

REFLECTIONS ON INTERNATIONAL SANCTIONS AS CONFLICT MANAGEMENT TOOLS WITHIN THE COLLECTIVE SECURITY SYSTEM

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ABSTRACT: *Within international relations settings, the debate regarding the use and effectiveness of international sanctions as conflict management tools transcends an academic debate. In this paper, we discussed the application of sanctions and its variations that have contributed to conflict resolution in post-World War II era. We argued that the United Nations (a progeny of the collective security system after the League of Nations) has applied sanctions to manage a chunk of protracted conflicts, although in some cases such attempts have rather exacerbated conflicts. And to that extent, the role of international sanctions in this whole collective engagement business is never a write-off. We suggested that, sanctions that are a form of punishment are usually applied in response to aggressive actions, which aim at compelling wrong-doers to comply with laid down rules and norms. This work attempts an evaluation on the potency of this rather controversial technique that has been prescribed for under Articles 39, 41 and 42 of United Nations Charter. ; as a method that can be implored by member-states to enforce international law rules, of course with the expressed approval of the Security Council.*

KEYWORDS: International Sanctions, Conflict Management, Collective Security System, United Nations.

INTRODUCTION

The concept of sanctions

Within international relations settings, the debate regarding the use and effectiveness of international sanctions as conflict management tools transcends an academic debate. The terms ‘*sanctions*’ and ‘*enforcement measures*’ are sometimes used interchangeably within the purview of international law, even though Stone (1959: 176) has made great efforts to distinguish the terms; when he said ‘*peace enforcement measures*’ encompass a range of threats to peace or acts of aggression, warranting a peaceful type of response; whereas ‘*sanctions*’ are tied too closely to the necessity of a resort to war. For the purposes of this paper, we shall use these two terms interchangeably. From the provisions of Articles 41 and 42, two kinds of sanctions or enforcement measures are available to the world body: those that do not involve the use of armed force or otherwise economic sanctions (Article 41 provisions) and those that involve the use of armed force or otherwise military enforcement measures/sanctions (Article 42 provisions). We shall now turn to explaining the subject matter of sanctions or enforcement measures, used interchangeably here. In everyday usage ‘*sanctions*’ which stems from the Latin word ‘*sanctio*’ or ‘*sanctus*’, meaning to ordain or sacred, respectively; denotes the cautioning or punishment of a subordinate by a superior for breaking laid down rules. The enforcement of sanctions which are varied in action spanning from economic, political or military, takes place in three scenarios: unilaterally where only one state enforces them; bilaterally where two state actors enforce them; or multilaterally

where many states enforce the measures (Enrico, 2017: 454). Our concern here is the use of multilateral sanctions by the UN.

According to Brown-John (1975), sanctions are coercive techniques that are used against a state with the intent to alter that state's behaviour, while simultaneously maintaining the state as a whole political system. The British Royal Institute of International Affairs (RIIA, 1938: 16) on the other hand, defines collective sanctions as "*actions taken by members of the international community against the infringement, actual or threatened of international law*". The American Heritage Dictionary of the English Language (2015), gives the most comprehensive definition of sanctions as: a consideration, influence or principle that dictates an ethical choice; a law or decree; the penalty for non-compliance specified in law; any penalty specified, or in the form of moral pressure that acts to insure compliance or conformity; a coercive measure adopted usually by several nations acting together against a nation violating international norms. Sanctions are viewed conceptually as a broad spectrum, ranging in degree of intensity from '*soft*' techniques such as *diplomatic*, *moral* and *political* sanctions, through *economic* and *financial* sanctions, and ending at '*hard*' techniques such as *physical threats*, *limited force* or precisely through the *use of force* (Brown-John, 1975). Within this frame, we turn to discuss the international sanctions regimes as applied within the international collective security architecture.

The international sanctions

The sanctions regime within the international collective security architecture has a long history. It dates back to the formation of the League of Nations. Article 10 of the Covenant called for assistance to member-states that experienced aggression. Article 16(1) League described the sanctions regime in stating that,

...should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

There are four legal effects with regard to Article 16 in the event where there was a violation of the peace. First, the aggressor was deemed to have committed an act of war against all other members of the League. Second, members were obliged to isolate the aggressor through complete boycott, or from any other kind of intercourse. Third, the Council was under a duty to recommend the use of force by military means where the co-operation of all members was obligatory. Last, members were under a legal obligation to provide both economic and military assistance in the course of a collective action (Morgenthau, 1985:316-317). However, there was a huge deficiency in the '*sanction article*' so to speak, as it merely provided for the application of sanctions only in the event where there was resort to war in disregard to Articles 12, 13 and 15; which in themselves stipulate other forms of violations warranting sanctions other than resort to war. It was, therefore, unfortunate that per Article 16 stipulations, any other breach of the law was insufficient to warrant sanctioning of the law breaker. That aside, the article gave each member the freedom to ignore or uphold a real situation that called for action or the application of sanctions. Thus; the optional rather than

mandatory principle provided for under Article 16, weakened the spirit of collective enforcement against common enemies or aggressors of the League. For these reasons, almost all the collective actions undertaken by the League were failures, notably the Manchurian crisis when Japan a member-state occupied a portion of China, and also the Italo-Ethiopian dispute of 1935 that followed the invasion of Abyssinia as was then known, by Italy. In both cases even though the League passed resolutions that were geared towards the resolution of these conflicts, the results were woefully unsuccessful. We have discussed the collective sanctions regarding the Italo-Ethiopian dispute below. Consequently, the weak actions and some inactions of the League, led to the eruption of World War II.

