

INTER-AGENCY STANDING COMMITTEE WORKING GROUP
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Item 6.: Review of Agency Comments on the IASC Final Version of 6 October '97 IASC Study on Sanctions

Paper prepared by Sanction Study Team

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Toward More Humane and Effective Sanctions Management
A Review of Agency Comments on the Final Report of 6 October 1997

The comments received by the researchers from FAO, UNDP, UNICEF, WFP, WHO, and the ICRC ranged from the macro to the micro. We have grouped our responses according to the various issues addressed and suggestions offered.

Terms of reference

Several agencies comment on the extent to which the political objectives and context of sanctions did not receive extensive discussion in our report. They are correct. Our terms of reference, as well as our discussions with the report's stakeholders, encouraged us to focus quite narrowly on ways of improving the capacity of the United Nations to manage economic sanctions, particularly as regards their humanitarian impacts.

We have two other publications currently in process, however, that address the broader issues. A detailed study of the impacts of sanctions in South Africa, Iraq, the Former Yugoslavia, and Haiti is scheduled for book publication later this month under the title *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*. This volume addresses issues raised by UNDP's comments such as the political effectiveness of sanctions in various countries and the attitudes of leaders and populations in sanctioned countries toward such measures. We also plan to publish the 6 October report as an Occasional Paper, complemented by an elaboration of political objectives and context. The report prepared for DHA concentrates on its humanitarian terms of reference.

UNICEF has suggested a study reviewing the relative effectiveness of different kinds of sanctions in achieving their political objectives. The two volumes in progress may be helpful in that regard. However, we urge that IASC not delay action on the 6 October report pending further studies. The recommendations in our report, and those in the December 1995 DHA-commissioned study by Von Braunmühl and Kulesa, provide a sizeable agenda for IASC

action. If a companion study on the political dimensions is launched, we suggest that IASC enlist the Department of Political Affairs in a collaborative effort.

Suggestions for strengthening the report

We are pleased that the agencies found our proposed methodology and indicators for pre-assessing and monitoring sanctions helpful. At the same time, their comments point to a number of ways in which our recommendations should be strengthened.

Among health indicators might be added data regarding the increases in water-transmitted diseases. This would be a good proxy indicator of a deterioration in water quality and supply. Among the economic indicators could be added the cost of transportation and distress sales of family assets. These would be proxy indicators of an adverse change in the distribution of income.

In proposing five categories, we sought, as stressed in the report, to identify a manageable number of indicators based on generally available and quantifiable data that could give a reasonably accurate picture of sanctions impacts. FAO would prefer fewer individual indicators, more clearly ranked in terms of priority. It also recommends a sixth category, food and nutrition. WFP notes the availability of baseline data on food security at the household level. UNICEF would like a larger number of indicators, including some of those items just mentioned. These are all suggestions which at the next stage of the IASC process should be reviewed and adjudicated. Issues of feasibility, cost, and utility will have to be weighed against the desirability of greater precision in the data marshalled. The fact that some agencies want more and others fewer indicators illustrates the nature of the choices involved.

Omissions

As indicated in the report, the researchers have had the benefit of the active cooperation of the agencies throughout the study. In addition to observations made in individual interviews, a number of suggestions were made at the 9 September meeting in New York and followed up in correspondence. Many of the changes suggested were reflected in the 6 October report, which is significantly different from the August draft. However, some suggestions were reviewed but not incorporated. Among these were the recommendation that a sixth category of indicators (food and nutrition) be added and that humanitarian assistance itself be included as one of the types of sanctions listed in Figure 1 in Chapter 1. As independent researchers, we sought to reach balanced judgments on these and other difficult questions.

One major omission from the study is mention of the report on the impact of armed conflict on children prepared by Ms. Graça Machel, later submitted by the Secretary-General to the General

Assembly for its endorsement. The report recommends detailed pre-assessment and monitoring of sanctions impacts, especially on children, and greater safeguards in the imposition and continuation of sanctions measures. Its imprimatur on institutional exemptions for UN organizations and NGOs should have been noted in the discussion in Chapter 3 of Exemption Option A, even though the recommended approach is broader than the present Option A by virtue of including all NGOs rather than simply NGO implementing partners of UN agencies. The researchers were given advance copies of the Machel report and had carefully reviewed its contents. We regret the omission of reference to this important report and the action by the General Assembly.

Differences of interpretation

Several of the comments received faulted the report for making what were perceived as too many concessions to the political constraints accompanying the imposition of sanctions. Particularly questioned was the report's observation in that rather than seeking to mount a full panoply of humanitarian activities, agencies should settle for a narrower range of offerings in sanction settings. The approach we recommended was viewed not only as antithetical to the mandates and missions of the agencies but at variance with the report's observation that the effectiveness of sanctions was threatened more by commercial abuse than by humanitarian exemptions. At the same time, one agency applauded the report's call for political realism on the part of humanitarian organizations.

Once again, these are complex issues on which the humanitarian organizations differ among themselves - and, in truth, on which the authors themselves differed. The report presents the considered judgment of independent researchers based on their collective reading of available data and their often animated discussions among themselves. Our intention was not to suggest that humanitarian agencies should be less engaged in providing relief during sanctions emergencies. To the contrary, as our report indicates, the increased needs of populations in sanctioned countries may require greater efforts on the part of humanitarian organizations. But this involvement by relief agencies demands the very highest standards of professionalism and a keen awareness of the political constraints that often apply in sanctions episodes.

As we read the historical record, sanctions place heavy burdens on humanitarian organizations, burdens often underestimated by the imposers of sanctions and by those who assist the affected civilian populations. Even if the recommended improvements in the UN's management of sanctions are instituted, aid groups would still, we believe, have less humanitarian space than they would wish or would perhaps need. We view a decision to accept such limitations as an acknowledgment of political reality which, in addition to improving the quality of humanitarian activities in such settings, would help bridge a serious rift within the United Nations family.

That said, we would be delighted if our recommendation were found to be needlessly restrictive of humanitarian action. In any event, we do not agree with the comment that UN member states are more exercised about the negative humanitarian impacts of sanctions than are the writers of the report.

Technical matters

Due to a technical error in the transmittal of diskette versions in a different software for the production by DHA of the 6 October report, the second footnote on Figure 2 (Chapter 3) was erroneously framed. The footnote was intended to read: "In the ICRC's view, its Geneva Convention mandate to provide humanitarian assistance applies notwithstanding the imposition of sanctions. It therefore notifies the sanctions committees of assistance it is providing, except regarding items for which notification is not required." While the correct formulation was included in the second printing of the report by DHA, those receiving the initial printing should make the correction indicated. The researchers regret the technical error.

FAO and WFP have offered alternative wording for the portions of the report describing the Global Information and Early Warning System (GIEWS) and Vulnerability Analysis and Mapping (VAM) program respectively. These can be incorporated into whatever additional or adapted documentation results from the IASC process.

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