

**Instruments of International Politics – Critical Dialogue versus Sanctions:
The Role of the United Nations Reconsidered**

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Abstract

The post-Cold War period has seen the emergence of a number of approaches that seek to reexamine some of the strategies for international security and organization in the light of the transformation taking place in the international system. The renewed focus on a dialogue approach can be seen as a reaction to the increased multilateral and unilateral recourse to the sanctions regime. But while sanctions raise difficult questions in terms of practical application as well as of tensions with humanitarian concerns, the European critical dialogue is conceptually vague to the point of abstraction. The experience of economic sanctions demonstrates the need, first, to balance the humanitarian implications of sanctions with their expected political gains and, second, to avoid obscuring their explicit political goals with implicit agenda. Since there is no consensus on an alternative to economic sanctions, the challenge is how to refine them to reduce their negative impacts. In this context, the dialogue approach can come into play as a complement of, rather than a counterpoint to, the sanctions approach. The goal should be not to inflict collective punishment but to signal international censure in a process of gradual and limited application that places more premium on incentives than on coercion. Such a combined sanctions-and-dialogue approach might more readily bring about the desired changes of behavior by reinforcing recognition of mutual interests in observing international norms and in reintegrating the sanctioned state. This international reintegration, in turn, might encourage a similar process of internal reintegration. But just as the sanctions approach needs to be precisely clear in determining its target and goals, a dialogue policy should be unambiguous in defining its means and objectives. The focus of this dual process must be on its multilateral and not unilateral application. The United Nations constitutes a comprehensive forum that facilitates both dialogue and sanctions and provides the legitimating authority to endow the combined approach with political and moral force. But the tensions arising from new power realities and relations can no longer be effectively contained by Cold War security arrangements. For the international community to meet these challenges, the United Nations has to be reformed to make it more democratic and representative and more effective in transmitting its constitutive norms. The process of restructuring the emergent power relations of the new international order would likely be less disruptive if it is placed within the context of reforming the UN system.

Introduction

Since the end of the Cold War, a number of approaches have emerged which, while differing in emphasis and often in direction, have in common the purpose of strengthening international peace and security. These approaches have ranged from renewed interest in making the United Nations a more effective, responsive, and representative security system through a process of incremental and/or radical change (an enhanced Security Council, restricted or abolished veto power, a standing UN rapid reaction force), to renewed focusing on fostering state, regional and global security through the articulation and transmission of UN constitutive norms (self-determination, sovereignty, noninterference, human rights and democratization processes). A wide variety, of interrelated, though sometimes conflicting, agenda is thus involved. It includes redefining the meaning and the merits of collective security (from peacekeeping to peace enforcement); rescheduling the priorities of security issues (from inter-state to intra-state conflicts); and rethinking the concept of international community itself (from the traditional model of sovereign-states-in-interaction to one inclusive of a global civil society).

At the same time and on a different but related level, there is an emerging debate on the implications of the increasing resort to multilateral and unilateral sanctions and, specifically, on the tensions and possible contradictions in the interaction of economic sanctions and humanitarian action. These concerns touch on such basic issues of the sanctions regime as the differential effects of various types of sanctions; current humanitarian exemption procedures and cushioning measures (for both affected the civilian population in the target state and the neighboring countries) and, more fundamentally, the expected degree of the target state's compliance.

The purpose of this paper is to attempt to inject the dialogue-versus-sanctions debate into the larger framework of these approaches. The first section tries to place the operative terms of the debate in historical and conceptual perspective to assess more clearly their relation to other approaches and their relevance to the present international system. The second examines some of the emerging features of the post-Cold War setting and the resultant global transformations at the heart of the current debate. In the third section, some of the basic concerns related to the political

and humanitarian aspects of sanctions are examined from the perspectives of both proponents and opponents of the sanctions regime. The fourth examines the proposals to reform the United Nations and the possibilities and implications of change. The conclusion sums up the main arguments and considers the case for an integrated sanctions-and-dialogue approach within the multilateral context of a reformed UN system.

Sanctions and Dialogue: a Historical and Conceptual Perspective

Military and economic sanctions as instruments of international politics were embodied in the concept of collective security that defined the objectives and functions of the League of Nations and later of the United Nations. As it evolved at the beginning of the twentieth century, the concept was designed to replace the balance-of-power system that had characterized international relations from the end of the Napoleonic wars to the outbreak of the First World War. The emphasis in the balance-of-power approach was all on equilibrium and national interest with competing and rival alliances constantly maneuvering for advantage. Although the system did not necessarily make for war, its mechanisms and machinations were such that, once war broke out, its scope was bound to be universal.

In its most basic, and rather simplistic form, the concept of collective security projects the idea of “all for one and one for all” into the international arena as the guiding principle in relations between nations: the operative factor being that aggression from whatever source would be met by the immediate and overwhelming response of the international community acting as one. As in the balance system, the underlying principle is one of deterrence: the certainty of overpowering response would in itself discourage potential aggressors. But unlike the balance system where alliance relations are based on the expectation of confrontation and come into play when conflict occurs, the application of collective security, in the classical meaning of the concept, is actually an indication of system failure in the sense that deterrence, its *raison d'être*, has collapsed.