The use of collective sanctions by the UN against those who breach the peace or indulge in acts of aggression has been adopted in its clearest terms in Chapter VII of the Charter (Eriksson, 2011). It states:

“...to take collective measures for the prevention and removal of threat to the peace, and for the suppression of acts of aggression and other breaches of the peace (Article 1(1))”.

Indeed, the competence of the Security Council regarding these collective enforcement measures cannot be downplayed; as they are specified in articles 39, 41 and 42 of the Charter, considered the heart of UN system of law enforcement that span beyond anything that either the League of Nations or any other provision of international law, contemplate(d) in respect of law enforcement. In contrast to the Covenant, the Charter frowns at individual member-states taking decisions in respect of what constitutes a breach of the law, a duty reserved for the Security Council per Article 39 provisions. Pursuant to this discussion we should like to quote these relevant provisions as follows:

...The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security (Article 39).

...The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and/or rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations (Article 41).

...The Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be adequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockade, and other operations by air, se, or land forces of members of the United Nations (Article 42).

From this perspective, several forms of sanctions are delineated within the academic literature. We discuss the variations of sanctions that exist and are applied. From the literature, they ranged from moral sanctions through diplomatic sanctions to military sanctions.

Moral sanctions

Moral sanctions, Hsu Mo (1949) explained, are rooted in public opinion and mainly used by states in a subtle form to solicit public sympathy, thereby putting pressure on governments or authorities of offending states to 'repent of their sins', so to speak. It was used by Italy during the Italo-Ethiopian dispute, contrastingly even where Italy was the aggressor. The government of Italy made extensive use of Italian newspapers with special press releases that carried stories and pictures of alleged Ethiopian atrocities against Italy, all in an attempt to dissuade members of the League of Nations from giving support to Ethiopia through their deceptive propaganda. Secondly, a basic feature of moral sanctions is that they are consequences of subjective state determinations, where the distinction between moral sanctions and political sanctions is a very thin one. To give this illustration, when a diplomat refuses to attend the National Day Celebration of a host state, his action constitutes a form of political sanction. At the same time if that action is based on the fact that the receiving state is pursuing a Zionist or apartheid policy which the sending state abhors, then the action is a moral judgement manifested in a political act. Another form of sanction which other writers isolate from moral sanctions is sports sanctions. They are used as a form of psychological warfare, basically to destabilize the morale of the general population of a targeted country. They were used against the Federal Republic of Yugoslavia from 1992 to 1995 as enacted by a UN Security Council Resolution 757. Also a similar sanction was placed on South Africa by the Commonwealth of Nations in 1977, which discouraged contact and competition between their sportsmen and sporting organizations, teams or individuals and their South African counterparts.

Political sanctions

Political sanctions usually involve collective coercive processes of regular diplomatic intercourses that are in the form of verbal communications, joint or unilateral diplomatic threats, and protests to as far as the rupture of diplomatic relations. For instance, verbal communications may be oral or written expressions of disapproval in protests of direct threats. Political sanctions could also include the use of aide-memoires that reprimand action(s) of an aggressor state. Another powerful form of political sanction is when states and governments implore the tool of non-recognition, mostly applied by the Global North on '*de facto*' states and governments. In the 1980s when Africa was rift with frequent military-takeovers of legitimate constitutional governments, the UN, USA, UK and many powerful European countries used the non-recognition weapon carved out of the American Stimson Doctrine, against the military juntas. Its use generated remarkable successes in those countries as such military governments were weakened morally and could not continue.

Diplomatic sanctions

They are political measures usually undertaken by state entities via diplomatic and political channels to express their displeasure or disapproval at certain actions undertaken by wrongdoers, many times devoid of affecting the economic or military relations of the parties involved. Such measures include withdrawal of diplomatic relations through the expulsion of missions and diplomatic staff, to limitations or cancellations of high-level government visits, amongst others. To give an example, in the 1970s, members of the Organization of African Unity (now African Union), broke diplomatic ties with Israel as a result of the Zionist policy that blocked the course of Palestinian struggle regarding its sovereignty.

