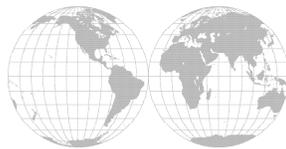

Emerging From Conflict

Improving US Relations With Current and Recent Adversaries



Understanding Sanctions Policy in the 21st Century: Rethinking the Dialogue

Report of an Emerging From Conflict Conference
March 29-April 1, 2001
Seabrook Island, South Carolina

Sponsored by
The Stanley Foundation

Overview

This conference, the second in a series of three Stanley Foundation conferences entitled “Cuba and the US and the World: Discussions of Current Issues in International Relations,” examined the role of sanctions as a foreign policy tool, both at the unilateral and multilateral level. The topic of the conference was timely and extremely relevant to understanding the dynamics of post-Cold War international relations. Since the collapse of the Soviet Union over a decade ago, sanctions policy has become an increasingly popular tool for both the UN Security Council and US foreign policymakers. As one participant noted, the US government could be accused of promoting “sanction-mania.” The conference underscored the prominent position sanctions policy has assumed for scholars, policy analysts, and international relations experts from both the developed and developing world. Moreover, this conference illustrated the range of approaches and interpretations related to sanctions policy with respect to its efficacy, morality, legality, and legitimacy.

The first meeting in the conference series focused on military intervention and, in particular, humanitarian intervention. (More information is available on the Web at emergingfromconflict.org/cuba/projects.) This meeting also dealt with a foreign policy instrument made popular in the post-Cold War era whose justification and legitimacy has fallen under criticism by smaller, less powerful countries. Participants posed questions such as how to assess the degree to which the motives driving a sanctions policy were more of a humanitarian nature, due to an actual regional security threat, or simply a useful device to wield geopolitical influence. Some argued that sanctions were yet another example of a policy that puts a country’s sovereignty into question. Although not as blatant as direct military intervention, sanctions policy does imply an

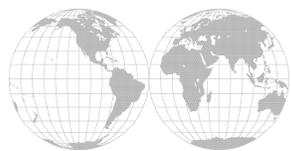
intrusion on a country’s ability to govern, trade, and ultimately survive. This conflicts with international law, which provides for both the protection of a certain standard of living and respect for a nation’s sovereignty. Unfortunately, both cannot be accommodated under the same policy, and one ultimately is compromised. Sanctions policy also was criticized because of its often contradictory justification; it is applied in the name of human rights violations, although in many cases only effectively worsening the plight of an already damaged population.

It is thus not surprising that sanctions policy has come under scrutiny for a variety of reasons: in part because of its inability to yield the desired results, partially due to the grave humanitarian damage it explicitly or implicitly causes, and finally because of the asymmetrical way in which sanctions policy is determined and imposed. One participant made the following analogy that set the tone for the rest of the conference: “The unilateral sanctions policy is the modern equivalent of a siege which strikes first at a country’s most vulnerable. And because sanctions are essentially directed at the developing world, the effects are more destructive and cruel. The policy does not need to be reformed, but abandoned; not for lack of efficiency, but rather for its surplus of irrationality and injustice.”

The conference participants did not arrive at any firm conclusions or consensus regarding the role, relevance, and rationale behind sanctions policy. They did however underscore several main issues, providing the foundation for future analysis on the topic.

For the most part, the group agreed on the following:

- Sanctions policy in the post-Cold War era reflects a move away from direct military intervention, yet does not imply that the



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corollary effects of the policy are any less damaging.

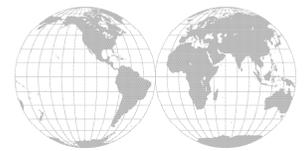
- In the past decade, the criteria for justifying sanctions policy have been broadening at both the unilateral and multilateral level.
- The distinction between unilateralism and multilateralism is an important one to make concerning the justification of sanctions policy. However, the differences regarding implementation at the multilateral and unilateral level are becoming increasingly blurred in a unipolar world, except in the case of US sanctions toward Cuba, which remains an isolated policy.
- The US sanctions policy toward Cuba is an anachronistic Cold War relic and inconsistent with its current foreign policy of trade promotion to bring about regime change. It thus represents more than containing communism or ousting Fidel Castro, but is inextricably linked to the history of US-Cuba relations.

This report focuses on three overarching themes, that at times overlap in content, and a concluding section.

1. Understanding the recent popularity of sanctions policy.
2. Looking at multilateral and unilateral sanctions policies through case studies.
3. Prioritization: what should be emphasized when evaluating sanctions policy?
4. Concluding reflections: how sanctions impact identity in the twenty-first century.