In theory, collective security presupposes not only a universality of membership but a certain measure of equitable distribution of the power resources, of one kind or another, among member states. Arms reduction and economic interdependency are thus important instruments in the

operation of the system, in contrast to the arms races and trade wars inherent in balance-of-power relations. Similarly, a situation in which the 'one' becomes less vulnerable than the 'all' defines a system of imperial hegemony and not a collective security one. The concept also raises some difficult questions in relation to its application in practice. What constitutes an act of aggression and who defines it? How to distinguish between aggressive and self-defensive actions? Is the target of retaliation an individual leader, the government in place, the military and security establishments, the political party in power, the ruling class, the whole population, or all or any combination of these? When and where are the lines drawn in countering or punishing the aggressor?

If the answers to these questions still remains elusive (from the Arab-Israeli wars to the recent Gulf conflicts), they have become even more intractable in the case of economic sanctions (from the Italian-Ethiopian crisis of 1935 to the Helms-Burton and D'Amato acts). Indeed, much of the confusion about the applications of economic sanctions arises from introducing instruments that can neither be collective nor conducive to security and that seem to fly in the face of the very concept of collective security itself. As tools of international pressure that fall between diplomacy and armed force, economic sanctions aim to "achieve political ends at limited risk to those imposing the measures and without the wastage of active conflict"¹. Yet, in practice sanctions often tend to become open-ended processes with less tangible political impact, and sometimes greater wastage, than military action.

The bipolar system of the Cold war was a curious combination of the deterrence theory that it included both the *selective* security arrangements of an alliance system based on the nuclear balance of terror, and the *collective* security system of an international organization based on the *de jure* equality of nations. The principal instruments of this international system were, and still remain, preventive diplomacy, peacekeeping and the use of sanctions. The *de jure* recognition of the power dictum that some nations are more equal than others, dictated the veto power invested in the five permanent members of the Security Council, and the application (or non-application) of collective security measures often reflected the convergence of superpower interests in containing rather than resolving conflict situations.

Paradoxically, this convergence of interests, underlined by the sanctions of nuclear deterrence doctrine (the mutual ability to inflict unacceptable damage), was also reinforced by the dialogue of peaceful co-existence (the mutual acceptance of non-violent competition). The interplay of the two approaches had, more or less, preserved a troubled peace between the two superpowers for almost fifty years, but the confusions, uncertainties and complications arising from the end of the Cold War have served to underscore both the need and possibilities for fresh approaches.

The term critical dialogue has been dubbed, perhaps prematurely so, as Germany's new *Ostpolitik*. Although in its current usage the term may have originated with the German Foreign Minister Klaus Kinkel, (or possibly even further back with former Foreign Minister Hans-Dietrich Genscher's diplomatic initiative in the wake of the rupture of US-Iranian relations in 1979), the concept of dialogue as an instrument of policy is as old as diplomacy itself. In this century, the basic tenets of a dialogue policy -that maintaining relations with a country is always better than excluding it, and that 'active engagement' is often needed to bring about the desired changes in state behavior - had been at the center of foreign policy debates from the Munich agreements (or appeasements) of 1938, through the controversy of sanctions on South Africa in the last two decades (before independence), to the current uneasy US-Chinese relations. What, then, distinguishes critical dialogue from other traditional tools of diplomacy?

In general terms, the renewed emphasis on a dialogue approach can be seen as a counter, or alternative, policy to the increased reliance on the sanctions regime, particularly in its unilateral (and mostly American) manifestations. The distinguishing feature of the European Union policy, agreed at the Edinburgh summit in 1992, may be the introduction of the notion that a *dialogue* can be *critical* (perhaps in both senses of the word). But the word 'critical' is ambiguous to the point of abstraction, if not outright distraction. Critical of who, over what, and by whom? Is the exchange between equal entities without the presumption of a superior standing of either side? Or is its purpose to reflect concerns about, and call for improvement in, certain aspects of one side's conduct (as in human rights, terrorism, the Middle East peace process)? Is it about fostering mutual understanding, confidence-building and friendly persuasion? Or does the ultimate *sanction* still remain one of implied or perceived threats? Is the dialogue an intellectual intercourse between rival claims to universal values and/or cultural uniqueness? Or is it a fig-leaf

covering the naked pursuit of political and commercial interests in a regional power deemed too *critical* to ignore? Should the interaction be confined to those in leadership positions (the government, foreign policy agencies, and military and intelligence establishments)? Or should it include civil society at large (opposition groups, and professional and trade unions, etc.)? In either case, how deep and broad should the dialogue be, and what would be the dividing line between acceptable action to influence conduct and unwarranted interference in domestic affairs?

