

Major Kelly obviously indulged in the luxury of being able to deal expansively with his subject and so, as matters are examined from different angles, there is a fair amount of repetition. A more compressed treatment of the material and an index would have made the book more useful as a reference work. Perhaps the author could be persuaded to produce such a textbook. Nevertheless, this is a most valuable work which I commend. For those who do not have time to read the whole book, I would recommend that, at least, they read Chapters 10 and 11.

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Thomas G. Weiss, David Cortright, George A. Lopez and Larry Minear, *Political gain and civilian pain: Humanitarian impacts of economic sanctions*, Rowman & Littlefield Publishers, Lanham/New York/Boulder/Oxford, 1997, 277 pages.

Larry Minear, David Cortright, Julia Wagler, George A. Lopez and Thomas G. Weiss, *Toward more humane and effective sanctions management: enhancing the capacity of the United Nations system*, Thomas J. Watson Jr. Institute for International Studies, Occasional Paper No. 31, 1998, 90 pages.

Collective economic sanctions are among those measures not involving the use of military force which the Security Council may decide on in order "to maintain or restore international peace and security" (UN Charter, Article 41). The framers of the Charter intended to give policy makers the possibility to enforce the collective will against a recalcitrant State by acting forcefully, but without resorting to military might. The imposition of collective economic sanctions was perceived as an alternative to a greater evil-war.

"Political gain and civilian pain: Humanitarian impacts of economic sanctions" attempts to answer the question whether sanctions "work", i.e., whether they attain their goal of effecting a change in the behaviour of a

government and inducing it to respect its commitments under the UN Charter. The authors, a group of social scientists from American universities and research institutions, have no doubt that as a political tool economic sanctions usually fail to bring about a change in the policy of the targeted State. Worse still, sanctions always hit the wrong people and regularly cause unacceptable suffering to the most vulnerable sections of civil society.

After the end of the Cold War, the United Nations Security Council started turning more and more to collective economic sanctions under the authority of Chapter VII of the UN Charter. The authors examine four cases in which the Security Council resorted to such measures: South Africa (1977-1994), Iraq (since 1990), the former Yugoslavia (1991-1996) and Haiti (1993-1994).¹ In two of them international humanitarian law was applicable to the situation when sanctions were imposed (the 1991 Gulf war against Iraq and the conflict in the former Yugoslavia). After painting a broad picture of the different political and economic contexts, the authors attempt to answer two questions:

1. Did sanctions lead to a change in the behaviour of the government concerned? The authors acknowledge the methodological complexities which make it difficult or even impossible to provide a clear answer. Indeed, among the many different factors which influence a government's decisions, is it possible to determine the part played by economic sanctions? How can we correlate cause (the sanctions) and effect (the policy change)? Having allowed for these difficulties, the authors conclude nevertheless: "In no case were sanctions the definitive factor bringing about political change; but in each instance economic coercion played at least some role in generating pressures for negotiation or compromise."

2. To what degree do economic sanctions affect the lives of the civilian population and, at the same time, damage the civilian infrastructure of the country concerned? In particular, what are their repercussions on the most vulnerable and weakest segments of society? On this point the authors' conclusions leave no room for doubt: economic sanctions have a pernicious effect on the civilian population. The four case studies produce a wealth of statistical data which establish the destructive impact of sanctions on the health and well-being of the affected population, despite international humanitarian assistance.

¹ On the impact of sanctions on Burundi see Eric Hoskins and Samantha Nutt, *The humanitarian impacts of economic sanctions on Burundi*, Thomas J. Watson Jr. Institute for International Studies, Occasional Paper No. 29, 1997, 118 pages.

On the basis of their findings, the authors reject comprehensive economic sanctions as a policy tool, as a legitimate enforcement measure against a State. However, they put forward a number of recommendations to be followed should the Security Council nevertheless resort to economic sanctions. These include:

- absolute clarity as to the goal to be achieved by the sanctions;
- preference of “smart” (partial) sanctions, such as restrictions on financial assets of the targeted country’s elite, over comprehensive ones;
- periodical assessment of the sanctions’ impact on the civilian population;
- obligation to constantly adapt the sanctions regime to changing circumstances;
- streamlining procedures at the international level, in particular as regards humanitarian assistance;
- obligation for the international community to assist in the reconstruction of a country under embargo.

We have to be grateful to the authors for their well-documented contribution to a necessary, even urgent debate on the value and legitimacy of economic sanctions as an international enforcement measure. The results of their case studies, in particular the data on Iraq and the former Yugoslavia, are important elements for a better understanding of the sanctions’ impact on the civilian population. But we are also tempted to say: isn’t it obvious that economic sanctions, though targeted at a country’s government and its elite, inevitably affect the civilian population and the civilian infrastructure of that unhappy State? Nobody can condone, justify or legitimize such suffering. The question is how to resolve the dilemma between the international community’s determination to uphold some basic concepts, such as peace and fundamental human rights, and the suffering inflicted on innocent civilians.

A decisive weakness of international law is the paucity of mechanisms to enforce the obligations it sets out. The role which economic sanctions are meant to play in enforcing fundamental values, such as safeguarding or restoring peace, should not be dismissed out of hand. Collective economic sanctions are not just one “policy tool” among others, a device to achieve political gains, as the authors sometimes seem to suggest. They are a means of fulfilling one of the fundamental purposes of the UN Charter: to guarantee peace. It must be made sure, however, that they remain measures to be taken only and exclusively to that end. In other words, collective sanctions are justified only as long as there is a threat to or a breach of peace.

While it is justified to underline the shortcomings of economic sanctions as a measure aimed at enforcing international peace, one has to look for available alternatives and, in particular, to assess their cost. War, with all its horrors, is not a viable alternative. It is difficult to accept that outright war might be a lesser evil than economic sanctions, a conclusion which "Political gain and civilian pain" sometimes seems to suggest. Nor is "impunity" a satisfactory solution, in the sense of letting a government get away with breaches of its international obligations, such as failure to safeguard peace and fundamental human rights.

Existing international law has set up a "safety net" for the population of a country under embargo. Any decision to impose collective economic sanctions must comply with the provisions of the 1949 Geneva Conventions and their 1977 Additional Protocols which provide for humanitarian assistance to the civilian population in need. The various Security Council resolutions on sanctions against Iraq and the former Yugoslavia respect and adopt these inbuilt limits to sanctions by granting exceptions for the import of goods for humanitarian purposes (the so-called "humanitarian window"). The studies on Iraq and the former Yugoslavia do not take sufficiently into account the potential of these international legal commitments to provide for humanitarian assistance. No doubt the Security Council and its sanctions committees could and should develop these exceptions. In this way, the negative impact of sanctions on the civilian population could be mitigated at least to some extent.²

It should also be noted, although the authors are silent on this issue, that ICRC delegates were present in Iraq throughout the Iran-Iraq conflict and the Gulf war. They assisted the Iraqi population not only at the time of active hostilities in 1991 but also during the entire period of economic sanctions, and they continue to do so.

In the second publication the same group of authors, joined by Julia Wagler, examine measures which make for a more effective management of the sanctions regime at the international level.

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² See Hans-Peter Gasser, "Collective economic sanctions and international humanitarian law. An enforcement measure under the United Nations Charter and the right of civilians to immunity: an unavoidable clash of policy goals?", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Vol. 56, 1996, pp. 871-904.