An American Perspective on UN/US Sanctions

remarks made by

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To any but the most inattentive observer of the American foreign policy record in recent years, it should be readily apparent that sanctions have become a very popular tool of tradecraft in Washington. Why this should be the case is less apparent, since there is little evidence that sanctions have been an effective instrument of coercion against targeted governments. The answer lies in an understanding of various currents of thought and belief that underlie American political life.

The Foreign Policy Tool of Choice for the 1990s

According to the Clinton Administration, the U.S. Government has imposed sanctions no fewer than 115 times since World War I. More than half of these cases occurred from 1993 on.[1] Here is one area where the Republicans who lead the Congress and the Democrats who run the Executive Branch have found a way to set aside their considerable differences. Why is this?

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[1] Speech by Stuart Eizenstat, Under Secretary of State for Economic, Agricultural and Business Affairs, before the North American Committee of the National Policy Association, January 7, 1998.

Some will say, the answer is that sanctions serve their intended purposes — in the words of one U.S. official, "to change the behavior of a target country; to signal disapproval of a government's behavior; to limit a target state's freedom of action and to increase the cost of engaging in unacceptable behavior; to demonstrate support for human rights, democracy, counter-terrorism, and other policies."[2]

Signaling disapproval, demonstrating support, raising costs, limiting freedom of action — if those very modest results are all that is expected, then perhaps one could say sanctions are marvelously successful. Indeed, in the case of South Africa, the American boycott of companies doing business there during apartheid was a highly symbolic act of disapproval that may, in the end, have helped to move the political process toward majority rule.

However, even that supposed success story points up the limits of sanctions, since the desired change in South African politics took many painful years to come about. And if one examines the claims of those who strongly defend the use of sanctions, one is asked to believe that the countries being sanctioned by the U.S. crave America's approval, and depend upon its technology — two debatable propositions, at best.

A particularly revealing example of the inflated expectations often accompanying sanctions is that of Iraq and the United Nations sanctions. During the Congressional debates in late 1990 prior to the start of the

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[2] Ibid.

multinational military campaign to drive Iraqi forces out of Kuwait, proponents of economic sanctions did not limit their objectives to "signaling disapproval" of Iraq or "demonstrating support" for Kuwait.

On the contrary, the question of the hour in Congress was whether the United States should commit its military forces, risking loss of life, in order to restore Kuwait's sovereignty. Opponents of the military option pleaded with their fellow legislators to give economic sanctions a chance to 'kick in,' apparently believing that the Iraqi leadership could be induced by the effects of sanctions alone to reverse course and withdraw from Kuwait.

Nearly eight years later, despite the added pressure of a massive air campaign followed by a massive ground operation against the Iraqi military, and notwithstanding the continued enforcement since then of 'no-fly zones' and a vigorous U.N. inspection and monitoring effort, economic sanctions have failed to compel Iraq's government to fulfill the demands of the U.N. Resolutions. For all the suffering in Iraq — and we can discuss the issue of who is responsible for the suffering — in a political sense, the Iraq sanctions have not "kicked in."

The Washington policy community, even as it turns yet again to sanctions in response to Serbian provocations in Kosovo and the Indian and Pakistani nuclear tests, has come to the realization that sanctions are a mixed blessing at best. Among the flaws inherent in sanctions as a policy tool are the following:

- They are generally not effective as an instrument of coercion.

- When they are undertaken in order to demonstrate American willpower, sanctions can be perceived in other capitals as the very opposite, i.e., an absence of willpower, a comparatively low-risk alternative to meaningful and decisive action against another government.

- Long-term sanctions arrangements, such as the U.N. sanctions on Iraq, can place the U.S. and other countries at odds over how stringently to enforce them and when to lift them. It can turn into a diplomatically onerous endeavor for the enforcing governments.