The ambiguity of the critical dialogue concept is reflected in differing European perceptions of its value. Following the suicide bombings in Israel in March 1996 and renewed American pressures for tougher action against Teheran, the smaller EU members, such as Denmark, Luxembourg and Finland were reported to favor abandoning the critical dialogue if it fails to produce changes in Iranian behavior, while Germany, France and Italy were for maintaining it. The British, as usual, hugged the middle ground (“at the doubtful end of the spectrum when it comes to the value of such a critical dialogue”, as Foreign Secretary Malcolm Rifkind rather convolutedly put it)² which they argued would “preserve their ability to moderate the behaviour of the other Europeans”³. To the Americans the whole notion of the critical dialogue was anathema as long as Iran, and other alleged sponsors of international terrorism, continued their revolutionary efforts to destabilize the international order. The American approach sought the isolation of these so-called ‘pariah states’ as the only effective means to induce them to discard their ideologically extremist baggage. The view from Washington was that the dialogue approach has largely served to widen the transatlantic gap by allowing the Iranians to try to drive a wedge between the Americans and the Europeans. (As one American source bluntly put it, “the critical dialogue is the carrot. Iran just takes the carrot and eats it. Unless you have a stick, you are not going to get anywhere.”⁴

Aside from friction with the United States, a major problem of the European critical dialogue approach is whether it is more about *dialogue* or about *criticism*. The difficulty to distinguish or balance the two aspects may have blurred any meaningful understanding of the term. This confusion was manifested during the tension in German-Iranian relations over the so-called 'Mykonos case' in November 1996, when German prosecutors accused the Iranian leadership of

ordering the 1992 assassination in Berlin of four Iranian Kurdish leaders. On the one hand, angry demonstrators besieged the German embassy in Teheran (in scenes ominously reminiscent of the events that led to the Iranian takeover of the US embassy in 1979), and Iranian clerics threatened the German prosecutors of the case with a 'Rushdie-style 'fatwa'. On the other hand, the champion of the critical dialogue, Foreign Minister Kinkel conceded in the face of domestic criticism that the term had taken on an exaggerated "symbolic value", and suggested that "an active policy of influence" and not a "critical dialogue" was needed to improve relations between the two countries!⁵

But the German government insisted that the basic assumptions underlying the dialogue policy still applied and would not be abandoned. So far the policy has survived the crisis; by keeping the lines of communications open, the two sides were able to defuse the tensions, at least momentarily. It is also significant that Iranian President Rafsanjani acknowledged that the German government and the Berlin court had "two separate accounts", and reminded his people that the "Satanic elements" in the US and Israel were hard at work to "turn our cooperation with Germany into a dispute."⁶

Thus, ironically, some genuine tension may be just what the critical dialogue requires to acquire some definitive meaning in the long run.

The Post-Cold War Setting

The end of the Cold War has brought in its wake tremendous transformations in the international order resurrecting old problems and posing new threats that require redefining collective security. The disintegration of the countervailing force of the Soviet Union has created a unipolar world with the United States as the only superpower with the capacity to project its power in every part of the globe. Many of the manifestations of this *Pax Americana*, particularly the hard-line stance on sanctions, have been the source of increasing international disquiet even among America's allies. This tendency has reinforced a re-emerging anti-Americanism globally which, in turn, might fuel latent American isolationism internally. Kissinger observes that "world leadership may be inherent in America's power and values, but it does not include the privilege of pretending that America is doing other nations a kindness by associating with them, or that it

has a limitless capacity to impose its will by withholding its favors.”⁷ An American-led international security system is only workable and acceptable as long as American short-term interests coincide with the interests of the international community, or as long as the former can be subordinated in some way to the overriding concerns of the latter. Given the realities of the post-Cold War period, this is unlikely to be the case.

Furthermore, although the landscape of the new international order (some have already labeled it ‘disorder’) still remains blurred and uncharted, some of its emerging features can be discerned.

The first is the transformation of the old West-East ideological division into a North-South economic divide. The mounting frustrations of state powerlessness in dealing with development problems in the South have undermined state stability and the security of the regional and international order. Yet the development models being pushed on the ‘poor’ South by the ‘rich’ North have in many cases exacerbated existing social and economic problems. Michael Oliver notes that “the mindset that frames conventional thought on development problems is not *common* development. Rather, development is approached through the *market*, with its stress on unfettered competition, and though *aid*, with its overtones of benevolence and dependency”⁸. The questions raised by the development crunch in the South, including the uneasy and unpredictable Western relations with the emerging power of China, constitute areas of existing and potential conflict in which the issues of sanctions and trade embargoes are likely to occur with greater frequency.

The second and related feature is the reemergence of a new generation of multi-faceted conflicts (ethnic, religious, economic, territorial) that pose a different type of security threat. Accordingly, the emphasis has shifted from peace-keeping to peace-making (with the occasional 'mission-creep' into state-building as in the case of Somalia) in which primary and secondary goals are sometimes conflicting and mostly ineffective in stabilizing local or regional turmoil. In many cases, sanctions have supplemented other enforcement measures to bring about the desired political results (Bosnia, Haiti), in others they have been gradually or partially imposed to send a political message or force compliance with specific demands (Libya, Sudan), and in some, the "goal posts" have been moved to reflect evolving political agenda (Iraq).