Economic /Financial sanctions

There are important differences between economic sanctions and economic warfare. The latter are military measures that are implored to hasten the defeat of aggressor states, through the elimination or reduction of the aggressor's capacity to wage war and ultimately lead to sufferings of citizens. Economic sanctions on the other hand, are implored to dissuade aggressor states from pursuing policies that do not conform to accepted norms of international conduct that promote the peaceful co-existence of states of the world (Doxy, 1971). In other words, economic sanctions involve the application of commercial and financial penalties (comprising of trade barriers, tariffs and restrictions on financial transactions), undertaken by one or a group of states against a targeted state, group of states, an individual or group of people or an organization that may have broken the norms of the society (Benson, 2007). Feliciano and McDougal (1961:30-33 and 265-269), grouping economic sanctions under three main themes-embargoes, blockades and boycotts; defined it as: "the employment of economics as an instrument of coercive policy which may in the broad statement be described as the management of access to a flow of goods, services and money as well as markets, thereby denying the target-states such access while maintaining it for oneself". Of all the three, economic blockades are sometimes included in the category of economic warfare and are of the severest form.

First, embargoes, which come from the Spanish word, hindrance is the partial or complete ban on trade and commerce with a targeted country or group of countries for varied issues that may be military, political, social or economic; usually aimed at achieving set national and international goals (Kochler, 1997). Embargoes which constitute a form of reprisal involve the following: the limitation or banning of exports or imports; the creation of quotas regarding quantities of goods under trade; the imposition of special tolls, taxes and tariffs; the ban on freight or transport vehicles; the freezing or seizure of freights, assets, bank accounts; the limitation of transport of particular technologies or products amongst others (Feliciano and McDougal, 1961). They may include diplomatic measures that impose legal barriers on trade but are different from economic blockades that may constitute acts of economic warfare. Well known examples of economic sanctions by the UN include: UN sanctions against South Africa, UN sanctions against Zimbabwe, UN sanctions against Iraq, Napoleon's Continental System of 1806-1814 directed against British Trade (Nester, 2010). Second, blockades which are dangerous forms of economic enforcement operations, have feasible applications within the collective security apparatus, in that because of their near-to-aggressive nature, their application must not be left to unilateral but bilateral or multilateral enforcement actions. These are stipulated under Article 42 of the UN Charter as admissible enforcement measures which include air strikes. It also includes blockades of seaports, airports, cutting off of supplies such as food and oil to target states, refusal of the entry of vessels, aircrafts or goods of target states within territories of sanctioning states.

The third is boycotts. Boycotts are agreements between two or more parties with the ultimate aim of inflicting a loss on a third offending party, through the use of threats, persuasion, intimidation and other acts, short of violence. In the given circumstances, and through fear, aggressor parties are forced to withdraw from offending acts since anything less than compliance to the demands of the sanctioning parties will bring injury or loss to them. Boycotts involve the withdrawal of certain specific goods such as food and petroleum products by sanctioning parties from reaching targeted states. Boycotts are effective coercive

economic tools since no state is economically self-sufficient and therefore is not an Island of its own and must necessarily have to depend on others for its survival.

Fourth, financial Sanctions are incorporated into the general terrain of economic sanctions. They are normally visited in the area of credits, exchange reserves, loans, decreased trade relations, and outright withdrawal of bilateral and multilateral financial assistance (Feliciano and McDougal, 1961: 31). Liberia was subjected to financial sanctions in 2003, by countries of the Global South following poor human rights records of the government of Liberia and its involvement in the Sierra Leonean crisis. Financial sanctions function on the premises that where foreign capital sources are controlled and internal exchanges resources are exhausted, target states may be forced into financial collapse and eventually into some form of submission to the dictates of the sanctioning parties. The variety of financial sanctions are unlimited and include the forbidding of a target state from making use of a previously arranged credit facility; the prevention of raising of loans at the international market; prohibition from the sale of security bonds of target states; the restriction from the acquisition and collection of insurance policies and the freezing of bank accounts of target states and groups. In the past, the New York Times reported in its May 13, 1964 edition that, France suspended aid to Tunisia following the Tunisian nationalization of French-owned agricultural lands. Again on November 11, 1965, Britain forbade then Rhodesia from trading on the London financial market.

Military/physical sanctions

The extreme aspect of the spectrum of sanctions is the use of force, short of war. In some rare cases, however, military sanctions may lead to war as was the case of the Gulf war of 1990. Iraq had attacked and annexed Kuwait as its 19th Province. Though usually military sanctions are not meant to destroy target states, in real practice, many targets have suffered casualties as a result of military actions in spite of how mild they may appear. A case that readily comes to mind was the total elimination of the Trusillo family of the Dominican Republic by the United States in 1961, when the US army in protest of political happenings in that country used a fly-by over Santo Domingo, killing the said family. Bad as they are of all forms of sanctions, military sanctions generate the most prompt and effective results even though may fail to address the root causes of conflicts. It perhaps explains why state actors are extremely cautious when it comes to the use of military sanctions against targeted states.

Evaluating the role of sanctions in conflict management-spoilers or makers?

