitlement consider them in a favorable light.

International organizations throughout the world have condemned coups as unlawful and sanctionable acts. Already in 1826 a Treaty proposed by Simon Bolívar between several North and South American countries stipulated that a "dramatic change in the nature of a government" could lead to the suspension of a member state.⁴⁸⁴ The more contemporary Organization of American States (OAS) recognizes any "sudden or irregular interruption" of democracy in a member country as a reason for suspension. Similarly, the British Commonwealth of Nations and the *Organisation Internationale de la Francophonie* (OIF) have on several occasions condemned the overthrowing of democratic governments and proposed sanctions in response. The Organization of African Union (OAU) and its successive African Union (AU) have also institutionalized their condemnation of coups d'état, providing an institutional framework for the suspension of member states and the imposition of sanctions. States that have been suspended by the AU include Burkina Faso (2015), Egypt (2013), Central African Republic (2003, 2013), Guinea-Bissau (2012), Mali (2012), Niger (2010), Mauritania (2005, 2008), and Togo (2005). The AU's reaction to military coups has been rather consistent, hence the fact that all coups since 2005 led to suspension from the AU.⁴⁸⁵

The United Nations have also made steps towards condemning coups as 'internationally wrongful acts', and have demonstrated their support for the prevention of coups and the reversal of coups to re-install democratically elected governments. In addition to the support for Liberal Peace during the 1990s, UN Secretary General Kofi Annan in 2004 also defended that the United Nations should build on the experience of regional organizations to protect democratically elected governments from coups.⁴⁸⁶ Indeed, the UN Security Council has regularly

⁴⁸³ d'Aspremont. "Responsibility for Coups d'État in International Law". 2010.

⁴⁸⁴ Treaty of Union, League and Perpetual Confederation, Article 29 (1929). The Treaty was only ever ratified by Gran Colombia.

⁴⁸⁵ Nathan: "Trends in Mediating in Africa Coups". 2016.

⁴⁸⁶ UN High-Level Panel on Threats, Challenges & Change. "A More Secure World". 2004.

supported the suspension of States from international organizations such as the AU in its Resolutions. The UNSC has however not consistently imposed UN arms embargoes or individual sanctions on coup leaders in response to the coups d'état that have occurred since 1990.

Since 1990 a total of 222 alleged coup plots, 'proven' coup plots, and actual coup attempts were observed by Marshall and Marshall. In 126 cases an actual coup was attempted, 36 of which were successful. For the sake of this thesis we only regard these 36 successful coups as 'sanctionable offences'.⁴⁸⁷ The United Nations however only imposed sanctions under Chapter VII of its Charter in three cases: Haiti (1993), Sierra Leone (1997), and Guinea-Bissau (2012).

Table 19 - Coup attempts since 1990 per continent

Continent	success	failure	total
Africa	24	75	99
Asia	8	17	25
Europe	0	4	4
Middle East	1	5	6
North America	1	5	6
Oceania	1	2	3
South America	1	9	10

⁴⁸⁷ This is not to say that failed coup attempts can be definition not constitute breaches of the peace or threats to the peace. For example, the 1993 coup attempt led by General Francois Ngeze in Burundi and in which democratically elected President Melchior Ndadaye failed after 6 days, but also sparked the Burundi civil war in which 150.000 people were killed.

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Table 20 - Successful coups d'état since 1990

Country	Year	Coup Leader(s)	Deaths	ARC*	UNS**
Chad	1990	Idriss Deby	5000	No	No
Suriname	1990	Cmd. Iwan Granoogst; Col. Desi Bouterse	0	No	No
Thailand	1991	Gen. Sunthorn Kongsompong	0	No	No
Lesotho	1991	Col. Elias Tutsoane Ramaema	0	No	No
Haiti	1991	Brig-Gen. Raoul Cedras	26	No	Yes
Afghanistan	1992	Muhaheddin guerrillas; Ahmed Shah Masud	N/A	No	No
Sierra Leone	1992	Capt. Valentine Strasser	N/A	No	No
Nigeria	1993	Gen. Sanni Abacha	0	No	No
Gambia	1994	Lt. Yahya Jammeh	0	Yes	No
Liberia	1994	Tom Woewieyu	N/A	N/A	No
Qatar	1995	Sheikh Hamad bin Khalifa at Thani	0	No	No
Sierra Leone	1996	BG Julius Maada Bio	0	No	No
Niger	1996	Col. Ibrahim Barre Mainassara	2	Yes	No
Burundi	1996	army	6000	No	No
Sierra Leone	1997	Maj. Johnny Paul Koroma	N/A	No	Yes
Cambodia	1997	Hun Sen	70	Yes	No
Congo- Brazzaville	1997	former Pres. Sassou-Nguesso	N/A	Yes	No
Comoros	1999	Col. Azali Assoumani	0	Yes	No

Thomas Kruiper

Guinea-Bissau	1999	Gen. Mane	300	No	No
Pakistan	1999	Gen. Musharraf	0	Yes	No
Cote d'Ivoire	1999	Gen. Robert Guei	N/A	No	No
Nepal	2002	King Gyanendra	0	Yes	No
Central African Rep.	2003	Gen. Francois Bozize	15	Yes	No
Guinea-Bissau	2003	Gen. Verissimo Correira Seabra	0	Yes	No
Togo	2005	Military; Faure Gnassingbe	0	No	No
Mauritania	2005	Military Council for Justice and Democracy led by Col. Ely Ould Mohamed Vall	0	No	No
Thailand	2006	Gen. Sonthi Boonyaratglin	0	Yes	No
Fiji	2006	Commodore Frank Bainimarama	0	Yes	No
Bangladesh	2007	Lt-Gen. Moeen U. Ahmed; Fakhruddin Ahmed; Maj-Gen. M.A. Matin	0	Yes	No
Mauritania	2008	Gen. Mohamed Ould Abdel Aziz	0	Yes	No
Guinea	2008	Capt. Moussa Dadis Camara	0	No	No
Niger	2010	Supreme Council for the Rest. of Democracy (CSR); Maj. Salou Djibo	10	No	No
Mali	2012	Capt. Amadou Haya Sanogo	N/A	Yes	No
Guinea-Bissau	2012	Gen. Antonio Indjai	0	Yes	Yes

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Egypt	2013	Gen. Abdul-Fattah el-Sisi	N/A		No
Thailand	2014	General Prayuth Chan-ocha	0	Yes	No

*Adverse Regime Change

**UN Sanctions

9.4. Sanctioned vs. unsanctioned

So what sets the cases of Haiti, Sierra Leone, and Guinea-Bissau apart from the other 33 coups d'état that occurred since 1990? Were the three sanctioned cases indeed larger 'threats to the peace' than the non-sanctioned cases? Were they bloodier? Did they instigate brutal civil wars? Or should they rather be interpreted as larger threats to the 'democratic peace'? Did they push democracies into autocratic and suppressive regimes? Or, finally, does the track record of UN sanctions reflect a policy of political cherry-picking, in which coups are met with UN sanctions when it suits those who impose the sanctions?

9.4.1. *Coup Deaths*

Just as in the previous chapters that analyzed interstate wars and civil wars, it might very well be the case that the cases that were sanctioned were indeed objectively larger 'threats to the peace' or 'breaches of the peace' than the cases that were not sanctioned. The same logic could also help us explain why only three out of thirty-six cases were sanctioned: after all, compared to wars of aggression and civil wars, coups are normally only minor acts of organized violence. As a matter of fact, many successful coups are bloodless, and there for constitute no breach of the peace in the same way as a war does.

A quick analysis of coup-related deaths since 1990 as observed by Marshall and Marshall however shows us that there is no relation whatsoever between the amount of deaths and the likelihood to receive UN sanctions. The 1991 coup that ousted Haitian President Bertrand Aristide produced a total of 26 deaths. The deaths produced by the 1997 Sierra Leonean coup are not available, probably due to the fact that the coup occurred during an ongoing civil war in which Johnny Koroma's Armed Forces Revolutionary Council (AFRC), the Revolutionary United

Front, and the Kamajor factions were sometimes hard to distinguish.⁴⁸⁸ The 2012 coup in Guinea-Bissau in which General Antonio Indjai grabbed power two weeks before the second round of the presidential election was bloodless.

If the UN Security Council had wanted to make a point of imposing sanctions in response to the most bloody coups, those that took place in Chad (1990; 5000 deaths) and Burundi (1996; 6000 deaths) would have made more sense. In the case of Guinea-Bissau, it would have been more sensible to respond to the 1999 coup that involved 300 deaths, rather than the bloodless coup of 2012. Coup deaths can thus be quickly discarded in our search for a consistent policy.

9.4.2. Civil War

A second way to consider the 'gravity' of a coup is by asking whether it induced a civil war. Coups d'état are recognized by the UN within the framework of conflict prevention, indicating that the overthrow of the government is as much a concern as the potential consequences. Many authors have warned for the dangerous consequences of coups, linking them to graver forms of internal aggression and civil war, so UN sanctions are a logical and appropriate tool of signaling disapproval as well as a tool of conflict prevention. The failed military coup in Turkey of July 2016 for example, was widely condemned as illegitimate and dangerous to the stability of the region. If the coup had been successful, UN sanctions would have been a feasible option.

Analysis of the list of 36 coups d'état since 1990 however teaches us that there is no clear relation between coups, civil conflict, and sanctions. Of the three coups that were met with sanctions, only that in Sierra Leone (1997) can be linked to igniting (or rather extending) the civil war that had already been raging since 1991. The same can however be said of the 1992 coup staged by a group of young soldiers led by Valentine Strasser, who came to power at the age of only 25 and only aggravated the conflict with the RUF. Other coups that took place during civil wars or that contributed to the ignition of civil wars include those in Liberia (1994), Burundi (1996), Cambodia (1997), and Mali (2012), but the respective coup leaders were never sanctioned.

The UN sanctions episodes on Haiti, Sierra Leone, and Guinea-Bissau can thus also not be explained by considering their impact on civil war. Clearly the 'threat' caused by coups should be interpreted as a threat to either democratic peace, or the political interests of the imposers.

⁴⁸⁸ Keen. "Conflict and Collusion in Sierra Leone". (2005). In Chapter 11 Keen demonstrates that the various armed groups were fractured throughout the 1990s, often colluded with one another, and had little interest in bringing the war to an end.

9.5.3. *Adverse Regime Change*

To legal scholars it might not matter whether a coup promotes or disrupts the democratic process as all coups are by definition unlawful, but to proponents of a Liberal Peace it does. Seen from the perspective of those who support the democratic entitlement school, not all coups are the same. A well-designed coup to oust a government that is considered to be 'failing' or 'illegitimate' could indeed be a very effective and non-violent way of regime change. For example, when in 2013 the Egyptian Armed Forces successfully responded to popular protests to bring down President Hosni Mubarak, they received widespread praise for their role in bringing down a dictatorial regime and preparing the road for democratic elections. Similarly, many commentators would arguably view a coup d'état in contemporary Venezuela in a favorable light if president Maduro were to be ousted in a bloodless manner. 'Democratic coups', in which the armed forces respond to a popular demand, overthrows a dictator or authoritarian regime, and facilitates free and fair elections,⁴⁸⁹ might then be let off the hook.

In order to deal with the above issue, it is interesting to ask which successful coups since 1990 constituted 'democratic coups' and which would better be defined as 'anti-democratic' coups. In order to help solve this question, I use Marshall, Gurr, and Jagers' variable of 'Adverse Regime Change (ARC),⁴⁹⁰ which indicates how coups (and other world events) caused increases or decreases in the regime's 'Polity IV' score.⁴⁹¹ The Polity VI score is an aggregated score between +10 (full democracy) and -10 (full autocracy) made up of a list of variables including executive recruitment, checks and balances, and political participation. By comparing the Polity VI score of a state before a coup to its score after the coup one can get an understanding of how it was affected in terms of democratic governance.

Indeed all UN sanctioned coups have in common that they were imposed after a clear adverse regime change. After the 1991 coup of Haiti the Polity IV score dropped from +7 to -7, indicating a clear reversal from a democratic regime to an autocratic one. Similarly, in Sierra Leone's 1997 coup that was met with UN sanctions the Polity IV score had dropped substantially from +4 to -77 (indicating anarchy / civil war). Guinea-Bissau's drop from +6 to +1 in the aftermath of the

⁴⁸⁹ Varol. "The Democratic Coup d'état". 2012.

⁴⁹⁰ Marshall et al. "Political Regime Characteristics and Transitions 1800-2015". (2016).

⁴⁹¹ A one (1) on this indicator identifies successful coups that resulted in what the Political Instability Task Force (PITF) has designated as an "adverse regime change," which is defined by a decrease in the regime's Polity IV POLITY score by six points or more or a near total collapse of central authority

2012 coup was less notable, but still sufficient to warrant a UN sanctions regime with the imposition of UNSC Resolution 2048.

The Coups in Haiti, Sierra Leone, and Guinea-Bissau are however far from the only cases that induced adverse regime changes. The 1994 coup in the Gambia, the 1996 coup in Niger, and the 2014 coup in Thailand, among others, were at least equally detrimental for democratic governance in these countries. So the question remains. Why Haiti, Sierra Leone, and Guinea-Bissau and not the other, arguably equally sanctionable coups?

9.5.4. State Capability

A glance at the Correlates of War CINC index teaches us that powerful states that experienced coups have not been sanctioned under chapter VII of the UN charter, even if they experienced a notable adverse regime change. Typical examples include the various coups in Thailand (CINC score of 0.8%), the 2013 coup in Egypt (0.9%), and the 1999 coup in Pakistan (1.3%), right after the conclusion of the Kargil War, and after Pakistan had successfully upgraded their nuclear capacity. Failing to sanction these relatively strong states under the UN framework can be considered geopolitically prudent.

Sanctions thus tend to be imposed on states with relatively low CINC scores. This doesn't however mean that the states that *were* sanctioned in response to coups d'état, Haiti, Sierra Leone, and Guinea-Bissau, were necessarily the 'weakest' on the list. Haiti (0.04%), Sierra Leone (0.02%), and Guinea-Bissau (0.01%) are indeed states that boast little geo-political significance, but the same can be said of Comoros (0.001%), Suriname (0.003%), Fiji (0.01%), the Gambia (0.01%), Lesotho (0.01%), Central African Republic (0.02%), Mauritania (0.02%), Congo-Brazzaville (0.03%), Togo (0.03%), and Guinea (0.04%).

9.5. Unilateral sanctions

Just as in the previous chapter on civil conflicts, vetoes in the UN Security Council could provide an explanation as to why some coups d'état since 1990 were met with UN sanctions and others not. However, in none of the thirty three cases that were not sanctioned did UN vetoes play a role. There are also no known cases in which P5 members threatened to use their veto, which would make them count as a 'silent veto'.

Western states have however used unilateral sanctions regimes in response to coups on several occasions, just as they have imposed sanctions in response to human rights violations and autocratic regimes generally. As a matter of fact, the

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US Foreign Assistance Act explicitly states that the US government must cut aid to “any country whose duly elected head of government is deposed by military coup or decree”.⁴⁹² The European Union’s legal framework doesn’t mandate a specific reaction in response to coups, simply stating that restrictive measures are imposed “to bring about a change in policy or activity by the target country, part of country, government, entities or individuals”, in line with the objectives set out in the EU’s Common Foreign and Security Policy.⁴⁹³

While the US State Department’s instructions regarding coups are more explicit on paper, there is still plenty of political maneuvering space to waive the imposition of sanctions. First of all, only those coups instigated by a military leaders that replace a democratically elected leader count, enabling the US government to stay on the sidelines in cases of revolutions or in ‘democratic coups’. In case that doesn’t work, there is always the option of waiving sanctions because of a ‘national security threat’, or simply by labelling the event differently. Take for example the 2012 revolution in Egypt that ousted Hosni Mubarak, a dictator, and that brought to power the Muslim Brotherhood leader Morsi. The US state department did not count this as a coup, but rather a democratic revolution. A year later, when Morsi was ousted by Egyptian defense minister General El-Sisi in a textbook example of coup d’état, the Obama administration’s reaction called it a ‘couplike event’, but not a real coup.⁴⁹⁴ Military aid remained untouched. The European Union had an easier job legitimizing their sanctions policy towards Egypt, already having imposed sanctions on the Mubarak regime during the 2011 Arab Spring revolution, and renewing them after the 2013 coup.