Thirdly, a striking feature of the post-Cold War period is not only the greater frequency with which military and economic sanctions are being imposed but the greater regularity with which the initiating states (notably the United States) have been careful to seek the United Nations' stamp of authority and approval (though not in the case of Cuba). This can be seen as a manifestation of two ultimately irreconcilable trends: on the one hand, the creeping political co-optation of the international organization by the one remaining superpower; and, on the other, the growing need of that superpower to preserve the legitimacy (legal, moral/and political) which only the international organization can claim and impart. As Michael Barnett notes, "while states will continue to act unilaterally when their national interests are at stake, changing definitions of security, growing interdependence, and expanded community boundaries are causing the military actions of many states to be legitimated not only by their citizens but also by the international community."⁹

Fourthly, the West European countries (as well as Japan) are becoming more aggressive in pursuing their economic self-interests as the need for the American security umbrella becomes less compelling and the mutuality of interests with the United States becomes less pronounced. The end of the Cold War has raised doubts about the future of the Atlantic Alliance; the current moves to expand NATO to include Eastern Europe and the successor states of the Soviet Union, would mean in effect the creation of an altogether different kind of security organization. What form that organization would take, and how Russia would fit in, or react to, this scheme of things is not clear, but much would depend on political and economic developments within Russia and on the nature of its future relations with the 'near abroad'. Germany is likely to push more assertively to translate its economic and potential military power into political influence.

It is conceivable that the current American-led unipolar order may evolve into a more complex multipolar system anchored on the so-called 'triad states' (Germany, Japan, and the United States), in a triangular relationship in which factors of economics and geopolitics would become sources of intra-regional cohesion as well as inter-regional conflict. The potential for tension between the United States and its two former 'enemy states', largely underappreciated and long overshadowed by the Soviet communist threat, has in fact been manifest even before that threat

was finally removed. Whatever form the relations between the triad states eventually takes, it is evident that the security arrangements and international institutions of the Cold War period would no longer be adequate to contain the reemerging tensions of the new/old power realities.

Sanctions: the Political and Humanitarian Implications

In current policy research a number of projects have sought to analyze and determine the type of tensions or contradictions involved in the interaction of economic sanctions and humanitarian action. Sanctions issues are seen from different perspectives by initiating states seeking to enforce compliance, by humanitarian organizations concerned with relief assistance, and by besieged leaders and suffering populations in target countries. The political agenda which informs these differing perspectives has given the debate on the actual impact of sanctions some partisan overtones. From a research perspective, therefore, it may be difficult to assess with a plausible measure of accuracy the effects of sanctions without a careful review, on a case-study basis, of the historical and empirical evidence. One policy research observes that, “increased understanding of political and economic contextual factors such as how the sanctioned state sees its choices will enable better judgments about when sanctions are likely to become more effective in fulfilling their stated objectives or, by contrast, whether the rationalization of short-term civilian pain in exchange for longer-term political gain is likely to prove unsustainable.”¹⁰

This approach raises a number of questions which are relevant to the dialogue-versus-sanctions debate. These concern the extent to which sanctions should take into account the existence and views of domestic opposition groups; whether recent experience has shown that the achievement of stated objectives has been followed by the reintegration of the sanctioned state; whether the sanctioned authorities should be rewarded when they take steps to protect vulnerable groups; and how, given the fact that sanctions are now imposed by a Security Council often criticized as insufficiently representative, ways might be found to broaden the legitimacy of multilateral sanctions decisions.¹¹

While these issues reflect growing concerns over the implications of the increased application of sanctions, there is not yet a consensus on a common strategy on how, when, and why sanctions can (or cannot) be used. The arguments for economic sanctions are based on the assumption that

they are often imposed with an expressed intention of avoiding the more inhumane military option and thus reducing overall levels of violence. Sanctions are also seen as an inclusive strategy not an exclusive one, in the sense that participation in implementing them endows the international with a sense of common purpose. “Collective participation by UN member states in the application of sanctions results in a shared practical involvement in an effort to force change the behavior of the target group or state. That involvement reinforces the recognition of the long-term vested interest of the international community in the enforcement of its most important norms.”¹²

Proponents argue that sanctions can be clean and effective, provided that they are implemented with precise and achievable objectives, and with demonstrations of multilateral unity and collective military capability to force the desired changes in conduct (provided, obviously, that the sanctioned state has to be overawe-able). It is presumed that careful monitoring and appropriate humanitarian aid would help reduce any ensuing civilian suffering, which is often attributed not to the impact of sanctions *per se*, but to the intransigence and manipulations of the target regime. It is also implicitly assumed that given the destructiveness of total military war, even total economic warfare becomes more morally acceptable; impoverishment is, after all, preferable to death.