Although many important issues were raised during the conference, these broad categories reflect the general currents of thought that ran throughout the two days of discussion. The first section of this report

attempts to make sense of the recent explosion in sanctions policies in the past decade by looking at the historical precedent of the policy, recent trends in international relations, the policy's generalized definition but narrow application and, finally, certain hypocrisies and paradoxes related to sanctions implementation. Second, the report looks at case studies, with particular focus on Iraq and Cuba, but also using South Africa as a benchmark example. An analysis of the implications of unilateral and multilateral approaches is also included. The third section examines the diverging points of view concerning how sanctions should be evaluated and analyzed. As the report demonstrates, two distinct groups emerged: one group focused primarily on the rational strategy cost/benefit analysis of the policy, while the other group emphasized the very real ethical and moral implications associated with such an "inhumane" foreign policy tool. The report concludes by looking at what sanctions policy reveals about those who sanction as well as those who are sanctioned. How does sanctions policy contribute to a nation's or organization's identity in the post-Cold War era?



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I. “Sanction-Mania”: Understanding the Recent Popularity and Contradictions of Sanctions

A nation that is boycotted is a nation that is a breath away from surrendering. In applying this peaceful, silent and deadly economic remedy, there is no need for the use of force.

—Woodrow Wilson

Sanctions are not a new foreign policy tool; they have existed for several centuries, steadily increasing in importance in tandem with global commercial trade. As one participant explained, sanctions policy as a first act of recourse was adopted by the League of Nations following World War I and by the United Nations after World War II. Chapter VII of the UN Charter is quite clear on this issue stating that the Security Council can decide to invoke measures that do not require the use of force yet can oblige the members of the United Nations to apply certain measures that could consist of the total or partial interruption of economic relations, communications, and diplomatic relations. From 1945 to 1990, the United Nations applied sanctions only twice: against Rhodesia in 1966 and against South Africa in 1985. During the period between 1990 and 2000, the United Nations applied sanctions policies 13 times. The same participant underscored the United States’ role in the recent explosion of sanctions policy citing the following statistics:

- The United States has played a key role in two-thirds of the 104 cases where sanctions were applied in the past 45 years.
- Three-fourths of these cases are instances in which the United States has acted unilaterally.
- Between 1993 and 1996, 42 percent of the world’s countries were under some form of US sanctions.

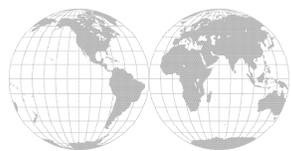
- In December of 2000, the General Assembly voted 117 to 49 against the use of unilateral sanctions, with almost unanimous support against sanctions coming from Africa, Latin America, and Eurasia.

The statistics indicated that the use of sanctions policy, both unilaterally and multilaterally, is a popular yet increasingly contentious form of foreign policy. One participant directed the discussion by asking what type of trends in international relations could account for the recent sanctions phenomenon.

In response, some participants cited globalization and the asymmetrical nature of trade relations as a contributing factor, explaining that economic interdependency has put smaller countries at the mercy of the economically powerful. In response, one person stated, “The only way to get out of the situation is to unite and fight for a more fair and just integration, both South-South and East-West, to counteract the extreme power of the United States. The balance of power is very disproportionate.” Thus *economic* sanctions have become a *political* tool of influence for the developed world, mostly the United States, while serving as a unifying call to action for less-developed countries.

The recent explosion of sanctions policies was also attributed to the end of the Cold War. One participant argued that previously, smaller issues had not been addressed during Cold War tensions because nations and multilateral organizations had different priorities. Now, different foreign policy tools are employed that often represent specific and smaller objectives. Sanctions policy falls into this category.

An argument popular with several participants drew from the previous two points by combining the idea of asymmetrical power relations between rich and poor countries and the idea that the post-Cold War era has created a virtual foreign



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policy vacuum whereby specific interests can dominate decision making. The argument concerned both US and UN policy-making. Several participants strongly asserted that sanctions policy was a form of interventionist, coercive diplomacy that often was rhetorically justified by humanitarian concerns. In much the same way humanitarian intervention was described as a “mask” for real security and economic interests in the first conference, sanctions were referred to as a “fig leaf” to promote similar issues. One participant concluded that sanctions were employed inappropriately because true threats to regional security were rare; however, today’s use of sanctions policy was often geopolitically motivated by select powerful countries.

Some participants agreed that political justifications for implementing sanctions policy were becoming increasingly broad, while at the same time undergirding a more strategic form of foreign policy toward specific countries or regions. While part of the group expressed concern over the rate of increase and expanding definition of such an “immoral” policy in the absence of any ethical consideration, others chose to focus on the same policy in terms of its effectiveness, objectives, and end result. This division became more evident as the conference progressed, underscoring how important different approaches to the same topic can reveal a variety of assessments regarding a policy’s worth.