All in all, the United States and European Union imposed some sort of sanction in respectively 14 and 8 out of the 36 successful coups that occurred since 1990. The EU imposed sanctions in response to the coups in Nigeria (1993), Haiti (1994), Congo Brazzaville (1997), Sierra Leone (1997), Guinea (2008), Guinea-Bissau (2012), Egypt (2013), and Thailand (2014). The US additionally sanctioned Thailand (1991, 2006), Gambia (1994), Cote d’Ivoire (1999), Pakistan (1999), Nepal (2002), Fiji (2006), Mauritania (2008), and Mali (2012).⁴⁹⁵ It must however be noted that in many of these cases the sanctions were largely symbolic, suspending (some) military aid, temporarily ceasing diplomatic cooperation, or suspending loans. In practically all other (non-sanctioned) cases, the EU and the US did publish statements condemning the coups, but took no further action.

⁴⁹² United States Foreign Assistance Act, Section 508.

⁴⁹³ Council of the European Union. “Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy”. (2012).

⁴⁹⁴ Fisher. “US has Spotty Record on Law requiring it to Cut Aid after Coups”. (2013).

⁴⁹⁵ Of all the cases in which the EU imposed sanctions, the US did not do so in Congo Brazzaville (1997), Guinea (2008), and Egypt (2013).

9.6. Five Short Case Studies

As in the previous chapters, the answer seems to lie with the strategic political interests of the permanent members of the UNSC, most notably the United States, France, and the United Kingdom. China and Russia seem less concerned with imposing UN sanctions in response to coups. State strength does seem to matter when it comes to imposing sanctions after coups. Stronger states that were subject to coups since 1990, including Thailand, Nigeria, Pakistan, and Egypt, were not sanctioned by the UN.⁴⁹⁶ Haiti, Sierra Leone and Guinea-Bissau, all small states with Composite Index of National Capability (CINC) scores of less than 0.1%, did receive sanctions. However, this still leaves us with a list of small states that experience a large drop in their Polity VI score after a coup and that were not sanctioned nevertheless. In order to provide some deeper understanding about why some coups were met with UN sanctions while others were not, some deeper analysis on a case by case basis is necessary. The following pages will therefore provide short case studies of the coups in Haiti (1991), the Gambia (1994), Sierra Leone (1997), Central African Republic (2003), and Guinea Bissau (2012), in an attempt to better understand the local realities surrounding these coups and the actions of the international community in dealing with them.

9.6.1. *Coup in Haiti (1991, Sanctioned)*

Haiti was the first colony in the new world to receive its independence from France, with Napoleon withdrawing his troops from Port au Prince in 1804. Ever since, the island dominated by former African slaves has been an independent and sovereign states in the backyard of the United States, firmly subjected to the Monroe Doctrine. As a matter of fact, after the 1915 assassination of president Guillaume Sam the US occupied the island for 19 years. Under the watchful eye of the United States, post WWII Haiti was dominated politically by the Duvalier family, with Francois Duvalier and his son Jean-Claude ruling the country in a dictatorial fashion between 1957 and 1986, whose reign was followed by a series of coups d'état and popular uprisings. When the general election of 1990-1991 took place, the Organization of American States as well as the United Nations were deeply involved in assuring the elections' legitimacy, with United Nations Observer Group for the Verification of the Elections in Haiti (ONUVEH) monitoring the elections on the ground.

Former priest and pro-democracy leader Jean-Bertrand Aristide was the favored candidate among the Haitian poor as well as the international community, but

⁴⁹⁶ Although they were all sanctioned unilaterally by the US and/or EU.

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certainly not among the Haitian political and economic elites that had been in charge of the country for decades. Land owners and military elites involved in the international drug trade were to lose out if Aristide won the elections. Aristide's National Front for Change and Democracy (FCND) won the elections by a landslide (67.5%), but his presidency lasted for only 8 months. The coup d'état led by General Raoul Cédras of 29 September 1991 was followed by a large-scale release of alleged drug-traffickers and frequent assassinations and disappearances of Aristide supporters.⁴⁹⁷

The coup was immediately condemned by governments and international organizations worldwide. The Organization of American States (OAS) demanded adherence to the Constitution and the safe return of Aristide to power. Diplomatic, economic and financial sanctions combined with a suspension of aid would follow if the democratically elected president was not reinstated immediately. A week later, on the 11th of October 1991, the UN General Assembly also condemned the coup and the violations of human rights under the new regime. Indeed some sources estimate that some 3000 people were killed during Cédras' reign.⁴⁹⁸ In 1992 and 1993 the OAS and UN sent a civilian mission of human rights observers (MICIVIH), but sanctions were not imposed until the summer of 1993 with UNSCR 841. By this time, Haiti had become subject to a severe humanitarian crisis with large numbers of internally displaced people and grave violations of human rights, leading the UN to recognize the situation as a threat to the peace.⁴⁹⁹ The sanctions imposed regarded the prevention of sale and supply of petroleum products and arms and related materials. The sanctions succeeded in bringing Cédras to the negotiating table, and by July 1993 negotiations between representatives from the OAS, the UN, the Clinton administration, and the Cédras regime on Governors Island (NY) seemed to bring Aristide's return closer. However, the agreement broke down and a full-fledged trade embargo was imposed in 1994 (UNSCR 917), followed by another resolution (940) that authorized Operation Uphold Democracy, a US led military intervention under President Bill Clinton.⁵⁰⁰ General Cédras capitulated under US military pressure before the first plane had landed in Haiti. It later became clear that Cédras had succumbed at the very last moment after retired US General Colin Powell had explained to him in great detail the potential of the US military's 82nd airborne division that was already on its way to Haiti.⁵⁰¹ On 15 October 1994 Aristide was reinstalled.

⁴⁹⁷ Bernstein. "What's behind Washington's silence on Haiti drug connection?" (1993).

⁴⁹⁸ Whitney. "Sine, Graph, and the CIA: U.S. Covert Action in Haiti". (1996). p321.

⁴⁹⁹ UNSC Resolution 841, 16 June 1993.

⁵⁰⁰ Gibbons. "Sanctions in Haiti". (1999). p6

⁵⁰¹ Grady. "Will Powell Turn from a Pal to Pol?" (1994).

The economic and humanitarian impacts of the sanctions were grave. Although the unintended consequences were not as severe as those in Iraq in the aftermath of the invasion of Kuwait, they have been described as inducing a significant deterioration in the quality of life of ordinary Haitians.⁵⁰² An approximated 30.000 jobs in the export sector directly disappeared after the OAS sanctions, and up to 300.000 formal jobs had disappeared by the end of 1994.⁵⁰³ Economic output dropped, commodity prices soared, and the currency depreciated by 200%. UNICEF figures estimate that acute malnutrition doubled in the country that already struggled with feeding children before the crisis.

9.6.2. *Coup in the Gambia (1994, not sanctioned)*

Not long after the UNSC imposed Resolution 917 on the Cédras regime in Haiti, President Dawda Jawara of the Gambia was ousted in a military coup led by Lieutenant Yahya Jammeh on the 22nd of July 1994. The Gambia had a reputation for being Sub-Sahara Africa's longest standing multi-party democracies, and was widely regarded as an exemplary case of stability together with countries such as Botswana and Mauritius. In a continent that was widely associated with authoritarianism, rebellions, and political instability, the Gambia stood out, adhering to principles of human rights, boosting an open economy, and attracting tourists from Britain, its former colonizer, and elsewhere.⁵⁰⁴

The coup did not come out of nowhere. Although the Gambia was recognized as a multi-party democracy, the same People's Progressive Party (PPP) had been in power since independence in 1965, using tactics of co-optation and patronage to appease opposition parties. In the years before the coup the ruling PPP party had come under popular pressure due to corruption scandals in the Gambia Commercial and Development Bank (GCDB) and the Gambia Cooperative Union (GCU). Together with a declining economy, growing economic and social inequalities, and disgruntled soldiers who felt underpaid, the coup was not a complete surprise.⁵⁰⁵

From the beginning it was clear that the new Armed Forces Provisional Ruling Council (AFPRC) under Jammeh was not going to benefit democratic governance. They suspended the Constitution, banned political parties, and imposed a curfew. Critical journalists and opposition members were arrested and jailed, and in 1995 two former ministers died under suspicious circumstances. The Gambia's Policy

⁵⁰² Cortright & Lopez. "*The Sanctions Decade*". (2000). pp.95-96

⁵⁰³ Gibbons. "Sanctions in Haiti". (1999). p10

⁵⁰⁴ Edie. "Democracy in the Gambia: Past, Present, and Prospects for the Future". (2000).

⁵⁰⁵ Saine. "The Coup d'état in the Gambia 1994: The End of the First Republic". (1996).

IV score dropped 15 points from +8 on the democracy scale in 1990 to -7 on the Autocracy scale in 1994. President Jammeh stayed in power for four consecutive presidential terms and has been described as a stereotypical African dictator, boosting authoritarian policies, cracking down on political dissent, and leading a lavish lifestyle. Rather than celebrating the Gambia's 1965 independence as a national holiday, Jammeh's regime commemorated the 1994 coup. After he lost a 2016 election he was pressured by the international community to step down, which he finally did in January 2017.⁵⁰⁶

The 1994 response to the military coup of 1994 by the international community was however much milder. In a year that saw over 150 Resolutions passed in the UN Security Council, the Gambia was not mentioned once. Many Gambians are convinced that Jammeh's coup was supported by the United States, whose navy forces assisted the Gambian military in a training operation in early 1994. US ambassador Winter did assist in bringing former president Jawara to safety on the day of the coup, but nothing was done to prevent the coup from being successful. In the direct aftermath, both the US and the EU, alongside with unilateral donors and international institutions such as the WB and IMF, temporarily suspended aid to the Gambia. Real sanctions were however never imposed, and after Jammeh won the 1996 Presidential elections things largely turned back to normal. European tourists already came back by the end of 1995, and in the US Jammeh generally received red-carpet treatment until he lost the 2016 election.

To conclude, the abrupt reversal of democratic governance in the Gambia after the 1994 coup d'état was not considered important enough to qualify for a UN sanctions regime. In a year that saw over 150 Resolution passed in the UNSC, the coup in the Gambia, a small democratic state of minor geo-political importance, was internationally condemned, but most of all permitted.

9.6.3. *Coup in Sierra Leone (1997, sanctioned)*

Similar to Haiti and the Gambia, Sierra Leone too is a small state of little geo-political importance. Much like its West-African neighbors it has a history of coups d'état, with ten coup attempts since independence from Britain in 1961, five of which were successful, and three of which occurred after the Cold War (1992/1996/1997). The latest of the three, led by Major Johnny Paul Koroma in 1997, took place in the midst of the Sierra Leonean civil war that had been ravaging Sierra Leone since 1991 and that ended in 2002, leaving an estimated 20.000 dead.

The first coup d'état took place after the start of the Sierra Leonean civil war, in which the Revolutionary United Front (RUF) rebel movement fought against the

⁵⁰⁶ Reid. "The Dictators Who Love America". (2016).

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government of Joseph Momoh. Momoh was overthrown in April 1992 by his own disgruntled soldiers, who felt they did not receive sufficient support in their fight against the rebels. The coup leader, Valentine Strasser, was only 25 years old when he came to power and formed the National Provisional Ruling Council (NPRC). A UN arms embargo was imposed on neighboring Liberia with UNSCR 778 that year, but Sierra Leone was let off the hook. In the coup that replaced one autocratic regime for another, neither Strasser's military junta nor the RUF rebel movement was sanctioned.

Strasser himself was also ousted in a coup. After four years of presidency, during which the civil war continued, in 1996 he was overthrown by Julius Maada Bio, a close friend. Bio promised to bring an end to the war, and to return Sierra Leone to democracy, which effectively happened that same year when Ahmad Tejan Kabbah was elected president in March 1996. With his background as Chief of the West Africa division of the UN Development Program (UNDP), Kabbah enjoyed widespread international support, and his inclusive politics led to a peace agreement with the RUF, promoting rebel leader Foday Sankoh to Vice President in the new government.

Kabbah's first presidency led to a relative peace, but didn't last long. In May 1997 he was overthrown in a military coup by yet another group of disgruntled soldiers who had been fighting the RUF, this time led by Major Johnny Paul Koroma, who had broken out of prison and who similarly installed a military junta, banning the constitution, abolishing political parties, and cracking down political dissent. Sierra Leone's Polity VI score, which had just recovered from a -7 Autocracy score to a +4 Democracy score thanks to Kabbah's inclusive politics, dropped back to a historical low, with the war experiencing its bloodiest years in 1998 and 1999. The neighboring regime under Charles Taylor in Liberia financed the RUF rebels through diamond trade, and hundreds of thousands of Sierra Leoneans (and Liberians) had been displaced, finding refuge in the region, most notably Guinea.

The 1997 coup led to widespread condemnation and international action. UN Secretary General Kofi Annan stated at a 1997 OAU summit that the crimes against humanity in Sierra Leone under Koroma's Military Junta should not go unpunished. In October of that year the UNSC unanimously imposed Resolution 1132, installing an oil and arms embargo on Sierra Leone, which would later be followed by an embargo on diamond exports as well as smart sanctions on RUF leaders. Resolution 1132 also authorized a military intervention by the Economic Community of West African States (ECOWAS), who sent in a peace keeping mission that reinstated President Kabbah into office in 1998. In 2000, the UN authorized a British military intervention to bring a final end to the conflict.

9.6.4. *Coup in Nepal (2002, not sanctioned)*

Nepal has a history of autocratic government. Between 1951 and 2007 Nepal's government was in the grip of absolute monarchs who occasionally experimented with multi-party democracy but who always kept firm control over the country's people and politicians. In 1959 Nepal adopted a multi-party constitution, but directly after the 1960 elections King Mahendra suspended the parliament and installed a no-party system in which the King enjoyed all executive power. After 30 years of political repression, 1990 saw new multi-party elections, but in the 14 subsequent years 14 governments were dissolved by the Monarchy, allowing King Mahendra and his successor Bihendra to keep a tight grip on power.⁵⁰⁷ The continued political repression ignited a civil war between the state and Maoist rebels that lasted for 10 years between 1996 and 2006 and that produced an estimated 12,000 deaths.⁵⁰⁸ In the midst of the civil war in 2001 King Mahendra was assassinated by his own son in a bloody palace massacre that also killed the queen and six other royal family members, including Crown Prince Dipendra himself.⁵⁰⁹

On the 4th of October 2002 his brother Gyanendra, who had ascended to the throne after the massacre, fired Prime Minister Deuba and took over power. Since King Gyanendra also enjoyed the position of head of the Royal Nepalese Army, the Marshall and Marshall Dataset defines the event as a military coup. In a subsequent 'autocoup' in 2005, in which an interim government was sacked and in which the King ordered a shutdown of Nepal's phone and internet networks as well as the country's newspapers and radio stations, the return to Absolute Monarchy was complete.

The 2002 coup induced a 12-point drop in Nepal's Polity VI score, with the country's democracy score dropping from +7 to +1 and its autocracy score changing from -1 to -7. Between 2001 and 2005 nine governments were dismissed by the King. In April 2006 nineteen citizens were killed in a popular protest.⁵¹⁰ The 2002 coup also ignited the bloodiest years in the Nepalese civil war against the Maoist insurgents, with over 4400 people killed in 2002 alone and over 100,000 people internally displaced because of the conflict.

Why was Nepal's coup, or the civil conflict in general, not subjected to a UN sanctions regime? The answer seems to have to do with the interests of the

⁵⁰⁷ Hutt. "King Gyanendra's Coup and its Implications for Nepal's Future". 2005.