Opponents of sanctions counter that the cost of sanctions in humanitarian terms contradicts their supposedly non-violent nature, and negates the value of any actual or possible political gains. According to the *World Disasters Report 1995* of the International Red Cross, “states imposing sanctions through the Security Council should be prepared to address the issue of proportionality. What degree of suffering can acceptably be inflicted on people to achieve certain political ends? What limit has to be reached before sanctions are eased? This is not to argue that sanctions should not be used, after all the alternatives of diplomacy may be ineffective and that of military action too drastic. Sanctions are a legitimate tool for the UN, but they must be used with due regard to their effect on the lives of those caught up in the middle of the dispute, just as war must be waged with due regard to the fate of the civilian population.”¹³

The potency of sanctions is seen by many as being grossly overrated. The United States has applied its tremendous economic power against Cuba for 35 years and against Iran for over 17 years, yet far from modifying the behavior of these states, their anti-American rhetoric and attitudes have actually hardened. Indeed, target regimes tend to become more entrenched and less willing to compromise. The collective punishment aspect of sanction is often used to “provide governments with an external scapegoat for their own failings, serve as an excuse to repress political opposition and often ignite a popular will to resist... Sanctions are also a public affront, and target populations, even if they sympathize with the boycott's goal, will often resent the harm done and rally behind the offending policy or leadership”. The moral justifications of sanctions (as worthy crusades against despotism, racism, terrorism, ethnic cleansing, drug trafficking, or aggression) become politically suspect when sanctions are applied inconsistently and selectively, or when they are used by policymakers as a substitute for inaction, or a means of appeasing a national posture or a domestic constituency. A related problem is that once launched, sanctions are difficult to lift and are more likely to bring a host of additional complications.¹⁴

Some opponents question whether economic sanctions are needed at all as instruments of international policy. Donald Losman argues that “when serious political tensions arise between countries, commerce naturally tends to diminish, a sort of market-imposed sanctions without the official slap-in-the-face. There is no government-to-government pressure, while at the same time the usual diplomatic efforts, harangues at the U.N. and quiet pressure can continue.”¹⁵ The isolation imposed by sanctions undermines the ability to influence through dialogue or subtle diplomatic leverage, and generates political and trade tensions between allies. Germany’s trade partnership with Iran and the Russian and French economic interests in Iraq, allow both sides some of the influence and maneuverability denied to the United States, much to the discomfiture of American diplomacy and the cost to American interests.

Paradoxically, the case of Iraq, where sanctions have come nearer than in most other situations to fulfilling their proclaimed objectives, has become the *cause célèbre* of the anti-sanctions movement. While measuring state responses and degree of compliance has become a controversial issue in the sanctions debate, one test is whether the Security Council itself believes its goals have been achieved. The evidence is that Iraq has complied with at least the

letter of sanctions; it has recognized Kuwait and the UN Special Commission (UNSCOM) overseeing Iraq's disarmament, reported in 1994 fulfillment of most of its task and commended Iraq for its cooperation. (UNSCOM later reversed its position and accused Iraq of stalling over weapon inspections). Yet while the majority of the permanent members of the Security Council have inclined towards lifting the sanctions, the United States has persisted in resisting this move. The American hard-line stance might have, in turn, provoked the Iraqi troop movements on the borders with Kuwait in October 1994 and the incursion into the Kurdish area in northern Iraq in September 1996 -moves which precipitated new Gulf crises and prompted American military reactions but which, from an Iraqi perspective, could be seen as acts of political defiance, exasperation, or desperation.

However, international criticism of the impact of sanctions has moved the Security Council to reauthorize a revised version of an oil-for-food deal with Iraq allowing the restricted sale of \$2 billion of oil every 6 months. Initially Iraq had held out against the terms put forward by the Security Council contending that they impinged on its sovereignty, but eventually gave in as the United States threatened to suspend the deal indefinitely. At the time of writing, the deal is being implemented by the UN, but the limitations on this humanitarian exception to the sanctions can only provide limited humanitarian relief.¹⁶ It remains to be seen whether it will be the harbinger of a total lift of sanctions, or whether continued Iraqi defiance (real or perceived) will make it easier to continue sanctions, and what implications such a development might have on the future applications of the sanctions regime.

Sanctions and United Nations Reform

The political and humanitarian implications of sanctions have generated an ongoing debate on how the world organization can be reformed to deal more effectively with the host of old and new problems crowding the international agenda. The experience of sanctions has revealed some contradictions in trying to preserve both peace and justice, and to protect both human rights and state sovereignty. These are essentially philosophical dilemmas that go to the heart of the UN Charter and it is difficult to see how they can be resolved in practice without changing the present structure and procedures of the organization. From a humanitarian perspective, the contradictions inherent in the sanctions approach can at least be made less intolerable by

seriously addressing the proportionality issue through the application of new laws for sanctions (some may like to call them “laws of economic war”) similar to the laws of war.

