



**Seminar Summary Report of
ISS Public Seminar Series**

“Enhancing the African Union Sanctions Regime”

**ISS Addis Ababa Office
Conference Room**

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Introduction

Within the framework of the Chatham House rule, this seminar aimed at facilitating a comprehensive discussion on the need for the timely yet controversial and complex issue of the African Union (AU) sanctions regime.

The primary responsibility of ushering peace, democracy and good governance in Africa lies with the member states of the AU. Nevertheless, the AU with its different instruments of governance can play a critical role in consolidating the gains that has been made so far. Imperative in doing so, what capacity does the AU have to ensure member states implement what they bargained for? It is within this context that the AU has established a Sanctions Committee within the AU Peace and Security Council. Establishing the Sanctions Committee is an important step to improve the AU's sanctions regime. However it is just the beginning of more work to be done. Against this backdrop, is the AU's sanctions regime adequate to redress the conflict and

governance problems confronting the continent? Does the AU have the capacity to impose robust sanctions? What should be the mandate function and composition of the Sanctions Committee? Is there a need for the AU to develop a robust and comprehensive sanctions regime?

As noted during the opening remarks made by the Chair of the seminar, Mr. Eltigani Ateem who is a Senior Regional Advisor, United Nations Economic Commission for Africa, Addis Ababa, the aim of the seminar was therefore to interrogate these questions and in the process contribute to efforts aimed at improving the AU's sanctions regime. Presenters at this seminar were drawn from the United Nations (UN) as well as the AU, providing perspectives of both organisations on the important issue of sanctions.

Presentations

The first presentation, entitled 'UN Experience with Sanctions: What Lessons for the AU' by Ms. Joanna Weschler, Director of Research, Security Council Report, New York, United States, covered the recent history of the application of sanctions by the UN Security Council (UNSC), the development of methodology and the political dynamics related to UNSC sanctions. It was explained that for sanctions to be effective, two sets of conditions need to be fulfilled. The first one is technical which includes the design and the infrastructure of the management of implementation. The second condition is political or related to the will to act quickly, evenhandedly and consistently. It was noted that the AU could learn a lot from the UNSC on the technical side while the political side of the international body as it stands today can only be a model as to what should be avoided by the AU.

As the UNSC history with sanctions shows, it is important to develop the methodology before plunging in with decisions that are little more than symbolic gestures. However, at this historic time the AU is in a good position to do just that as the Union today is in a position to avoid some of the key mistakes committed by the UN while at the same time take advantage of some of the methodology that has been developed.

Sanctions were envisaged by the Charter at the time of the creation of the UN, but due to the divide and political tensions during the Cold War, which paralysed the UNSC until the early 1990s, the UNSC imposed only two sanctions. However, after the end of the Cold War the UNSC took a much more interventionist approach and sanctions became a frequently used tool. For instance, several sanctions were imposed on Iraq in 1990, Yugoslavia in 1991; Somalia, Liberia, Khmer Rouge-controlled parts of Cambodia and Libya in 1992; Haiti and Angola, 1993, and Rwanda, 1994 for various purposes ranging from changing the behavior of a government with respect to its own population; alleviating a bloody conflict; restoring a democratically elected government, to addressing global security issues such as proliferation and terrorism and implicitly to deter other governments or parties from certain behaviors.

At the beginning of the 1990s most of the sanctions by the UNSC consisted of arms embargoes and comprehensive economic sanctions. At a later stage, it started imposing arms embargoes that apply to one party within a country targeting certain groups or the elite and more recently the UNSC has commenced targeting individuals and groups by name. However, targeted sanctions despite some of their advantages developed a terrible reputation as they often include names of too many people whose identity is not well known or even of innocent or deceased individuals. Questions on the effectiveness, impact and importance of sanctions continues to be raised by many. It continues to be questioned whether sanctions, rather than alleviate the level of suffering on the part of the general population, actually bring more suffering to the people they were designed ultimately to help.

