

USAWC STRATEGY RESEARCH PROJECT

**SANCTIONS: BUYING TIME FOR BETTER OPTIONS**

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## ABSTRACT

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This paper will examine the effectiveness of sanctions regimes imposed against South Africa, Iraq and North Korea in the twentieth century. It is important to understand why sanctions worked in one case, and why they have thus far failed in the other two. Even more important is to understand why sanctions, in spite of their statistically ineffective performance, are important in the achievement of long term national security policy objectives. One thought is that "going slow while moving forward offers several advantages, especially when one is not clear on the destination."<sup>1</sup> One significant advantage is the opportunity to buy time while examining or developing other options.

Sanction regimes generally do not work as intended, and suffer widespread criticism. On the other hand, sanctions have generally served well as an economy of force option by trading some degree of tolerance for time to develop other options. The "other" options occasionally result in a stalemate in which no better solution emerges, as is the current situation with North Korea. Occasionally time purchased at the expense of patience has bought only the opportunity to stage combat operations, as was the case against Iraq in 1991. And sometimes patience pays off with the peaceful achievement of policy goals. In every case, success or failure, sanctions have forestalled precipitous military action for the period of time necessary to consider alternatives, and provided the legitimacy that results from first trying available actions short of war prior to commencing hostilities.



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## SANCTIONS: BUYING TIME FOR BETTER OPTIONS

Nation states around the world are occasionally challenged with what they consider to be unacceptable behavior by other states. The offenders may range from despotic regimes that engage in gross violations of human rights to those that threaten regional or global security by invading their neighbors, sponsoring terrorism or pursuing weapons of mass destruction. The enduring question is how best to mitigate or change the behavior of the offending, or target nation. The offended nation may or may not have a variety of alternatives depending on its power or status on the world scene. Available options normally include the use of traditional elements of national power which are diplomatic, economic, informational and military tools. A nation might choose to make a unilateral attempt to change another's behavior using these tools, or might instead attempt to impose desired changes through a multilateral process involving an international institution like the United Nations.

A reasoned approach is to expend as little political capital and national treasure as possible in the initial attempt. This approach seeks to convince a rational actor that a change of behavior is in the best interest of all concerned, and seeks a quick and peaceful diplomatic solution. At the other extreme, an international coalition might wage war against the offender, seeking to coerce change through military action. Between these two extremes lies a spectrum of alternatives that combine the coercive effects of the elements of national or international power in a coordinated action short of war.

Along this continuum is a range of potential solutions referred to as sanctions, or "coercive measure(s) adopted, usually by several nations acting together, against a nation violating international law."<sup>2</sup> It seems that the use of sanctions is more effective than polite requests to cease and desist, and more politically and economically palatable than war because the use of sanctions has increased dramatically throughout the last half of the twentieth century. In fact, the 1990s have been referred to as the "sanctions decade" to describe the dramatically increased use of this particular form of international coercion. U.N. Secretary-General Kofi Annan says,

They represent more than just verbal condemnation and less than the use of armed force. Traditionally the range of sanctions available has included arms embargoes, the imposition of trade and financial restrictions, interruption of relations by air and sea, and diplomatic isolation. Usually, the objective has been to change in specific ways the behavior of a government or regime which poses a threat to international peace and stability, and, in a conflict situation, to diminish the capacity of the protagonists to sustain a prolonged fight.<sup>3</sup>

The next question is whether or not sanctions can be expected to work and, if not, why nations and international institutions continue to include them on their menu of options.

This paper will examine the effectiveness of sanctions regimes imposed against South Africa, Iraq and North Korea in the twentieth century. It is important to understand why sanctions worked in one case, and why they have thus far failed in the other two. Even more important is to understand why sanctions, in spite of their statistically ineffective performance, are important in the achievement of long term progress. One thought is that "going slow while moving forward offers several advantages, especially when one is not clear on the destination."<sup>4</sup> One significant advantage is the opportunity to buy time while examining or developing other options.

## BACKGROUND

The United States has participated in or led a variety of significant sanctions efforts since 1950 including one successful effort against South Africa and two failed efforts against North Korea and Iraq. The definition of success or failure is simply whether or not the imposed sanctions regime caused the target nation to change its behavior to meet the policy goals of the sending nation or international body. By this definition the efforts against North Korea and Iraq are clearly failures since the sanctions regimes are still in force and policy goals have not been met. South Africa is a qualified success because sanctions were lifted when that nation formally ended its offensive racial policy of apartheid and held free democratic elections.