A starting point would be to set up a mechanism within the UN system to monitor the humanitarian effect of sanctions *before, during and after* they are imposed. The projection of possible impact could in itself be a decisive factor in whether sanctions are applied or not; while the monitoring of their effects should play a crucial role in the decision whether to lift them or not. The mechanism could also explore ways of assisting neighbour states who suffer collateral damage and to ensure the delivery of humanitarian assistance to vulnerable groups in the population.¹⁷

The debate on UN reform goes beyond the specific issues of the humanitarian impact of sanctions to the larger and related issue of common and collective security. According to a report of the *Independent Working Group on the future of the United Nations*, “at the very least, in order to handle these new crises, the UN's intergovernmental organs have to be made more democratic and more representative of the world community than they are today; the mandates of its field operations have to be clarified; and the world organization has to be given the capacity to react quickly and to establish a presence in areas of conflict before the situation gets completely out of hand. A number of institutional changes are thus required to help the UN identify the problem, define a solution, and put that solution into effect.”¹⁸

At the center of the proposed institutional changes is reform of the Security Council which many feel has increasingly become an instrument of American foreign policy. For the United Nations to gain more credibility and legitimacy, the Security Council must accord greater representation to the South; and, to keep in line with the new realities of power distribution, it must include the major economic powers like Germany and Japan. While there is general agreement on the need for a more representative and enlarged membership, there is no consensus on the criteria for selection, or on how to avoid the delays or paralysis that a larger membership and different composition might entail.

The reform groups make a distinction between peace-keeping and peace-enforcement, arguing that traditional peace-keeping methods are not appropriate for dealing with situations of intra-state conflict. The Security Council should articulate a clear mandate for each type of operation and, in particular make very clear the implications of moving from one type of mission to another. In addition, a UN Rapid Reaction Force should be established for urgent deployment in conformity with the provisions of the UN Charter and thus, ideally, fill the gap between a Security Council decision and the practical measures to implement it.¹⁹

Related to this is the need for the UN to forge closer ties and coordination with regional organizations and other elements in the global civil society in evolving workable structural processes and strategies for preventive action, crisis management and conflict resolution. Some experts feel that the UN system has not developed its full potential in this regard: “The strength of the UN lies first in its role as a legitimating forum that facilitates international collaboration, and second on its capacity to reflect the interests and intent of member states through a number of representational forms and in collective action. Against the backdrop of UN authorization, regional institutions, and nongovernmental actors can help local efforts to solve local problems using both private and public assets.”²⁰

There is an element of circularity in these arguments: to achieve enhanced security requires a reformed UN; and UN reform depends on the consensus of member states on what constitutes enhanced security (or common security, cooperative security, or collective security). The prospects of such a consensus are by no means in evidence and it may be unrealistic to expect them to materialize in the near future.

Yet if it is difficult, or even impossible, to bring about formal change in the structure of the UN system in the short term, there are still possibilities of informal adaptation which can still plausibly substitute for formal change. Ian Hurd points out how the development of consultation among groups of states has affected the working of the UN system; for instance, the ways in which Germany and Japan have come to be consulted on issues of financial contributions to major peacekeeping operations, and similarly the process by which troop-contributing countries are brought into the decision-making process as informal members of the Security Council.²¹

Other approaches to UN reform question the rigid adherence to peace-enforcement and collective security, on the grounds that the United Nations represents a highly valuable forum for articulating the norms of acceptable behavior in the community of states and can, therefore, make an important contribution to security “even if it never develops robust enforcement capabilities”. Barnett argues that not only do international institutions help to coordinate state interests but they shape the very identity and interests of the state as well. Part of the reason the UN serves this function is because it is endowed with tremendous legitimacy by the norms of international community: “If a state's influence and power is shaped by its ability to abide and be identified with these norms, then the norms will have a powerful effect on state behavior... The UN can be judged effective to the extent that states change their behavior as a consequence of its existence.”²²

While the potency of international norms in influencing state behavior should not obscure the realities of power politics and self-interest (of states as well as of leaders) it should also not be undervalued. The notion that norms matter for producing a more stable security order and that their articulation and transmission contribute to peace and security seems to be in line with some basic assumptions in both the critical dialogue and sanctions. Indeed, it would seem to place both concepts in an integrated context where the dialogue approach could come into play as a complement of, rather than an alternative to, the sanctions approach. The objective in this integrated approach would not be to inflict collective punishment, but rather to signal international opprobrium in a process of gradual application (ranging from a UN General Assembly's vote of censure to internationally mandated military action), that is clearly linked to well-defined thresholds of compliance (or non-compliance).

In this way, incentives to mitigate the stigma of international censure may be generated through a dialogue process that emphasizes inclusion, not exclusion, and in the sense that the international community as a whole, including the sanctioned parties, has a stake in the outcome. It is likely that enlightened self-interest would make the ‘carrot’ of reintegration (diplomatic, political, economic, technological, or strategic) a more attractive proposition than the pain-inflicting ‘stick’ of sanctions to all but the most hardened (or hounded) transgressor. Thus, a combined

sanctions-and-dialogue approach might more readily bring about changes of attitude by reinforcing the recognition not only of the commonality of interest in observing international norms, but also of the mutuality of interest in the international reintegration of the sanctioned state.