⁵⁰⁸ Many estimates mention higher numbers, but the UCDP database counted 12,356 battle related deaths between 1990 and 2009, with the conflict reaching 1000 accumulated deaths in 2001.

⁵⁰⁹ The Economist: "A Royal Coup?" (2002).

⁵¹⁰ Ramesh: "Nepal Rejoices as Peace Deal ends Civil War". (2006).

permanent members of the UN Security Council. The United States, United Kingdom and India have traditionally been allies of the Nepalese Monarchy, supporting the governments under various Kings with arms shipments and military training.⁵¹¹ After India, the US, and the UK suspended aid in response to the 2005 coup, China stepped in to fill the void.⁵¹² The Monarchy's international allies have considered the Maoist insurgency as a much bigger threat to their interest than the authoritarian regime. Both the European Union and the United States have for example placed the Maoist People's Liberation Army (PLA) on their designated list of terrorist organizations.

Considering the fact that it was the Maoist insurgents who tried to overthrow the sovereign government of Nepal between 1996 and 2006, they were perhaps more eligible for UN sanctions than the regime itself. A UN arms embargo was however never imposed on either of the parties. There have been no draft Resolutions or vetoes on Nepal in the UN Security Council, arguably because nobody wanted to openly support an authoritarian Nepalese regime in a war that the regime itself had created. Once the war was ended with the 2006 signing of the Comprehensive Peace Accord, the United Nations did respond favorably to the Nepalese request to establish a United Nations political mission.⁵¹³

9.6.5. *Coup in Guinea-Bissau (2012, sanctioned)*

Since its Independence from Portugal in 1974, Guinea-Bissau has been the stage of four coup d'état's and at least 6 other attempts. However, being an insignificant West African country home to less than 2 million inhabitants and with no strategic interest to the rest of the world, it was never important enough to make international headlines.

In 1980 Joao Bernardo Vieira staged the first coup, ousting the country's first president Luis Cabral, allowing him to rule for the next 19 years. In 1998 another coup attempt split the government forces (supported by neighboring countries) and coup leaders, who controlled large parts of the army. After 11 months of civil conflict and thousands of deaths, president Vieira was toppled and replaced. The next president, Kumba Yala, lasted for three years before he too was overthrown in 2003 in a military coup. After some tumultuous years, ex-president Vieira made a comeback from being exiled in Portugal and managed to win the 2005 elections.

⁵¹¹ Goodman. "The Completion of a Coup?" (2005).

⁵¹² Shah. "Nepal's Balancing Act: Walking the Tightrope between China and India". (2016).

⁵¹³ UNSCR 1740 (2007).

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In 2009 he was assassinated by renegade soldiers. None of these events however ignited the urge to install a sanctions regime.⁵¹⁴

So what made the international community change its mind? Since the mid-2000s media coverage on Guinea-Bissau, although still meagre, has become dominated by the issue of drug trafficking. As a small state with weak political infrastructure, high levels of poverty and corruption, and a favorable geography, Guinea-Bissau has turned out to be a perfect place for trafficking drugs from Latin America destined for the European market. The country's Atlantic coastline is dotted with two dozen little islands that have proven comfortable smuggling havens for Colombian, Ecuadorian, Peruvian, Brazilian and Venezuelan drug cartels that smuggle cocaine into Europe.⁵¹⁵

In 2008 a report by the United Nations Office on Drugs and Crime (UNODC) recognized Guinea-Bissau as a new hub for cocaine trafficking in West Africa. Between 2005 and 2007 a total of 33 tons of cocaine were intercepted in West Africa on route to Europe, compared to a mere 1 ton prior to 2005. With the drug trafficking increasingly penetrating into Guinean society and politics, the peace building and democratization efforts of the UN peace-building mission in Guinea-Bissau (UNIOGBIS) were largely undermined. The trafficking business negatively affected public security, respect for the rule of law, and public health (because of increased local consumption). Politics became increasingly corrupted, with politicians and military leaders being involved.

As the situation worsened in 2010 and 2011, donors retrieved and the European Union (EU) decided to stop training Guinean security forces and suspends part of its aid. The United States froze the assets of two drug-traffickers, and the UNODC and Interpol helped Guinea-Bissau set up a Transnational Crimes Unit. In the meantime the two alleged drug kingpins subjected to US asset freezes were promoted to Army Chief (Antonio Indjai) and head of the Navy (Jose Americo Bubo Na Tchuto). Tchuto was arrested by the American Drug Enforcement Agency (DEA) in international waters on 4 April 2012, eight days before the coup.⁵¹⁶ Indjai has also been indicted by the United States but still walks free in Bissau. On 12 April 2012, when the military toppled the interim government, Indjai was placed on the UN travel ban list along with 10 other military officials.⁵¹⁷

During the coups of 1999 and 2003 and the assassination of Vieira in 2009, the UN Security Council and the Sanctions Committee had all the technical capacity and institutional consensus to interfere with the internal politics of Guinea-Bissau.

⁵¹⁴ Kruiper. "UN Sanctions on Guinea-Bissau: Waiting for a Coup to Happen". (2014).

⁵¹⁵ Hoffman and Lane. "Guinea-Bissau and the South Atlantic Cocaine Trade". (2013).

⁵¹⁶ Valdmanis and Andrade. "Jose Americo Bubo Na Tchuto Arrested". (2013).

⁵¹⁷ UNSCR 2048 sanctions committee list (2014).

However, apparently the coup d'états in an insignificant country such as Guinea-Bissau were not important enough to arouse sufficient attention in the UNSC. With the 2012 coup the UNSC finally had a legal excuse to impose sanctions on the individuals implicated in the drug trafficking. However, by then Guinea-Bissau had already become fully integrated in the drug-cartel; the damage had already been done.

9.7. Conclusions

United Nations sanctions regimes in response to coups d'état are the exception, with the rule being inaction. Targets are conveniently cherry-picked by the Western permanent members of the Security Council to deal with some urgent threats to democratic peace, not 'threats to the peace' in a more general sense.

The fact that most coups d'état since 1990 were not sanctioned by the United Nations makes sense. Compared to nuclear proliferation, interstate war, civil war, and terrorism, coups are relatively minor threats to international security, or human security for that matter. As a matter of fact, more than half of all successful coups since 1990 were bloodless, and a quarter of all coups actually led to improved governance in the aftermath. It would be unfair to put these events on par with the security threats of ISIL, the second Congo War, or the North Korean nuclear program. It's therefore the exceptions we should look at, not the rule.

Many coup leaders have received unilateral sanctions from the United States or the European Union, indicating a commitment to spreading and upholding democratic values across the world. Unfortunately for those who support the liberal peace thesis, however, the unilateral sanctions records of both the EU and the US reveal a pattern of selectivity based on interests, not on a full commitment to democracy. There is no good reason to withhold military aid to Nigeria (1993), Mali (2012), and Thailand (2014) in the aftermath of military coups, but not to Niger (1996, 2010), the Central African Republic (2003) or Bangladesh (2007), all of which led to a dramatic adverse regime change, and three of which included killings. The full logic behind this selectivity of unilateral sanctions remains unknown, and deserves further study. Similarly, it remains unclear why the US and the EU did not push for multilateral sanctions under the umbrella of the United Nations. In most of the cases that were sanctioned unilaterally by Western governments, Russia and China did not have any clear strategic interest in blocking the sanctions with a veto in the Security Council.

The tendency to select cases of special interest to Western P5 members is even more pronounced in the three cases of Haiti, Sierra Leone, and Guinea-Bissau. In the case of Haiti, the US had a clear interest in bringing back to power Aristide, the

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democratically elected president that the US had fervently supported in his campaign to deal with drug-traffickers on the island in America's backyard. Similarly, in the case of Sierra Leone, President Kabbah was clearly the candidate most favored by the West, given his background as a UNDP officer and his inclusive political program. The fact that the coup that ousted him also sparked the continuation of a civil war that had already killed tens of thousands of people added to the urgency of the sanctions, but doesn't explain them as such. After all, civil wars were also ongoing during the earlier coups in Sierra Leone, as well as in coups in Mali, Afghanistan, and the Central African Republic, among others, not of which were sanctioned. Finally, the case of Guinea-Bissau shows that a coup can serve to legitimize a sanctions regime that is really about something else. After all, drug-trafficking in a failed state in West Africa that affects the European narcotics market is a bigger threat to security than a coup d'état.

Thomas Kruiper

PART IV
CONCLUSIONS

Chapter Ten

Conclusions: UN Sanctions and Selective Security

What are United Nations sanctions regimes for?

The short answer is that sanctions are selected based on the interests of those who send them. The 5 permanent members of the UN Security Council use their power either to promote sanctions regimes or to block them. Western members typically promote sanctions to pursue their interests; China and Russia tend to block them to pursue theirs. The interplay among the interests of the senders decides what happens when a sanctionable offence occurs. If there is sufficient interest to promote UN sanctions, and no major objection from any other members, they are imposed. If at least one member does object, or if nobody deemed the issue important enough in the first place, they are not imposed. It's as simple as that.

The long answer, while reaching the same conclusion, is that it's complicated. Yes, states follow their 'interests' when they discuss about whether a conflict represents a 'threat to the peace' that requires sanctions. Throughout this thesis, however, we have seen that the word 'interests' is a highly malleable one, flexible through time and space. The security 'interests' of France are not the same as those of Russia, and the 'interests' of the United States were not the same in the 1960s as they are in 2019. Also, while the security interests surrounding nuclear proliferation are framed in terms of geopolitics and defensive realism, those surrounding civil war are rather framed in terms of human security, or at most regional stability. Add to that a few layers of international treaties, ex-colonial ties, regional power-politics, and international public opinion, and the confusion is complete. It is now our task to disentangle the 191 sanctionable offences discussed in the previous chapters and reassemble them so as to clearly explain what UN sanctions since 1990 have been for.

The table below represents an overview of all five sanctionable offences and all seven conclusions that help explain the selective nature of UN sanctions. A plus sign (+) indicates that sanctions are more likely to be imposed when this variable exists in a given case. A negative sign (-) indicates that UN sanctions will not be imposed. Negative signs however always trump positive signs, no matter how many apply to a case. The boxes that are left empty indicate that a variable is not applicable or not relevant. For example, for cases interstate wars, the only variable

that matters is countervailing power. If it is present (-), sanctions will not be imposed. If it is absent (.), they will be imposed.

Figure 3 - UN sanctions and selective security – an overview

	Nuclear Proliferation	Interstate War	Civil War	Terrorism	Coup d'état
Countervailing Power		-	-		-
Humanitarian Concerns			+	+	
State Fragility			+		
Democracy					+
Public Pressure			+	+	
Islam				+	
Africa					

Except for the variable of 'countervailing power' (-), all the variables discussed in conclusions two to seven (+) concern Western liberal interpretations of international security. Human security is an inherently liberal idea that conflicts with the concept of unrestrained state sovereignty. The issues of democracy (+) and state fragility (+) are intimately linked with Western conceptions of what a healthy state looks like. Public pressure (+) only affects those states in which the public has a say in government policy. While the threat of Islamic terrorism mostly affects civilians in Islamic countries, the global war against Islamic terrorism (+) is unquestionably led by the West. Finally, while China and Russia are also concerned with Africa (+), it has historically been the West that has had most political and economic interaction with Africa, whether through (ex-) colonial ties, humanitarian intervention, or structural economic adjustment.

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In an institution with a normative framework that was largely created by the West, the responsibility for delivering on the promises of the institution also lies with the West. Surely, power-politics (-) form an obstacle sometimes, but in all the other cases that could have been sanctioned but nevertheless weren't, the West only has itself to blame. While China and Russia do not always explicitly agree with the norms that the West created within the framework of UN sanctions, they tend not to block UNSC resolutions as long as their vital interests are not at stake. As a matter of fact, they normally don't abstain, but positively vote along with resolutions that propose to sanction humanitarian crises, cases of state failure, or Islamic terrorism. When it comes to nuclear proliferation and interstate war, the consensus among the P5 is even stronger, leading to a convergence of interests. Apart from those cases that met obvious geopolitical obstacles, all the failures to impose sanctions are on the West's account.

Whereas chapters 5-9 were ordered by offence, the conclusions of this thesis will link back to the hypotheses presented in chapter 4, as well as the theories discussed in the theoretical framework in Chapters 1-3. Together, they form a comprehensive overview of how the interests of the permanent members of the UN Security Council differ from each other, as well as how they have change over time and how they differ per type of offence.

Conclusion One: Countervailing Power Matters (-)

Countervailing power matters. Besides the P5 themselves, a number of states have it, whether it is thanks to their nuclear capability, their relative geopolitical weight, or a strong historical or political alliance with one of the P5 members. Unfair as it may seem to the defenders of a more idealist UN sanctions regime, this means that states such as India, Pakistan, Israel, Myanmar, Turkey, Indonesia, Ukraine, Colombia, Nigeria, and Syria can get away with human rights violations that are otherwise likely to receive sanctions.

It must be noted that the conclusions on countervailing power do not directly helping in answering what UN sanctions are for. Rather, countervailing power helps explain what sanctions are *not* for. It is clearly not in the interest of the UNSC to provoke nuclear powers regional hegemony into further escalation of a conflict. The same goes for issues concerning states that are allied to a P5 member, such as Ukraine (Russia) or Myanmar (China). UN sanctions are not designed to poke bears.

With respect to chapter 5 (nuclear proliferation), the issue of countervailing power is one of the reasons that no further states are allowed to develop nuclear weapons programs. Apart from the obvious threat that nuclear weapons pose to international

security in themselves, they also give those governments who own them a wildcard to commit human rights violations at will without having to fear the consequences. Take Pakistan for example. Since 1990 the Pakistani government has (a) developed a nuclear program, (b) started an interstate war with India, (c) fought several civil wars, (d) sponsored terrorism, and (e) experienced a coup d'état. All of these offences feature in the SOD; none of them were sanctioned. Had Pakistan remained a non-nuclear power, it might have ended up like Iraq, which also tried to develop a nuclear program, started an interstate war with Kuwait, fought several civil wars, and sponsored terrorism, and which was subjected to UN sanctions regimes almost uninterruptedly since 1990. It is only logical that the UNSC does not want Iran and North Korea to follow in the footsteps of Pakistan. Not only because of the risk that nuclear weapons represent in themselves, but also because of the countervailing power it gives them to exempt themselves from being sanctioned for other offences.

With respect to chapter 6 (interstate war), the logic of UN sanctions plays out perfectly along the lines of countervailing power. Iraq was sanctioned for its aggression against Kuwait in 1990; Pakistan was let off the hook in response to the 1998 Kargil war against India. Similarly, Eritrea and Ethiopia were both sanctioned for the 1998-2000 border war; sanctions on the US-led coalition that invaded Iraq in 2003 were out of the question. Nobody would argue that this track-record has anything to do with the nature of the aggression, or with the humanitarian gravity of the war. Countervailing power explains everything.

With respect to chapter 7 (civil war), the only government with countervailing power that was involved in a civil war that was nevertheless subjected to UN sanctions was Liberia in 1992. Regardless of the hundreds of thousands of conflict-deaths in Syria, India, Turkey, Russia, or Colombia, and regardless of the impact these wars had on the governability of the states at hand or the regional instability that ensued as a result, none were sanctioned. This is not to say that other factors don't matter at all (they do) but simply to acknowledge the fact that they only matter after filtering out those cases in which countervailing power interferes.

With respect to chapters 8 (terrorism) and 9 (coups d'état), the issue of countervailing power is less salient, but nevertheless existent. UN sanctions regimes related to terrorism have largely focused on terrorist organizations, not states. States have however also been sanctioned for supporting terrorism (Libya, Afghanistan, Sudan), whereas other states such as Saudi Arabia, Pakistan, Iran, Iraq, India, Russia, and the United States have not. Perhaps not all of these governments were left unsanctioned because of their countervailing power, but in several of them it might certainly have played a role. When it comes to sanctioning coups d'état, a different logic applies. Most coups were left unsanctioned simply because of a lack of interest on the part of the international community.