Over the years, established enforcement measures by the Security Council serve as one of the most powerful and potent peaceful means of preventing threats to the peace and acts of violence. In some of these cases, international sanctions are implored by the world body to settle or manage global conflicts. But as alluded to earlier, sanctions are imposed for other reasons. Foremost, they are designed to force compliance with international law as was the case during the Iraqi invasion of Kuwait with the use of UN Security Council Resolution 661 of August 6, 1990 (Chesterman and Pouligny, 2003; and Comforti, 1991:110-13). They are also designed to contain a threat to the peace within a geographical boundary such as the Iran nuclear proliferation debate where UN Security Council Resolution 1929 of June 9, 2010 was enacted to restrict Iran from a possible aggression against neighbours. Furthermore, they are used by the UN Security Council in direct condemnation of actions of specific action or policy of a member-state/non-member-state, as was the case in the unilateral declaration of independence in Rhodesia by the white minority (McDougal and Reismen, 1968: 1-19). That

said it appears when member-states vote to implement sanctions; they do so based on self-interests rather than other considerations. Take a hypothetical case for instance, where Ghana invades Togo, the US in voting for sanctions against Ghana will ask the question, 'what will I gain or loss if I implement collective sanctions against Ghana'.

There are two schools of thought as to the effectiveness of sanctions as conflict management tools. In the past, the United Nations and at one time the League of Nations, implored the use of collective sanctions against recalcitrant state actors in times of conflicts. The results were mixed ones. While in some cases the sanctions deplored by the world bodies effectively mitigated the associated negatives of conflicts while enhancing the positives, others were complete fiascos. Since its inception, the UN has through the Security Council alone established over 30 sanctions under Articles 41 and 42 to maintain international peace and security; including former Yugoslavia, Haiti, Iraq, Rhodesia, South Africa, Liberia, Angola, Democratic Republic of Congo, Iran, Libya, South Sudan, Mali, Russia and terrorist groups such as the Taliban, Al-Qaida, and Islamic State of Syria (ISIS), just to mention these few. The world body mostly through the Council has taken varied sanctions in pursuit of a variety of goals to protect amongst other things; human rights, constrain terrorism, contain conflicts and deter non-constitutional changes. These wide-ranged enforcement measures that include economic/financial/trade sanctions, diplomatic/political sanctions and extreme military sanctions are either applied alone or as part of other comprehensive conflict resolution/management measures such as peacekeeping, peace-building and peace-making to restore or maintain international peace and security.

Currently, there are close to 15 on-going UN multilateral sanctions that are geared towards politically motivated conflict settlement, discouragement of nuclear non-proliferation and the countering of terror acts at the global level. Unfortunately, many of these current cases like in the past do not produce desired results. This scenario against the backdrop of the mixed results, has, therefore, heightened the discourse that transcends the academia, regarding the effectiveness of sanctions. To draw an informed and balanced conclusion, we intend to discuss five classic cases of these multilateral sanctions imposed by the two collective security devices, albeit only briefly:

First, the only time that sanctions were ever applied by the League was in the case of the Italo-Ethiopian dispute. Italy was one European power that was late to acquire colonies in Africa and by the time it arrived in the continent, virtually every scrap of the territory was rudely taken by others. Perhaps as a result of this, Italy rather than the colonial powers of Britain and France was the least suspect in the eyes of King Menelik of Ethiopia who invited King Victor Emmanuel II of Italy in 1872 to protect his territory from possible invasion by Britain or any other colonial power. But hardly after two decades of great friendship between these two countries, Italy encroached upon Ethiopia's territory leading to minor wars between them that came to a head in 1935. The crisis was formerly brought before the Council of the League of Nations on January 15, 1935. Following this, full-scale sanctions were slapped on Italy on October 20, 1935 such as the prohibition on both the exportation and importation of arms, oil, minerals to and from Italy. Sanctions also included blockades and the withdrawal of financial credits to Italy by members of the League. Consequently, Italy experienced a slowdown in its economy evidenced by high inflationary trends and general economic meltdown, achieving limited success (Kolb, 2007). Be that as it may, the sanctions that were imposed on Italy by the League of Nations were basically ineffective as the collective action was half-heartedly adhered to by some powers within the fraternity who continued to deal

with Italy. That aside, the briefness of the action was a disincentive to the entire process. Nonetheless, the enforcement action at least positively influenced the sanctions regime of its successor, the United Nations who learnt from the mistakes of the past (Kolb, 2007: 220-225).