Contradictions and hypocrisies related to sanctions policy were voiced several times throughout the conference—some were agreed upon, others were not. They included some of the following:

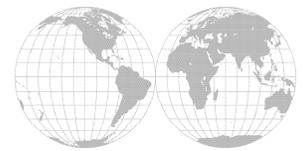
- As a world body, the United Nations has a legal responsibility to secure peace, yet at the same time is expected to support humanitarian aid. Sanctions effectively split the United Nations’ responsibilities in two.

- Many developed countries use humanitarian concerns as justification for sanctions policy, even as the policy itself often only exacerbates the situation.
- As the United States asserts itself as a hegemon through its sanctions regime, the policy is increasingly lacking in legitimacy and justification, both at the national and international level.
- Using “selective” sanctions to reduce the humanitarian damage it causes contradicts the policy’s objectives of fostering enough suffering and discontent among the population to significantly pressure or even overthrow the targeted regime.
- If the ultimate goal is to replace an authoritarian regime and the most effective way to achieve this is through the building up of a middle class and civil society, sanctions policy does the exact opposite by reinforcing the sanctioned government’s power.
- Sanctions are usually considered ineffective, yet somehow are given credit when a regime falls—such as in the case of South Africa with the ending of apartheid and the former Yugoslavia with the recent arrest of Slobodan Milošević.

The points raised in this first section try to make sense of the “why now” of sanctions policy and the contradictions associated with it. The next section explores the “who” of sanctions policy: Who is sanctioning? Who is being sanctioned?

II. The Debate Between Multilateral and Unilateral Policies: Case Studies

Much of the conference was framed around two very prominent but equally distinct examples of sanctions policy: the case of Cuba and that of Iraq. South Africa was also mentioned because it serves as the



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benchmark for current multilateral sanctions policy. All three cases proved integral to the discussion concerning the differences between multilateral and unilateral policies and the implications associated with legitimacy.

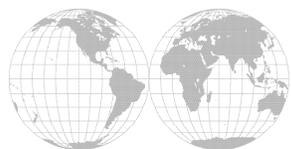
The conference participants agreed that South Africa's case had given legitimacy to the sanctions policy because it was widely viewed as being an effective tool against the racist government. Moreover, as many pointed out, there was a near universal consensus from both the developing world and the developed world that sanctions were necessary to end the apartheid regime. Humanitarian costs were assessed, but deemed acceptable, even by many of those inside South Africa, in light of the greater objective of bringing down the regime. Therefore, several participants argued that sanctions were a politically acceptable option. A few participants gave special focus to the selective nature of the sanctions. Rather than a trade embargo, financial sanctions and a sports boycott proved to be very effective. As one participant concluded, a sophisticated understanding of the country's economy, political environment, and culture was needed to make the sanctions effective.

Nevertheless, a few in the group questioned whether the South African case should be considered a benchmark example because of its unique situation and circumstance. Several participants pointed out that many groups within South Africa were actively supporting the sanctions regime, which rarely occurs in other sanctioned countries. They highlighted the impact of the political resistance movements of the black majority that destabilized the government considerably. Moreover, they argued that the devastating effects of the regional wars in Southern Africa, particularly between Angola and South Africa, significantly undermined the apartheid regime's stability and unity. Also some participants asked how

one could disaggregate the impact of the financial sanctions from all the other factors contributing to the government's breakdown. As one participant stated, "Sanctions were only part of the picture."

The South African example raised for the group the important issue of multilateral consensual policies versus unilateral actions. Clearly in South Africa's case, the multilateral approach seriously challenged the apartheid government's legitimacy as an actor in the international community. Because the world's opinion did impact the South African government's actions, sanctions were a relevant policy tool. One person explained, "Targeted states need to want to be part of the community that is imposing the sanctions." In this respect, multilateralism is effective and legitimate if everyone agrees to play by the same rules of the game. What is problematic is the assumption that everyone wants to be included in the international community. It was agreed upon by most in the discussion that South Africa cared about its public image and therefore was willing to change its behavior.

In the case of Iraq, everyone at the conference agreed that Saddam Hussein had violated international law when he invaded Kuwait in 1990. Therefore, in accordance with the UN Charter, sanctions and military intervention could be legally justified. However, as several participants pointed out, Iraq withdrew from Kuwait, yet the sanctions continued. Therefore, the environment in which the sanctions were imposed does not reflect today's reality. The multilateral consensus that brought about the sanctions policy no longer exists and has caused tension within the Security Council and between its permanent five members and the General Assembly. As one participant observed, many countries now openly and secretly violate the embargo with little fear of reprisal.