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Overall, the selectivity of sanctions based on countervailing power is neatly in line with classical- and neo-realist theories of international relations. Not much has changed since Mussolini's claim that the League of Nations is very well when sparrows shout, but no good at all when eagles fall out. Similarly, E.H. Carr would not be surprised to see that utopian idealism can only get the international community so far before hitting a wall of vested interests. Despite the UN Charter, despite the advances made in international humanitarian law, despite the end of the Cold War, despite American soft power, despite the institutionalization of international political economy, and despite the advances made within United Nations peace operations, the core political interests of powerful states remain a primary variable in determining who gets sanctioned. The selectivity of UN sanctions regimes clearly shows the limits of Krasner's 'regime shifts' and Keohane's 'sticky institutions' after hegemony. It also shows the limits of the liberal idealism espoused by Moravcsik and Nye. Surely the ideal of liberal democracy and the respect human rights has taken root in various places around the world since 1990, most notably in Eastern Europe, and to a lesser extent in Latin America, Africa, and South-East Asia. Although some of these states are currently experiencing nationalist and authoritarian backlashes, their overall achievements are still notable. One might even go as far as to say that the relative peace and stability in these countries is related to the overall democratic and economic progress made since 1990 in these places. None of these achievements have however structurally changed the way in which states with countervailing power avoid UN sanctions, or the way P5 members vote when it comes to sanctioning allies or nuclear powers. As Mearsheimer put it, "in the anarchic world of international politics, it is better to be Godzilla than Bambi".⁵¹⁸

Conclusion Two: Humanitarian Concerns Matter (+)

Humanitarian concerns do matter. The record of UN sanctions since 1990 in response to humanitarian suffering does reveal a selectiveness based on the extent of crises. Especially after filtering out the cases that were left unsanctioned due to countervailing power (see conclusion 1), there is a clear tendency to sanction those conflicts, governments, and groups responsible for most deaths, whether counted as battle-deaths or civilian deaths. The results show that whenever geopolitical obstacles are absent, international humanitarian norms such as the Responsibility to Protect are relevant.

With respect to chapter 6 (interstate war), all major interstate wars that did not involve major powers (with countervailing power) were met with UN sanctions.

⁵¹⁸ Mearsheimer. "Clash of the Titans". (2009).

Both in the cases of Iraq-Kuwait and Eritrea-Ethiopia, P5 votes on the imposition of sanctions were unanimous.⁵¹⁹ Together with the sanctions on nuclear proliferators, the track record on sanctioning interstate wars shows that there is a clear consensus among the P5 members that wars of aggression are not tolerated. It must also be remembered that during the Cold War the UNSC did not sanction any of the dozens of interstate conflicts around the world. In that light the track-record of sanctions in response to interstate wars can only be considered progress.

With respect to chapter 7 (civil war), humanitarian concerns should be of utmost importance. Of all the sanctionable offences discussed in this thesis, civil war is responsible for the most deaths by far. Nuclear weapons have not killed a single person since 1990. Interstate wars killed approximately 170.000 people. The 88 deadliest terrorist organizations since 2000 killed roughly 135.000 people since 1990. Coups d'état killed no more than 11.500. Civil wars, by comparison, killed about 1.8 million battle deaths according to the UCDP, as well as many more millions of direct and indirect civilian deaths.

Civil wars that were sanctioned were clearly bloodier than those that were not sanctioned, with average death-tolls of approximately 49.000 for sanctioned conflicts vs. 12.500 non-sanctioned conflicts. The most dramatic exception of a non-sanctioned civil war is obviously that of Syria, by far the bloodiest conflict since the Rwandan genocide at over 290.000 deaths. Together with conflicts such as those in Myanmar, Ukraine, India, and Pakistan, Syria represents the frustration many people feel towards the power-politics in the UNSC. While the failure to impose targeted sanctions in these cases is infuriating to some, at least it can be explained. Some bears are simply not to be poked. The true concern should perhaps lie with the 19 cases that didn't face any countervailing power restraints, but that were nevertheless left unsanctioned. While on average the deaths among these cases were substantially lower than those conflicts that were sanctioned, there are at least 7 wars that produced more than 5.000 deaths, including Sri Lanka (60.000), Uganda (10.000), Nepal (10.000), Burundi (9.000), Chad (7.000), Peru (6.000), and the first Congolese war (6.000). In all these cases except for the DRC, the armed groups fighting the governments did not form a major threat to state-collapse, pointing towards the idea that governments are given some leeway in dealing with armed groups as long as state-sovereignty is not at stake (see conclusion 3).

With regard to chapter 8 (terrorism), human security also matters, although the (perceived) security of some humans seems to matter more than those of others. Across the board, terrorist groups such as the Islamic State in Iraq and the Levant (ISIL), Al-Qaeda, Boko Haram, Al Shabaab, and Tehrik-i-Taliban Pakistan are

⁵¹⁹ Although in the case of UNSCR 687 (on Iraq) Cuba voted against the sanctions.

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indeed the deadliest groups since 2000. The threat they pose to human security is on par with civil wars such as South Sudan, Libya, or Cambodia, all of which were sanctioned. The issue with sanctions against terrorist organizations is however that they seem to be heavily biased against Islamic groups. Non-Islamic groups that use tactics of terror while fighting wars of liberation, independence, whether in Colombia (FARC), Sri Lanka (Tamil Tigers), or Turkey (PKK) seem to be invisible to the UN, whereas relatively minor Islamic groups loosely associated with Al-Qaeda or ISIL are almost instantly listed (see conclusion 6).

Finally, with regard to chapter 9 (coups d'état), human security seems irrelevant. It is not only that generally very few people get killed during coups, but also that the deadliest instances of coups since 1990 in Chad (5.000 deaths) and Burundi (6.000) were not sanctioned. The only cases in which sanctions were imposed were all bloodless. The selectivity of sanctions on coups can better be explained through the variable of democracy (see conclusion 4).

Overall, we can conclude that the UNSC does select sanctions based on the humanitarian gravity of the situation. The liberal idealism espoused by the West since 1990, as well as the normative changes that were institutionalized in the UN through the efforts of Boutros Ghali and Kofi Annan, did facilitate sanctions episodes in response to many humanitarian crises. Considering that before 1990 UN sanctions in response to civil wars were unthinkable, lots of progress has been made. The track-record among conflicts that broke out after 2000 is especially hopeful, with only one conflict of 5.000+ deaths (Ukraine) left completely unsanctioned.⁵²⁰ While China is known for abstained from voting so as not to interfere with the sovereignty of other states, in reality it only did so in the civil wars of Cambodia (1992), Bosnia (1992), Kosovo (1998), and Sudan (2005). In all the other sanctioned civil wars both Russia and China actively voted in favor of targeted sanctions. Some norms and institutions to seem to stick.

Conclusion Three: State Fragility Matters (+)

Fragile and failed states are more likely to receive sanctions. Not because they lack countervailing power, but because the power vacuum that exists in such states has many negative consequences, both in terms of human security, national security, and international security. The UN Security Council may not always agree on the importance of liberal democracy in sovereign states, they do all agree that

⁵²⁰ In the civil wars of Syria, Iraq, Nigeria, and Pakistan no sanctions committees may be in place, but the UN did impose sanctions on a range of major terrorist organizations involved in these conflicts.

at least some sort of national stability is necessary in order to maintain the international sovereign state system intact. That means that in some cases the humanitarian gravity of a conflict moves to a secondary plane. After all, state collapse doesn't necessarily come with tens or hundreds of thousands of deaths, but it does increase the risk of conflict-escalation, the use of child-soldiers, rape as a weapon, human trafficking, terrorism, and regional instability.

With respect to chapters 5 (nuclear proliferation), 6 (interstate wars), and 9 (coups d'état), state fragility doesn't seem to be a relevant factor. While nuclear proliferation in weak states is potentially a bigger threat to international security than in a stable democracy, it will be sanctioned regardless. A democratic revolution in North Korea or Iran will not make the Security Council more lenient towards their nuclear programs. Similarly, the consensus in the Security Council that interstate wars should be sanctioned will hold regardless of the stability or fragility of the states involved (as long as they don't have countervailing power). Finally, while coups d'état sometimes do lead to dramatic adverse regime changes, they primarily affect the *democratic* credentials of the state at hand, not necessarily the ability to govern.

With regard to chapter 6 (civil war) typical examples of conflicts in which state failure was a more important determinant for sanctions than the death-toll include Cote d'Ivoire, Chad, and the Central African Republic, all of were sanctioned when the conflicts had not reached 5.000 deaths yet, but that *were* all associated with the consequences of state failure, including large refugee streams, Islamic terrorism, high levels of corruption, and group grievances. Not only were these security threats in themselves, they were also potential triggers for the escalation of larger conflicts. Conversely, relatively large civil wars in states with relatively stable governments such as Russia, the Philippines, Pakistan, Algeria, and Nigeria, were left unsanctioned. As a matter of fact, with respect to Chapter 7 (terrorism), in all of the above examples the respective governments, in collaboration with the UNSC, did manage to list the armed groups they were fighting as designated terrorist organizations, technically imposing targeted sanctions on them. This shows that sometimes state stability matters more than human security.

With respect to the theoretical framework, it makes sense to both realists and idealists that state fragility matters. For liberal idealists, weak states represent a humanitarian risk, as well as an opportunity to promote good governance along liberal democratic lines in the aftermath of conflicts. For realists, weak states are also an indirect threat to the senders of sanctions themselves. Weak states create regional instability, produce immigrant flows, are a breeding ground for terrorism, and don't allow for secure trade and investment. When sanctioning weak states, there is something in it for everyone.

Conclusion four: Democracy can be used as a wildcard (+)

United Nations sanctions generally do not discriminate between democracies and autocracies. Yes, many sanctionable offences occur in non-democracies. Yes, weak states tend to be non-democracies. And yes, the lifting of UN sanctions in the aftermath of conflicts is typically linked to the requirement of holding democratic elections. After controlling for these factors, however, the UNSC does not sanction targets *because* they are not democratic, just as it does not let targets off the hook *because* they were democratically elected.

With respect to chapters 5 (nuclear proliferation), 6 (interstate war), 7 (civil war), and 8 (terrorism), the variable of democracy is thus irrelevant. The UNSC would not make any exceptions if Finland or New Zealand were to vote for the development of a nuclear program. Neither would it stand by idly if Spain and Portugal started an interstate war, if a civil war broke out in Panama, or if Japan started financing extremist terrorism. Sanctions in response to these offences are all responses to the nature of the threat itself, the strength or weakness of the state involved, and the humanitarian gravity of the situation, not democratic credentials.

The only exception seems to lie with coups d'état. Although there is no consensus among the P5 members of the Security Council that coups are sanctionable, both the United States and the European Union are fierce promoters of democracy, and explicitly recognize coups as anti-democratic acts. This is not to say that all undemocratic coups since 1990 have been systematically unilaterally sanctioned by the US and EU, but it does mean that both have made a point of defending democratically elected governments when they are overthrown.

Since coups d'état are almost never major humanitarian crises, and since they are not necessarily correlated with state failure, the UNSC has really only played the 'democracy card' in three instances: Haiti (1991), Sierra Leone (1997), and Guinea-Bissau (2012) In all cases, presidents who were clearly favored by the international community because of their democratic credentials were ousted by military dictatorships. Additionally, the US and EU had a clear interest in reversing the coups in all cases, due to Haiti's proximity to the US, Sierra Leone's civil war and ex-colonial ties with the UK, and Guinea-Bissau's role in transatlantic drug-trafficking to Europe. Together, these factors led the UNSC to consider these coups as sanctionable.

Sanctions selected based on the threat to democracy are thus exceptions, but they do teach us something extra about what UN sanctions are for, and how norms surrounding them are flexible. While China and Russia typically use their voting power as a 'conservative tool' (i.e. to block sanctions) the Western P5 members

sometimes use sanctions as 'progressive tools'. Critics might label these actions as neocolonial, but in the light of the institutional liberalism advocated by Krasner and Keohane it does mean that the Western powers are more instrumental in setting the agenda of UN sanctions regimes, as well as the norms surrounding them. If one day China or Russia feels the need to reverse a coup in their backyard, they might very well follow the precedent set by the West.

Conclusion Five: Public Pressure Sometimes Works (+)

Just as selecting sanctions regimes on the basis of the threat to democracy is exclusively a Western affair, so is selecting sanctions based on public pressure. Public pressure requires freedom of speech, as well as the freedom of association and an independent press. Russia and China both lack these democratic features, facilitating them to pursue foreign policy goals without having to fear popular backlash, and without having to play two-level games. For the US, UK, and France it's a different story. In multi-party representative democracies, governments don't only represent the general interest, they also have to make sure to get (re-) elected into office. While foreign policy adventures with military involvement can backfire among the public, sanctions in response to human rights violations are normally supported, or even requested. For Western governments, sanctions are then a convenient compromise between 'doing something' to hold up international norms and to punish human rights violators, without having to pay the political and economic price of a military adventure.

Just as with humanitarian concerns, public pressure only influences the likelihood of sanctions after having passed a filter of countervailing power (see conclusions 1 and 2). In cases that concern nuclear powers, regional hegemony, or allies of P5 members, the New York Times, the Times, and Le Figaro can publish as many op-eds as they like, but they won't translate into sanctions regimes. Once the obstacle of countervailing power is accounted for, however, public pressure works, both in getting sanctioned small and large conflicts.

With respect to chapters 5 (nuclear proliferation) and 6 (interstate war), the variable of public pressure is thus not a major determinant. The nuclear threat is large enough for all P5 members to impose sanctions regardless of public opinion, even if it were to turn against sanctions. Similarly, there is sufficient international consensus around the illegality of wars of aggression to impose UN sanctions regardless of what the public might think. At most, public opinion vis-à-vis nuclear proliferators and aggressors can influence the severity and types of sanctions, for example because of public outcry about unintended consequences on innocent civilians.

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With respect to chapter 7 (civil war), the link between public pressure and UN sanctions is the clearest. In civil wars free from countervailing power, increased media attention influences big and small conflicts alike. Among large humanitarian crises, the difference in media attention between sanctioned and non-sanctioned cases is not huge, given that these conflicts had grabbed the attention of the UNSC anyway. In relatively small conflicts the media can make a big difference though, as witnessed by the disproportional attention given by the media to conflicts in Israel, former Yugoslavia, or the second Liberian war.

With respect to chapters 8 (terrorism) and 9 (coups d'état) no comprehensive research on media attention was done, but it seems clear that the terrorist groups and coups that were most salient in the Western press were also the ones sanctioned. Most notably, targets of sanctions include groups related to Al-Qaida and ISIL that killed western civilians or western military targets. Not surprisingly these groups are also the ones receiving disproportionate media attention. Taking into account the fact that the real threat that terrorist organizations pose to human security in the west is negligible, the media obviously plays an instrumental role in blowing out of proportion the issue of Islamic terrorism (also see conclusion 6). The same arguably goes for coups d'état, which are normally not considered major events unless special Western interests are at stake.

Conclusion Six: Sanctions Discriminate Against Islamic Groups (+)

The conclusions on UN sanctions regimes and Islam only apply to the chapter on terrorism. Nuclear proliferators, aggressor states and rebel groups in civil wars are sanctionable regardless of their religious background. Similarly, sanctions on coup stagers are not targeted against Islamists. When it comes to sanctioning terrorist groups, however, armed groups that have used tactics of terror and that have Islamic backgrounds are much more likely to be labelled terrorist groups than non-Islamic groups that have committed similar crimes. While Al-Shabaab in Somalia, AQIM in Mali, FARC in Colombia, and the LRA in Uganda have all used tactics of terror in the campaigns against their respective governments, the former two are widely recognized as extremist Islamic terrorist groups, while the latter two are typically characterized as rebels or guerrillas. Not surprisingly, the former two are listed on the UNSC 1267 / 2253 lists of designated terrorist organizations, while the latter two are not.