- Moreover, in the cases of the Helms-Burton Act regarding Cuba, and the Iran-Libya Sanctions Act (ILSA), these unilateral U.S. measures with extraterritorial scope have placed the U.S. Government in the position of policing the commercial activities of its friends and allies, rather than reserving its punitive actions for those governments being sanctioned.

Diverging U.S. Views on the Use of Military Force

So why are sanctions the American foreign policy tool of choice in the 1990s? Part of the answer dates back to World War II, when the United States broke out of its isolationist posture, and to the beginnings of the Cold War, when containment of the Communist revolution became a world-wide mission for the so-called Free World, led by the United States. The U.S. maintained a particularly expansive view of its role in the world until it became entwined in the Vietnam War.

That conflict shaped the views of the generation of leaders now running the White House and Congress. While Americans differ on whether the intervention in Southeast Asia was justified or not, there is

wide recognition that the Vietnam War left an enduring political legacy in Washington, namely a profound reluctance to engage military forces unless vital national interests were imperiled.

Partially as a result of the Vietnam experience, Congress began to insert itself more in the decision-making process on war and peace issues, passing the War Powers Resolution in 1973, and later asserting strong claims to be kept informed of intelligence information and activities. While the strength and morale of the U.S. military were restored in the 1980s, the nation's post-Vietnam reluctance to commit forces in a potential conflict was reinforced by the loss of life suffered by American soldiers in Beirut in 1983 and in Mogadishu a decade later — both situations characterized by ambiguity about what the American forces were supposed to be accomplishing.

There is a moral dimension to the legacy of American interventionism in the latter half of the Twentieth Century. Republicans have generally tended to defend the use of military force in American foreign policy. However, many Democrats of the current leadership generation have harbored mixed emotions about the use of military force by the U.S. During the late 1970s and throughout the 1980s, there was a palpable current of post-Vietnam guilt visible in American foreign policy commentary and debates.

This perspective tended to question whether American policy was truly doing good in the world, and challenged the propriety of maintaining

official relationships with leaders and governing regimes around the world that did not adhere to the same codes of democracy and human rights as the U.S. Many Cold War relationships with autocratic regimes were bitterly criticized after the fact — including relationships with the Shah of Iran and Saddam Hussein of Iraq. This school of thought took a dim view of the U.S. providing weapons to other countries and, for that matter, buying more weapons for itself.

Yet in 1990 and 1991, the rather astonishing success with which President George Bush's foreign policy leadership produced a multinational coalition, backed by United Nations Resolutions, which expelled Iraqi forces and restored Kuwait's sovereignty, went a long way toward dispelling the self-doubt about America's role in the world that had lingered for a quarter-century.

President Bush's additional success in persuading long-time enemies Syria and Israel to meet face-to-face across the peace table at Madrid, and in helping manage a stable transition from the collapsing Soviet empire to a democratic Russia plus 11 other newly-independent states and 3 liberated Baltic nations, only added to a sense in Washington that the overall Cold War effort by the United States, although flawed in some respects, been justified after all.

But there is an old adage that says, 'be careful what you wish for — you might get it.' And indeed the end of the East-West confrontation, the removal of the threat of intercontinental nuclear war, and the emergence of

a world in which the United Nations Security Council could perform meaningful roles backed by consensus among its permanent members, represented an historic turn of events.

While this might have been expected to usher in an era of more concerted, ambitious and activist international leadership by the United States — as the sole remaining superpower — this is not what has happened, at least as of 1998.

With the end of the Cold War, the U.S. political culture underwent a revolution of sorts. In the 1992 Presidential election, the Democratic candidate, Mr. Clinton, did not highlight foreign policy as a cutting political issue; instead, the message was that Americans could and should now turn inward, after decades of subordinating domestic priorities — and the nation's fiscal health — to the fight against fascism and Communism abroad, and focus the government's energies on improving the quality of our own lives in the United States. When the Republicans won a majority in the House of Representatives in 1994 after 40 years as the minority party, they, too, had surprisingly little to say on foreign policy, and instead addressed domestic and budgetary matters in their so-called Contract With America.