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As many in the group pointed out, the grave humanitarian costs caused by the Gulf War and the sanctions regime need to be addressed. As a result, some participants said the current policy should be reevaluated. Included in this reassessment is the question of adequate UN monitoring of the conditions in Iraq given the failure of the United Nations Special Commission. Some participants called attention to the fact that UN officials are looking to review the “food-for-oil” policy, which permits the trade of oil in exchange for humanitarian goods only. The goal of the program is to ensure all exchange is done through the United Nations so that the Iraqi government does not acquire hard currency to purchase weapons of mass destruction. Unfortunately, many items for trade fall into the category of “dual use” which can be petitioned for inspection, thus creating terrible bottlenecks and preventing the goods from ever reaching those who most need them.

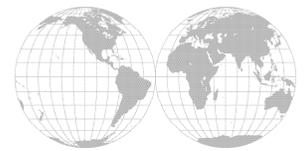
One participant raised the point that the conditions for the lifting of sanctions have constantly been changing. The discussion then returned to whether the use of sunset provisions (discussed in the next section) could effectively reconcile the veto power of certain Security Council members who believe that the sanctions policy should remain intact. As one participant commented, even certain Arab countries, including Iran, have recently made overtures toward having the sanctions lifted in light of the current humanitarian disaster. It therefore appeared quite obvious to some of the group how certain key countries were using their influence in the United Nations to promote a specific agenda.

It was clear from the discussion that many questions concerning the use of multilateral sanctions still needed to be addressed. The case of Iraq illustrated many of the problems associated with group decision making; the balance of power within the

Security Council; and the dynamics between it, the General Assembly, and the international community. Consensus within one group did not necessarily imply consensus overall. Moreover, while some participants claimed that the United States wished to “multilateralize” sanctions to push its own agenda in a more legitimate framework, others countered that the United Nations remains an international body governed by many diverging views. In general, there was agreement among participants that true multilateral sanctions were more respected and carried more weight than unilateral actions. However, there was disagreement as to whether the essence of multilateralism had shifted or had been compromised with the end of the Cold War.

The Cuban case raised an entirely new set of issues and questions concerning sanctions policy in the twenty-first century. Because of the unilateral nature of the policy, the discussion naturally centered on US interests and the impact that the sanctions regime has had on Cuba. As one participant noted, “Historically speaking, the US economic and political sanctions are unprecedented in their scope. At this point, not one but several Cuban generations have been exposed to the repressive effects of this policy.” In comparison to Iraq, the group agreed that the current sanctions regime against Cuba is unilateral, lacking in international and domestic support, in violation of international law, and poses a much stronger risk of alienating its allies. There was little disagreement among the group regarding the lack of legitimacy surrounding the policy.

Part of the group focused on the domestic side of policymaking, trying to understand how such an anachronistic policy could persist. Some participants asked how a Cuban-American lobby group, seemingly discredited in the wake of the Elian Gonzalez episode, could continue to wield influence in Washington and/or how Jessie Helms and



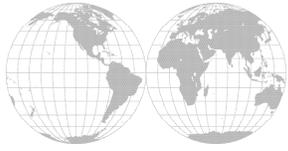
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Dan Burton, without any Cuban-American constituency of their own, have maintained their power over Cuban foreign policy. Certain participants also pointed out that many in the US agricultural sector were in favor of having the sanctions lifted, a sector that could feasibly represent a much stronger lobby group than the Cuban-Americans. One participant mentioned the fact that the US military had recently conceded that Cuba no longer poses a security threat and therefore now advocates normalization. If there is such a strong anti-embargo movement, how can one rationalize the policy? Many in the group argued that Cuba's special but tumultuous relationship with the United States has pushed the discussion beyond a political rationale and should perhaps be approached through a cultural lens. It prompted one participant to ask, "Are we looking for a deep logic that simply does not exist?" It was clear from the discussion that in the case of Cuba, the United States' government has placed itself in a position that has left few options other than the status quo, which undermines its legitimacy, or to begin the process of normalization regardless of Cuba's behavior, which could be costly to domestic politics.

Those in the group who focused on the sanctions policy from the Cuban and international perspective underscored the illegality of the Helms-Burton law, the economic costs of the embargo that has stifled development, and the subsequent social effects it has had on society. However, in addition to highlighting the policy's negative impact, some participants presented examples of Cuba's success despite the embargo. Many argued that Cuba's economic recovery in the late '90s and impressive growth without the use of foreign aid while under harsh economic and political sanctions should be considered a model for other developing countries. They maintained that Cuba's success has only further undermined US objectives. From this perspective, a few in the group considered the sanctions regime to be

a complete policy failure, echoing the arguments put forth earlier in this report. Although on the one hand the unilateral sanctions policy succeeded in hurting Cuba's economy, it falls short of its objective of bringing down the regime. On the contrary, Cuba's ability to not only overcome the devastating loss of trade with the Soviet Bloc but to boast a strong economic recovery in spite of US efforts, demonstrated for many participants how counterproductive the sanctions policy truly is.