Some of the discrimination against Islamic terrorist groups makes sense. Besides the fact that groups such as the Abu Sayyaf Group, Al-Qaida, the Armed Islamic Group, and ISIL have killed innocent targets in the West, they have also explicitly publicly stated objectives to destroy the West, as well as to establish Islamic Caliphates in the regions in which they are active. Such objectives are pertinently

incompatible with the sovereign state system, and the UNSC is right to isolate them by imposing sanctions. The problem is however that the UN's designated terrorism list has also included a range of organizations that in reality are just disgruntled rebels with domestic political grievances. The Eastern Turkistan Islamic Movement (China), the Abu Sayyaf Group (Jolo and Basilan Islands, Philippines), Lashkar-e-Taiba (Kashmir), Tehrik-i-Taliban Pakistan (Waziristan), and the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (Chechnya) may have had links with Al-Qaida for practical purposes, but are in reality just fighting wars to overthrow their governments or to achieve regional autonomy or political independence. Conversely, non-Islamic groups with similar objectives, including the SPLM (South-Sudan), the Tamil Tigers (Sri Lanka), or the Communist Party of Nepal-Maoist (Nepal) were not listed.

In general, the sanctions regimes against Islamic terrorist groups again show that UN sanctions design is primarily a Western affair. It was the United States that announced the 'war on terror' in the aftermath of 9/11, and it was the West that was most instrumental in designing the UN Global Counter-Terrorism Strategy, as well as UNSC Resolutions 1267 and 2253 to fight groups affiliated with Al-Qaida and ISIL. While Russia and China have also used the institutional framework that allows the UN to sanctions terrorist organizations in Turkestan and Chechnya, the rules of the game were largely shaped by the US and EU.

Conclusion Seven: Sanctions target Africa for good reasons (.)

It probably comes as no surprise that Africa is heavily represented in UN sanctions regimes since 1990. The only two sanctions regimes that the UN imposed during the Cold War were on Southern Rhodesia and South Africa. Since 1990, Algeria, Angola, the Central African Republic, Congo, Cote d'Ivoire, Eritrea, Ethiopia, Liberia, Libya, Mali, Nigeria, Rwanda, Sierra Leone, Somalia, South Sudan, and Sudan have all been added to this list. Additionally, terrorist groups in Egypt, Kenya, Mauritania, Morocco, Niger, Nigeria, and Tunisia were listed on the UN's designated list of terrorist organizations. While not all conflicts were sanctioned, it seems as if the only African countries that were completely free of the interference of UN sanctions were those that did not experience any conflict since 1990. The only exception lies with coups d'état, which have generally not been sanctioned anyway. Still, two out of the three coups that *were* sanctioned did concern African states.

How can the bias towards Africa be explained? In a way Africa represents a complete recipe of conclusions one to six, especially in terms of countervailing power, humanitarian concerns, and state fragility.

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Firstly, no African states have nuclear weapons, no African states are considered indispensable strategical allies of P5 members, and besides South Africa and perhaps Nigeria no African states have sufficient countervailing power based on their economic, military, or demographic strength. This means the African continent is largely free of geopolitical obstacles. Add to that the 'progressive' sanctioning culture of the West and the (neo-) colonial ties between the West and Africa, and you are left with an open playing field. Simply put, the UNSC imposes sanctions on African targets because it can.

Secondly, sanctions on Africa are however also a humanitarian must. Since 1990 more people died in civil wars in Africa (907.000) than in Asia (414.000) and the Middle East (470.000) combined. Also, two thirds of all successful coups d'état since 1990 occurred in Africa. Africa is home to most UN peacekeeping missions, most internally displaced people, and most people living below the poverty line. Conflicts from the Congo to Sudan are associated with conflict minerals, child soldiers, and the use of rape as a weapon. It is undeniable that human security in plays an important role in the selectivity of UN sanctions in Africa.

Thirdly, sanctions on African targets are also a must in the fight against state failure, and its consequences for both human and regional security. On average the African states that experienced civil war since 1990 score 96/120 on the Fragile States Index, placing them in the category of high-warning of state failure. Across the board African states score poorly on domestic security, economic stability, public services, human rights, demographic pressures, refugees, and internally displaced people, many of which are human security threats in themselves, and all of which increase the risk on the outbreak of conflict.

What to do now?

This dissertation has given a comprehensive answer to the question: What are United Nations Sanctions regimes for? Now that we know, the question that remains is: So what? What should policy makers and academics do with these insights?

One typical concern for policy makers and academics alike is that UN sanctions are imposed as part of a set of institutional rules that have not changed since 1945. Sanctions can only be imposed when there is sufficient consensus among the (permanent) members of the Security Council about the 'sanctionability of a case. Since members have different interpretations of this concept as well as different national security interests, countervailing power to block or evade sanctions remains a stubborn obstacle. While it is not an explicit (nor realistic) aim of this dissertation to provoke any institutional changes to the decision-making process

surrounding UN sanctions, the SOD and the findings of this can contribute to the debate surrounding the expansion of the Security Council and/or its permanent members, as well as the debate about abstaining from using the veto, something that France and the United Kingdom have tried to promote. For example, policy makers might promote a norm in which the veto is only used for issues of humanitarian (military) intervention, but not for certain types of sanctions. This would be a way to create consensus without rocking the boat too much.

For policy makers and academics that are more concerned with upholding norms surrounding human security, the SOD may be used as an advocacy tool to point out both the progress and the failures of UN sanctions in promoting security and human rights. The results of this thesis point out that while progress has been made, the agenda that was initiated with Boutros Ghali's 'Agenda for Peace' and that was formalized with the adoption of the Responsibility to Protect principles in 2005, there is also still work to be done. The advocates of higher moral standards of UN sanctions of course already knew this, but their arguments are mostly based on ad-hoc indignation, rather than structural analysis.

It must be pointed out and remembered that the moral framework that establishes which offences should be punished dominated by the West. The UN's ideological shift in the 1990s was inspired by liberal democratic ideas about a 'Liberal Peace', in which democratic governments of sovereign states had to legitimize their sovereignty through good governance, in accordance with western standards. The conclusions of this dissertation should therefore be especially relevant to Western policy makers.

Western policy makers have to be advocates for Liberal Peace in two ways. First, they have to use diplomacy and politics to overcome the geopolitical obstacles represented by China and Russia that sometimes stand in the way of UN sanctions, and that have led to horrible human rights violations in places such as Syria and Myanmar. It is up to diplomats and country experts to analyze precisely where the obstacles to imposing targeted sanctions lie, and how they can be overcome.

Second, and perhaps more importantly, Western policy makers should also look in the mirror, and take a long and hard look at all the cases that were left unsanctioned despite the absence of geopolitical obstacles. From civilians who suffered in wars in Ethiopia and Chad to people who died in terrorist attacks by the Tamil Tigers in Sri Lanka or the Moro Islamic Liberation Front in the Philippines, and from people who lost their livelihoods in the aftermaths of military coups in Thailand or Fiji, the West owes these people an explanation.

The latter argument is not only a moral one, but potentially also one about sanctions' effectiveness. The incoherent track-record of UN sanctions diminishes the authority of those who impose them. Why would anyone take sanctions seriously if some get punished while others are not? This is a topic worth researching further.

Suggestions for further research

There are many opportunities for further research in relation to this dissertation. First, the SOD has plenty of space to expand, both in terms of extra variables and in terms of timeframe. Over the years many commentators have suggested the SOD should include deeper target analysis, variables related to refugee streams, economic dependency of targets on senders, neocolonial links between targets and senders, data on unilateral sanctions or sanctions from regional organizations, and so forth. Many of these ideas are worth exploring and adding to the SOD. In terms of time-frame it would be a logical step to update the dataset annually or bi-annually.

Apart from expanding the SOD, it may be interesting to explore the relationship between the coherency of sanctions regimes and their effects on targets. Sanctions scholars, behavioral scientists, and diplomats alike have long agreed that coercive diplomacy works best when it is coherent and predictable.⁵²¹ However, most academic research related to sanctions takes policy tools as independent variables, simply analyzing the effects of the tools that governments use to influence targets.⁵²² Conclusions then state that policy 'X' works better or worse when variables 'A', 'B', and 'C' are existent or non-existent.⁵²³ This gives policy-makers the illusion that, if they control the variables at hand, there are more or less clear-cut recipes for success and failure.

The reality is however that sanctions are also dependent variables, in so far as they are not stand-alone actions. The policies that Western governments pursue are part of a wider normative framework, the coherency and credibility of which is vital to each action separately.⁵²⁴ In other words, diplomatic actions have a bigger impact when they are in line with a strong and consistent normative framework. Without

⁵²¹ Galtung. "On the Effects of Economic Sanctions" (1967); Cortright & Lopez. "Smart Sanctions: Targeting Economic Statecraft" (2002); Becker. "Crime and Punishment: An Economic Approach" (1968).

⁵²² Hufbauer et al. "Economic Sanctions Reconsidered" (2009). Bierstecker et al. "Targeted Sanctions" (2016).

⁵²³ Galtung. "On the Effects of Economic Sanctions" (1967).

⁵²⁴ Keohane and Martin. "The Promise of Institutional Theory" (1995). Nye. "Soft Power" (2004).

such a framework, diplomatic measures arguably have the same effect on targets as an arbitrary domestic punishment on an angry toddler.

Secondly, sound scientific methodology teaches us that the effects of sanctions can only be fully understood when they are compared to a 'control group', something that's typically missing in sanctions research.⁵²⁵ Whereas most research on diplomatic policy effects focuses only on the cases in which 'X' occurred (i.e. a sanction or measure was imposed), they are not able to control for counterfactual events, because they don't compare the results to similar cases in which 'X' did not occur. As a result, these studies risk mistaking correlation for causation. Hence, understanding the coherency of Western sanctions regimes is crucial for their credibility as well as their effectiveness.

⁵²⁵ For example, Hufbauer et al. (2009) and Bierstecker et al. (2016) boast impressive datasets on types, purposes, and outcomes of sanctions regimes, but neither is able to compare the outcomes of sanctioned cases to those of non-sanctioned cases.

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ANNEX 1 – SANCTIONABLE OFFENCES DATASET

The full Sanctionable Offences Dataset is attached separately to this dissertation because it is too big for the format of this document. The hard copy comes with a poster inside the cover that includes the most important variables. The pdf version comes with a full electronic version in Microsoft Excel. It can also be accessed online through:

thomaskruiper.com/sod/

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ANNEX 2 – RESUMEN EN CASTELLANO

Sanciones de las Naciones Unidas y la Seguridad Selectiva

Cuando se estableció la Sociedad de las Naciones, se pensó que las sanciones serían la mejor herramienta nueva para tratar con agresores en las relaciones internacionales. Sin embargo, la trayectoria de la Sociedad entre 1919 y 1939 demostró que, al fin y al cabo, los episodios de sanciones eran un simple reflejo de intereses geopolíticos. Podrían aplicarse cuando ninguna de las grandes potencias tuviera objeciones claras, pero eran inútiles cuando estados importantes violaban las normas internacionales. Como dijo Benito Mussolini: "La Sociedad está muy bien cuando pisan los gorriones, pero no sirve para nada cuando se pelean las águilas".⁵²⁶

Con las secuelas de 1945, se creó una configuración institucional más realista a través de la Organización de Naciones Unidas (ONU). El diseño del Consejo de Seguridad de las Naciones Unidas se aseguró de que un sistema basado en normas funcionaría mejor, al mismo tiempo que protegía los intereses vitales de los cinco miembros permanentes, China, Francia, la Unión Soviética (URSS), el Reino Unido y los Estados Unidos, al darles el derecho a usar su veto. Durante cuatro décadas y media, sin embargo, las sanciones nunca vieron la luz del día, ya que fueron casi constantemente bloqueadas ya sea por Estados Unidos o la URSS, producto de la guerra fría. Los dos únicos casos en los que fueron usadas no se trataron de episodios de guerras de agresión, sino más bien de regímenes de Apartheid en el sur de Rodesia y Sudáfrica. Una vez más, el historial de las sanciones de la ONU apuntaba hacia el (neo) realismo, y no hacia el idealismo o el institucionalismo liberal. Cualesquiera fueran las palabras en la Carta de las Naciones Unidas sobre los derechos humanos y las obligaciones derivadas de tratados y otras fuentes de derecho internacional, y no importa cuántos atentados a la paz y actos de agresión ocurrieron durante la Guerra Fría, las sanciones eran escasas.

⁵²⁶ Aunque las palabras de Mussolini en la Liga de Naciones se han citado mucho, ninguno de los textos que he consultado menciona la fuente original.

La década de 1990 marcó dos cambios importantes. En primer lugar, el final de la Guerra Fría y la hegemonía occidental permitieron que muchas más resoluciones pasaran por el Consejo de Seguridad. En segundo lugar, y a la vez, hubo un cambio pronunciado con respecto a las normas e ideas que primaban sobre el papel de las Naciones Unidas en general, y específicamente, sobre el rol de las sanciones. Los procedimientos se mantuvieron iguales, pero la idea de "para qué se aplican las sanciones", cambió. Las ideas sobre las amenazas que plantean las "nuevas guerras", las crisis humanitarias y los "Estados fallidos" cambiaron el pensamiento normativo sobre cuándo la ONU debería utilizar sanciones. De repente, no sólo los Estados agresores en conflictos internacionales podrían ser sancionados, sino también actores estatales y no estatales en guerras civiles, grupos terroristas y gobiernos que los albergan, y perpetradores de golpes de Estado. La era de soberanía absoluta e incondicional había llegado a su fin. Entre 1990 y 2018, el Consejo de Seguridad impuso sanciones en virtud del Capítulo VII en respuesta a dos proliferadores nucleares, dos guerras interestatales, veinte guerras civiles, veintiséis organizaciones terroristas, tres gobiernos que albergan terroristas y tres golpes de Estado. Fue una gran victoria para aquellos a favor de la gobernanza global y el institucionalismo liberal.

¿Pero qué tan impresionante es esta trayectoria realmente? ¿Es acaso una victoria para el institucionalismo y un sistema basado en reglas? ¿O estamos más bien ante un sistema en el que algunos casos son "securitizados" a través de una lógica discriminatoria, mientras que otros no lo son? Y si es así, ¿quién lo determina? La respuesta es que, si bien las normas cambiantes que rodean las sanciones de las Naciones Unidas encuentran su base en el institucionalismo liberal y el liberalismo ideacional, las reglas que rodean el voto en el Consejo de Seguridad no han cambiado desde 1945, lo que resulta en una trayectoria aún selectiva.

La evolución de las normas relativas a las sanciones de la ONU podría haber acercado los regímenes de sanciones a un ideal de paz liberal, pero hay demasiadas excepciones de conflictos sangrientos no sancionados, perpetradores de golpes impunes y organizaciones terroristas aún libres, para cumplir plenamente esta promesa. Peor aún, algunos de los grupos e individuos que *sí han* sido sancionados difícilmente pueden ser considerados una "amenaza para la paz".

El carácter selectivo de las sanciones de la ONU tiene dos explicaciones principales. En primer lugar, algunos delitos sancionables están bloqueados por políticas de poder. Estos fracasos a la hora de aplicar sanciones pueden explicarse a través de intereses geopolíticos y realistas en lugar de a través de intereses idealistas. Hay que aceptar la realidad de que potencias nucleares como Israel, hegemonías regionales como la India y aliados cercanos de los cinco

miembros permanentes del Consejo de Seguridad pueden salirse con la suya con ciertas cosas. El segundo tipo de selectividad se refiere a los casos que permanecen después de filtrar la política de poder, y en los que las ideas liberales sobre la seguridad humana y la gobernanza democrática podrían aplicarse libremente. Aquí es donde Occidente tiene la oportunidad de demostrar su compromiso con las normas que dice defender universalmente, y que ha tratado de institucionalizar en las Naciones Unidas. Aquí es donde está en juego la credibilidad de los Estados Unidos y de la Unión Europea. Un registro de sanciones consistente aumenta su credibilidad. La incoherencia implica que corren el riesgo de ser etiquetados como hipócritas o neoimperialistas.