Second, the United Nations had expressed strong reservations regarding the apartheid policy pursued at the time by the white minority government of South Africa. Having failed after many years of dissuading the apartheid regime from continuing that path, the General Assembly of the United Nations, drawing from Article 1(3) of the Charter that frowns at racism, called for sanctions against the Republic of South Africa. Through the invocation of Resolution 1598(xx) and 1761(xvii), the Assembly called for collective action and in particular, requested all member-states to sever diplomatic relations with South Africa. When the impact on the regime was not biting enough, the Security Council in August 1963 slapped on the regime, voluntary embargoes in the areas of arms and military vehicles supplies, and materials for the manufacture and maintenance of arms and ammunition. Realizing the lapses associated with the imposed embargoes, the Security Council in 1970 now called for unconditional and full enforcement, further revoking the licenses and military patents granted to the government and companies of South Africa for the manufacture of arms and ammunitions and other military vehicles. However, the attempt to make the arms embargo mandatory, failed following the veto of three permanent members, which came to light on November 4, 1977. Besides, other enforcement measures were imposed on South Africa by the world body including the following: the boycott of South African manufactured goods; embargo on petroleum and petroleum products; withdrawal of all forms of investment in the country; discouragement on the inflow of skilled and technical immigrants into South Africa; prohibition of financial and economic support; suspension of cultural, educational and sport exchanges with South Africa by member-states; denial of technical and economic assistance to the South African government by UN specialized agencies and the expulsion of South Africa from the world body. Initially, these sanctions met with minimal responses. Only the Afro-Asian states and members of the Eastern bloc made conscious efforts towards their implementation, while their Western counterparts only looked on. And because of this lack of universality of application from the outset, all the fine-tuned UN resolutions were rendered impotent. That notwithstanding, by the early 1980s, South Africa was already suffering from virtual isolation from the rest of the world (Becker, and Hofmeyr, 1990). Still spearheaded by the Organization of African Union, more sanctions were imposed on South Africa who finally in 1994 abandoned the apartheid policy with the election of the first-time black majority government in April of 1994, headed by Nelson Mandela. To a large extent, albeit slowly, sanctions had an impact on South Africa, producing the results we saw in 1994.

Third, the United Nations had been besieged by many crises but none at the time could favourably compare the Gulf crisis of 1990, which inevitably led to what was called the enforcement action ordered by the Security Council under Chapter VII, to reverse the annexation of Kuwait by Iraq as its 19th Province. By Security Council Resolution 660 of August 2, 1990, and acting under Articles 39 and 40 of the Charter, the Council initially called on Iraq to withdraw from Kuwait. Following its refusal, the Council by Resolution 661 (1990) imposed the following sanctions: boycott of Iraqi manufactured commodities and products including oil; blockade in medical supplies; prohibition of transfers of funds and financial assistance to Iraq; withdrawal of the sale and supply of ammunition and military equipment to Iraq. Resolution 662 (1990) further nullified the annexation of Kuwait by Iraq, calling on member-states and the UN specialized agencies not to recognize the unlawful act.

And in furtherance of its determination to reverse the Iraqi act of aggression, the Security Council through Resolutions 664, 665, 666, 667, 669, 670, 674, 667 of 1990 called upon Iraq to withdraw unconditionally and immediately from Kuwait. When all the calls seemed to have fallen on 'deaf ears', the Council invoking Resolution 678(1990) gave legitimacy for the use of military action, under Article 42 of the Charter. Consequently, the allied forces led by the US, finally liberated Kuwait, which action having seriously destroyed the military, industrial and commercial installations in Iraq, in some cases resulting in civilian casualties that made life unbearable (Centre for Economic and Social Rights, 1996). Rather than mitigate or minimize the negatives of the dispute, collective measures undertaken by the UN in Iraq worsened the situation. The pulling out of Saddam Hussein did nether help the matter. Recently, the former Premier of the United Kingdom, Tony Blair who played a major role in the military strikes in Iraq confessed their shortfalls and regrets. Against this backdrop, the world body had to fall on other measures such as the use of good offices to regulate the Iraqi crisis. However, unlike earlier cases, the Iraqi sanctions were universal and very effective.

Fourth, in the best part of 1990-1997 and then from 2003-2005, the state of Liberia was literally thrown into civil war that negatively afforded the destruction of the country's infrastructural, the killing of over 150,000 people and the displacement of more than two million people both internally and externally. Liberia became a failed state even under the Presidency of Charles Taylor, a former war Lord who was elected in 1997. Following the war and the untold hardships that were brought to bear on the innocent vulnerable citizens, the UN by Resolution 788 (1992) imposed arms embargoes on Liberia, urging member-states to stop the delivery of weapons and military equipment in that country. Moreover, President Charles Taylor's negative personal role and the activities of his government in the Sierra Leonean crisis triggered further UN sanctions on Liberia. That was when the president and his government were alleged to have secretly aided dissidents against the ruling government of Tejan Karbah through the supply of ammunitions in exchange for diamonds in the adjoining country. Following several fruitless warnings from the UN, the Security Council through Resolutions 1343(2001) after recalling its earlier resolutions on Sierra Leone resolved as follows: member-states are to prevent the entry into their territories of senior members of the Liberian government, their spouses, members of armed forces and financiers, safe such travels were on humanitarian grounds; that the government of Liberia ceases its support for the RUF rebels; that Liberia expels all Revolutionary United Front (RUF) members from Liberia, including the prohibition of their activities; that member-states cease all financial and military support to RUF; that member-states cease direct and indirect imports of rough diamonds from Sierra Leone; that all Liberian registered aircraft pursuant to Annex VII of the Chicago Convention on International Civil Aviation of 1944 be grounded; prohibition of the sale and supply of ammunitions by member-states to Liberia; calls on all ECOWAS member-states to prevent the use of their territories for the attack of neighbouring countries, *inter alia*. To a large extent, the sanctions imposed on Charles Taylor and his government were widely successful as he was eventually ousted from government leading to his trail at the International Criminal Tribunal in The Hague where he was subsequently incarcerated.