Whether or not sanctions regimes succeed in accomplishing policy goals, there are some who contend that this alternative is not worth the cost. Sanctions in general draw enduring criticism as a policy tool. Among the most damning are first that sanctions can interfere with the sovereign right of states to make choices regarding their well-being.<sup>5</sup> After all, no one likes to be told what to do in their own sandbox, particularly when externally imposed rules prevent the pursuit of self interest. Secondly, sanctions may also reduce the standard of living among the middle class professionals most likely to pressure their governments to comply with sanction requirements.<sup>6</sup> A possible goal of sanctions is sometimes the attempt to foment internal rebellion or precipitate pressure to change among the target nation's population, often led by the economic middle classes and academics. Sanctions may degrade the ability of this very segment to resist by unintentionally targeting their means. Finally, sanctions also generally increase the suffering of the state's population. Criticism of the Iraqi and North Korean sanctions policies are anecdotally more focused on the last complaint. An entire website at Cambridge University, Campaign Against Sanctions in Iraq (CASI)<sup>7</sup> has grown up around this policy and devotes itself to documenting the human consequences of the U.N.'s actions since 1990. Among these are frightening infant mortality rates and grossly inadequate life and health

support infrastructure. Critics have voiced similar concerns about the effect of sanctions in North Korea, Cuba, and Algeria among others.

If these criticisms are not reason enough to avoid or discontinue sanctions as a policy tool, there are others. Imposed unilaterally, a sender nation may succeed in sending a strong political statement. But, unless the sender is the sole supplier of some essential resource, the target nation may easily turn to others more willing to meet its requirements. These "others" may also find the unilateral sanction policies of sending states unpopular, particularly if the sending nation is powerful and applies unwanted pressure on other states to support its policies. Even multilateral efforts may cause fatigue among the participating parties, especially where long term restrictions affect the health of domestic economies or international trade balances. In these cases surreptitious trade leaks may occur, clandestinely negating the public efforts of the collective sanctioning body.

In summary, sanction regimes generally do not work as intended, and suffer widespread criticism. On the other hand, sanctions have generally served well as an economy of force option by trading some degree of tolerance for time to develop other options. The "other" options occasionally result in a stalemate in which no better solution emerges, as is the current situation with North Korea and Cuba. Occasionally time purchased at the expense of patience has bought only the opportunity to stage combat operations, as was the case against Iraq in 1991. And sometimes patience pays off with the peaceful achievement of policy goals. In every case, success or failure, sanctions have forestalled precipitous military action for the period of time necessary to consider alternatives and provided the legitimacy that results from first trying available actions short of war prior to commencing hostilities.

As an aside, the way that sanctions are developed and implemented continues to evolve over time, and policy makers continue to find more effective ways to formulate and enforce them. A new construct, known as "smart" sanctions, more specifically targets those areas most likely to influence state behavior while reducing unintended consequences. According to Kofi-Annan,

... just as we recognize the importance of sanctions as a way of compelling compliance with the will of the international community, we also recognize that sanctions remain a blunt instrument, which hurt large numbers of people who are not their primary targets. Further, sanctions need refining if they are to be seen as more than a fig leaf in the future. Hence, the recent emphasis on targeted sanctions which prevent the travel, or freeze the foreign bank accounts, of individuals or classes of individuals—the so-called "smart" sanctions.<sup>8</sup>

This variant will be more fully explored in the section concerning Iraq.

## SANCTIONS AGAINST SOUTH AFRICA

The case of South Africa is very different from those of Iraq and North Korea for a number of reasons. Unlike the yet unresolved situations in the latter two, the sanctions regime against South Africa did contribute to the achievement of policy goals. In 1998 the Clinton administration lifted "its 35-year old arms embargo against South Africa, the last remaining sanction imposed at the beginning of the apartheid era,"<sup>9</sup> meeting the qualified definition of success. Also unlike the previous two cases, these sanctions were imposed for humanitarian purposes vs. security considerations, and were supported not only by governments but also by the will of private citizens, institutions, and commercial industry. Interestingly, the U.S. was at best a lukewarm participant throughout the majority of this effort. With the exception of a relatively narrow window between 1986 and 1993, the global community, rather than the U.S. Administration, spearheaded the drive to eliminate apartheid.

In 1934, South Africa, recently independent of Great Britain, formed a minority white government and began to restrict the freedoms of its non-white majority population. This majority was classified into sub-groups consisting of Indian, black, and "colored" or racially mixed populations. Each category suffered discriminatory rules and regulations that rendered it inherently unequal to the others and to whites. This was the beginning of what eventually became an internationally unacceptable policy of racial separation, or "apartness", that inspired moral outrage around the world. From 1934 to 1960, South African legislation concerning the races became progressively more restrictive.

Off to a bad start, Pretoria began to pursue its new reputation for bias and intolerance in earnest. In 1946, "the United Nations adopt(ed) a resolution condemning the South African government's treatment of its Indian minority...marking the most prominent criticism to date of South Africa's increasingly divisive racial policies."<sup>10</sup> In 1949 the Prohibition of Mixed Marriages Act prevented inter-racial marriages of any kind. In 1950, Premier Malan's National Party passed the Group Areas Act, essentially segregating roughly 75% of the population, the blacks, onto about 13% of available land. In the same year passage of the Population Registrations Act "require(ed) all South Africans to register their race with the government."<sup>11</sup> These last three laws formed the basis, or pillars, of what evolved into the apartheid system. Repressive and discriminatory policy continued in 1952 when blacks were required to carry "papers" in order that their movements be monitored or restricted as necessary. In 1953, the Separate Amenities Act, reminiscent of Jim Crow laws in the U.S., provided for separate public facilities for whites and "non-whites"<sup>12</sup> Worse yet, the majority non-white population had no legal means to redress their grievances.