The difference between the use of unilateral and multilateral sanctions became quite clear to the group during the discussion. Most felt that unilateral sanctions lacked legitimacy and justification and were little more than a post-Cold War foreign policy tool of influence that could prove to be politically costly for the sanctioning country. According to the majority of the participants, the case of Cuba illustrated this assessment. On the other hand, almost all participants believed that multilateral sanctions were still legitimate if they respected the UN Charter, that is, when there is a threat to peace and international security. For most of the group, South Africa was an example of legitimate use. Many participants maintained that the current problem with multilateral sanctions today is due to the dynamics within the Security Council and the lack of regulatory mechanisms, including sunset provisions that could limit the veto power of a Security Council member. Several participants felt that reforms should be put in place to include participation of the General Assembly. Iraq was a good example of how balance of power issues have compromised the Security Council's ability to reach a new consensus in dealing with Saddam Hussein. However, it is fair to conclude from the discussion that unlike the unilateral sanctions policy, multilateral actions are still considered a viable foreign policy tool given the right circumstances. What was disputed between participants was the context of those circumstances.



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III. Prioritization: What Should Be Emphasized When Evaluating Sanctions Policy?

The critics of unilateral sanctions policy have overlooked a decisive element...the denial of certain ethical and moral principles that are indispensable to human survival.

—Conference participant

The conference participants discussed at length the purpose, outcome, and effectiveness of sanctions policy. The discourse included the legality of the policy, cost/benefit analysis, the use of sunset provisions, and criteria for lifting sanctions. Of equal interest and often repeated throughout the discussion were the moral and ethical considerations associated with a sanctions regime. Many participants felt the latter concerns had often been overlooked, disregarded, or simply manipulated to serve instrumental strategic interests. There was no real consensus on what should be prioritized when assessing sanctions policy nor its justification for implementation, criteria for evaluation, or conditions for lifting.

A great deal of the discussion focused on the real reasons behind the sanctions policy. As one participant noted, there is a large gap between stated aims and real aims. Several in the group argued that the ultimate goal of the policy is to promote hunger and despair in order to bring about general ruin—not just of a government, but of a people as well. In this view sanctions are used to promote a *change* of government. Others maintained that the objective of sanctions did not necessarily mean to topple a regime, but rather *modify* its behavior or *contain* a government that poses a security threat. Some participants questioned whether the US government really wanted Fidel Castro dead or deposed, or whether it simply wanted him under sufficient control. Likewise, a similar idea questioned whether the United Nations wanted Saddam Hussein out of power, or merely his

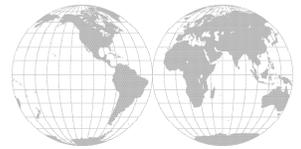
authority checked. One participant asserted, “Sanctions are about funding opposition, not toppling a regime...it is [also] about containment.” This approach led to various questions concerning outcome and intentions.

The discussion also examined how effective sanctions policies have been. There was a great degree of consensus among participants that the policy, despite its popularity, rarely yielded the desired result. One participant quoted statistics that indicated that only one-third of all sanctions policies were successful. Another participant disputed the claims by arguing that sanctions did indeed have an impact. “Sanctions have worked for reasons other than their stated goals...[they] just cannot be measured by political scientists.” The same participant used Iraq as an example. Saddam Hussein is still in power, but his ability to amass weapons has been seriously undermined by the current sanctions policy.

Many in the group agreed with the need to set up a framework to establish criteria for evaluation and to determine in what context sanctions achieve the greatest success. One participant developed a three-step approach aimed at assessing the impact sanctions have on a country:

1. Define what humanitarian conditions are.
2. Determine what is to be monitored.
3. If there is decline in humanitarian conditions, attempt to attribute responsibility to that decline.

As the participant explained, in many cases only the third step was occurring, which compromised the assessment. Several participants agreed that sanctions policy needed to be more specific in its objective. If this were the case, sanctions policy could more easily be justified or legitimated based upon anticipated degree of impact.