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What does this brief history have to do with sanctions? The relevance is threefold:

- First, as popular support for a robust American role internationally declined in the early 1990s, both President Clinton and legislators in the Congress recognized that there were new post-Cold War limits to the scope and nature of American responses to trouble abroad. Absent a clear threat to American interests, Washington knew it could offer only modest resources at best when problems arose in Europe, Africa or elsewhere. Foreign aid and the Pentagon's budget were, and are, declining.

- Second, Democratic policymakers working in the Clinton Administration still reflected some of the biases stemming from the legacy of Vietnam. The Clinton Administration promoted 'assertive multilateralism,' a phrase embodying their evident belief that the United Nations could, in effect, replace the U.S. as a global geopolitical actor. Crisis overseas was seen as someone else's problem, as the Clinton team kept the spotlight on its economic initiatives at home. Now well into its second term, Mr. Clinton has had to overcome this reluctance to engage American equities in an international security crisis, but more by sheer necessity than a change of attitude, in my view.

- Third and finally, the moralism in foreign policy that had characterized Democratic views for 25 years began to be echoed by the political right in the United States, as Republican legislators competed with President Clinton to show the American people that they, too, were standing up for principle by voting their disapproval of all manner of actions by friend and foe alike. No longer was *realpolitik* the basis for national policy: in the electronic age, it was more important for politicians to be seen standing up against one evil or another, rather than quietly deferring to the Executive Branch.

And so, Washington has become very much enamored of sanctions as a response to trouble overseas. With sanctions, the question of public support is not an issue, since the nation is not being asked to commit its blood and treasure. Iraq is a special case, since the American people understand the dangers Iraq has posed to its neighbors and are prepared to

support a military containment effort. But this question does not arise in most other sanctions cases.

No American politician is going to be turned out of office because one or two of the major U.S. oil companies had to vacate a foreign source of supply or remove itself from an exploration venture. And yet, modest though the cost of implementing economic sanctions may be to U.S. interests, they provide their political sponsors a coveted media pulpit from which to declare moral disapproval of other governments' behavior. Sanctions have made for good politics in the 1990.

The Trouble With Sanctions

Yet, as an increasing number of experienced observers within the American foreign policy community are commenting, sanctions have made for bad policy. For all the advantages sanctions offer to their sponsors — a signal of disapproval to the offending government, a well-publicized display of moral rectitude by the President and Congress, a course of action carrying very little risk to American interests — they lack the one attribute that ought to be the acid test of a policy proposal, namely the ability to produce the desired result. Sanctions have shown very little capacity to persuade targeted governments to change the offending behavior at issue.

A cursory review of some recent sanctions regimes illustrates this point:

- Iraq has not satisfied the United Nations Special Commission that it has fulfilled its obligations under resolutions passed nearly eight years ago.

- Libya has not put forward for trial the two officials implicated in the bombing of PAN AM 103 over Lockerbie, Scotland, nearly a decade ago; and

- Iran continues to raise concerns over its official involvement in terrorism, secret nuclear weapons development, and testing of advanced missile systems.

Despite this unexceptional track record, sanctions are still the response of choice when trouble appears abroad. At times in this decade, it has appeared that there is no longer a meaningful constituency on either side of the political aisle in Washington willing to consider more risky and perhaps costly responses to foreign crisis in the tradition of American leadership.

Voices have begun to be heard in the U.S. foreign policy community calling for a fresh look at the expanding portfolio of sanctions imposed by or with the support of the United States. Writing in the journal Foreign Affairs former Bush Administration official Richard Haass set out a number of flaws in the sanctions approach. He said, "Foreign policy is not therapy; its purpose is not to make us feel good but to do good. The same holds for sanctions."[3]

America's long-time European allies, notably France, are similarly becoming more vociferous in their criticism of American sanctions policies.