The South African government repressed non-whites by design. "Under the constitutions of 1961 and 1984, South Africa's white minority dominated all government institutions; the black majority did not have the right to vote, nor was it represented in the legislature."<sup>13</sup> This was the social and political environment in which white police forces in Sharpeville killed 69 blacks protesting against the 1952 pass laws, "provoking worldwide condemnation of (the) South African regime."<sup>14</sup> Actions that day in 1960 ultimately resulted in demands for U.N. sanctions and UNSCR S/4300 which formally deplored the violence and sought the end of apartheid. Global interest in achieving social and political aims in South Africa through sanctions truly began in the period immediately following the Sharpeville massacre. From 1961 to 1963 individual countries, including some African states, and agencies like the Organization of African Unity began to pressure the U.N. to enact restrictive economic measures. In 1962,

The U.N. General Assembly in a non-binding resolution (1761) call(ed) upon members "separately or collectively, in conformity with the charter" to break diplomatic relations with South Africa, to close ports to South African vessels, to forbid vessels flying their flags to enter South African ports, to boycott South African trade, and to suspend landing rights for South African aircraft.<sup>15</sup>

And in 1963, with U.S. support, the U.N. adopted Security Council Resolutions 181 and 182 which implemented an arms embargo in an attempt to inhibit South Africa's ability to suppress internal rebellion against its repressive policies.

Tensions simmered throughout the next decade as a recalcitrant South Africa refused to yield to increasing international pressure. The period from 1963 to 1976 was characterized by an increasing number of low level coercive attempts to modify South Africa's behavior. The U.S. placed limits on trade loans granted by U.S. exporting firms and additionally placed restrictions on the purchase of South African gold. OPEC imposed oil embargoes. In 1974 the U.N. General Assembly voted to expel South Africa from the United Nations – a clear statement by the world body against the injustices of apartheid. Events in 1976 succeeded in focusing international opinion against South Africa's racial policies.

The Soweto uprising, precipitated by injustice in the separate and distinctly unequal education system for whites and non-whites, resulted in the deaths of hundreds of blacks including significant numbers of children. Foreign investments began to dry up over concerns of economic stability in the region. Some U.S. multinational corporations with interests in South Africa voluntarily adopted the Reverend Leon Sullivan's principles for equality in the workplace, subsequently seconded by the European Community and Canada.<sup>16</sup> In the ensuing five years,

other countries voluntarily embargoed oil, arms, financial support and commercial trade, tightening the global noose around South Africa.

Then in 1981, the Reagan Administration performed an about face and announced a new policy of "constructive engagement." The U.S. State Department said the policy "represented above all the reality that there is a limit on the U.S. capacity to use negative pressure to achieve policy results in South Africa."<sup>17</sup> Although linked more closely to the U.S. policy on Namibia and the Cuban occupation of Angola than to apartheid, this policy effectively "dismantled collective Western diplomatic pressure on Pretoria."<sup>18</sup> The situation in South Africa began once again to deteriorate, and by 1986, wide-spread unrest led the Afrikaner dominated government to declare a state of emergency. Under these conditions almost all restrictions on the use of force by police and security agencies were lifted, setting the conditions for unrestrained violence by government agencies and the consequent black eye in the court of world opinion.

At this point tremendous internal and external pressures were brought to bear on the South African government. Bishop Desmond Tutu had become an outspoken critic of U.S. constructive engagement policies and routinely campaigned for punitive sanctions. Nearly one third of U.S. companies operating in South Africa had implemented the Sullivan workers' rights principles. And significantly, groups representing the majority of South African workers issued statements "...calling for significant changes in (the) apartheid system: meaningful, political participation for blacks; recognition of (the) right of all groups to ownership of property; employment; universal citizenship; free, independent unions; and equal justice..."<sup>19</sup> Thousands of individual anti-apartheid protesters were arrested at South African consulates world-wide including the embassy in Washington, and black South Africans, obviously a significant consumer base, boycotted white South African businesses. Most U.S. banks had long suspended new loans to South Africa and were refusing to extend existing loans. "One hundred eighty-six American companies operating in South Africa...send (a) telex to Botha urging him to do something to lower tensions...the first time any group of foreign investors has intervened so directly with the government on a domestic political issue..."<sup>20</sup> And finally, the U.S. public stepped into the breach.

On September 29, 1986, culminating a number of individual congressional actions initiated throughout the year, the senate overrode a presidential veto to enact the Comprehensive Anti-Apartheid Act. This Act "Ban(ned) imports of iron and steel, coal, uranium, textiles, agricultural products...export of petroleum and products, weapons and munitions; severs air links..."<sup>21</sup> along with a host of other vital resources and services. Simultaneously, the E.C. imposed sanctions of

its own, and large private firms like Coca Cola sold their interests to multi-racial investors to make their own statements.