Related to this is the enticing possibility that international and domestic elements of change could act, in a mutually reinforcing process, to enhance the prospects of internal reintegration. In addition to the useful distinction it can make between inflamed rhetoric and legitimate state concerns (or between ‘radical’ and ‘moderate’ factions within the target regime), a sanctions-and-dialogue approach might conceivably encourage opposition groups to offer a ‘Mandela-option’ to an authoritarian leadership whose moral authority and political legitimacy has been undermined by internal resistance and internationally mandated sanctions. As the South African case poignantly demonstrates, even the most recalcitrant regime could be induced, under the right combination of internal and external pressures, to accept the possibility or the inevitability of change. (The South African case illustrates yet another relevant point, namely: that the sports boycott was arguably more effective than the much circumvented economic embargo in symbolizing and dramatizing the international condemnation of the apartheid regime.)

Yet there is a need here to guard against projecting constitutive norms as an extension of the intellectual hegemony of the West or as an assertion of the superiority and universality of Western values. After all, these norms are rooted in a long civilizational process and have emerged from a generalized (although by no means uniform) sense of how the international community ought to operate. Michael Oliver suggests that a dialogue can be engaged that is based on mutual respect for cultural traditions in a way that can enrich and not dilute the concepts of universality. He concludes that the United Nations of the future should be “a crucible for just such discussions and for the new understandings of common rights that can emerge from them.”²³

Conclusion

While the contours of the new international order remain largely un-demarcated and new configurations of power relations have not yet assumed some semblance of crystallization and

stability, the international community has to cope with problems that increasingly go beyond the task of dealing with the debris of the receding Cold War. In this state of flux, some of the assumptions underlying the present system may need to be redefined in terms of what constitutes collective security in the post-Cold War period and what kind of international organization would be more conducive to it.

Since there is no common consensus on an alternative to economic sanctions, the question is how their use can be refined to reduce their negative impacts. It is difficult to find a definitive answer that would square the political circles of the incongruities of national interests, and the inequities of international power realities. But it is not impossible to envisage an approach that limits recourse to economic sanctions to clearly defined and universally acknowledged transgressions, makes their application under international law contingent on a multilateral, as distinct from a unilateral, policy process, restricts their use to explicitly identified targets and goals, and integrates the process with a dialogue policy that places more of a premium on incentives than on coercion.

The experience of sanctions has so far demonstrated two interrelated concerns. At one level, there is the issue of how to balance the humanitarian impact of sanctions with their expected political gains. The expressed rationale behind sanctions is that they avoid the more inhumane military means and would, therefore, reduce the incidence and level of violence. Yet the rationalization of short-term civilian pain in exchange for longer-term political gain is dubious in both political and humanitarian terms: it has not proved to be politically attainable, nor do many find it morally supportable. Indeed, it seems to place the moral argument on its head by depriving sanctions of their ultimate moral sanction as a collective censure of state actions deemed by a consensus of world opinion to be incompatible with universally held international norms.

At another level, the explicit political goals of sanctions are often negated or obscured by implicit political goals such as the need to demonstrate resolve to domestic and international audiences, or the desire to oust the target leadership. These implicit goals may be in line with the perceived national interests of one state, or group of states, but need not necessarily reflect the

interests of others, or the international community as a whole. Moreover, there is always the danger that ulterior motives can acquire a momentum of their own to the extent that they can engender a diminishing interest in actually seeing the declared objectives realized. What many see as the US insistence on constantly moving the "goal posts" in relation to Iraq may be a case in point.

It is in this context, too, that a dialogue approach (critical or otherwise) could come into play as an integral component of a sanctions approach by reinforcing the incentives to observe international norms as well as the reciprocal interest in reintegrating the sanctioned state. The promise of international reintegration can, in turn, enhance the prospects of internal reintegration in some form of transitional power-sharing arrangement.

Just as the sanctions approach needs to be precisely clear in determining its target and goals, a dialogue policy should be unambiguous in defining its means and objectives. The problem with the European critical dialogue is the vagueness of its terms and approach which is reflected in the ambivalence of European attitudes towards it. So far the exchange has barely survived breaking down on ideological and cultural fault lines. But while the changes have been small and the results are disappointing, the critical dialogue is, after all, an approach that assumes the possibility of positive returns in the long term. Paradoxically, the recurrence of crises that threaten to bury the policy in mutual recrimination may end up in the final analysis by giving the concept more definitive meaning and substance.

The focus of a combined sanctions-and-dialogue approach must be on its multilateral, not bilateral, and still less unilateral, orientation and application. Despite the flaws and the weaknesses of the present UN system, the global reach and constitutive norms of international organization still make it the most important, indeed indispensable, consultation forum for all nations. As a comprehensive organization, it facilitates both dialogue and sanctions and provides the legitimating authority to endow each with political substance and moral force.

Yet in order to handle new challenges, the UN system has to be made, at the very least, more democratic and more representative than it is today. Proposals for the revision of the UN Charter,

particularly changing the composition and procedures of the Security Council, have emerged with increased urgency in recent years. Most of the issues raised in the dialogue-versus-sanctions debate, in both its political and humanitarian aspects, are at the very essence of the current debate on UN reform, in both its institutional and normative aspects.