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[3] Richard N. Haass, "Sanctioning Madness," Foreign Affairs, November/December 1997.

A former advisor to President Mitterrand has termed the U.S. approach "boycott diplomacy," commenting that, "Blackmail is becoming a surrogate for negotiations; boycott a substitute for compromise." "Today," says this observer, "just under one-third of the world's population lives under the cloud of an American embargo," a trend he terms "highly dangerous."[4]

There is evidence that the Clinton Administration, and foreign policy committees of Congress, are alert to the mounting criticism of American over-reliance on sanctions emanating from various quarters at home and abroad. One constraint they face in reconsidering past actions is that many of the sanctions regimes have been signed into law; and the Congress would be very reluctant to consider re-legislating laws it had only recently passed. Nevertheless, it bears asking whether we can expect a significant shift in the U.S. official view of sanctions as a tool of influence.

Implications for the Future of Sanctions on Iraq and Iran

Part of the ferment in Washington's thinking is a consequence of the repeated crises instigated by the Iraqi Government with the apparent intention of testing the international community's willpower to maintain an effective U.S. sanctions and containment arrangement. The most recent episode, during the winter of 1997-98 and culminating in a revised monitoring agreement between U.N. Secretary General Kofi Annan and the Iraqi leadership, occurred at a time when the Washington policy community was already taking stock of the flaws in sanctions as a general matter.

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[4] Jacques Attali, "A View from Europe (II)," Foreign Policy, Winter 1997-98.

The voices of dissent that were raised as the Clinton Administration sought public endorsement for a possible military engagement with Iraq early in 1998 ought not to be misinterpreted, however. For all the criticism that the Administration received, from this observer among others, over its approach to Gulf security, this did not signify a change in the way Americans perceived the threat emanating from Iraq. Indeed, Iraq's impeding of U.N. inspectors only reinforced American public perceptions that the government in Baghdad is hiding important information.

Will the U.S. support a lifting of U.N. sanctions on Iraq any time soon? The answer depends far more on Iraq than on the U.S. This observer believes that the U.N. Special Commissioner Richard Butler is open to the possibility of Iraq fulfilling its requirements regarding weapons of mass destruction, and he has indicated as much in recent days. At such time as the Special Commissioner reports that Iraq has accounted for its nuclear, biological and chemical weapons activities and is cooperating with a long-term verification regime, I am persuaded that the U.S. will not stand in the way if the international community appears united in believing that the sanctions should be lifted.

How soon could this happen? Conceivably, this year. However, absent such cooperation leading to a positive conclusion by the U.N. Special Commissioner, it is my firm belief that the U.S. Government will support continuing the pressure against Iraq, much as the situation is today. With the 2000 Presidential election drawing nearer in the U.S., neither Democrats nor Republicans will see any benefit in making concessions to

Iraq in the absence of the full cooperation required by the United Nations.

In sum, the Iraq sanctions could be lifted relatively quickly, or remain in place in some form for a long time to come — depending entirely on Iraq's own actions. Soul-searching in Washington over the positive and negative aspects of sanctions in general will not influence the American position on Iraq. The U.S. will be tough on Iraq, but if Iraq meets its commitments to the United Nations, the sanctions will come off.

It is less clear if the sanctions debate will shape the future of U.S. sanctions on Iran. In this case, there are two basic aspects to consider from the American perspective:

- first, Iran's activities relating to official support for terrorism and nuclear weapons and longer-range missile development; and
- second, the intriguing possibility of improving U.S.-Iran relations signaled by President Khatemi after nearly 20 years of enmity between the two countries and their respective populations.

It is apparent that Washington policymakers are attentive to the possibility of defusing the anger and bitterness that have harmed American interests and Iran's international reputation since the 1979 revolution. I would refer you to President Clinton's *Eid Al-Fitr* message on January 29. Indeed, while few Americans would advocate a policy of ignoring the terrorism and nuclear threats posed by Iran, there are many in the U.S. who understand the strategic importance of Iran in southwest Asia, and would like to see Iran take credible steps to address those concerns.