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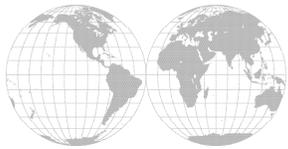
Concerns were expressed over the ever-changing criteria for lifting a sanctions policy. “Moving the goal posts,” as several participants noted, has a negative effect for the sanctioning country as well as the sanctioned one. One participant commented that changing the rules of the game provides little incentive for the sanctioned government to meet with the sanctioning country or organization’s demands. Thus it becomes a futile process. Many in the group pointed out that the Cuban government has respected, and continues to respect, international law and procedures, yet the United States continually seeks reasons to keep the embargo in place. For example, now that Cuba is no longer a Cold War security threat, the US government now focuses on its human rights record as justification for keeping the 40-year-old embargo alive. Other participants focused on the case of Iraq where originally conditions for lifting sanctions were contingent on withdrawal from Kuwait. However, after the conditions were met, sanctions remained in place because Saddam remained in power and there was no proof that weapons of mass destruction had been eliminated. Several in the group demonstrated how this phenomenon had compromised the sanctions policies’ legitimacy.

Another group of participants assessed how “moving the goal posts” impacted the sanctioning country or organization. They argued that constantly changing the criteria to meet stricter and narrower demands reduces the sanctioning body’s bargaining power vis à vis the sanctioned country. In other words, by expecting nothing less than a regime change, the United States or the United Nations is left with little room to maneuver. Regarding US-Cuban relations, one participant argued that, unlike the case in South Africa, the US government is unwilling to negotiate small changes, changes that could result in the incremental lifting of sanctions. In similar fashion, another participant noted the following,

“Once the US has established its policy of getting rid of the said leader, then there is no room to maneuver without looking weak. The initiative then passes to the sanctioned country; Iraq and Cuba can change the environment and force the United States’ hand. Humanitarian damage becomes a further tool for them. What more can be done? Big nations need exit strategies to reform policy vis à vis weak countries.” Thus keeping the sanctions policy flexible, and not rigid, can help both countries negotiate the terms for having them lifted. Being flexible does not mean expanding the justification of keeping a policy in place, but rather exploring the possibilities toward eliminating the sanctions altogether.

A corollary argument to the discussion included the value of “sunset” provisions. Such provision implies that a sanctions policy has a set term and cannot be continually renewed. The sunset provision is particularly useful in the Security Council where a multilateral effort to have sanctions lifted can be vetoed by a single vote. Sunset provisions effectively lessen the power one country can have over all the others. One participant referred to the case in Eritrea, stating that such provisions will be included from now on. However, others in the group pointed out that such provisions are a disincentive for compliance. They argued that if a sanctioned country feels it can survive the duration of the term, then there is no compelling motive to yield to the United Nations’ demands.

Participants also debated the effectiveness and justification of the sanctions policy through a cost-benefit analysis. While there was general consensus that both the sanctioned country and sanctioning organization or country did suffer damage, there was disagreement regarding the extent of real costs incurred by the sanctioning party. Some participants also questioned whether certain groups within the sanctioned country stood



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to benefit from the policy. With respect to costs to the sanctioning party, and in particular the United States, many participants cited the loss of potential income due to trade sanctions. Others pointed to the political costs of acting unilaterally, arguing that the United States was isolating itself from its allies while pursuing a sanctions policy that continued to undermine its legitimacy.

While participants agreed that costs do come into play when assessing the policy's value, there was some skepticism as to how economically damaging the Cuban sanctions policy really is. For example, a few participants argued that the potential loss of trade due to the embargo is negligible to the United States. However, the political cost of a sanctions policy did matter. One participant stressed that political costs were tied to whether the policy is politically acceptable. Therefore, international support for sanctions against a specific country would increase the policy's legitimacy and thus reduce political costs for any one country in particular because it would not be acting unilaterally. In the cases of South Africa and the first years against the Iraqi regime, which drew international support for a sanctions policy, the political costs were minimal. However, in recent years the political costs of continuing a sanctions policy against Iraq have been increasing, as support for the sanctions policy is wavering.

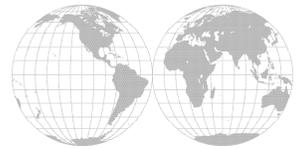
Regarding Cuba, there was consensus among all participants that the United States had incurred political damage because of its unilateral decision to maintain a policy that is widely regarded as out of date and inconsistent. Moreover, the extraterritorial nature of the Helms-Burton law has created tension between the United States and its closest allies. Many participants agreed that the political costs associated with the current Cuba policy are considerable.

On several occasions, many in the group raised points concerning the possible benefits derived from the sanctions regime and, in particular, how it affects the targeted country. Some participants argued how leaders of a sanctioned country often stand to gain politically from sanctions. They noted that these leaders can:

- Elicit sympathy from other countries who oppose the policy.
- Increase their domestic legitimacy by calling on the population to come together to fight an external enemy.
- Use the economic impact of the sanctions policy as a scapegoat for internal economic and social problems.

A few participants associated the benefits of sanctions policy with the “rally around the flag” theory that states that the policy actually strengthens, rather than weakens, the targeted regime. One participant claimed, “There are those who benefit from sanctions—the supporters of the regime...and those who suffer the most—the opposition.” There was no argument, however, that the socioeconomic costs of the policy on a sanctioned country far outweigh the few who benefit.