Esta tesis mostrará que ambas explicaciones existen. Explicará por qué los Estados fuertes casi nunca son blanco de sanciones, por qué los estados que sufren de conflictos civiles no reciben sanciones hasta que el Estado realmente se desmorona, por qué las sanciones casi siempre están dirigidas a rebeldes y terroristas, pero casi nunca en contra de gobiernos, y por qué los estados poderosos pueden decidir si los estados agresores, grupos rebeldes, golpes de estado, organizaciones terroristas o proliferadores nucleares son sancionados o no. Los resultados muestran que, si bien en algunos casos los responsables políticos deberían centrarse en la diplomacia para superar los obstáculos geopolíticos, en otros casos los gobiernos occidentales deberían mirarse a sí mismos. Esa es la única manera de crear un régimen de sanciones verdaderamente creíble y coherente.

¿Por qué leer esta tesis?

Este trabajo aborda una pregunta que muchos académicos, estudiantes y otros comentaristas han debatido explícita o indirectamente, pero que aún no ha sido respondido exhaustivamente: ¿Para qué son las sanciones de las Naciones Unidas?

La investigación presentada en esta tesis se suma a la literatura sobre sanciones internacionales, así como a la literatura sobre el papel de las instituciones internacionales, en particular las Naciones Unidas. En el ámbito académico de las sanciones internacionales, esta tesis va más allá de la cuestión de la eficacia, y examina la cuestión de para qué sirven las sanciones en primer lugar; una pregunta que muchos se han 'saltado' y que pocos se han molestado en hacer. En el ámbito académico de las Naciones Unidas hay una gran cantidad de investigación que considera el papel del Consejo de Seguridad, la evolución de las Naciones Unidas como guardián de la paz, la importancia del veto de los miembros del P-5, y los éxitos y fracasos de los regímenes de sanciones de la ONU. Sin embargo, cuando se trata de regímenes de sanciones, la investigación se centra de nuevo en cuestiones de eficacia. Las investigaciones que hacen

preguntas más profundas sobre las razones detrás de la acción de las Naciones Unidas tienden a centrarse en el papel del Consejo de Seguridad en las fuerzas de paz y las intervenciones humanitarias, no por su rol en regímenes de sanciones. Al estudiar el historial de las sanciones de las Naciones Unidas desde 1990, aprenderemos sobre las verdaderas motivaciones detrás, así como la naturaleza de la ONU como institución en general.

La investigación sobre sanciones no proporciona una respuesta satisfactoria

La investigación académica sobre sanciones tiende a tratar cuestiones de eficacia, impacto y eficiencia. Ya en el establecimiento de la Sociedad de Naciones en 1920 Woodrow Wilson estaba convencido de que:

"Una nación que es boicoteada es una nación que está a la vista de la rendición. Aplique este remedio económico, pacífico, silencioso y mortífero y no habrá necesidad de fuerza. Es un remedio terrible. No cuesta una vida fuera de la nación boicoteada, pero trae una presión sobre la nación que, a mi juicio, ninguna nación moderna podría resistirse"⁵²⁷

Rápidamente se comprobó que Wilson estaba equivocado cuando la Sociedad comenzó a desmoronarse en los años previos a la Segunda Guerra Mundial, pero la búsqueda de sanciones efectivas continuó. En 1967, cuando Johann Galtung estudió el impacto del primer régimen de sanciones de las Naciones Unidas al gobierno de minoría blanca de Ian Smith en Rodesia del Sur, este enumeró las condiciones teóricas ideales para un boicot económico⁵²⁸. Es más probable que el país boicoteado admita las demandas de los remitentes si sufrieran desproporcionadamente por la interrupción del comercio, y si las sanciones fueran fáciles de supervisar y controlar⁵²⁹. Un comentarista señaló que, con respecto a las sanciones de Rhodesia, los británicos predijeron que el régimen caería "en cuestión de semanas"⁵³⁰. El Frente Rodesiano de Ian Smith tardó catorce años en ser reemplazado por el partido ZANU-PF de Robert Mugabe, y no gracias a las

⁵²⁷ Padover. "Wilson's Ideals". (1942).

⁵²⁸ Galtung. "On the Effects of International Economic Sanctions". (1967) page 384.

⁵²⁹ Galtung. "On the Effects of International Economic Sanctions". (1967) page 384.

⁵³⁰ Makonese. "The Significance of the Sanctions Campaign for the Liberation Movement". (1974) page 5.

sanciones. En efecto, Galtung calificó la investigación sobre las sanciones como herramientas de coerción como la «teoría ingenua de las sanciones».⁵³¹

En las décadas de 1970 y 1980 Margaret Doxey y David Baldwin desarrollaron marcos explicativos para el éxito y el fracaso de las sanciones internacionales como instrumentos políticos. Ambos hicieron una distinción importante entre las sanciones como herramientas morales/jurídicas, por un lado, y las sanciones como herramientas económicas/políticas por el otro⁵³². Por ejemplo, Doxey reconoció que los fundadores de organizaciones internacionales (y regionales) tomaron prestada la idea de aplicar sanciones a Estados que no cumplan con las leyes nacionales⁵³³. En efecto, muchos eruditos en los campos de relaciones internacionales y derecho internacional no reconocieron las medidas económicas unilaterales (o guerras comerciales) como sanciones en absoluto.

A pesar de las "advertencias" de los académicos sobre el impacto limitado de las sanciones y sus consecuencias no deseadas, la década de 1980 vio en su mayoría optimismo sobre la utilidad y eficacia de las sanciones de las Naciones Unidas. Las sanciones se consideraron una alternativa inofensiva y rentable a la intervención militar. Se propuso la idea de que los representantes políticos utilizaran con mayor frecuencia este tipo de medidas económicas/políticas. Después de todo, "sería una lástima, tal vez un desastre global, que un presidente estadounidense contemporáneo recurriera a la guerra únicamente porque la naturaleza, las implicaciones y las consecuencias de estas políticas económicas hayan sido malinterpretadas por sus asesores".⁵³⁴

A esta ola de optimismo se sumó el proyecto "*Economic Sanctions Reconsidered*" por Hufbauer, Schott y Elliot, quizás el estudio más exhaustivo sobre sanciones como herramientas de política exterior de la época⁵³⁵. Establecida por primera vez en 1982, y todavía activa, cuenta con una base de datos de 174 episodios de sanciones entre 1914 y 2000 para tratar de responder cuán eficaces han sido estos regímenes de sanciones económicas a la hora de cumplir con sus objetivos de política exterior. La tasa de éxito del 35% que afirmaron los autores fue ampliamente citada por académicos y responsables políticos.

En la década de 1990 también se registró un fuerte aumento en el uso de sanciones por parte de las Naciones Unidas. Mientras que la ONU había impuesto sanciones sólo en dos ocasiones durante la Guerra Fría, la década de 1990 llegó

⁵³¹ Galtung. "On the Effects of International Economic Sanctions". (1967) page 380.

⁵³² Baldwin. "*Economic Statecraft*". (1985); Doxey. "*International Sanctions in Contemporary Perspective*". (1987) pp 4-6.

⁵³³ Doxey. "International Sanctions". (1972).

⁵³⁴ Baldwin. "*Economic Statecraft*". (1985) page 373.

⁵³⁵ Hufbauer, Schott & Elliot. "*Economic Sanctions Reconsidered*". (2009).

a ser apodada 'la Década de las Sanciones'⁵³⁶. El Consejo de Seguridad impuso regímenes de sanciones en un total de doce casos, en respuesta a tradicionales guerras de agresión, así como también a guerras civiles, a golpes de Estado y a Estados patrocinadores del terrorismo. Las sanciones internacionales se convirtieron en una herramienta política entre la espada y la pluma.⁵³⁷

A medida que las sanciones se convirtieron en una herramienta más popular de la política exterior, también crecieron las críticas hacia ellas. Distintos investigadores demostraron que las sanciones no siempre son tan exitosas como se afirma, a veces tienen graves consecuencias no deseadas, y a menudo son violadas y evadidas descaradamente.

En respuesta a la obra de Hufbauer et. al., Robert Pape se preguntó: ¿Por qué las sanciones económicas no funcionan? ⁵³⁸ Encontró que aquella tasa de éxito del 35% de las sanciones estaba sobrevalorada, porque en realidad los éxitos se determinaban por la fuerza militar o porque sólo se lograban objetivos menores. Otra crítica argumentaba que las sanciones no eran tan inofensivas como se habían presentado inicialmente. Después de las estrictas sanciones económicas impuestas a Irak⁵³⁹, quedó claro que el aislamiento económico había matado indirectamente a cientos de miles de civiles inocentes, que morían de hambre mientras el régimen de Saddam Hussein permanecía en el poder. Cuando la embajadora de Estados Unidos en la ONU, Madeleine Albright, defendió en televisión nacional que el medio millón de muertes infantiles estimadas en Irak "valían el precio"⁵⁴⁰, la imagen de las sanciones como inofensivas se desvaneció⁵⁴¹. Los regímenes de sanciones a Haití y a la República Federal de Yugoslavia consolidaron aún más este argumento de que las sanciones pueden tener graves consecuencias no deseadas⁵⁴². Posteriormente, la investigación sobre sanciones ha tratado la cuestión de cómo hacerlas más eficaces. Las sanciones "inteligentes", por ejemplo, a individuos y grupos dificultan el uso de sus cuentas bancarias, los viajes al extranjero o la adquisición de dinero o armas⁵⁴³. Los investigadores también han aprendido más sobre el diseño de sanciones

⁵³⁶ Cortright & Lopez: "*The Sanctions Decade*". (2000).

⁵³⁷ Walleensteen & Staibano: "*International Sanctions*". (2005).

⁵³⁸ Pape: "Why Economic Sanctions do not Work". (1997).

⁵³⁹ UNSC Resolution 661 (1990).

⁵⁴⁰ CBS 60 Minutes: Interview with Madeleine Albright. 12/05/1996.

⁵⁴¹ Andreas. "Criminalizing Consequences of Sanctions". (2005).

⁵⁴² Gibbens and Garfield. "The Impact of Economic Sanctions in Haiti". (1999); Weiss and others, eds., "Political Gain and Civilian Pain." (1997).

⁵⁴³ Cortright & Lopez. "*Smart Sanctions*". (2002).

“dirigidas” de las Naciones Unidas, su relación con otras herramientas de política y su aplicación.⁵⁴⁴

Por tanto, toda investigación sobre sanciones parece simplemente dar por sentada la lista de casos existentes y pregunta (1) ¿Quién es el objetivo? 2) ¿Qué hicieron para merecer sanciones? (3) ¿Qué sanciones se aplicaron? (4) ¿Alcanzaron estas sus objetivos? (5) ¿Por qué tuvieron éxito o fracasaron?, y (6) ¿Hubo consecuencias no deseadas? En cambio, ninguna investigación sobre los regímenes de sanciones de las Naciones Unidas, ni otros regímenes de sanciones unilaterales y multilaterales al respecto, examina la cuestión de por qué se imponen las sanciones de las Naciones Unidas en primer lugar.

Esto no quiere decir que la investigación académica sobre sanciones no se refiera a la cuestión de para qué son estas. Los autores de "*Economic Sanctions Reconsidered*" no se preocupan mucho por las normas internacionales y aceptan el hecho de que las sanciones económicas, tanto unilaterales como multilaterales, son actos de política exterior (apoyados legalmente). Los gobiernos pueden utilizarlas para demostrar determinación y liderazgo estadounidense, para expresar indignación por un evento internacional o para asegurar a sus aliados que Estados Unidos apoyará sus compromisos internacionales⁵⁴⁵. Del mismo modo, Drezner describe las sanciones económicas como una "herramienta de política exterior" que se empleará en situaciones en las que el remitente obtenga un resultado político significativo⁵⁴⁶. Una de sus conclusiones es que, siendo los demás factores iguales, los remitentes estarán ansiosos por coaccionar a sus adversarios y reacios a coaccionar a sus aliados, pero en realidad son las sanciones a los aliados las más propensas a tener éxito. Una vez más, el enfoque sigue siendo la eficacia.

Algunos eruditos han reconocido que los objetivos de las sanciones de los remitentes no son siempre, parafraseando a Robert Dahl, 'conseguir que los objetivos hagan cosas que de otra manera no harían'⁵⁴⁷. Por ejemplo, los gobiernos imponen sanciones a veces simplemente para "demostrar determinación" o "expresar indignación", sin resolver realmente nada o actuar plenamente sobre su indignación en términos de política contundente⁵⁴⁸. En efecto, es poco probable que las sanciones afecten el comportamiento de sus objetivos si el fin es meramente simbólico.⁵⁴⁹

⁵⁴⁴ Bierstecker, Eckert, and Tourinho. "*Targeted Sanctions*". (2016).

⁵⁴⁵ Hufbauer and others. "*Economic Sanctions Reconsidered*". (2009): pp. 5-6.

⁵⁴⁶ Drezner: "*The Sanctions Paradox*". (1999): Page 4.

⁵⁴⁷ Dahl: "The Concept of Power". (1957): Page 203.

⁵⁴⁸ Chesterman and Pouligny. "Are Sanctions Meant to Work? (2003).

⁵⁴⁹ Fearon. "Signaling Foreign Policy Interests (1997).

Giumelli hace una distinción importante entre los diferentes "propósitos" de las sanciones, reconociendo tres categorías: Coerción, Restricción y Señalización/Estigmatización⁵⁵⁰. La coerción es el intento de cambiar el comportamiento del objetivo a través del uso de sanciones. Se basa en la noción clásica de que las sanciones son herramientas de poder. Ya en 1967 Johan Galtung criticó esta perspectiva llamándola la "teoría ingenua" de las sanciones⁵⁵¹; una y otra vez se ha demostrado que el dolor económico o la presión política rara vez llevan a los objetivos a cambiar su comportamiento y ceder a las demandas de los remitentes⁵⁵². Por el contrario, las sanciones pueden incluso envalentonar a los objetivos (efecto de "rally around the flag"),⁵⁵³ o pasar el peso de las sanciones a civiles inocentes.⁵⁵⁴

La restricción, en segundo lugar, se define como el esfuerzo para reducir la capacidad de los objetivos para alcanzar sus fines. Las sanciones dirigidas con el fin de restringir, en lugar de coaccionar, tienen más probabilidades de conseguir realmente su propósito. Si bien las sanciones dirigidas por sí mismas rara vez son suficientes para poner fin a los esfuerzos bélicos de grupos armados, ciertamente pueden ayudar a debilitar su capacidad para viajar, realizar transacciones financieras y traficar minerales u otras materias primas en conflicto. Junto con la coerción (56%), la restricción (41%) es un propósito principal importante de las sanciones dirigidas por las Naciones Unidas.⁵⁵⁵

El tercer propósito, la señalización/estigmatización, ocurre cuando las sanciones buscan indicarles a los objetivos, y a la comunidad internacional en general, la primacía de ciertas normas internacionales. Este propósito está presente en el 100% de los episodios de sanciones dirigidas por la ONU analizados, aunque casi nunca como único o principal propósito. También es un propósito que es siempre, e instantáneamente, eficaz. Como describe el autor: '... la señalización se logra a menudo por el *acto mismo* del Consejo de Seguridad al avanzar hacia las crisis internacionales»⁵⁵⁶. Dado que las sanciones de las Naciones Unidas son esenciales para dar forma a las normas internacionales relativas a la paz y la seguridad, los que son atacados por ellas son sin duda estigmatizados, lo admitan o no.

⁵⁵⁰ Giumelli. "The Purposes of Targeted Sanctions". (2016).

⁵⁵¹ Galtung. "Effects of International Economic Sanctions." (1967).

⁵⁵² Pape. "Why Economic Sanctions do not Work". (1997).