Where the sanctions debate in Washington may intersect with the question of future policy on Iran is in the issue of implementing sanctions. The isolation of the American approach within the international community is a factor here.

If all the major industrial countries and many other governments were prepared to undertake the same kind of economic restrictions as the U.S. in dealing with Iran, or Burma, or India, or any of a number of these sanctioned countries, Washington might not be concerned about whether sanctions were the right response.

But what we have seen is a parting of policies amongst the former allies of the Cold War era, wherein European states have reacted to a safer world much as the Americans did, by turning inward to focus on the future of their own continent. The same can be said for many countries, as the loss of a common threat has fragmented the international community.

One result of this in the leading industrial countries has been a heightened international focus on commercial matters rather than geopolitical matters. President Clinton himself set the tone for more aggressive commercial diplomacy starting in 1993 by giving a higher profile to his Secretary of Commerce and Trade Representative than to his national security team.

These changes go far to explain the current situation regarding U.S. sanctions on Iran. From the perspective of America's longtime allies in

Europe and Asia, the post-Cold War changes introduced in the 1990s by President Clinton — a reluctance to engage U.S. equities when trouble arises abroad, coupled with a far more assertive Presidential focus on trade and commerce — may have led them to do much the same thing.

A pattern has emerged in which the U.S. reacts to trouble by imposing sanctions, and the rest of the international community announces that it will continue to trade with the sanctioned country — sometimes reaping a windfall of commercial benefits as American companies depart. It took many of the European governments but one day to make clear that India's recent nuclear test explosions would not deter them from conducting business with India.

And so it is with the Iran sanctions, as the U.S. Government has wrestled with its statutory obligation to extend punitive measures to companies of all nationalities whose commercial dealings with Iran violate the U.S. criteria. The extraterritorial reach contemplated in the Iran sanctions brought upon Washington a storm of dissension with its friends in Europe having nothing to do with Iran or Iranian official behavior. The recent waivers announced at the G-8 meeting were an understandable effort to halt the policy drift between the Atlantic allies.

Despite all of these complications, it is this observer's judgment that the single most important element in Washington's policy approach will be the facts, as best the U.S. can determine them, regarding Iran's activities in the areas of state-supported terrorism and nuclear proliferation activities.

So long as specific, credible information continues to emerge linking Iran to terrorist attacks against civilians and assassinations on foreign soil, and so long as Iran's nuclear and missile programs continue to progress in secret, none of the other factors at play will lead Washington to lift sanctions — not domestic politics, and not longer-term foreign policy goals.

However, if Iran, by its own actions, can alleviate these concerns, there will be considerable support for lifting the sanctions, and President Khatemi's positive overtures will seem more credible to the American people as well as their government. In sum, if you think there is a lot of domestic politics at play in Washington on these sanctions issues, you are right. But beneath all of that is a reality concerning the behavior of the sanctioned states themselves.

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Conclusion — What Kind of World in 2000?

The trends described herein suggest at least three major questions yet to be answered about the post-Cold War world:

- Will the United States regain its sense of international purpose as a troubleshooter, peacemaker, and facilitator, or will the new generation of American political representatives take a more negative, mistrustful, and even recriminatory view of the world around them?

- Will the newly uniting Europe see its way clear to contributing more robustly and effectively to solutions when grave regional security matters cry for a response, or will they continue to gauge their own commitment to the American role, and pick and choose their own

areas and level of engagement?

- Finally, will the countries of the world whose actions most directly threaten the survival and security of other countries continue to pursue this course, despite the resulting international condemnation and loss of prestige, or will they, too, see that there is ample opportunity in the post-Cold War world to pursue their social, cultural and religious goals without fear of interference from others?

Whatever perspective one takes in looking at the sanctions issue, every actor must answer for its own actions.

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