In 1998, the Secretary-General Kofi Annan recommended the use of targeted sanctions in his report *"The causes of conflict and the promotion of durable peace and sustainable development in Africa"* saying: "Greater use should be made of sanctions aimed at decision makers and their families, including the freezing of personal and organizational assets as well as restrictions on travel." The 1998 Angola and 2001 Liberia diamonds sanctions were exemplary developments following the urge for targeted sanctions. The

post 9/11 period can be seen as a landmark in the evolution of sanctions as measures - that were initially of limited application, both geographically and in terms of targeted individuals - as they became applicable worldwide and to a loosely defined category of individuals and entities. The political dynamics of the UNSC had a negative impact on the effective imposing and implementation of sanctions. In the 21st century most sanctions by the UNSC are targeting international peace issues as well as issues related to nuclear weapons.

Sanctions are one of the areas of the UNSC where over the years most significant changes occurred and a sophisticated methodology was developed. The sanctions committee that was established in 1968 has always been the UNSC's main tool to handle the management of sanctions. The AU would also benefit from having such a regime as well as an effective sanctions committee to implement such a regime. Another area worth attention by the AU at this early stage of its debates on sanctions is the question about whether sanctions should be open-ended and terminated only by a new resolution or imposed for a specific period of time and renewed by a new resolution.

The AU, as a young bureaucracy, may be able to navigate this problem more successfully than the UN experience. Politically, the attitude of the UNSC toward applying sanctions has been fraught with contradictions mixed with a strong dosage of reluctance. Looking at the use of sanctions over the years and across the board, one is actually struck by how much has been achieved, both in terms of impact and in terms of the development of UNSC working methods despite the undercurrent of political uneasiness and discord that has almost always accompanied this issue within the UNSC. For example, a Swedish study identified nine cases in which a P5 member provided arms to the target after the UNSC formally announced its intention to impose an arms embargo. In addition, different sanctions monitoring mechanisms over the years have repeatedly documented instances of violations of sanctions already in effect. Furthermore, some members have been uneasy about sanctions in general, as they consider them to severely encroach on matters of national sovereignty.

The second presentation, entitled 'Establishing an Effective African Sanctions Regime,' by Mr. Andrews Atta-Asamoah, Researcher, Institute for Security Studies, Nairobi Office, focused on the importance of sanctions, conditions for effective sanctions and the operation model for the AU sanctions regime. It was stated that the need for the committee is crystal clear and urgent as it is the matter of Africa taking charge of its own destiny. Sanctions are coercive but non-violent measures to change behavior compel and diminish the capacity the target to cause harm. Furthermore, the choice of sanctions from the non-war tools is laudable even though they may have dire humanitarian consequences, fuel negative perception about the imposing entity and may harden particular regimes.

For the AU sanctions regime to work the AU should be strengthened with capacity and influence and sanctions should be part of a comprehensive process which includes diplomacy rather than being a mere punishment. The presence of an effectual monitoring and review mechanism is another requisite in addition to international cooperation and domestic support for the sanctions in countries targeted by the sanction. The composition and modus operandi of the regime will be categorised into three bodies namely the sanctions committee, the sanctions secretariat and the sanctions monitoring group. The committee will function to administer, monitor and implement sanctions while the secretariat and the monitoring group will provide administrative support and monitor and gather practical information respectively to avoid unintended consequences and ensure institutional memory.

The regime is likely to face challenges ranging from domestic and regional politics to generating the requisite political will and support. The limited inter-African dependency and weak AU leverage in addition to the inadequate resources, laxity of borders and endemic and systematic corruption was explained as able to create problems for the well-functioning of the regime and sanctions.

Discussions and conclusion

The presentations were followed by a discussion session, which commenced by raising issues related with best practices of sanctions in Africa. In response, it was noted that the conflict in Angola would have continued even longer if it would not have been for the sanctions imposed on one of the rebel movements. The methodology on how to identify and name individuals and institutions for targeted sanctioning is - it was argued - not a complicated task once the issue is agreed on. The question of impact assessment and inter-African dependency were also raised and discussed intensively. The issue of hierarchy amongst the RECs, AU and UN in imposing and implementing sanctions in addition to the role of sanctions in operationalising the African peace and security architecture received adequate attention during the discussion as well.

Concluding remarks on the importance of the sanctions regime of the AU and the contribution of seminars such as the present one towards the enhancement of the sanctions regime were made by the Chair of the seminar, Mr. Eltigani Ateem.

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