Private, commercial and governmental sanctions had the intended effect. Discriminatory policies and laws fell one by one in the years between 1986 and 1993. President DeKlerk replaced Botha in 1989 and took immediate steps to hasten reform and eliminate apartheid policies, supported overwhelmingly by South African whites. In 1990, DeKlerk released Nelson Mandela, African National Congress leader, from his life sentence in prison and worked with him to develop a transitional government that would support free, universal, democratic elections. The end of 1993 saw the approval of a majority rule constitution that supported a coalition government of more than twenty existing political parties including Indians, blacks and "coloreds." President Clinton simultaneously repealed all remaining federal anti-apartheid sanctions with the exception of the long standing arms embargo. This repeal "also call(ed) on local (U.S. state)governments to repeal their own sanctions before October 1995"<sup>22</sup> under pain of losing their federal transportation funds. In May of 1994, Nelson Mandela became the first democratically elected President of South Africa, and in June of that year, the U.N. not only lifted its arms embargo, but reaccredited South Africa as a member in full standing in the United Nations.

In conclusion, roughly 30 years of sanctions chipped away at South Africa's unacceptable racial policies. After almost 25 years of coercive effort, a rising tide of anti-apartheid opinion swept the globe, and from 1986 to 1993 a comprehensive, world-wide, nearly leak free sanctions regime helped achieve multi-lateral policy goals. Governmentally imposed sanctions were supported, if not instigated, at the grass roots level not only in concerned Western countries, but also in the target nation as well. President Clinton said that "Americans had a lot to do with ending apartheid...by the sanctions...that swept cities and states across the country and that the Congress eventually put forward at the national level."<sup>23</sup>

Even those South African officials who were responsible for countering them admit the impact of the anti-apartheid sanctions. "Sanctions did work," wrote senior South African official Les De Villiers in the New York Times. "They significantly dictated the form, substance, timing and pace of change in South Africa."<sup>24</sup>

Sanctions were demonstrably more effective than engagement policies.

For years, some governments claimed that the best way to deal with the apartheid regime in South Africa was by continuing to talk and trade, says Bishop Desmond Tutu of South Africa. Today the world knows what a failure that policy was. Only when serious sanctions started to take a significant economic toll on my country did the road to real reform begin.<sup>25</sup>

Yet others will say that sanctions worked, but not for traditional reasons. John Battersby of The World Paper in Johannesburg says in one frequently quoted article:

In South Africa, sanctions worked not because they brought the South African economy to its knees but because they symbolized a powerful international coalition of forces that were committed to ending the apartheid system. Sanctions would not have worked in speeding the end of apartheid had it not been for the strength of internal resistance from anti-apartheid leaders, and the international anti-apartheid campaign driven and sustained by the African National Congress (ANC) in exile. The combination of these forces and the almost total international consensus on the moral repugnance of apartheid made for a potent cocktail that, in the end, South Africa's white minority leaders could not resist.<sup>26</sup>

The bottom line is that a number of well placed sources credit the sanctions regime against South Africa for bringing an end to apartheid. Sanctions worked in South Africa for debatable reasons that include completely isolating a somewhat sensitive, quasi-democratic government with political, diplomatic and economic pressure. Other reasons include significant internal pressure to change, nearly leak-proof global embargoes of essential services, imports and exports, and un-debatable universal condemnation of policy that appealed to the white, European heritage of the minority government. It took more than 30 years, but this situation was successfully resolved without armed conflict.

#### SANCTIONS AGAINST IRAQ

In early 2003, the most pressing of U.S. policy issues is the failure of Iraq to comply with United Nations mandates requiring it to disarm itself of weapons of mass destruction. The United States and its coalition partners now prepare for possible military action in the Persian Gulf to enforce what twelve years of sanctions policy have failed to achieve. The United States, supported by the United Nations, is in the midst of a long-standing, comprehensive sanctions policy toward Iraq. This sanctions regime, promulgated under United Nations Security Council Resolution (UNSCR) 661, was initially implemented to force Saddam Hussein to comply with the provisions of UNSCR 660 following Iraq's invasion of Kuwait in August 1990. More than 20 subsequent resolutions have modified the original policy, resulting in UNSCR 1409 in May 2002. This most recent policy revision further relaxes originally imposed restrictions that included a full trade embargo barring all imports from and exports to Iraq except medical supplies, foodstuffs, and other items of humanitarian need. UNSCR 1409 now authorizes states to sell or supply to Iraq any commodities not specifically itemized on a Goods Review List. This review list continues to ban military-related goods and dual use technology items, but allows all other commodities to pass.<sup>27</sup>