Lastly, Al-Qaida, Boko Harem, ISIS and other extremist terrorists groups, operating from Iraq, Afghanistan, Nigeria and other Islamic states across the globe; have sanctions imposed on them by the international community for atrocities caused by them that include suicide bombings and attacks on innocent population on the main. Pursuant to these activities, the Security Council, through Resolution 1267 (1999), 1889 (2011) 2253 (2015) and 2368

(2017) established sanctions on Al-Qaida in particular and associated individual groups undertakings and entities such as ISIL, ISIS and recently Boko Haram that include but not limited to the following: imposes individual targeted sanctions involving the freezing of assets, travel ban and arms embargo upon 259 individuals, groups, undertakings and 82 entities designated on the ISIL(Da'esh) and Al-Qaida (2368 of 2017). But it appears these sanctions have rather exacerbated the situation as these terror activities are on the ascendency. However, there is yet this other school of thought that posits that but for the sanctions imposed on them by the international community, activities of the terror groups would have grown in scale both numerically and in intensity. We share this view, albeit reluctantly.

For the cynics, sanctions have failed to stand the test as effective conflict management tools, in as much as they do not allow for the execution of conflict management processes between the disputants themselves. Disputants are never given opportunities under the regime to negotiate their interests and needs, as should be the case in all conflict management, settlement or resolution processes (Schwarzenberger, 1980). At best, they only provide peaceful or silent and yet deadly remedies as suggested by President Woodrow Wilson of the United States. In the words of Schwarzenberger (1980:49-54), international Sanction are mere weak flukes, only used as substitutes for non-serious actions. Brierly (1932) even asserted that sanctions are not necessarily corrective measures in themselves, neither are they designed to transform, manage or resolve conflicts; but measures that are used to punish and destroy aggressors. Some in later years have backed this assertion by citing the Iraqi airstrikes by coalition forces, which exacerbated the plight of the population rather than transform the crisis. The Libyan experience is cited too. For many years Libya withstood the pressure of sanctions and only reluctantly handed over two suspected Lockerbie bombers to the international community for trial, it only took Nelson Mandela and some friends of Mohammed Gaddafi to arrive of such results. This they argue is as a result of the fact that collective sanctions, rather than compel aggressors to submissiveness, they become hardened and recalcitrant. In some instances like the Rhodesian independence crisis, sanctions have started new and more complex conflicts; whereby making them wrong tools for controlling conflicts.

In all of this discourse, the critics have drawn inspiration from the weaknesses of the regime to arrive at their conclusions as listed below:

- (i) sanctions turn more to destroy structures rather than build them, which effects are mostly irreversible (Brzoska, (2003);
- (ii) international sanctions turn to violate the rights of the citizenry of the aggressor state, as was seen in Libya following the allied airstrikes (Rudolf, 2007);
- (iii) there are no centralized organs for the enforcement and monitoring of sanctions just as Public International Law has no centralized agency to enforce its rules, and for these reasons, member-states are unable to compel aggressors to conform to the norms as was the case in the Italo-Ethiopian impositions (Brierly,1932:47);
- (iv) law enforcement are mostly delivered to the vicissitudes of the national interests of states, making sanctions highly selective and easy for stronger nations both to violate the law and also enforce it- this was the Gaza Strip experience where surrogates of Israel in particular the US, looked on unperturbed and refused to enforce sanctions

against Israel when it invaded and annexed the Gaza Strip, contrastingly Iraq did a similar thing to Kuwait but came heavily under the might of the coalition forces; and

- (v) lastly, sanctions are largely imprecise, inappropriate, misdirected, un-anticipatory, non-pre-emptive, impromptu and, therefore, weak sources of conflict management strategies, as was portrayed in the Sino-Japanese conflict of 1931 (Schwarzenberger, 1980).

These shortfalls notwithstanding, there are proponents who still strongly believe in sanctions as effective conflict control mechanisms. One such person is Gowlland-Debbas (2001), who posits that the regime of current UN sanctions has experienced significant innovations, and, therefore, could pass for good conflict controllers. Indeed, not only has the current sanctions regime adopted comprehensive economic measures and less destructive military actions against aggressors, but has also authorized the delivery of humanitarian aid to victims of conflicts by state actors, regional international organizations and non-governmental organizations (Cortright and Lopez, 2002). In the same vein, deposed democratically elected governments have been re-instated through the use of sanctions, whilst peace settlements are reached through the use of collective enforcement measures (Benson, 2007).