The group also addressed the legal issues surrounding sanctions. One part of the group felt that sanctions are a violation of sovereignty and are against international law. Many pointed to the extraterritorial nature of the Helms-Burton law that punishes third parties who trade with Cuba. Some participants noted the fact that several countries have condemned the law through votes held at the Organization of American States (OAS) and the United Nations. A few in the group referred to Chapter VII of the UN Charter that justifies the use of sanctions *only* when international peace and security are threatened. One participant asserted that in many cases, sanctions were imposed based



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on human rights concerns, national interest, and drug-trafficking, among others. In these cases, the legality of the act of sanctioning should be questioned. However, other participants contended that because of Chapter VII, Security Council members were legally obliged to act in many cases when the legal definition is blurred.

Discussion concerning the legality/illegality of sanctions focused on whether the policy should be based not only on outcomes but also intent and actions. Should sanctions be equated to an act of war? If so, are sanctioned countries not legally entitled to redress? One person cited the OAS Charter which does consider sanctions policy an act of war. In this light, determining legality would have to depend largely on whether a sanctioning country or organization could use the excuse of self-defense in order to justify such a policy. Throughout the debate it became clear to the group that issues of sovereignty, obligation to act, and obligation to compensate were all subject to various interpretations. As one participant concluded, "International law is not fixed. It is like trying to pin a moving target when judging the legality of sanctions."

Many participants felt that the issue of ethical and moral considerations had been overlooked in the analysis. Part of the group consistently argued that an ethical approach to sanctions policy is necessary in assessing the policy's worth, yet too often political or economic interests take precedence. One participant added that the negative socioeconomic impact of the US blockade should be considered a "criminal" act against the Cuban people. Several in the group felt that countries or multilateral organizations did not stress enough the importance of not only including but also prioritizing the ethical and moral factors involved in sanctions policy.

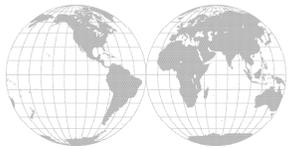
This section has focused primarily on the methodology surrounding the evaluation of sanctions policy: What should be priori-

tized? And how should it be assessed? However, the above line of thinking presumes that sanctions policy itself is not the problem, but rather the varied approaches to its methodology. One participant asserted that the discussion as a whole was symptomatic of the problem because of its ethnocentric approach to analysis: the presumption that policy is acceptable and we need only to look at how it can be improved. The participant concluded that examining the problems resulting from sanctions had little relevance because the policy itself was a failure. This recalls the analogy quoted in the overview: that discussion should not be centered on reforming the current policy so much as seeking new alternatives altogether. Clearly the decision to treat the sanctions regime as either a failed policy or a valid one worthy of restructuring revealed to all participants the decisive and differing opinions generated throughout the conference.

IV. Concluding Reflections: Sanctions and the Shaping of Identity in the Twenty-First Century

This report has looked at the historical precedent of sanctions policy in modern politics and how the end of the Cold War has changed both the frequency and justification of its application. It has addressed the various currents of thought surrounding the policy's utility, legality, and morality and has illustrated these themes through three very distinct case studies underscoring the significant differences between multilateral and unilateral actions. Much of the discussion was dedicated to making sense of the current sanctions policy as an entity unto itself, but in several instances participants tried to make sense of how sanctions policy went beyond serving as a foreign policy instrument to also becoming a telling indicator of post-Cold War political realities.

This final and concluding section of the report deals with the more subtle arguments



Cuban and US Perspectives

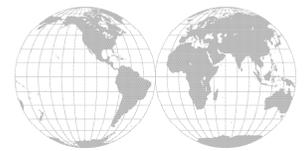
and observations made during the conference. It focuses on how the act of sanctioning by one country or organization and the reactions by the sanctioned country can help define both their respective identities. Are countries obligated to act if certain violations occur? If a country resists taking action, how does this affect its identity? Likewise, what does imposing a sanctions policy unilaterally and seemingly without a rational justification say about the sanctioning government? What message is disseminated when certain powerful countries override the objections of the vast majority of a group in an international organization? If international pressure has little impact on curbing the sanctioned regime's behavior, what does this say about how the said regime sees itself in the international community? And lastly, how does a prolonged period of sanctions regime affect the identity of the sanctioned country?