The December 2000 National Security Strategy (NSS) enumerated three primary policy objectives for Iraq: "containment to prevent Saddam from again threatening the stability of the vital Gulf region; relief for the Iraqi people via the U.N. oil-for-food program; and support to those Iraqis seeking to replace Saddam's regime with a government that can live at peace with its neighbors and its people."<sup>28</sup> The September 2002 NSS does not significantly alter these objectives, but emphasizes their criticality to the U.S. by introducing the concept of unilateral and/or pre-emptive measures where necessary to defend the nation against rogue states and sponsors of terrorism, particularly those that have or pursue Weapons of Mass Destruction capability.<sup>29</sup> President Bush's 17 September 2002 address to the U.N. reinforces U.S. policy goals to compel full Iraqi compliance with UNSCRs that support these objectives.<sup>30</sup>

The current evolution of U.S. sanctions policy attempts to use the economic, diplomatic and military instruments of national power to support the three aforementioned policy goals toward Iraq as well as the three enduring national interests of the United States: Ensure U.S. Security and Freedom of Action; Honor International Commitments; and Contribute to Economic Well-Being.<sup>31</sup> Sanctions policy is additionally consistent with the 2002 NSS, particularly with respect to preventing our enemies from threatening us, our allies and our friends with Weapons of Mass Destruction.<sup>32</sup>

However, the success of sanctions policy in support of these national objectives is debatable. After 12 years of sanction regime, Iraq continues to defy the provisions of standing Security Council resolutions. This egregious behavior has prompted a recent U.S. request for the U.N. to consider a new resolution authorizing the use of force. Nonetheless, there are at least three alternative sanction policies that could coerce Iraq into compliance with U.N. mandates short of war. The United Nations, led by the United States can 1) stay the course with UNSCR 1409, 2) return to the original provisions of UNSCR 661 and offer Iraq an all or nothing option, or 3) continue to modify policy under the "Smart Sanctions" concept by specifically targeting the regime leadership as opposed to the population.

UNSCR 1409 is the culmination of a 12-year trend in sanctions liberalization and has thus far proven ineffective in coercing Iraq to comply with existing resolutions.<sup>33</sup> There is also evidence to suggest that relaxation has not significantly improved the plight of the Iraqi population in general. A staunch sanctions critic quotes Denis Halliday as attributing the death of 500,000 Iraqi children directly to the sanctions as well as the inability of health services to handle basic preventable diseases, a 30% student dropout rate, the breakdown of family structure and the growth in single-parent families and prostitution.<sup>34</sup> To stay the current course is to underwrite a potential humanitarian disaster even as Saddam continues to defy U.N.

mandates. This suggests that some change is required to pursue policy goals more effectively. UNSCR 1409 is not working.

In 1999, F. Gregory Gause III postulated that the trend in policy liberalization is "backward." He proposed that "The United States should instead formulate a 'take it or leave it' proposal for Iraq, involving a substantial revision of the sanctions in exchange for the return of intrusive, on-the-ground inspections designed to keep Iraq's WMD programs under observation and control."<sup>35</sup> His rationale stemmed largely from discontent with the in-effectiveness of then current policy and the criticisms detailed earlier. He advocated that, should Saddam submit, his proposal would; bolster (fading) international support for Iraqi containment, mitigate the humanitarian crisis, return inspectors to monitor the WMD threat, and importantly, "strip Saddam of his most effective propaganda weapon in the Arab world, the contention that the U.S. seeks to destroy Iraqi society and not simply his regime."<sup>36</sup>

This policy recommendation varies little from the initial conditions set by the United Nations in 1990. Saddam was willing to live with the total embargo established under UNSCR 661. He has been willing to accept relaxed sanctions since 1998 without allowing inspection teams to return, and there is little reason to believe that he would materially improve the lives of his populace even if sanctions were lifted. It seems unlikely that re-imposition of the full sanctions regime would encourage Saddam to modify his behavior. Gause's proposal works only if Saddam is enticed to accept it, and there is no fresh carrot in this proposition.

The third proposal is embodied in the "Smart Sanctions" concept proposed by Secretary of State Powell and further explored by LTC Catherine Haight, USAWC AY-02, in her April 2002 Strategy Research Project (SRP). The concept of "Smart Sanctions" surgically applies additional refinements to policy to target the Iraqi regime more accurately while reducing the unintended consequences of sanctions on the population. This idea separates the purely military from civilian aspects of sanction policy, which UNSCR 1409 effectively did in May 2002 roughly a month after LTC Haight submitted her SRP. While 1409 was a significant step in this direction, it had relatively little effect in the ensuing nine months as evidenced by the 11 October 2002 Congressional decision to authorize use of force against Iraq<sup>37</sup> and the more recent U.N. resolution reinforcing the requirement to readmit inspectors and conclusively demonstrate proof of disarmament. It is possible that relaxation has misled Saddam to believe that international support for sanctions as well as international resistance to his suspected WMD program is waning. Saddam has indicated his willingness to renew compliance efforts because of U.S. threats of force, not because of sanctions policy. While LTC Haight provides compelling reasons to continue to use and refine sanctions policy as a necessary and perhaps singular way of

pursuing policy goals under Just War theory,<sup>38</sup> there is no evidence to support the eventual success of this or any sanctions policy toward Iraq.

