

SANCTIONS AND SOUTH AFRICA

by

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Submitted for the degree of
Doctor of Philosophy,
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ABSTRACT

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This thesis studies sanctions and South Africa to show that sanctions can be an effective instrument of foreign policy. It provides a general study on sanctions and South Africa that is not limited to economic factors alone. It develops a framework for analysis using legal, economic and political factors that form the components of sanctions such as the legality of sanctions, the actors which impose sanctions, types of sanctions, the purposes and targets of sanctions, and the response of targets. The effectiveness of sanctions as an instrument of foreign policy is assessed, and factors that limit or enhance their effectiveness are identified.

The investigation is in two parts. The first part uses the framework to examine international cases other than South Africa. The second part uses the same framework to examine sanctions against South Africa. Fundamental to the study is the fact that although sanctions are widely used in the conduct of international relations, the research on them is meagre in comparison with the available literature on other instruments of foreign policy such as diplomacy and war.

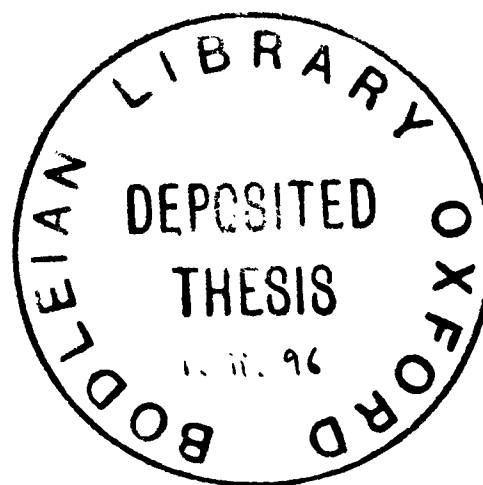
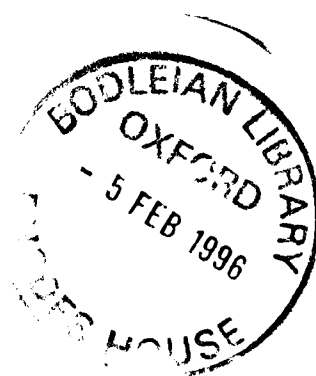
The study finds that from a legal viewpoint there is no apparent rule in international law that prohibits the imposition of sanctions. For sanctions to succeed, sanctioners must commit themselves to making the sanctions work from the point of implementation and enforcement. Different types of sanctions achieve different levels of effectiveness. Even if sanctions do not fulfil their stated purpose, they do often fulfil other purposes which may, in fact, be more important. When faced with sanctions, targets invariably react to their imposition. The effectiveness of sanctions cannot be measured by economic and stated objectives alone. When additional criteria are used, it is found that contrary to conventional wisdom, sanctions are an effective instrument of foreign policy.

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To Nelson Mandela

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SANCTIONS AND SOUTH AFRICA

INTRODUCTION

Sanctions are a major instrument in the conduct of international relations. The purpose of this study is to show that sanctions can be an effective instrument, and to identify the factors that limit or enhance their effectiveness. The campaign of sanctions against South Africa is chosen for particular attention because international opposition to the policy of apartheid manifested itself in a range of sanctions and boycotts, making South Africa the single most sanctioned state in the world.

Sanctions were first imposed against South Africa in 1946. Since that time there was an intensification of sanctions particularly in response to events within that country. After the shootings in Sharpeville in March 1960 and the riots in Soweto in July 1976, a wide range of sanctions - political, economic, military, energy and technology - were brought into operation. The sanctions were imposed unilaterally by individual states, and collectively through bodies such as the United Nations and the Commonwealth. Following the declaration of a state of emergency in response to an upsurge in violence in African townships that began in August 1984, the pressure for sanctions increased, and several new sanctions were imposed. Among the sanctions were those enacted under the Comprehensive Anti-Apartheid Act 1986 in the United States, the European Community sanctions imposed in 1985, and the Commonwealth sanctions imposed in 1985 and 1986.

Non-governmental organisations also took action against South Africa. They were frequently forerunners to sanctions by providing the initial impetus when governments were unable or unwilling to impose sanctions, or indeed been unaware of specific circumstances in South Africa. Academic, sports and cultural boycotts were central to such action as was the American-led disinvestment campaign. These actions were imposed mainly by non-state actors such as churches, trade unions, local bodies, sporting organisations and educational institutions.

Although much has been written about sanctions in general and the South African case in particular, the application of sanctions and boycotts against South Africa has not been systematically and comprehensively examined from a political viewpoint. Fundamental to this study is the contention that although sanctions are widely used in the conduct of

international relations, the research on them is still meagre in comparison with the available literature on other instruments of foreign policy such as diplomacy and war.

METHODOLOGY

The subject of sanctions and South Africa is analysed in a systematic way by devising a structure of sanctions based on its component parts. This structure is first applied to cases of sanctions other than South Africa to evaluate the practice of sanctions, and then to South Africa. By drawing on existing studies of sanctions and introducing new material, this study refines and expands the understanding of sanctions.

This investigation contributes to the understanding of sanctions in three principal ways. First, it provides a theoretical structure for considering the role of sanctions in international relations by looking at each of the component parts of sanctions. The legality of sanctions is considered in the light of international law such as the United Nations Charter and the principle of non-intervention, as well as the issue of extra-territorial jurisdiction, and the non-discriminatory basis of the General Agreement on Tariffs and Trade.

The actors that impose sanctions collectively, such as the United Nations, the Commonwealth and the European Community, are analysed, as are actors that impose sanctions unilaterally. The different types of sanctions, ranging from diplomatic sanctions through economic sanctions to military sanctions, are considered, as are various types of boycotts. The purposes of sanctions are examined, and it is found that sanctions often serve more than one purpose. They may serve not only the stated or manifest purpose of the sanctioner, but also other latent purposes. Sanctions may be imposed, inter alia, for the purpose of international law enforcement, deterrence, seeking policy changes in and imposing costs on the receiver of the sanctions, and signalling messages.

The targets of sanctions are considered, and it is shown that the receivers of sanctions are not necessarily the only targets. A distinction is drawn between targets against whom sanctions are imposed and those at whom sanctions are directed such as: the domestic constituency of the sanctioner, the receiver or both; the international community; or third parties. The different ways in which the receiver responds to the sanctions are discussed.