In the case of the United States, both the continued imposition of unilateral sanctions against Cuba and its transparent influence in the Security Council to maintain sanctions against Iraq project a very specific state identity. As one participant asked, "With what understanding is the US working to justify its actions?" During a discussion concerning Cuba, one person stated that the United States was simply unable to come to terms with a neighbor that is both Communist and capable of standing the test of time. In this respect, many participants felt that the United States was simply making an example out of Cuba's obstinacy. As one participant commented on the general American psyche, "It was supposed to be ours—Cuba was supposed to be ours." Despite the risk of alienation, the United States continues to act unilaterally, revealing to many in the group that Cuba is more than a foreign policy concern but also closely linked to the US identity. Moreover, the government's willingness to act on its own demonstrates its level of confidence in the international community,

secure in the knowledge that it is powerful enough to withstand international criticism. Another participant commented, "The US needs to have a monster, an enemy in post-Cold War times. More than saving face, it justifies [its] identity." Many participants questioned whether the United States was able to see itself as part of a larger international whole or whether it was content to act by itself for itself.

The case of Iraq has shown how the United States has been able to wield its influence in a multilateral framework. Throughout the conference, many participants questioned how "multi" the decision-making process of the United Nations truly is. Because the United States is the only superpower in a unipolar world, has the essence of multilateralism been compromised? Does the United States believe it can still act unilaterally within a multilateral framework because no one can challenge it? How does this help explain US identity in the post-Cold War?

With respect to Cuba, almost all participants agreed that the sanctions policy had contributed to the Cuban identity to a certain extent. Some within the group stated that Cuba serves as a model to other countries that seek alternatives to global capitalism and dependence. As many argued, the sanctions policy has proved that countries, like Cuba, can withstand threats from the United States. Another group of participants chose to focus on how sanctions had consolidated Cuba's identity within the country. While one participant acknowledged that the embargo has helped "cement" Cuban identity, it was also pointed out that Cuba had a strong sense of nationalism prior to the sanctions policy. Another participant drew attention to how the sanctions policy has helped keep the regime in power because the embargo acts as an economic scapegoat. In this sense, sanctions have provided a blanket amnesty for all socioeconomic problems and have created an easy target to



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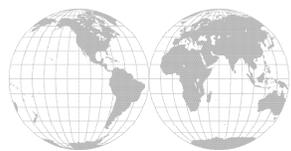
blame. Following this line of thought, Cuba can then otherwise confidently claim that its system works.

Although Iraq was not formally discussed in terms of identity per se, several participants argued that Saddam Hussein was sending a message in response to the sanctions policy. With its frequent acts of defiance against the United Nations, the Iraqi government has demonstrated that it thinks little of the international organization. Therefore, excluding Iraq from the international community has had little impact. As was pointed out earlier in the report and in comparison to South Africa, modifying behavior through sanctions will have little impact if the rules of the game are not recognized. South Africa wanted to be a part of the international community; Iraq does not.

Lastly, the United Nations, and the Security Council in particular, has had to grapple with all the recent political changes of the past decade. As was mentioned in the previous section, conference participants identified how the United Nations is now trying to reconcile a multilateral system in an increasingly unipolar world. The United Nations is still very much an international organization, but the sanctions policy has forced the Security Council to think differently about certain policies and the power certain countries have to act without consensus. As one participant explained, the case of Iraq has split the Security Council to such an extent that some now question the appropriateness of multilateral sanctions: "Can the institution survive the crisis?" Another participant asked why the Security Council has no sanctions monitoring committees in Africa. Is it because the Security Council does not care? Through these discussions, it became evident to the group that sanctions policies have impacted the way in which the Security Council perceives itself and is perceived by others.

This last section has drawn from many of the themes addressed throughout the conference and this report. It has demonstrated how the participants' perspectives on sanctions policy can expose certain facets of a country's or organization's identity in the international relations environment and how that identity impacts international relations on many different levels.

Throughout all the discussions during the conference, it became apparent to the group that sanctions policy, both in theory and in practice, remains a challenge to policy experts, international relations theorists, and government officials alike. Serious questions concerning its efficacy, morality, and legality were left unresolved during the conference. However, the lack of answers in no way implied that any further dialogue would be unproductive or that sanctions policy was of little importance in tomorrow's international political environment. On the contrary, the diversity of opinions and perspectives demonstrated to all participants that sanctions policy will continue to be a perplexing and often problematic foreign policy tool in the post-Cold War era. The range of ideas and degree of analysis concerning the utility of past sanctions policy and the justification for its future underscored the group's ability to exchange viewpoints in a constructive manner. This led to a deeper and more complete understanding of a very complicated and contentious policy.



Cuban and US Perspectives

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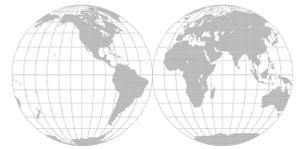
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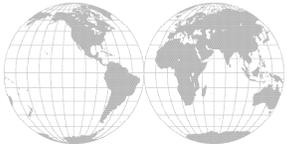
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