⁵⁵³ Una situación en que una medida de castigo causa un apoyo popular para el gobierno en cuestión.

⁵⁵⁴ Galtung. "Effects of International Economic Sanctions". (1967).

⁵⁵⁵ Giumelli. "Purposes of Targeted Sanctions". (2016): page 52.

⁵⁵⁶ Idem.

El valor simbólico de las sanciones está, por lo tanto, lejos de ser inútil⁵⁵⁷, especialmente para una institución como las Naciones Unidas. Las sanciones de las Naciones Unidas indican al objetivo y a la comunidad internacional que el delito en cuestión merece una reacción seria. Si se hace de manera coherente, esto tiene una doble ventaja. En el extremo receptor, estigmatiza o "avergüenza" a sus objetivos, incluso cuando las sanciones no duelen; del lado emisor, mejoran la legitimidad y credibilidad del remitente.

No aplicar sanciones también envía un mensaje. Los objetivos pueden interpretar el hecho de que la ONU no imponga sanciones como una luz verde para continuar con lo que estaban haciendo. Por ejemplo, la ausencia de una respuesta enérgica a la crisis de los rohingyas en Myanmar, por medio de sanciones u otras medidas, envía una señal al régimen de Myanmar de que o bien tienen razón en la limpieza étnica de los "extranjeros" rohingyas de la región de Rakhine, o de que el Consejo de Seguridad no considera que el tema sea lo suficientemente importante⁵⁵⁸. Por el lado del remitente, la falta de respuesta envía una señal de que, al parecer, los intereses geoestratégicos y políticos de algunos miembros (permanentes) del Consejo de Seguridad superan el sufrimiento humanitario sobre el terreno. Por ejemplo, el hecho de no imponer sanciones al régimen de Bashar al-Assad en Siria (bloqueado por Rusia) ha hecho que algunos responsables políticos consideren que la inacción pueda convertirse en el "cementerio de las Naciones Unidas".⁵⁵⁹

Muchos autores han reconocido la diversa gama de delitos que las sanciones de la ONU han abordado, incluida la reversión de un hecho de agresión, el restablecimiento de líderes elegidos democráticamente, el fomento de los derechos humanos, la disuasión del terrorismo y el fomento de desarme (nuclear)⁵⁶⁰. Un autor incluso ha reconocido que las graves crisis humanitarias han sido una razón para que el Consejo de Seguridad aplique sanciones en virtud del Capítulo VII, relacionadas con los conflictos civiles en Costa de Marfil, Sudán y Ruanda, así como tras el golpe de Estado de 1991 en Haití⁵⁶¹. Otros se han centrado más bien en los motivos de los remitentes, incluido el cumplimiento del derecho internacional, la contención de conflictos u otras amenazas a la paz, o simplemente la expresión de indignación⁵⁶². Sin embargo, casi nadie va más allá de simplemente enumerar los propósitos de las sanciones y los motivos que

⁵⁵⁷ Nossal. "International Sanctions as International Punishment". (1989).

⁵⁵⁸ Kruiper. "Rohingya Crisis and UN Involvement". (2018)

⁵⁵⁹ Security Council Meeting 8186th meeting, SC/13219 (22/02/2018).

⁵⁶⁰ Cortright & Lopez: "*The Sanctions Decade*". (2000); Chesterman & Pouligny: "Are Sanctions Meant to Work? (2003); Charron. "*UN Sanctions and Conflict*". (2011).

⁵⁶¹ Farrall. "*The United Nations and the Rule of Law*". (2007): Ch. 5.

⁵⁶² Chesterman & Pouligny: "Are Sanctions Meant to Work? (2003).

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existen para imponerlas. Nadie pregunta por qué algunos casos están sancionados y otros no.

El libro que se acerca más a responder a lo que son las sanciones de la ONU es posiblemente el de Andrea Charron. Dividiendo la lista de episodios de sanciones de la ONU entre 1990 y 2010 en cuatro categorías (Conflictos interestatales (4), Conflictos intraestatales (14), Estados Incumpliendo Normas Internacionales (5) y Terrorismo Internacional (4)), llega a la conclusión de que la trayectoria de sanciones del Consejo de Seguridad tiene en realidad más sustancia y dirección de lo que se le suele atribuir, incluso si solo el 22% de los conflictos internacionales entre 1990 y 2010 fueron realmente sancionados.

La investigación sobre el Consejo de Seguridad no proporciona una respuesta satisfactoria

La investigación académica sobre el propio Consejo de Seguridad de las Naciones Unidas nos ayuda a comprender el diseño institucional del Consejo, su evolución en respuesta a amenazas internacionales, así como la política que determina cuándo interfiere la ONU en crisis humanitarias. Sin embargo, no existe un estudio exhaustivo e imparcial que investigue para qué sirven las sanciones de las Naciones Unidas y cómo la respuesta a esa pregunta difiere en función del tipo de delito.

Las Naciones Unidas como institución han sido reconocidas como "potencialmente el órgano supranacional más poderoso del mundo"⁵⁶³. De hecho, ninguna otra institución de seguridad internacional tiene tantos Estados miembros como las Naciones Unidas, y ninguna otra institución de seguridad ha intervenido tanto en asuntos de seguridad internacional. Es la única organización de seguridad verdaderamente global, y a pesar de las muchas críticas sobre su funcionamiento, es ampliamente percibida como una institución legítima. Desde la década de 1990, la ONU prácticamente ha eliminado las intervenciones militares unilaterales⁵⁶⁴. Los Estados tratan ampliamente de asociarse con las Naciones Unidas para legitimar sus acciones y comunicar información importante sobre sus intenciones políticas.⁵⁶⁵

Mientras que el debate académico sobre las sanciones de las Naciones Unidas apenas examina la cuestión de para qué sirven, la literatura académica sobre las fuerzas de paz lo hace de forma mucho más exhaustiva. Sin duda, la mayoría de

⁵⁶³ Alvarez. "The Once and Future Security Council". (1995)

⁵⁶⁴ Aunque no las sanciones unilaterales.

⁵⁶⁵ Chapman. "Securing Approval". (2011).

las investigaciones académicas sobre los cascos azules (así como la de diplomacia preventiva, la imposición de paz y la consolidación de paz) también se refieren a su valor como herramienta política. Después de todo, determinar los ingredientes para el éxito y fracaso es "esencial para desarrollar conocimientos sobre el mantenimiento de la paz y tomar buenas decisiones políticas"⁵⁶⁶. Los estudios de caso y el análisis comparativo de las operaciones de cascos azules ayudan a los responsables de formular políticas concretas entender la evolución del mantenimiento de la paz⁵⁶⁷, así como sus debilidades, lecciones aprendidas⁵⁶⁸ y consecuencias (no intencionadas) de medidas a medias, o de imposición de la paz.⁵⁶⁹

Sin embargo, muchos otros han teorizado sobre el historial de las misiones de paz de las Naciones Unidas desde un punto de vista más crítico. Por ejemplo, Barnett y Finnemore argumentaron que para evaluar la toma de decisiones detrás de las fuerzas de paz de la ONU, es crucial entender las normas que dominan la institución⁵⁷⁰. Su perspectiva va más allá de la premisa institucionalista neoliberal de que los estados soberanos poderosos pueden utilizar las instituciones para promover o solidificar sus intereses y fomentar la colaboración⁵⁷¹. De manera *Weberiana*, la burocracia de las Naciones Unidas extiende el poder real a los expertos dentro del sistema, independientemente de su nacionalidad.

A nivel macro, los propósitos de las intervenciones militares y las normas que las rodean han cambiado, también dentro de las Naciones Unidas⁵⁷². La teoría dominante sobre las fuerzas de paz de la ONU desde la década de 1990 se describe mejor como la "tesis de paz liberal", basada en las premisas de que (1) los Estados democráticos liberales son intrínsecamente menos propensos a experimentar una guerra civil, y (2) los Estados democráticos liberales no luchan entre sí. Otros llegan a reconocer una creciente "cultura global" en torno al mantenimiento de paz y las normas que dirigen el organismo de las Naciones Unidas después de los conflictos civiles.⁵⁷³

⁵⁶⁶ Diehl and Druckman. "Evaluating Peace Operations". (2017).

⁵⁶⁷ Durch. "The Evolution of UN Peacekeeping". (1993).

⁵⁶⁸ Doyle and Sambanis. "*Making War and Building Peace*". (2006).

⁵⁶⁹ Tardy: "United Nations Protection Force". (2017); Tull. "The Limits and Unintended Consequences of UN Peace Enforcement". (2017).

⁵⁷⁰ Barnett and Finnemore. "Genocide and the Peacekeeping Culture at the United Nations". (2004).

⁵⁷¹ Keohane. "*After Hegemony*". (1984).

⁵⁷² Finnemore. "*The Purpose of Intervention*". (2003).

⁵⁷³ Paris. "*At War's End: Building Peace after Civil Conflict*". (2004).

Las normas sobre las fuerzas de paz también pueden encontrar sus orígenes en el cosmopolitismo⁵⁷⁴. En otras palabras, algunos eruditos consideran que las normas como la responsabilidad de proteger a los civiles, los derechos humanos y los principios de resolución de conflictos son verdades filosóficas, en lugar de expresiones culturales. Si bien las normas cosmopolitas sobre la gobernanza mundial son difíciles de cuadrar con la realidad política del Consejo de Seguridad, estas proporcionan una perspectiva sobre la situación de las Naciones Unidas.

Sin embargo, la realidad de las normas y procedimientos institucionales en torno a la intervención de las Naciones Unidas tiende a surgir de manera post hoc, creando así un desajuste histórico entre las teorías cosmopolitas, culturales o jurídicas, por un lado, y la política internacional, por otro⁵⁷⁵. En el mejor de los casos, esto conduce a una política de incoherencia. En el peor de los casos, lleva a los críticos a considerarlo una política de neocolonialismo⁵⁷⁶, realismo anticuado u otros argumentos críticos que parten de la premisa de que "la teoría es siempre *para* alguien y *para* algún propósito"⁵⁷⁷. Parafraseando a Damrosch: "Un sistema difícilmente puede calificar como ley cuando sus reglas se aplican selectivamente y sólo de acuerdo con las preferencias de los grandes poderes".⁵⁷⁸

Algunos eruditos que estudian el papel de las intervenciones de las Naciones Unidas describen la selectividad del Consejo de Seguridad para actuar arbitrariamente con respecto a la interpretación del Artículo 39 de la Carta de las Naciones Unidas como inevitable, o incluso útil. De hecho, el término "seguridad selectiva" que utilicé a lo largo de esta tesis para describir los regímenes de sanciones de la ONU desde 1990 no es mío; proviene de un libro de 2014 que lleva el título de "seguridad selectiva" para explicar el tema de la guerra y el Consejo de Seguridad de la ONU desde 1945.⁵⁷⁹

Roberts y Zaum defienden que el Consejo de Seguridad de la ONU es inherentemente selectivo, y que esto es intencionalmente así. En efecto, el propio diseño institucional del Consejo y el papel del P-5 y su derecho a veto, permiten la selectividad, así como muchos artículos de la Carta de las Naciones Unidas, en particular el artículo 39. La ventaja de dicha selectividad es que el Consejo ha podido reaccionar a una amplia variedad de amenazas cambiantes desde 1945.

⁵⁷⁴ Woodhouse and Rambotham. "Cosmopolitan Peacekeeping and the Globalization of Security". (2005)

⁵⁷⁵ Chesterman. "Just War or Just Peace?" (2001).

⁵⁷⁶ Chomsky: "The new Military Humanism: Lessons from Kosovo". (1999).

⁵⁷⁷ Cox. "Social Forces, States, and World Orders". (1981): page 128.

⁵⁷⁸ Damrosch. "The Inevitability of Selective Response?" (2000).

⁵⁷⁹ Roberts and Zaum. "Selective Security: War and the United Nations Security Council since 1945". (2008).

La desventaja es que el diseño del Consejo, en combinación con la política internacional, puede ayudar a mantener la paz y seguridad internacional en términos generales, pero no puede mantener un verdadero "estado de derecho". El Consejo de Seguridad no fue concebido siguiendo un entendimiento de la justicia como el tratamiento de casos similares por igual, o como la administración imparcial de la justicia. Fue diseñado para permitir la política y la selectividad, y el mantenimiento del status quo.

Incluso si el Consejo hubiera querido desempeñar un papel más proactivo y consistente en la implementación del estado de derecho, simplemente no tiene la capacidad ni el financiamiento⁵⁸⁰. La ONU no tiene una agencia de inteligencia ni un ejército propio. Más bien, depende de los Estados miembros dispuestos a proporcionar recursos y tropas a las misiones de la ONU. Las misiones de paz son estructuralmente cortas para los soldados, lo que conduce a operaciones inadecuadas. De las 34.000 tropas de la UNPROFOR que se consideraron necesarias en zonas seguras bosnias como Srebrenica y Sarajevo, sólo llegaron 7.000⁵⁸¹. En los meses previos al genocidio ruandés, ninguno de los diecinueve Estados miembros que habían prometido proporcionar tropas a la misión de la UNAMIR lo hizo⁵⁸². En algunos de los casos en los que sí se materializan cantidades suficientes de cascos azules, estos han hecho más daño que bien, como se ha visto en los relatos de soldados de la ONU que participan en violaciones, contrabando y tráfico de armas, entre otros.⁵⁸³

A pesar de las deficiencias de las misiones de paz de las Naciones Unidas en términos de capacidad y finanzas, todavía cabría esperar que el Consejo de Seguridad seleccionara cuidadosamente los casos a los que responde de acuerdo con algún tipo de lógica. Esta lógica puede ser moral, legal, institucional o egoísta; y sus orígenes teóricos podrían recaer en el humanitarismo, el liberalismo, el cosmopolitismo o el realismo, entre otros. El truco es averiguar qué lógica se ajusta mejor al historial de las Naciones Unidas.

El libro que metodológicamente se acerca más a explicar por qué y cómo las intervenciones humanitarias de la ONU son selectivas es el de Martin Binder⁵⁸⁴. Este explica que, dependiendo de las consideraciones humanitarias, materiales e institucionales que desempeñan un papel en las crisis humanitarias, el Consejo

⁵⁸⁰ Bellamy and Williams. *Understanding Peacekeeping*. (2016)

⁵⁸¹ Tardy: 'United Nations Protection Force'. (2017)

⁵⁸² MacQueen. "Spectators to Genocide: Rwanda 1993-96". (2002).

⁵⁸³ Guterres. "Special measures for protection from sexual exploitation and abuse". UNGA report A/72/751 (2018).

⁵⁸⁴ Binder. *The United Nations and the Politics of Selective Humanitarian Intervention*. (2016).

de Seguridad puede decidir adoptar (1) medidas enérgicas o 2) medidas limitadas o ninguna. La razón más importante para tomar medidas limitadas o ninguna se refiere a la prudencia política hacia objetivos que poseen un fuerte poder compensatorio. Otras razones para no actuar incluyen situaciones en las que el sufrimiento humanitario es relativamente bajo, con poco riesgo de contagio internacional, o casos en los que las Naciones Unidas han estado relativamente poco involucradas, lo que significa que tienen menos costos hundidos.

La ventaja del método de Binder es que, contrariamente a la mayoría de las investigaciones sobre el terreno, los casos que considera incluyen tanto crisis humanitarias en las que la ONU intervino, como crisis en las que no lo hizo. Al hacer esto, evita un sesgo de confirmación. Como él dice: "Un análisis imparcial de los impulsores de intervención del Consejo de Seguridad no puede centrarse únicamente en los casos en que el Consejo de Seguridad ha tomado medidas; también debe incluir aquellas situaciones en las que el Consejo podría haber intervenido, pero optó por no hacerlo."⁵⁸⁵ La lista de 31 crisis humanitarias desde 1991 que Binder utiliza como punto de partida de su análisis se basa en el número de víctimas, personas desplazadas, hambrunas y enfermedades. Aunque la investigación de Binder es metódicamente similar a esta tesis, y aunque algunas de sus conclusiones están en línea con las que se encuentran en esta tesis, sólo se centra en las crisis humanitarias, no en las amenazas que plantea la proliferación nuclear, la guerra (civil), el terrorismo y los golpes de Estado. Además, se centra en la selectividad de la intervención de las Naciones Unidas en general, no en los regímenes de sanciones de las Naciones Unidas.