In conclusion, the U.S. and U.N. have pursued the use of sanctions toward Iraq for over 12 years as a way to achieve policy goals. The sanctions have been modified over time in an effort to improve their effectiveness with little success. These extended sanctions have resulted in inconsistent multi-lateral support<sup>39</sup>, numerous and valid criticisms, and hardship for the Iraqi people. They, in addition to military enforcement of no-fly zones, have achieved marginal policy success in containing Iraqi aggression within its borders, but have not resulted in compliance with key Security Council Resolutions, particularly those related to Iraq's WMD program.<sup>40</sup> Sanctions, however ineffective, remain one of the few coercive courses of action available to the U.S. and U.N. short of war.

#### SANCTIONS AGAINST NORTH KOREA

Second in security consideration only to the policy crisis in Iraq is the simultaneous confrontation with North Korea over nuclear proliferation. The United States and United Nations have, for more than 50 years, enforced some form of trade restrictions and sanctions against the Hermit Kingdom. Originally imposed subsequent to the invasion of South Korea in 1950, The Foreign Assets Control Regulations authorized under the Trading With the Enemy Act imposed significant sanctions against the Democratic Peoples' Republic of Korea (DPRK).<sup>41</sup> These measures, in addition to military action, sought to coerce North Korea to withdraw its invasion forces. After the armistice in 1953 the intent of the sanctions still in force evolved to include compliance with nuclear non-proliferation agreements.

In 1993, North Korea refused to allow required inspections of its nuclear facilities by the International Atomic Energy Agency (IAEA), contrary to its obligations under the Nuclear Non-Proliferation Treaty (NPT), and subsequently announced its intention to withdraw from the NPT altogether.<sup>42</sup> These actions led the IAEA to seek intervention by the U.N. Security Council, and the Clinton Administration to recommend a more stringent multilateral sanctions policy. In spite of the DPRK's clear treaty violations and evidence suggesting the creation of excessive amounts of weapons-grade plutonium, both China and Russia refused to support more aggressive sanctions. It is notable that these two members of the Security Council not only border the DPRK but share similar political ideologies and trade agreements, even after dissolution of the Soviet Union.

Direct negotiations between the United States and North Korea ultimately resulted in "an overall resolution of the nuclear issue on the Korean Peninsula" known as the Agreed Framework in October 1994.<sup>43</sup> This arrangement not only avoided further sanctions, but

selectively reduced some economic and financial restrictions then in place. As some carrot vs. stick proponents advocated, this agreement temporarily gave credence to the engagement vs. sanction argument. The United States, Japan and South Korea were to provide, among other things, new Light Water Reactors to replace the DPRK's less efficient, plutonium producing graphite-moderated facilities. The energy starved North Korea would essentially agree to end its nuclear program by; dismantling its old facilities, stopping the processing of nuclear weapon pre-cursors, and shipping fissile material out of the country. The U.S. agreed to ship 500,000 tons of heavy oil annually to offset the energy gap created by freezing the graphite reactors. The U.S. also agreed to open its banking system for certain transactions, to lift restrictions on private travel, and to allow commercial development of telecommunications links, all designed to help bring North Korea out of isolation.<sup>44</sup> Had completion of the new reactors even appeared to remain on track for the agreed upon 2003 date, the DPRK might have complied with its end of the bargain. But, financing and environmental issues compounded delays resulting from North Korean missile tests in 1998, together pushing estimated completion to at least 2008.<sup>45</sup> In the interim North Korea continues to operate its current nuclear facilities and stockpile the resulting fissile materials.

Coincidental with the signing of the Framework Agreement in 1994, the DPRK entered a period of severe famine that placed even greater stress on the Pyongyang government. Estimates by the United Nations state that between 500,000 to 2 million or more North Koreans had died from malnutrition or starvation by 1999 as a result of the famine.<sup>46</sup> Reports indicate that most of North Korea's 23 million people rely on (North Korean) government food rations. Additionally, The World Food Program, feeding 6.7 million people at the time, was seeking resources for up to 8 million in order to expand support of infants, hospital patients, pregnant women and nursing mothers to include older children.<sup>47</sup> It would have been clear, even to the staunchest supporter of sanctions, that humanitarian considerations alone precluded reinforcing this option between 1994 and 1999 when "Millions of people survive by eating grasses, corn stalks or whatever else they can forage."<sup>48</sup>

North Korea's future looked bleak in the fall of 1999. "Floods, drought and other natural disasters ruined North Korea's collective agriculture already crippled by mismanagement and the loss of crucial Soviet bloc trading partners. Without food and imported fuel, North Korea's centrally planned economy has largely broken down."<sup>49</sup> Against this backdrop, the DPRK struggled for survival under the full weight of the Trading With the Enemy Act sanctions less those mitigated by the Agreed Framework. During the interim between 1994 and 1998, North Korea continued to develop its ballistic missile program in addition to stockpiling fissile

materials. In August 1998 the DPRK "...conducted an unsuccessful but surprising test of a three stage rocket. The missile fell impotently in the sea of Japan, but it firmly demonstrated North Korea's intentions to menace the Pacific region and possibly the United States with its suspected nuclear, biological and chemical weapons.<sup>160</sup> Deeply concerned by these events, the Clinton Administration returned to the negotiating table. Former Secretary of Defense William Perry was appointed to study and resolve the issue.