An examination of the conventional evaluation of the effectiveness of sanctions is made, and it is proposed that the effectiveness of sanctions be evaluated as a function of purpose. That is to say, the judgement of success should be based on whether the sanctions achieved any of the purposes that they sought to serve, and not the manifest purpose alone. The obstacles to effectiveness such as sanctions evasion and assistance from third parties, as well as the importance of the timing of the termination of sanctions to their effectiveness is discussed. Moreover, it is submitted that sanctions should be compared with other policy options available to the sanctioner for a proper evaluation of their effectiveness.

The second contribution of this study is that it enables a greater understanding of the practice of sanctions in the conduct of international relations, by bringing within the structure of sanctions cases other than South Africa, and examining the practice of sanctions in terms of each of the components of sanctions. The historical development of the activity of sanctioning from the time of the League of Nations is discussed with particular reference to the Covenant of the League of Nations and the Charter of the United Nations. The issue of extra-territorial jurisdiction is examined especially with regard to the United States' exercise of extra-territorial control. Collective sanctioners are considered with reference to cases such as the League of Nations against Italy (1935-36), the Organisation of American States against Cuba (1962-75), and the European Community against the Soviet Union (1980-81). Unilateral sanctioners like the United States and the Soviet Union are examined to ascertain the characteristics that distinguish them from other international actors.

Sanctions are classified by type. Among others: trade sanctions such as the suspension of Poland's Most Favoured Nation status in 1982; financial sanctions like the freezing of Iranian assets by the United States in 1979; technology sanctions on the export of computers and other high technology items; and energy sanctions as happened when Canada suspended nuclear cooperation with India in 1974.

The various purposes that sanctions have served are analysed. These range from the enforcement of international law in the case of Rhodesia and Iraq, through destabilisation when the Soviet Union imposed sanctions against Albania (1961-65), and changes in human rights as in the case of sanctions imposed by the United States against several Latin American states during the Carter presidency (1976-80), to the gaining of electoral support as happened with United States sanctions against Cuba in 1960.

Actors that have been targets of sanctions are studied, and it is found that in addition to the receivers of sanctions, there have been other targets. In the case of United States sanctions against Poland, for example, the domestic public was a target, and Eastern bloc states were a target of Soviet sanctions against Yugoslavia (1948-55). The receivers have responded to sanctions inter alia with internal and external adjustments, counter-measures, sanctions circumvention, and the rallying of public and international opinion.

When the effectiveness of sanctions is evaluated as a function of purpose, it is found that sanctions fulfil latent purposes even if they do not achieve manifest ones. For example, the manifest purpose of the Arab oil embargo (1973-74) was to compel Israel to withdraw from territories it captured in 1967, and restore rights to the Palestinians. Although these objectives were not achieved, latent purposes such as an increase in oil prices, and the enlisting of support for the Arab-Israeli conflict from previously neutral states like Japan, were achieved.

It is furthermore found that it is necessary to compare sanctions with other policy instruments available to the sanctioner to judge the effectiveness of sanctions. In the case of Rhodesia, for example, the question is asked as to whether there were any other options such as the use of force available to sanctioners.

The third contribution of this study is that it presents in a systematic manner the application of sanctions and boycotts by the international community against South Africa in the light of the reforms initiated by President FW de Klerk in February 1990. The analysis of sanctions according to its component parts gives a greater understanding of the role that sanctions played in the political changes in South Africa.

The legality of sanctions in the light of the principle of non-intervention, for example, is examined as South Africa regarded apartheid as a matter of domestic jurisdiction since the matter was first raised at the United Nations in 1946. The wide range of actors that have participated individually and collectively in imposing sanctions are compared, in order to assess various attitudes towards the imposition of sanctions against South Africa. It is found that sanctions imposed by the European Community, for example, reflect the difficulty of reaching agreement. The sanctions package was a compromise between Britain, West Germany and Portugal who were the least in favour of sanctions, and other Community members. Indeed Britain imposed only the United Nations arms embargo until the imposition of European Community sanctions in 1985. The Soviet Union on the

other hand, which officially imposed comprehensive sanctions, nevertheless had profitable cartel arrangements with South Africa for the pricing and marketing of its diamonds, platinum and gold reserves.

It is shown that the sanctions against South Africa have served more than one purpose. While the arms embargo imposed by the United Nations has been for the purpose of international law enforcement, other purposes have also been served, such as signalling a message to domestic constituencies as happened in the United States where there was widespread agitation for action to be taken against South Africa. Where boycotts are concerned, the sporting boycott, for example, had a highly visible and immediate impact.

The South African case is taken as an illustration that where a purpose of the sanctions has been to signal a message, that in addition to the receiver, other targets have been allies of the sanctioner, international public opinion, and the domestic public. British sanctions imposed in 1985, for example, signalled a message to European Community and Commonwealth member states that Britain was willing to impose sanctions as a compromise step, while domestic pressure groups were one of the targets of American sanctions. It is shown that where the response of the receiver is concerned, one of the counter-measures taken by South Africa has been to impose sanctions against neighbouring states, thereby making South Africa both a sanctioner and a receiver.

The effectiveness of sanctions is evaluated in terms of the purposes sought by the sanctioners, and in comparison with other options that have been available to them. For example, the United Nations arms embargo is evaluated in terms of the purpose of the embargo, and the role of diplomacy and war are compared with the role played by sanctions.

LIMITS OF THE RESEARCH

When on 2 February 1990, FW de Klerk made a historic announcement, it marked a watershed in South Africa's domestic and foreign policy. Previously banned political organisations were allowed to operate freely, and South Africa was placed on the road to constitutional negotiations. The Government's willingness to a negotiated settlement heralded the beginning of the end of a long era of apartheid and white domination. For these reasons, the time period of this study is until February 1990.

In this investigation, sanctions imposed during times of war are not considered. Throughout history, sanctions have been used during times of war as a means of weakening the enemy. In such instances, sanctions have acted as a tactic in the overall military strategy. Thus the use of sanctions during the Continental Blockade imposed by Napoleon in 1806, or the sanctions imposed by Britain against Argentina during the Falklands conflict in 1982 are not discussed because the interest of the research is in sanctions that act as an alternative to military force. In other words, only sanctions episodes where the sanctioner has been a non-belligerent are taken into account.

Detailed economic analyses have been excluded from this study, as the main focus is political. Moreover, in the case of South Africa, the provision of detailed economic analyses is limited by the fact that reliable statistical information pertaining to sanctions is not easy to obtain. There have also been systematic exclusions; data on transactions concerning oil, arms, nuclear technology, and relations with African states are not available in official publications. Consequently, anti-apartheid groups, churches, the media and individual researchers are the main sources of such information.