Very like the critics of the system, proponents have also reached their conclusions citing cases where sanctions worked. Two weeks after the imposition of sanctions, Iraq withdrew from Kuwait; and in the Korean crisis, peace returned after three months of sanctions in that country. Furthermore, South Africa's transformation was remotely linked with the sanctions imposed in that country during the apartheid regime. To give yet another clear example of a conflict settlement effort through the use of sanctions, the UN Compensation Commission succeeded in concluding a virtual peace treaty between the Kuwaitis and Iraqis, when it used disarmament measures as it technical demarcated the boundaries between the two countries. Moreover, the assertion is that sanctions as established within the framework of the International Criminal Tribunal, have largely aided the management of conflicts in Rwanda, Yugoslavia, Liberia and currently in La Cote D'Ivoire, as victims feel a great relieve to see those whose actions have hurt them been adequately punished. Consequently, many disputants have laid down their arms since for them; justice has taken the rightful course.

It appears when the dynamics of a particular conflict have gone pass the resolution stage, sanctions are good 'appetizers' as they prepare the grounds for other conflict management measures in the near future (Benson, 2007). This process is further enhanced since the deployment of sanctions stand to weaken the stronger party, whilst strengthening the weaker party. On their part, Ramsbotham et al (2005) suggest that, where the problems of inequality between the disputants are addressed through the use of sanctions, fertile grounds are laid for negotiations that lead to the resolution of the conflict or its management at the least. In confirming the direct benefits of sanctions in conflict management, Cortright and Lopez (2002) have observed that Security Council sanctions, in particular those applied in Africa in the past have not only minimized the intensity of conflicts and the suffering of the victims; but also forced the opposing groups to negotiate on their conflicting needs and interests, thus creating the room for compromises toward amicable conflict settlement or management. Writing much earlier, Doxey (1996) states that, the end result of sanctions is not just to punish the offender of laid down norms, but one that amongst other things are used for: the maintenance of international peace and security; compliance with the rule of law at all levels; or the peaceful settlement of international disputes. Since the 1990s, the frequent imposition

of sanctions has been largely accompanied by growing attention to devising flexible regimes that involve wrong-doers for peaceful dispute settlement.

CONCLUSIONS

In this paper we have discussed the international collective security arrangement, highlighting the concept, its historical evolution and the structures that have given expression to it. We discussed international sanctions as a tool employed to achieve international security. We also discussed the various forms of international sanctions applied within the international collective security arena. Based on the discussions several arguments can be presented.

First, the nature and scope of current international sanctions as utilized by the United Nations, the only collective security device today; must be widened, reformed and modified to meet the needs of our times in combating or discouraging international conflicts. Second, the ways in which sanctions are applied must be reviewed so as to make them more collective, appropriate, prompt, purposeful and effective; where costs are equitably borne by all member-states in line with the principle of 'All for One and One for All'. Third, in our view how sanctions are monitored in their current form are lacking, whereby the system must establish appropriate structures that will not only make monitoring prompt but also effective and efficient so as to achieve desired results. Fourth, the current negative perception of victims regarding the impact of sanctions that turn to bear heavily on them can be changed if the regime is seen to redirect punishment at the doorsteps of those who truly initiate the aggressive acts, while protecting and easing the burden on the vulnerable population. Fifth, the implications of the politics of sanctions for the collective security architecture needs rejuvenation, where big powers will be seen to pursue policy objectives that aid the good health and growth of the system, devoid of national self-aggrandizement.

RECOMMENDATIONS

To say sanctions are perfect conflict management tools in their current form is largely untrue, since from the selected cases discussed above, they have failed to prove that assertion. However, but for these institutionalized enforcement measures, our world would have had to grapple with uncountable, uncontrollable and complex conflicts. Undoubtedly our stand is that sanctions work and even though are not originally designed to manage conflicts, they help in managing conflicts to a great extent, albeit accidentally. But to continue to play this role and even a better one, there is the need to reform the regime (Morgenthau, 1978). And be it anything at all, its usage has afforded the international community, the opportunity of adopting other effective conflict management techniques such as peacekeeping operations, through reforms and modernization. Appropriately, therefore, we have these humble suggestions that follow:

- (i) member-states of the broad-based organization must show great commitment to the implantation of sanctions in, which in particular permanent members of the Security Council play a more effective role in the maintenance of international peace and security within the context of the goals as setup by the word body;