Still, North Korea's missile program went ahead....intelligence sources said the country was preparing to fire a long-range missile that could reach Alaska or Hawaii. Perry's trip and subsequent months of negotiation led to a deal finalized last week by US and North Korean negotiators meeting in Berlin. Pyongyang agreed to freeze test launches of its long-range missiles and Washington agreed to lift what it called "non-sensitive" sanctions.<sup>51</sup>

So, in June 2000, the administration began to implement the first significant easing of sanctions since 1950. The revised policy allowed North Korea to export raw materials and finished goods to the United States, opened air and sea transportation routes between the two countries, provided the ability of U.S. commercial industry to invest in North Korean agricultural, mining and other sectors and essentially permitted the transfer of any goods not "relating to U.S. non-proliferation objectives or to North Korea's designation as a state sponsor of terrorism."<sup>162</sup> At this point, indications were that the combination of sanctions in force, the global political landscape and conveniently synergistic environmental factors had led to the moderate achievement of policy goals as noted by an anonymous UPI correspondent "With a famine and an economy in tatters after decades of communism and sanctions, temporarily suspending its test program was North Korea's best bet for securing desperately needed Western aid and trade relations."<sup>163</sup> For the time being, the U.S. policy goals of suspending or eliminating both nuclear weapon and long range missile development were theoretically met as a result of the sanctions regime and timely engagement activities.

However, in late 2002, North Korea unexpectedly admitted the continued pursuit of a nuclear weapons program. Subsequent to this announcement the Pyongyang government evicted international inspectors and disabled U.N. required devices that monitored the potential production of weapons-grade plutonium. The United States, preoccupied with escalating tensions in Iraq, immediately began to contemplate the re-imposition of sanctions under a U.N. mandate. These considerations met with a flurry of criticism from South Korea and U.N. Security Council members. In the opinion of many, sanctions were not just an ineffective and pointless idea, but could potentially lead to war.

What kind of sanctions are we talking about? And what does North Korea stand to lose? The answer to the second question, for Kim Jong-il at least, is very little. Sanctions are intended to cripple economies and shame political regimes, but it's tough to cripple an economy that's effectively crippled already, and it's tough to shame a regime the United States already tagged as a rogue point on an axis of evil.<sup>54</sup>

The effect of sanctions typically isolates a nation from others to some degree. The point above is that North Korea is already isolated. It already buys little from other nations and sells less. Its total exports in 2002 were roughly \$1 billion, about one third of Lichtenstein's.<sup>55</sup> Economic sanctions would truly have little effect because it is likely that food, medical supplies and other humanitarian aid would continue as they have in Iraq and Afghanistan. Both the U.S. and the U.N. generally support humanitarian aid to target populations even while making war on their governments. Only restricting the import of fuel oil would have significant consequences to the North Korean economy. And, "Stopping North Korea's arms trade is much trickier, since many of the nation's clients (especially in the Middle East) might be inclined to ignore U.N. sanctions altogether."<sup>56</sup> In short, effective sanctions options grow increasingly more limited.

While South Korea, China and Russia advocate North Korea's request for direct dialogue between the U.S. and the DPRK, the U.S. position has been that it will not be blackmailed. Secretary of State "Powell publicly ruled out immediate talks arguing that would reward Pyongyang for violating international agreements."<sup>67</sup> Meanwhile, members of Congress have introduced a new bill, S-145, that

.....urges the Bush Administration to withhold all aid to North Korea until Pyongyang dismantles its nuclear weapons program, including blocking a planned transfer of nuclear reactor technology..... to seek United Nations Sanctions against North Korea similar to those imposed on Iraq, and to reinstate sanctions imposed on North Korea that President Clinton lifted in 1999.<sup>58</sup>

As demonstrated earlier in this section and as in the case of Iraq, the imposition of additional economic sanctions is likely to have little effect in persuading North Korea to give up its only effective bargaining chip. There would likely be little international support for the withholding of humanitarian aid since the inability of the DPRK to feed its people is well known and the act itself immoral. Ted Carpenter, vice president for foreign policy and defense studies at Cato Institute, likens Kim Jong-il to international perceptions of Saddam Hussein. "To assume that sanctions would work, one also has to assume that the North Korean government cares a whip about the welfare of the North Korean People. I think there is a total lack of evidence of such concern."<sup>59</sup>

To exacerbate the emotions surrounding this development, the "Korea Central News Agency warned that, 'Sanctions mean war and war knows no mercy.'<sup>60</sup> It is no secret to North Korea or the international community that a large percentage of the DPRK's military is forward deployed along the Demilitarized Zone (DMZ) between the Koreas, or that the South Korean capital of Seoul is within field artillery range of the DMZ. It is also no secret that roughly 37,000 American troops and their families live between the DMZ and Seoul. Mounting tensions and minor miscalculations could lead to nuclear conflagration on the Korean peninsula, a potential condition unacceptable to China, Russia, South Korea or the United States. Unlike Iraq which is geographically or artificially buffered (by no-fly zones) from its U.S. allies, North Korea borders South Korea. Proximity alone essentially eliminates military options from the menu of possible alternatives. Meanwhile, North Korea continues to behave badly.