STRUCTURE

The presentation of this work is divided into two parts. The first part, looks at the theory and practice of sanctions. Chapter one defines the terms used and devises a framework for examining sanctions.

Chapters two to seven use this structure to examine the practice of sanctions in cases other than South Africa, with each chapter considering a component. Chapter two looks at the legality of sanctions in relation to international law, The international actors that impose sanctions are discussed in chapter three, both in terms of collective sanctioners and individual actors that act as unilateral sanctioners. The different types of sanctions that are available to sanctioners are discussed in chapter four ranging from diplomatic sanctions through technology sanctions to military sanctions. Chapter five considers the purposes and targets of sanctions on the basis that sanctions seldom serve a single purpose, and that purposes may be either manifest or latent. The targets of sanctions, that are not only the receivers of sanctions, but also other actors such as domestic constituencies, allies and the international community, are also discussed. Chapter six considers the manner in which different targets respond to the sanctions. Chapter seven discusses the effectiveness of sanctions using four criteria.

The second part, comprising chapters eight to thirteen considers the application of sanctions to South Africa. It parallels the format in the second part, so that each chapter considers a separate component of sanctions. The concluding chapter assesses the role of sanctions as an effective instrument in international relations.

PART ONE: THE THEORY AND PRACTICE OF SANCTIONS

CHAPTER ONE: SANCTIONS: DEFINITIONS AND A FRAMEWORK FOR ANALYSIS

In popular usage, there is often a tendency to cast under the rubric of sanctions, any economic action taken by one government against another. In academic writings, sanctions have been defined in numerous ways, often because scholars have developed definitions to suit their particular study. As it is important at the outset to clarify how sanctions is to be treated in this study, this chapter first compares and contrasts sanctions with related terms such as boycotts, embargoes, divestment, and disinvestment particularly as they apply to South Africa. Second, the variety of definitions of sanctions are discussed, and it is proposed that for the purposes of this study sanctions be approached in terms of a framework for analysis.

1.1 BOYCOTTS AND EMBARGOES

The term sanctions is sometimes used interchangeably with the terms boycott and embargo. The term boycott is defined in the Oxford English Dictionary¹ as:

"To combine in refusing to hold relations of any kind, social or commercial, public or private (with a neighbour) on account of political or other differences, so as to punish him for the position he has taken up, or coerce him into abandoning it. The word arose in the autumn of 1880 to describe the action instituted by the Irish Land League towards those who incurred its hostility. It was speedily adopted in nearly every European language."²

Boycotts have, at times, been used interchangeably with sanctions though they have come to refer to action taken by state and non-state actors particularly in the areas of sport, culture and academic contacts. Thus, one talks of the boycott of the Moscow Olympics, or a scientific boycott of Yugoslavia by the Soviet Union.

The term embargo is defined as:

- "1. A prohibitory order, forbidding the ships of a foreign power to enter or leave the ports of a country or native ships to proceed thither, generally issued in anticipation of a war. An embargo may also be laid on particular branches of commerce for fiscal purposes.
2. A suspension of commerce, either general or of some particular branch, imposed by municipal law."

For the purposes of this study, embargoes are taken to be a subset of sanctions which usually apply to specific exports and imports, as for example oil and arms embargoes.

1.2 DIVESTMENT AND DISINVESTMENT

These two terms have gained wide currency over the past few years, particularly in the context of sanctions against South Africa. They are economic sanctions imposed mainly by non-state actors, and concern withdrawal from the actor against whom the sanctions have been imposed.³

Divestment takes the form of withdrawal of shares and assets by individual and non-governmental organisations from companies that have links with the target. Disinvestment is the withdrawal of private companies from the target. Hence the decision by Oxford University in 1984 to prohibit future investments in South African firms is act of divestment, while the withdrawal of General Motors from South Africa is one of disinvestment.

Disinvestment does not mean that there is necessarily total withdrawal from the target, as assets may only be partially disposed, and equity withdrawal may only be partial. A company selling its assets may, for example, guarantee continued availability of its products through a series of devices such as franchise agreements, production on licence, and supply and service contracts. In cases where subsidiaries are sold to local management, a buy-back clause may be incorporated giving the parent company the right to re-acquire the firm at a later date.

1.3 DEFINITIONS OF SANCTIONS

The precise definition of sanctions is difficult, not the least because the emphasis is placed on particular aspects. The aspect common to most definitions of sanctions is based

on the legalistic definition has its origins in Roman law where the Latin sanctio referred to the exacting of a specific penalty for violation of a law or decree.⁴ Thus:

"Sanctions, to deserve the name, must be conformity defending instruments relating to behaviour which is expected by custom or required by law."⁵

The element of punishment is also either explicit or implicit in most definitions of sanctions, as for example:

1. "Penalty attached to transgression and breach of international law... punitive actions initiated by a number of international actors, particularly a world organisation... against one or more states for violating a universally approved charter, as inducements to follow or refrain from following, that particular course of conduct and conform with international law."⁶
2. "Actions initiated by one or more international actors (the 'senders') against one or more others (the 'receivers') for either or both of two purposes: to punish the receivers by depriving them of some value and/or to make the receivers comply with certain norms the senders deem important."⁷

The punitive aspect is also stressed in the Dictionary of Political Thought. It defines sanctions as:

"punitive action by one state against another, designed to force a change of policy without resorting to overt aggression."⁸

The definition of international sanctions in the Soviet Dictionary of International Law, by comparison does not include any reference to the punitive aspect:

"(1) as a structural element of a standard of international law pinpointing the unfavourable consequences in the event of violation; (2) as enforced measures taken by international organisations, primarily by the United Nations; (3) as a special political form of the State's responsibility in

consequence of an international crime; (4) as individual and collective enforced measures taken in retaliation to a delict; (5) as measures of compulsion used against a State that shuns its responsibility for its breach of law."⁹

One study observes that in current popular usage economic sanctions are regarded as instruments of national policy intended to deprive the target of the benefits of economic intercourse in order to effect a change in the target's behaviour. It states that an examination of cases of sanctions, however, shows that: "punition is the cardinal motivating force in prompting the imposition of these economic tools of statecraft against specified targets."¹⁰

The element of coercion is a third aspect found in many definitions of sanctions. The Oxford English Dictionary, for example, defines sanctions as a legalistic term and as a coercive measure:

"The specific penalty enacted in order to enforce obedience to a law, extended to include the provision of rewards for obedience along with punishments for disobedience to a law,"

and as:

"economic or military action taken by a state or alliance of states against another as a coercive measure, usu. to enforce a violated law or treaty."