The tendency to rely on preserving Cold War instruments and arrangements to contain the tensions of the new power realities in the post-Cold War period, is likely to erode further the prospects of international security and prosperity. The structural changes taking place call for more promising ways for the management of international relations, and the restructuring of power relations entailed in this process would probably be less disruptive and more manageable if it is placed within the context of reforming and restructuring the United Nation system.

Notes and References:

¹ International Federation of Red Cross and Red Crescent (IFRCRC), *World Disasters Report* 1995.

² Press interview by the Foreign Secretary, Mr. Malcolm Rifkind, on the EU Troika Mission to Iran, at the informal EU Foreign Ministers' meeting, Palermo, Italy, 10 March 1996. In a November 5, 1996 article in the London Times, Rifkind outlined an initiative for an Organization for Co-operation in the Middle East, similar to the OSCE, to provide "a forum for dialogue and active collaboration, for lowering barriers and improving links ... I would expect that in due course countries such as Iraq and Iran to find their places in such an organization, once their behaviour permitted it".

³ *The Guardian*, 23 March 1996.

⁴ *ibid*

⁵ "Iranian Government Implicated in Murder of Kurdish Dissidents", *Déjà News*, 26 November 1966

⁶ "Iran, Germany Move to Salvage Relations", *Déjà News*, 24 November 1996. In a letter to President Rafsanjani, the German Chancellor, Helmut Kohl, said that "both the federal government and the German judicial system are far from seeking to injure the religious feelings of your people and its spiritual leadership". Rafsanjani, on his part, refrained from blaming Bonn publicly.

⁷ Henry A. Kissinger, *Diplomacy*, Simon and Schuster, New York, 1994.

⁸ Michael Oliver, "Reforming the United Nations", *Commentary*, No. 62, October 1995, CSIS, Ottawa. Oliver argues that sustainable development is only feasible through the replacement of ECOSOC by a Sustainable Development Security Council with full powers to coordinate the specialized agencies, including the international financial institutions.

⁹ Michael N. Barnett, "The United Nations and Global Security: The Norm is Mightier than the Sword", *Ethics & International Affairs*, Volume 9, 1995.

¹⁰ *Economic Sanctions and Humanitarian Action: a Research Initiative*. The Thomas J. Watson Jr. Institute for International Studies, Brown University, 1996.

¹¹ *ibid*

¹² "Economic Sanctions: Do they Work? At What Cost?" *The United Nations at the Beginning of its Next Half Century*, Brown University.

¹³ IFRCRC, *op. cit.*

¹⁴ Donald L. Losman, "Good Intentions Gone Bad", the *Washington Post*, October 6, 1996.

¹⁵ *ibid* Losman argues that most formal sanctions should be dropped from the US foreign policy tool box: "If offending policies are truly reprehensible and detrimental to U.S. interests, a military action is appropriate when negotiation fails. For less pressing situations, subtle economic pressures such as delaying aid disbursement, re-classifying imported items into higher tariff categories or delaying agreements on other issues of mutual interest are warranted".

¹⁶ "According to estimates by UN agencies, more than 500,000 Iraqi children have died from hunger and disease - greater than the combined toll of two atomic bombs on Japan and the recent scourge of ethnic cleansing in former Yugoslavia". Roger Normand, "Food-for-Oil Is Not Enough", the *Washington Post*, June 5, 1996.

¹⁷ IFRCRC *op. cit.* In his *Supplement to the Agenda of Peace*, the UN Secretary-General called for the establishment of such a mechanism. In the short-term, humanitarian organizations are interested in operational and procedural reform to deal with the lack of coordination between UN political and humanitarian bodies, and with the sluggishness and opaqueness of the UN Sanctions Committee.

¹⁸ Report of the Independent Working Group, *The United Nations in its Second Half-Century*, Yale University, 1995. The report proposes the expansion of the present membership of the Security Council to a total of approximately 35 members, of whom not more than five would be new Permanent Members. In addition, the veto would be applicable only to peace-keeping and enforcement measures.

¹⁹ *ibid* the report recommends that, “all new Members should be selected with attention to the principles of participation and equity in a universal organization. The new permanent members would be chosen also for their ability and will to contribute, according to their capabilities, to peacekeeping and enforcement operations”.

²⁰ Jane E. Holl, *The Carnegie Commission on Deadly Conflict: Second Progress Report*, Washington DC, July 1996.

²¹ Ian Hurd, “The Security Council Reform: Informal Membership and Practice”, in Bruce Russett (ed.), *The Once and Future Security Council*, Yale University, 1995.

²² Barnett, *op. cit.* Barnett maintains that “these norms can emerge from the fear of what might happen if they are not heeded -that is, because of self-interest and a survival instinct. Therefore, although these norms may have originated in the West, they have been utilized and defended throughout the world by the weak against the strong as a normative armor against their actions”.

²³ Oliver *op. cit.*