In conclusion, 53 continuous years of sanctions against North Korea have been unsuccessful in achieving the policy goals of disarmament or nuclear non-proliferation. They have, however, effectively driven North Korea out of isolation on three separate occasions to seek foreign assistance for failed economic policy. In 1993, 1998 and again in 2002, the DPRK used the threats of nuclear capability, production or delivery systems to bring the United States to the negotiating table. In the first two cases they won significant concessions including the easing of sanctions policy. They may again in 2003 as the United States chooses to focus first on the threats of WMD and state sponsored terrorism in Iraq. Regardless, it is clear that the conditions governing the efficacy of sanctions in Iraq and North Korea are quite dissimilar. To quote Director of the Center for Strategic Studies, Admiral (Retired) Michael McDevitt, "the realities in each case are very different."<sup>61</sup>

The Iraqi military is essentially restrained well within its internal borders by no-fly zones, essentially no-offense maneuver zones, which prevent Iraq from unexpectedly attacking its neighbors. The United States and its allies have, at the same time, relatively great freedom of military maneuver. Military options are therefore readily available to complement or enforce sanctions as necessary. As Admiral McDevitt points out, the U.S. does not have the same geographic or economic leverage with North Korea. As mentioned earlier, the DPRK is capable of imposing an unacceptable degree of damage to South Korea with little or no warning. The U.S. does not have freedom to maneuver in North Korea's airspace and is unable to influence any border area other than that shared with South Korea. North Korea's long border with China is porous, and China is unlikely to completely cut off economic assistance because it too recognizes the potential danger of a desperate, unstable and nuclear capable North Korea. So,

as ADM McDevitt suggests, diplomacy may be the only plausible approach to solving the problem.<sup>62</sup> Sanctions may have played themselves out on the Korean Peninsula.

### CONCLUSIONS

There is utility in the idea that the effectiveness of sanctions may be predicted based on the application. Failures in Iraq and North Korea indicate that sanctions are less likely to succeed against a ruthless dictatorial regime in which the leader is unconcerned with the welfare of his population and is able to completely suppress internal rebellion. Success in South Africa indicates that sanctions are more likely to succeed against target nations with either democratically inspired governments or those unable or unwilling to suppress widespread dissension. A variety of other factors contribute to the success or failure of sanctions, but none appears as central as the willingness and ability of the host population to demand change.

With this in mind, it is increasingly important to develop more selective or "smart" sanctions policies in a continued attempt to coerce target governments to change their unacceptable behavior. It is essential to separate military and civilian aspects of future policy and carefully target subsequent efforts against regime leadership rather than populations. The reason for this is to invalidate "Arab Street" style propaganda campaigns and assuage the international community's concerns over inadvertently punishing an innocent populace. It is also important to avoid inadvertently degrading the population's means to resist.

Sanctions have not been and likely will not be effective in achieving policy goals in Iraq or North Korea. However, that does not mean there is no justification for continuing to apply them. Multi-lateral sanctions must be pursued against Iraq in order to justify and legitimize the seemingly inevitable decision to continue policy by other means. Sanctions should stand as failed policy to demonstrate that all coercive means short of war have been applied. This approach is particularly important if multilateral support for coalition warfare becomes the chosen option to mitigate their MWD program, prosecute regime change and restore stability to the region. On the other hand, it is apparent that sanctions will not work against North Korea, and no attempt to refine the effort will make it so. In this case, where sanctions have failed and military options are unacceptably risky, a constructive engagement policy may be the only remaining way to achieve policy goals on the peninsula.

### SUMMARY

Sometimes sanctions work. Sometimes they do not. Whether or not they work, they allow sending nations and/or the international community to bide time in the search for the most effective way to achieve policy goals. If the sanctions regime succeeds on its own, as in the case of South Africa, then it is an effective policy tool. If sanctions do not succeed but achieve a

stasis in which the offending nation's behavior remains within a band of tolerance, then they are still useful tools because they provide the perception of doing something while waiting. If sanctions result in nothing more than the creation of time in which to stage combat operations, they are effective and legitimate to the degree that comprehensive planning and preparation saves military and civilian lives. All said, sanctions are only one of many available tools in the box. When used appropriately, sanctions can be an important and effective policy instrument for influencing behavior short of war. A distinguished International Fellow in this year's War College class captured the utility of sanctions with the observation that "the pertinent question for policy makers is not whether economic sanctions are effective, but in what instances they are most effectively employed, in conjunction with what other tools, and under the auspices of which institutions."<sup>63</sup>

WORD COUNT = 7337



## ENDNOTES

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<sup>19</sup> Ibid.

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