The Random House Dictionary of the English Language similarly defines sanctions in both legalistic and coercive terms:

"A provision of law enacting a penalty for disobedience or a reward for obedience,"

and as:

"action by one or more states toward another state calculated to force it to comply with legal obligations."¹¹

Thus there are numerous definitions from which to choose one for this study. The purposes of this study are, however, to enable a greater understanding of sanctions within a broad political context, and to examine the practice of sanctions in a systematic manner both in its general application and in the specific case of South Africa. To confine sanctions to a narrow definition would not allow unrestricted analysis of the theory and practice of sanctions, and would be a disservice to an instrument of foreign policy that needs to be better understood.

For example, to merely define sanctions in its legalistic sense would not permit an examination of the legality of sanctions within the context of international and national law. Similarly, to consider the punitive purpose or the coercive element of sanctions would be to inhibit an examination of other purposes and aspects of sanctions such as deterrence and symbolic communication. It is, therefore, proposed that rather than confine sanctions to a definition, that for the purposes of this study that they be considered in terms of a framework for analysis that has six components: the legality of sanctions; the sanctioners; types of sanctions; purposes and target; response of targets; and evaluation of effectiveness.

CHAPTER ONE: NOTES

1. Oxford English Dictionary, (OED) (1989 edn), Oxford: Clarendon Press.
2. For example, in French boycotter, in Dutch boycotten, German boycottiren, and Russian boikottirovat.
3. Divestment is defined in the OED as:
 "spec in financial contexts, the policy or practice of selling of subsidiary interests or withdrawing from investments.
 and divest as:
 "To reduce or dispose of one's investment (in a place or company, etc).
 Disinvestment is defined as:
 "The consumption, realisation, or reduction of investment, or diminution of capital goods."
4. Nossal, K.R. (1987) "Economic Sanctions in the League of Nations and the United Nations." In D. Leyton-Brown (ed) The Utility of International Economic Sanctions, London: Croom Helm, p 11.
5. Doxey, M.P. (1971) Economic Sanctions and International Enforcement, London: Oxford University Press, p 1.
6. Daoudi, M.S. and Dajani, M.S. (1983) Economic Sanctions: Ideals and Experience, London: Routledge & Kegan Paul.
7. Galtung, J. (1967) "On the Effects of International Economic Sanctions with Examples from the Case of Rhodesia," World Politics, vol 19, no 3, April 1967, p 379.
8. Scruton, R. (1983) A Dictionary of Political Thought, London: Pan.
9. A Dictionary of International Law, Moscow, 1982.
10. Nossal, "Economic Sanctions in the League of Nations and the United Nations," p 8.
11. Random House Dictionary of the English Language, (1987 edn), New York: Random House.

CHAPTER TWO: THE LEGALITY OF SANCTIONS

International law is the body of rules and norms that govern relations between states. Although it is not supported by a system of courts in the way that domestic legal systems are, international law nevertheless affords the machinery for the collective enforcement of its rules, and permits individual states to take unilateral action to enforce these rules.¹

This chapter examines the international legal environment in order to determine the legality of sanctions in terms of action that is permissible collectively, and measures that are open to states acting unilaterally outside the framework of international organisations. It takes into consideration that the use of sanctions in international relations is governed not only by international law, but also subject to the national law governing the conduct of foreign relations by individual states. The legality of sanctions, or the permissibility of their use is hence examined with regard to: the League of Nations; the United Nations; the European Community; the principle of non-intervention; the General Agreement on Trade and Tariffs; the extra-territorial jurisdiction of states; and the national law of two individual states.

2.1 LEAGUE OF NATIONS

Under the Covenant of the League of Nations, member states were obliged to impose sanctions against another member that went to war in breach of its Covenant obligations (Article XVI(1)).² The legalistic interpretation of sanctions which "underlay the entire structure and raison d'être of the League of Nations, and underwrote the Covenant,"³ made it a delict for a member to resort to war until a set of prescribed procedures had been met (Articles XII, XIII, and XV).⁴ A state which disregarded this obligation was deemed ipso facto to have committed a delict, and, therefore, be subjected to the sanctions. Under Article XVI, a state resorting to aggression without regard to the procedures was deemed to have committed an "act of war" against all other members of the League who were obliged to:

"... subject it to the severance of all trade or financial relations; the prohibition of all intercourse between their nationals and the nationals of the 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" (Article XVI(1)).

The imposition of sanctions under the League, hence was not only legally permissible but an obligation under the Covenant.

The provisions of Article XVI, however, were diluted through a series of interpretive resolutions during the Second League Assembly in 1921. Sanctions were no longer considered to be an automatic response to a breach of the Covenant. It was left instead to each member to decide if a delict had been committed as there was not central body to ascertain whether there had been a violation of obligation. Although this de facto revision did not amount to a formal amendment of the Covenant, its very existence weakened a system of sanctions that would operate automatically against a transgressor.

Hans Kelsen in his juristic interpretation of sanctions points out that although in the legal sense a sanction cannot be imposed without it first being judicially ascertained that there has indeed been a violation of the law, Article XVI did not specify as to who was to judge if a delict had taken place, and the Covenant did not have any provision for a body where such a decision could be taken.⁵ He argues, therefore, that the only possible juristic interpretation of Article XVI was that each member was required to determine whether a delict had been committed. It was only if the answer was in the affirmative was the member obliged to impose sanctions. That is to say, the legality of sanctions was dependent on the interpretation afforded by individual members.

Therefore, when the League acting for the first time in accordance with Article XVI imposed sanctions against Italy for invading Abyssinia without prior recourse to pacific settlement, the Council retained the duty to recommend the imposition of sanctions, but each member state had the right to decide the timing and the nature of the sanctions. However:

"The sanctions were a legal obligation analogous to the penalties of criminal law. They were not just a matter of policy. There had been a violation of international law, and Italy, whose army had started to invade Abyssinia, had been declared an aggressor and made subject to sanctions."⁶

Sanctions were obligatory; to have refrained, would have been tantamount to complicity with aggression, and a state's violation of international obligations with impunity.