Metodología

Al igual que el método de Binder, esta tesis también toma como punto de partida una lista de eventos que 'podrían' haber sido sancionados. Mientras que tal método evita la trampa del sesgo de confirmación, también tiene dos desventajas importantes que deben ser abordadas. En primer lugar, el 'Sanctionable Offences Dataset' (SOD, por sus siglas en inglés) en el que se basa esta tesis es arbitrario. En segundo lugar, los delitos que no fueron sancionados por el Consejo de Seguridad por razones perfectamente sensatas.

El '*Sanctionable Offences Dataset*' (SOD), al igual que la lista de 31 crisis humanitarias de Binder, no es una fuente de autoridad legal o política. No existe fuera del ámbito de esta tesis. No es parte de la Carta de las Naciones Unidas ni de ningún otro tratado internacional. Tampoco está en consonancia con la política oficial de ningún gobierno, organización regional u organización no gubernamental. El SOD tampoco reclama ninguna autoridad moral. Es decir, no

⁵⁸⁵ Ibid. Page 13.

creo que cada caso en el conjunto de datos "debería" necesariamente haber recibido sanciones de las Naciones Unidas en virtud del Capítulo VII de su Carta. Tampoco está en línea con ninguna enseñanza religiosa o filosófica específica como la Iglesia Católica o el Kantianismo.

Si el SOD aspirara a algún tipo de autoridad, sería autoridad académica. Es decir, espero que el razonamiento detrás de la lista de 192 delitos sancionables entre 1990 y 2016 sea ampliamente considerado como racional, lógico y convincente. Mi argumento es que, para cada uno de los cinco delitos (proliferación nuclear, guerra interestatal, guerra civil, terrorismo y golpe de Estado), si algunos casos fueron sancionados por el Consejo de las Naciones Unidas, también podrían haberse considerado una serie de otros casos "similares" para ser sancionados. Mi trabajo en el Capítulo 4 de esta tesis (metodología) es defender las decisiones que he tomado.

¿Cuáles serían buenas razones para no imponer sanciones? Se ha argumentado que las sanciones no creíbles pueden ser contraproducentes. Los débiles regímenes de sanciones (debido a desacuerdos en el Consejo) a principios de la década de 1990 en respuesta al golpe de Estado de Haití y las guerras en Angola y Serbia, posiblemente envalentonaron a sus objetivos porque se sintieron "intocables"⁵⁸⁶. Si bien es cierto que las sanciones más fuertes o las amenazas (militares) más creíbles podrían haber disuadido a sus objetivos de manera más eficaz, no imponer ninguna sanción de cualquier manera podría haberlos envalentonado aún más.

Existe una mejor excusa para no imponer sanciones cuando ya existe una respuesta más fuerte de las Naciones Unidas. Las misiones de las Naciones Unidas para el mantenimiento o imposición de la paz han sido reconocidas como acciones más contundentes que las sanciones⁵⁸⁷. Esas misiones no necesariamente hacen que las sanciones sean redundantes, pero sí proporcionan una respuesta alternativa creíble. De hecho, muchas misiones de paz de las Naciones Unidas van de la mano con embargos de armas o sanciones dirigidas.

La ventaja de las sanciones es que son una herramienta más barata tanto práctica como políticamente. Las misiones de paz de la ONU requieren personal, equipo y millones de dólares, todos los cuales deben ser suministrados voluntariamente por Estados miembros dispuestos, sin mencionar el consentimiento de las partes involucradas⁵⁸⁸. Tampoco están obligadas a ser imparciales, y no conforman estrictamente una violación de la soberanía (territorial) de los Estados miembros. Esto hace que sea mucho más fácil identificar y sancionar a quienes conforman

⁵⁸⁶ Giumelli. "The Purposes of Targeted Sanctions." (2016): Page 50.

⁵⁸⁷ Binder. "The United Nations and the Politics of Selective Humanitarian Intervention". (2016).

⁵⁸⁸ Bellamy and Williams. "Peace Operations in Global Politics". (2016).

una "amenaza para la paz". Además, al igual que otras herramientas de política exterior, las sanciones pueden ser un 'juego a dos niveles', ya que tienen un impacto tanto en sus objetivos reales, como en su población a nivel nacional.⁵⁸⁹ En efecto, los gobiernos democráticos a veces son presionados por su propia población para responder a las crisis humanitarias⁵⁹⁰. Las sanciones son entonces una herramienta fácil para convencer a las audiencias nacionales e internacionales. Son una herramienta que vale la pena utilizar con más frecuencia, aunque sólo sea por el bien de la credibilidad y la coherencia del Consejo.

Resumen de los Capítulos

Los capítulos uno, dos y tres de esta tesis proporcionan un marco teórico, mostrando cómo, a lo largo de la historia, tanto la Sociedad de Naciones como las Naciones Unidas, han luchado contra el desajuste entre utopía y realidad. El capítulo 1 explica cómo las ideas de filósofos visionarios y políticos desde Immanuel Kant hasta Woodrow Wilson sentaron las bases para nuestro pensamiento sobre la paz internacional y la Sociedad de Naciones, pero en realidad la política clásica realista de balance de poder fue mucho más determinante a la hora de explicar la guerra, la paz y los regímenes de sanciones antes del establecimiento de las Naciones Unidas. En el capítulo 2 se describe cómo tanto el diseño institucional del Consejo de Seguridad como su actividad real (o la falta de ella) para hacer frente a las amenazas a la paz durante la Guerra Fría, se inspiró mucho más en el pragmatismo y el realismo. Como resultado, las sanciones sólo se aplicaron dos veces, a Rodesia del Sur (1964) y Sudáfrica (1986), ambas en respuesta a regímenes racistas de minorías blancas⁵⁹¹. Sin embargo, durante el mismo período, otras instituciones internacionales como el Banco Mundial (BM), el Fondo Monetario Nacional (FMI) y la Unión Europea resultaron prósperas, llevando a académicos institucionalistas liberales, como Keohane y Nye, a estudiar el poder de las instituciones, reglas, ideas y jugadores dentro de ellas. El capítulo 3 explica entonces que, mientras que desde la década de 1990 los actores permanentes dentro del Consejo de Seguridad no han cambiado, las reglas, normas e ideas que rodean las sanciones de la ONU definitivamente sí lo han hecho. Las doctrinas que han llegado a dominar los regímenes de sanciones de la ONU (así como la intervención humanitaria en

⁵⁸⁹ Putnam: "Diplomacy and Domestic Politics: The Logic of Two-Level Games". (1988).

⁵⁹⁰ Robinson. "The CNN Effect Reconsidered". (2011).

⁵⁹¹ And in the case of South Africa also because of its occupation of Namibia and its intents to develop a nuclear program.

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general) son las de "Paz Liberal" o "Paz Democrática" y la Responsabilidad de Proteger (R2P). El lenguaje de estas doctrinas se puede encontrar tanto dentro como fuera de las Naciones Unidas, y ha ayudado al Consejo de Seguridad a imponer sanciones no sólo en respuesta a conflictos interestatales clásicos, sino también a hacer frente a guerras civiles, golpes de Estado, terrorismo y proliferadores nucleares. Incluso se han impuesto sanciones para garantizar una buena gobernanza en situaciones posteriores a los conflictos.

Estudiar la evolución de los regímenes de sanciones de la ONU desde 1990 sólo observando los casos que recibieron sanciones es engañoso. Prácticamente todas las investigaciones sobre regímenes de sanciones sufren de algún sesgo de selección. Por lo tanto, el capítulo 4 presenta una metodología en la que se tienen en cuenta todos los casos que podrían haber sido sancionados por el Consejo desde 1990. Dividiendo los casos en cinco tipos de delitos que han sido sancionados por el Consejo, terminamos con el siguiente historial.

Tipo de infracción	Delitos desde 1990	Sanciones de la ONU	Porcentaje
Proliferación nuclear	5	3	60%
Guerra interestatal	4	2	50%
Guerra Civil	58	26	45%
Terrorismo	88	26	30%
Golpe de Estado	36	3	8%
Total	191	60	31%

Los cinco capítulos siguientes proporcionan un análisis de cada tipo de delito, cada vez utilizando una serie de variables que ayudan a responder a la pregunta: ¿por qué algunos casos fueron sancionados y otros no? Algunas variables prueban en qué medida los casos siguen una lógica de intervención humanitaria. Otras nos dan más información sobre consideraciones de soberanía e intereses geopolíticos del Estado. Sin embargo, ciertas variables prueban en qué medida las sanciones sirven a los intereses neocoloniales de los Estados que proponen aplicar sanciones de la ONU. Por último, al examinar las sanciones unilaterales impuestas por la UE y los Estados Unidos, tenemos una mejor idea de hasta qué punto las sanciones de las Naciones Unidas desde 1990 reflejan las ideas e intereses occidentales.

El capítulo 5 se refiere a las sanciones de las Naciones Unidas en respuesta a la proliferación nuclear. Este capítulo mostrará que, cuando se trata de imponer sanciones de la ONU, el delito de proliferación nuclear es la encarnación misma del realismo estructural. Las decisiones sobre quién es sancionado y quién no, se pueden explicar casi en su totalidad a través de cálculos geopolíticos del P-5. Durante la Guerra Fría, esto condujo a la exitosa proliferación de armas nucleares por parte de Israel y la India, pero no de Sudáfrica, que recibió sanciones de la ONU en respuesta a sus ambiciones nucleares combinadas con sus políticas internas del Apartheid y los actos de agresión contra sus vecinos. Después de la Guerra Fría, las ambiciones nucleares de Irak se contuvieron con éxito, a pesar de que no estaba claro si esas ambiciones realmente existían. La proliferación de armas nucleares por parte de Pakistán en 1998 fue quizás el mayor error de cálculo del Consejo de Seguridad. No sólo llevó a Pakistán al borde de una guerra nuclear con la India, sino que también benefició indirectamente a Corea del Norte e Irán, quienes se beneficiaron de la transferencia de tecnología nuclear a través de Pakistán, acercándolos a alcanzar sus propias ambiciones nucleares. Los regímenes de sanciones de la ONU contra Corea del Norte e Irán muestran que el P-5 está actualmente en la misma línea geopolítica cuando se trata de la proliferación nuclear: mantener el statu quo.

El capítulo 6 se refiere a las sanciones de las Naciones Unidas en respuesta a conflictos interestatales, el delito para el que fueron originalmente diseñadas. Sin embargo, debido a las limitaciones geopolíticas de la Guerra Fría, el P-5 no pudo (o no estuvo dispuesto) imponer sanciones en respuesta a cualquiera de las muchas guerras interestatales que estallaron entre 1945 y 1990. Después de la Guerra Fría, sólo se produjeron cuatro guerras interestatales; La invasión de Kuwait por Irak (1990), la guerra de Kargil entre India y Pakistán (1998), el conflicto fronterizo entre Eritrea y Etiopía (1998-2000) y la invasión de Irak encabezada por Estados Unidos (2003). Irak, Etiopía y Eritrea recibieron sanciones en virtud del Capítulo VII de la Carta de las Naciones Unidas. India, Pakistán y la coalición de los voluntarios encabezadas por Estados Unidos no fueron sancionados. Al igual que en el capítulo sobre la proliferación nuclear, el capítulo 6 nos muestra entonces que las sanciones de la ONU en respuesta a las guerras interestatales son una herramienta que sólo puede aplicarse cuando no hay restricciones geopolíticas.

En el capítulo 7 se analiza la cuestión de los regímenes de sanciones de la ONU en respuesta a guerras intraestatales, a partir de la observación de que 20 de los 58 conflictos civiles desde 1990 recibieron algún tipo de sanciones de la ONU. Este capítulo muestra que, si bien la mayoría de los conflictos no han recibido sanciones a causa del poder compensatorio de ciertos Estados y sus aliados, el historial claramente muestra el progreso de los impulsores de la seguridad humana y una política de sanciones más ambiciosa. Analizando variables como

el número de muertes o la fragilidad del estado, observamos que a pesar de que algunos conflictos escapan a las sanciones de la ONU, la selectividad de los regímenes de sanciones presenta algunos elementos humanitarios importantes.

En el capítulo 8 se examinan las sanciones de la ONU y el terrorismo, una amenaza que la organización ha reconocido y perseguido desde el atentado de Lockerbie de 1989, tras el cual sancionó a Libia por el llamado “terrorismo patrocinado por el Estado”, pero que llegó a ser el centro de la política de sanciones con el régimen 1267 del Consejo de Seguridad de las Naciones Unidas. El Comité de Sanciones 1267 comenzó como una herramienta para tratar con el régimen talibán en Afganistán y conseguir la extradición de Osama Bin Laden en respuesta a los bombardeos de 1998 contra las embajadas estadounidenses en Nairobi y Dar es Salaam, y luego se convirtió en el más exhaustivo régimen sanciones después de los ataques del 11 de septiembre de 2001. Además de aplicar sanciones a un amplio listado de individuos y entidades relacionados con Al-Qaida, el régimen de 2253 dividió la lista para crear un régimen separado relacionado con el ISIL en 2015. Si bien Al-Qaida, ISIL y sus asociados se encuentran entre las organizaciones que han matado más personas en ataques terroristas, el análisis de las 84 organizaciones terroristas que han matado al menos a 100 personas desde 2001 muestra que las sanciones de la ONU sólo se imponen a organizaciones que representan una amenaza para los intereses occidentales, no a aquellas que permanecen fuera de su alcance.

El capítulo 9 muestra que las sanciones de las Naciones Unidas también han sido utilizadas de manera muy selectiva por Occidente para corregir cambios adversos a un régimen después de un golpe de Estado. Aunque los golpes de Estado pueden representar sin duda una amenaza para la estabilidad interna de los Estados e incluso para la estabilidad regional, el historial de sanciones de la ONU ciertamente no refleja una preocupación por la seguridad humana, ni siquiera con la democracia. Desde 1990 se han producido un total de 36 golpes de Estado exitosos, algunos de los cuales fueron sin duda más sangrientos y dañinos para la democracia que los golpes de Estado en Haití (1991), Sierra Leona (1997) y Guinea Bissau (2012), los casos que fueron sancionados en virtud de Capítulo VII de las Naciones Unidas.

Por último, el capítulo 10 resume las conclusiones de los capítulos 5, 6, 7, 8 y 9, y las relaciona con los debates teóricos y la literatura sobre sanciones y el papel de las Naciones Unidas. La conclusión es que diferentes tipos de delitos pueden explicarse a través de diferentes hipótesis. Si bien la proliferación nuclear y las guerras interestatales siguen una lógica directa de la política de poder neorrealista, el historial sancionador de las Naciones Unidas en respuesta a la guerra civil revela una lógica que está mucho más informada por las preocupaciones y preocupaciones humanitarias sobre el fracaso del Estado y sus consecuencias. Esto no quiere decir que el peso geopolítico de los involucrados sea irrelevante (no

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lo es), sino que es una excepción. La presión pública a través de la atención de los medios de comunicación en Occidente puede magnificar estas preocupaciones en las guerras civiles.

Los registros de sanciones en respuesta al terrorismo y los golpes de Estado siguen otros patrones de selectividad. Las sanciones a los grupos terroristas se centran exclusivamente en el extremismo islámico, sin tener en cuenta a muchos grupos no islámicos responsables de miles de muertes inocentes. Por último, las sanciones de la ONU después de los golpes de Estado se utilizan como una especie de "comodín democrático" para Occidente, que pueden jugar cuando sea conveniente, pero que carece de cualquier forma de coherencia. Esto es una pena, porque es difícil convencer a los miembros de que te sigan si no siempre practicas lo que predicas.