- (ii) member-states of the collective security system must agree on the legal definition of what aggression is, as it stands, Article 39 of the UN Charter remains vague until the ‘threat to peace’, ‘breach of peace’ and ‘acts of aggression’ provisions are redefined and widened that should not be under the sole determination of the Security Council, as they are not exhaustive of all the violations of international law rules;
- (iii) enforcement measures and for that matter international sanctions which should be mandatory rather than recommendatory, must never be selective and should be prompt, definitive, appropriate and universal in their enforcement where the costs involved are shared equitably, thus falling in line with the watchword of the collective security concept of ‘One for All and All for One’;
- (iv) the scope of sanctions with effective monitoring measures should be widened to encompass more effective measures that not only aim at punishing law breakers but also transform them at the long-run; and
- (v) the impact of sanctions on targeted states must be assessed before their implementation and as much as possible, the brand of the sanctions should be made to bear on the decision makers of the aggressive acts rather than the innocent vulnerable population; and the procedure for the termination of every collective security action should be appropriately established.

REFERENCES

- [1] American Heritage Dictionary of the English Language (5th ed.) (2015). Boston: Houghton Mifflin Harcourt.
- [2] Becker, M. C. and Hofmeyr, J.H. (1990). *The Impact of Sanctions on South Africa*. Washington: Investor Responsibility research Centre.
- [3] Benson, G. H. (2007). The Role of Sanctions as Conflict Management Strategies within the Collective Security Device, being Thesis for Master of Arts from the Universidad Jaume I, Castellon-Spain.
- [4] Brierly, J. L. (1932). “The Law of Nations: Sanctions in International Law”. *Cambridge Law Journal*, 4.
- [5] Brown-John, C.L. (1975). *Multilateral Sanctions in International Law: A Comparative Analysis*. New York: Praeger Publishers.
- [6] Brzoska, M. (2003). “From Dumb to Smart? Recent Reforms of UN Sanctions”. *Global Governance* 9.4: 519-535.
- [7] Centre for Economic and Social Rights (1996). *UN Sanctioned Suffering in Iraq*. New York: CESR.
- [8] Chesterman, S. and Pouligny, B. (2003). *Are Sanctions Meant to Work? The Politics of Creating and Implementing Sanctions Through the United Nations*. *Global Governance*, 9(4), 503-18. Retrieved from EBSCOhost.
- [9] Comforti, B. (1991) “Non-coercive Sanctions in the United Nations Charter: Some Lessons from the Gulf War”. *The European Journal of International Law*, 2(1), 110-13.
- [10] Cortright, D. (2000). *The sanctions decade: assessing UN strategies in the 1990s*. Lopez, George A. Boulder, Colo.: Lynne Rienner Publishers.
- [11] Cortright, D. and Lopez, G.A. (2002) *The Sanctions Decade: Assessing UN Strategies in the 1990s*. Boulder, CO: Lynne Rienner.

- [12] Doxey, M. P. (1996). *International Sanctions in Contemporary Perspective*. (2d ed.). New York: St. Martin's.
- [13] Enrico, C. (2017). The evolution of UN sanctions: from a tool of warfare to a tool of peace, security and human rights. Rickard-Martin, Loraine, Meister, Shawna, Cham, Switzerland: Springer.
- [14] Eriksson, M. (2011). *Targeting Peace: Understanding UN and EU Targeted Sanctions*. Farnham, UK: Ashgate.
- [15] Feliciano, F.P. and McDougal, M.C. (1961). *Law and Minimum World Public Order*. New Haven, Conn: Yale University Press.
- [16] Gowlland-Debbas, V. (ed.) (2001). *United Nations Sanctions and International Law*. The Hague: Kluwer Law International.
- [17] Hsu, M. (1949). *The Sanctions of International Law: Transactions*. England/Oxford: Grotious Society.
- [18] Kochler, H. (ed.). (1997). *Economic Sanctions and Developments*. Vienna: International Progress Organization.
- [19] Kolb, R. (2007). The Eternal Problem of Collective Security: From the League of Nations to the United Nations. *Refugee Survey Quarterly* 26.4: 220-225.
- [20] Lowe, V., Roberts, A., Welsh, J. and Zaum, D. (2010). *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. Oxford: Oxford University Press.
- [21] McDougal, M. and Reisman, M. (1968). "Rhodesia and the United Nations: The Lawfulness of International Concern. *The American Journal of International Law*, 62 (1), 1-19.
- [22] Nester, W.R (2010). *Globalization, Wealth, and Power in the Twenty-first Century*. Palgrave Macmillan.
- [23] Ramsbotham, O. (2005). *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts*. Oxford: Blackwell Publishers.
- [24] Royal Institute of International Affairs (1938). *International Sanctions: A report*. London: Oxford University Press.
- [25] Rudolf, P. (2007). Sanctions in International Relations: On the Current State of Research. *SWP Research Paper 6*. Berlin: German Institute for International and Security Affairs.
- [26] Stone, J. (1959). *Legal Controls of International Conflict*. London: Steven and Sons.
- [27] Schwarzenberger, G. (1980). *International Law*. London: Macmillan.