2.2 UNITED NATIONS

Sanctions as conceived by the League were derived from the legalistic conception of sanctions as measures to secure obedience to the law, with prescribed penalties for its breach. In contrast to the Covenant, the Charter of the United Nations does not have a legalistic relationship between obligation, delict and sanction. The Charter does not prescribe that enforcement action be taken against a member that has violated its obligations:

"It is generally admitted that these recommendations lack sanction in the juridical sense. Their value and strength is political and moral aiming to reform the member's conduct and return it to the conduct that is considered desirable and is recommended by the international organisation."⁷

Hence when the Soviet Union invaded Afghanistan in December 1979, there was no obligation on the part of United Nations members to impose sanctions:

"All member states are not ipso facto at war with the Soviet Union; the United Nations is not confronted, as the League was, with the dilemma of having to impose a set of specified sanctions on a Covenant-breaking member and yet knowing in political terms, that such a course would be unworkable."⁸

The Charter differs from the Covenant in other respects as well. Under the Covenant, non-members of the League were not under any obligation to adhere to the League's sanctions resolutions. The Charter, on the other hand, states:

"The Organisation shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security." (Article 2(6)).

However, in the absence of any consensus among international lawyers, the question of whether states which are not members of the United Nations are under a legal obligation to abide by sanctions resolutions, remains unresolved.

The Charter leaves the decision, selection and imposition of sanctions to the discretion of the Security Council (Article 39). In granting the Security Council the discretionary power, the Charter surmounts the problems that the League encountered with the 1921 interpretive resolutions.

2.2.1 Security Council

As the maintenance of international peace and security is the primary purpose of the United Nations,⁹ states are obliged to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, and not endangered" (Article 2(3)). Under Article 42, therefore, the Security Council "may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security." The Security Council may authorise military action, however, only should measures provided under Article 41 prove or be regarded as inadequate. These measures not involving the use of force include:

"complete or partial interruption of economic relations and of rail, sea, air postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

The Security Council is, therefore, competent to adopt legally binding resolutions on matters relating to international peace and security. Decisions taken under these articles are legally binding upon member states; this obligation being imposed under Article 25 which reads:

"The Members of the United Nations agree to accept and carry out the decision of the Security Council in accordance with the present Charter."

Besides, member states are obliged not to give assistance to any state being subjected to enforcement action by the Security Council.

The Security Council also has the lesser power of recommendation. Resolutions made under Chapter VI (Articles 33 to 38) of the Charter, which states that the Security Council may "recommend" steps to remedy a situation that does not yet threaten international peace but which is "likely to endanger" or "disturb" international peace, are generally accepted as not being legally binding.¹⁰

The Security Council's ability to decide on enforcement measures depends on the unanimity of its five permanent members. This means that each of them has the legal authority to block sanctions not only against itself, but also against a state that it wants to support. During the Iranian hostage crisis, for example, the Soviet Union vetoed a draft resolution¹¹ proposed by the United States in January 1980 for sanctions against Iran.

The Council has the discretion to decide whether sanctions are to be voluntary or mandatory, selective or comprehensive. When sanctions are mandatory, failure to carry out the decision of the Security Council constitutes a violation of Article 25. The decision is binding on all members even if it runs counter to constitutional provisions or national legislation.

Voluntary sanctions are recommendations by the Security Council. They do not place an enforcement obligation upon member states, and those that disregard them are not in violation of the Charter. The Council's call for voluntary sanctions, however, gives such action significant backing and greater legitimacy. Moreover, Security Council condemnation of the behaviour of a state can reinforce action taken by other states who can claim to be defending universal interests as well as their own.

2.2.2 General Assembly

The resolutions of the General Assembly of the United Nations, in terms of Chapter VI (Articles 10 to 14) of the Charter, are recommendatory and not legally binding on member states. Although the Assembly has the general authority to make recommendations on any matter within the scope of the Charter, it does not have any explicit powers with respect to the imposition of sanctions. Hence there is no obligation on the part of member states to impose sanctions that are recommended by the Assembly.

"... Article 14 authorises the Assembly to recommend measures for the peaceful adjustment of any situation which it deems likely to impair the general welfare of friendly relations among nations... Recommendations, by their very nature, do not constitute a legal obligation to behave in conformity with them."¹²

The General Assembly may thus pass resolutions calling for the imposition of sanctions against a state, but such sanctions are not obligatory or legally binding on members.

General Assembly resolutions, however, are not without legal significance. States are legally obliged to consider recommendations of both the Security Council and the General Assembly in good faith.

"A resolution recommending to an Administering State a specific course of action creates some legal obligation which, however rudimentary, elastic and imperfect, is nevertheless an obligation.. The State in question, while not bound to accept the recommendation, is bound to give it due consideration in good faith."¹³

The failure to fulfil this obligation, evidenced by repeated rejection of recommendations over a period of years, may in due course lead the Security Council to find that such non-compliance is in itself a threat to international peace under Article 39. In the opinion of a judge of the International Court of Justice:

"A continued rejection of a recommendation, or type of recommendation, put forth repeatedly by a quasi-unanimity or large majority of States... must constitute evidence - though not course proof - of a lack of good faith on the part of the State to which they are addressed."¹⁴

He does, however, note that the repetition of resolutions at successive sessions of the General Assembly does not impose a legal obligation:

"Logically, if a State is legally entitled to reject a recommendation emanating from that source as obligatory, it is entitled to do so, however often, and with whatever variations, the recommendation is repeated."¹⁵

Sanctions imposed on the basis of a recommendation by the General Assembly, therefore, do not have a clear legal basis, although continued rejection of such recommendations may constitute a breach of the Charter.

2.2.3 Rhodesia

The decision to impose sanctions against Rhodesia, was based on recommendations of the General Assembly and the Security Council, as well as on legally binding resolutions of the Security Council. It rested on the grounds that the unilateral declaration of independence (UDI) by the government of Ian Smith was not only an illegal act to be taken care of by the constitutional authority vested in Britain, but one that had international implications and was hence the legitimate concern of the United Nations.

Prior to UDI, the Security Council requested Britain to take "all necessary action" to prevent a unilateral declaration,¹⁶ and the General Assembly called upon Britain to employ all necessary measures including military force.¹⁷ The British government, however, asserted that the United Nations was not competent to discuss the Rhodesian situation. But when UDI was announced on 11 November 1965 by the government of Ian Smith, Britain requested a meeting with the Security Council which called upon member states neither to recognise nor render any assistance to Rhodesia.¹⁸

The resolution, however, was not based on Chapter VII despite the arguments put forward by African members on the Security Council, and hence was not mandatory. When the Ivory Coast submitted a draft resolution that would have implemented sanctions under Articles 41 and 42, Britain vetoed the proposal.¹⁹ A compromise resolution was adopted which, among other steps, urged all states to impose voluntary sanctions against Rhodesia, with particular emphasis on an arms embargo, military equipment, and oil and petroleum products.²⁰

On 21 April 1966, the General Assembly's Special Committee on decolonisation adopted a resolution recommending that the Security Council urgently consider further measures under Chapter VII. A draft resolution put forward by 32 African states requesting that mandatory sanctions be imposed was rejected by the Security Council.

In December 1966, Britain called another meeting of the Security Council to consider the imposition of selective sanctions should the Rhodesian government not show any signs

of weakening. Consequently, the Security Council determined that the situation in Rhodesia constituted a threat to international peace and security, and imposed selective mandatory sanctions on specified items including oil.²¹

The Security Council resumed consideration of the Rhodesian situation when Britain introduced a draft resolution calling for comprehensive sanctions, and on 29 May 1968, the Council voted unanimously to imposed mandatory sanctions prohibiting all diplomatic, economic, financial, military and air links with Rhodesia.²²

2.2.4 Iraq

The second occasion on which the Security Council imposed comprehensive mandatory sanctions, under Chapter VII, was against Iraq over its invasion of Kuwait on 6 August 1991.²³ Only Yemen and Cuba abstained on the vote when the Council decided, among others, that all states should prevent:

"The import into their territories of all commodities and products originating in Iraq or Kuwait... the sale or supply of any commodities or products, including weapons or any other military equipment... any funds or any other financial or economic resources."

The breaking of diplomatic relations with Iraq, however, was not called for, and exemptions made for:

"supplies intended for strictly medical purposes... payments exclusively for strictly medical or humanitarian purposes and, in special humanitarian circumstances, foodstuffs."

On 13 September, the Security Council adopted a resolution²⁴ concerning the availability of food in Iraq and Kuwait for "persons who might suffer specially" such as young children, expectant mothers, the sick and the elderly. It imposed strict control on such humanitarian food by having shipments channeled through United Nations and other international agencies. On 25 September, with Cuba opposing, the Security Council decided to impose an air embargo on Iraq.²⁵ It prohibited all air traffic to and from Iraq, and imposed a ban on overflying permission being granted to any aircraft destined for Iraq.

2.3 EUROPEAN COMMUNITY

The European Community provides an example of the legality of sanctions that are imposed collectively. The Community's legal competence is found in the Treaty of Rome, particularly Article 113 which provides for the implementation of "the common commercial policy." The decision to impose sanctions against the Soviet Union over events in Poland in 1982, for instance, was by a regulation pursuant to Article 113.²⁶

Article 223 provides a specific basis for sanctions concerning "trade in arms, munitions and war material" and Article 235 permits the Council to take "appropriate measures" if such action is required to attain an objective of the Community. When proposed sanctions fall outside of the common commercial policy, member states may consult each other pursuant to Article 224, and implement sanctions unilaterally. Article 224 reads:

"Member states shall consult each other with a view to taking together steps needed to prevent the functioning of the common market being affected by measures which a Member State may be called upon to take in the event of serious internal disturbances affecting the maintenance of law and order, in the event of war, serious international tension constituting a threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security."

Thus when sanctions were called by the United Nations against Rhodesia in 1966 and 1968, the Community took the view that the imposition of the sanctions were primarily of a political and security nature, and therefore did not fall under Article 113, but under Article 224.

It should be noted that Article 224 "is not an escape clause, but designates a field that has remained within the sovereignty of the member states."²⁷ That is to say, that the Article recognises that an area of sovereign power continues to reside in member states. Moreover, it does not limit such power exclusively to war, or to where the state is a belligerent. Second, Article 224 was applied in the case of sanctions against Argentina notwithstanding the fact that the Security Council had not determined that sanctions should be imposed under Chapter VII.²⁸ Britain, Ireland, Denmark and Italy relied on Article 224 when they imposed sanctions though three of them were non-belligerents.

2.4 THE LEGALITY OF SANCTIONS AND THE PRINCIPLE OF NON-INTERVENTION

The principle of non-intervention is a fundamental tenet of the international political system. According to the principle, any interference by one state into the affairs of another state is a violation of sovereign authority and a denial of the sovereign state's right over its sphere of jurisdiction.

There is little agreement, however, as to what constitutes intervention,²⁹ particularly as the growth of state and non-state actors acting across international borders have made interventions a common occurrence. The areas of jurisdiction over which there is intervention may be a state's nationals, its territory, the conduct of its domestic affairs, or its right to determine its external policy.

Documents such as the Charter of the Organisation of American States and the United Nations Charter, as well as United Nations resolutions deal with the issue of intervention in relation to sanctions.

2.4.1 Charter of the Organisation of American States

The Charter of the Organisation of American States (OAS) is explicit in the recognition of non-intervention in economic and other affairs. Articles 15 and 16 read:

"No state or group of states has the right to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic or cultural elements.

"No state may use, or encourage the use of, coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind."

Collective intervention, however, is allowed under Article 19 where enforcement measures are adopted for the maintenance of peace and security. The absolute principle

of non-intervention is, in other words, qualified by the legitimacy granted to collective action for purposes of enforcement.

It was on these grounds that the OAS applied its first sanctions in August 1960 against the Dominican Republic for acts of aggression and intervention in Venezuela, and the attempted assassination of the Venezuelan president. The OAS passed an unanimous resolution which called for all members to break off diplomatic ties with the Dominican Republic, impose an arms embargo and selective economic sanctions. In January 1961, the Council voted to extend the sanctions to include petrol and petroleum products, and trucks and spare parts.³⁰ It was decided that the sanctions would be continued until the Dominican Republic ceased to be a threat to the peace and stability of the region. The sanctions were lifted in January 1962 after the assassination of Rafael Trujillo, who had ruled the country as a dictator for 31 years and continued to control the government after his formal withdrawal from politics, and the installation of a more democratic regime.

2.4.2 United Nations Charter

The Charter of the United Nations upholds the principle of non-intervention but specifically allows the use of sanctions as an instrument of international enforcement. Article 2(7) reads:

"Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state...; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

This means that should the Security Council determine that a situation or a dispute, which constitutes a threat to the peace, breach of the peace or act of aggression, arises out of a matter essentially within the domestic jurisdiction of a state, it is allowed an exception to the general principle of non-intervention. The Council is, however, restricted specifically to the authorisation of enforcement measures.

Prior to UDI in Rhodesia, the General Assembly had concerned itself with the Rhodesian question on the grounds of human rights and self-determination, under Chapter XI. When the Security Council attempted to make recommendations on the issue, Britain used its power of veto on the basis that the Security Council did not have the power to

intervene in Rhodesia. It maintained that as Rhodesia[Southern] had been a self-governing colony since 1923, and not a self-governing territory as designated by the General Assembly in 1962, the United Nations was not competent to deal with the political and constitutional developments in the territory.³¹ The majority of member states though took the view that the principle of non-intervention did not preclude the United Nations from discussing and passing resolutions on Rhodesia.³²

When UDI was threatened, Britain did not use its veto when the Security Council adopted a resolution in May 1965³³ which endorsed all resolutions passed by the General Assembly. The adoption of this resolution effectively established the jurisdiction of the Security Council to deal with the Rhodesian independence crisis. Following UDI, Britain conceded international jurisdiction on the matter by abandoning the domestic jurisdiction argument, and the Security Council exercised the jurisdiction that it already had:

"The difference between the pre-UDI and the post-UDI period is that the latter enabled the Council to impose enforcement measures under Chapter VII of the Charter after determining the existence of a threat to the peace."³⁴

There are no guidelines in the Charter though on the use of sanctions outside of Chapter VII, neither is there a specific provision expressly forbidding the use of sanctions. Moreover, the Charter does not qualify the nature of the "force" prohibited in Article 2(4), and leaves it unclear as to whether the prohibition includes economic, political and other types of coercion, or is limited to armed force. It is commonly held, however, that the prohibition applies to armed force alone on the basis of the negotiating history of Article 2(4), the qualification of the term "force" as "armed force" in the preamble to the Charter and in Article 46, and the writing of jurists.³⁵ It may therefore be assumed that "until all states agree otherwise, force in Article 2(4) is limited to military coercion."³⁶

2.4.3 General Assembly Resolutions

The principle of non-intervention upheld in the United Nations Charter is supported by General Assembly resolutions. The Assembly's "Declaration on Inadmissibility of Intervention in Domestic Affairs of States and Protection of their Independence and Sovereignty"³⁷ adopted in 1965, the 1970 "Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with

the Charter of the United Nations,"³⁸ and the "Charter on the Economic Rights and Duties of States" adopted in 1974, are based on the OAS Charter. They prohibit measures which, according to the 1970 Declaration:

"... may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind."³⁹

Even though the resolutions are not legally binding, they are nevertheless regarded as authoritative interpretations of the Charter, and:

"...states are bound to comply with this formulation of their legal duty of non-intervention...there is sufficient evidence to suggest that the formulation describes the legal obligation of non-intervention under customary international law."⁴⁰

There are two points that emerge from the General Assembly resolutions with regard to the legality of sanctions in the light of the principle of non-intervention. The first is that economic or other coercion is not illegal per se, but only when used to "subordinate" the exercise of a state's sovereign rights. Because of this limitation it is argued, using Bowett's test of legality which is based on intent rather than on impact,⁴¹ that "most economic sanctions are permissible even if they harm other States."⁴² This is, however, a subjective standard which, among other things, considers that economic interests are not in themselves political, and makes it difficult to determine the legality of sanctions in terms of the principle of non-intervention.

The second point is that the frequent use of sanctions by states suggests that they are not prepared to regard economic coercion as contrary to the legal obligation of non-intervention, regardless of the views expressed in the resolutions. This is evidenced by the fact that no rule of custom has developed even though the formulation of the declarations describe the legal obligation of non-intervention under customary international law. Nonetheless, states have often sought justify their use of economic pressure, and:

"These attempts to legally justify their conduct indicate that states do accept a legal obligation not to use economic coercion in certain circumstances without legal justification."⁴³

Indeed authorisation by the General Assembly may transform:

"...what might have been an 'improper use' into a 'proper purpose,' thereby rendering economic sanctions employed lawful."⁴⁴

Thus when the legality of a state's conduct is open to question, recommendations of the General Assembly or the Security Council may provide the legal authorisation for members to act upon them individually or collectively. The Security Council censure of Iran for taking American hostages, for example, was cited by the United States and the European Community in official statements explaining their decision to impose sanctions against Iran.⁴⁵

2.4.4 Human rights intervention

One of the grounds on which legal justification is sought is that of human rights intervention. The Charter of the Organisation of African States recognises that intervention is permissible for a value higher than that of state sovereignty. It is a recognition that though states are sovereign, human rights transcend sovereign rights.⁴⁶ Article 24 of the European Convention on Human Rights provides for inter-state action on human rights where a state may bring an action against another state, even if it does not concern one of its own citizens.

There is increasing acceptance that human rights intervention which takes the form of imposing sanctions cannot be construed as illegal intervention.⁴⁷ It is argued, for example that:

"A state that could cite violations of accepted norms of international human rights law as the motivation for the imposition of trade restrictions would have a defence to any charge of illegal motive and thus justified in the imposition of economic sanctions."⁴⁸

Thus despite protestations by Argentina that the United States was violating the principle of non-intervention and setting itself up as an "international court of justice", the Carter Administration imposed sanctions against Argentina in February 1977 for human rights abuses, without any legal consequences.⁴⁹

Where the legality of sanctions in relation to the principle of non-intervention is concerned, it may be concluded that the imposition of sanctions outside the collective exemptions allowed under the Charter of the United Nations, the OAS and other international organisations are not necessarily a violation of the principle.

2.5 THE LEGALITY OF SANCTIONS AND GATT OBLIGATIONS

Central to the General Agreement on Trade and Tariffs (GATT) is the principle, as directed in the "most favoured nation" (MFN) clause, that trade must be conducted on the basis of non-discrimination between signatories (Article I). All contracting parties⁵⁰ are bound to grant each member of the GATT treatment as favourable as they give to any other state in the application and administration of import and export duties and charges.⁵¹ It may, therefore, be argued that sanctions directed against a GATT member by one or more members discriminate against that state, thereby violating the fundamental basis of the GATT.

Article XX, however, provides a number of general exceptions to the principles of free trade by permitting contracting parties to adopt or enforce measures which would otherwise conflict with free trade. The security exceptions in Article XXI provide that no contracting party may be prevented from "taking any action which it considers necessary for the protection of its essential security interests" that relate to fissionable materials, traffic in arms and "to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment." The United States relied on this exemption to impose trade sanctions against Eastern bloc states, as well as the Dominican Republic and Uganda.

Also excepted are actions taken pursuant to a state's obligations under the United Nations Charter which states:

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any

other international agreement, their obligations under the present Charter shall prevail" (Article 103).

Article XXV of the GATT allows the Contracting Parties in "exceptional circumstances not elsewhere provided in this Agreement" to "waive an obligation" imposed on an individual contracting party. This waiver requires a two-thirds majority vote which must comprise more than half of the total members.

Contracting parties may also claim exemption on the grounds of what is known as a "tacit exemption" under the GATT. This does not require any specific GATT exemption, but "allows a situation to continue because it involves broader political questions."⁵² The legality of sanctions in relation to the GATT may thus be based on the several grounds for exemption that the agreement allows.

The legality of sanctions in relation to the GATT requirements for MFN status and nondiscrimination does not arise if the receiver of the sanctions is not a member of the GATT, as for instance the Soviet Union, Iran and Libya. In other cases where trade relations are based on the GATT, the imposition of sanctions may be justified on legal grounds relating to the provisions and exceptions of the GATT. An example of this was in October 1982 when President Reagan suspended Poland's MFN status in response to the outlawing of Solidarity by the Polish government. The legal basis was Poland's failure since 1978 to increase imports from GATT members by seven per cent per year as agreed in Poland's 1967 protocol of accession to the GATT in 1967. Poland challenged the American action by attempting to change the terms of its membership in the GATT, but was unsuccessful.

The exemptions under the GATT, particularly Article XXI, have often been invoked to justify the imposition of sanctions. When the European Community, Australia, Britain and Canada suspended imports from Argentina during the Falklands conflict in 1982, Argentina contended before the Council that the sanctions were not justified under Article XXI, and that none of the states imposing the sanctions had notified GATT. The Council noted that there were widely differing views as to whether the sanctions violated GATT obligations, and whether notification and approval were necessary.⁵³

The legality of sanctions in relation to the GATT has also been raised by Nicaragua. Its complaint over the reduction in the sugar quota by the United States in 1983 was upheld

in March 1984. When the United States explicitly cited Article XXI as justification for its decision to impose trade sanctions in May 1985, Nicaragua argued at a special session of the Council that the sanctions violated several GATT clauses including those pertaining to MFN and nondiscrimination. The United States responded that it saw:

"... no basis for GATT contracting parties to question, approve, or disapprove the judgement of each contracting party as to what is necessary to protect its national security interests... GATT is a trade organisation and has no competence to make judgements on the matter."⁵⁴

A dispute settlement panel of the Council determined in November 1986 that the United States was within its rights in imposing the sanctions. It stated, however, that its terms of reference were limited by accepting as valid the motives of the United States for invoking Article XXI, and that it found the sanctions contrary to the basic aims of the GATT.

The broad exemptions granted under the GATT mean that the legality of sanctions in relation to requirements of MFN treatment and nondiscrimination is, in practice, seldom in dispute. Indeed neither Rhodesia nor Cuba, for example, challenged the sanctions imposed against them on the ground that they contravened GATT obligations, as the sanctions could have been justified under Article XXI. There have been increased procedural requirements for using Article XXI, however, which came into effect after the Argentine complaint in 1982. A party invoking the article is now required to notify other members of trade measures taken under the article, with the receiver of the sanctions retaining full rights under the GATT including recourse to disciplinary procedures. This has meant that there is greater room for questioning the legality of sanctions.

2.6 THE LEGALITY OF SANCTIONS AND EXTRA-TERRITORIAL JURISDICTION

The principle of territoriality and nationality are two of the generally accepted bases of jurisdiction in international law. The territoriality principle rests on the notion that a state should restrict its rule-making to persons and goods within its territory particularly with regard to the regulation of the social and economic activity of a state. The nationality principle is the prescription of rules for nationals of a state.

The legality of sanctions and extra-territorial jurisdiction concerns the legal "sovereignty" of host nations over subsidiaries of transnational corporations. Transnational corporations are "private" non-governmental entities, and as such are subject to applicable national law, although in some cases they enter into agreements with governments under which public international law, rather than national law, governs the transaction.⁵⁵ For most purposes, however, private corporations are treated in international law as nationals of a particular state. The International Court of Justice has determined that the traditional criteria for determining the nationality of companies, "confirmed by long practice and by numerous international instruments," are the place of incorporation and the place of the registered office of the company,⁵⁶ though this is not always the case.

A state's extra-territorial jurisdiction in relation to transnational corporations resides in the power of a state to reach beyond its territorial borders and assert hegemony over property, licensing rights and technical know-how of its nationals abroad. Thus it raises the issue of the legality of sanctions imposed by a state upon or through the subsidiaries of its transnational operations. At the crux is the establishment of whether legal jurisdiction rests with the host nation or the home government. It is a debate that is, as yet, unresolved, thereby making the legality of sanctions and extra-territorial jurisdiction an issue on which there is no clear answer.

There are three cases, all involving the United States, which illustrate the problems associated with ascertaining the legality of sanctions in relation to extra-territorial jurisdiction.

The first case occurred during the Iranian hostage crisis when Iran threatened to withdraw its funds from American banks, and the United States froze Iranian deposits amounting to some USD12bn, one-half of which was held in European subsidiaries of American banks, particularly in Britain, France, the Federal Republic of Germany and Switzerland. The United States based its action on the grounds that "every country has a right to legislate and exercise power over its nationals wherever they may be."⁵⁷ Moreover, the fact that all transactions of American banks had to be cleared through New York meant that the United States was able to reject accusations of interference in the jurisdiction of host governments as payments of deposits were held in United States territory and not in the territory of the host nation.

The European governments "rejected this rationalisation but did not strongly challenge it," because the seizure of diplomatic personnel by Iran was unacceptable to them. The governments, therefore, did not press the issue of their national sovereignty over American subsidiaries operating within their territorial boundaries, and allowed subsidiary banks to argue that Iran's Eurodollar deposits were subject to United States jurisdiction, and not to that of the host country.

"Both parties, however, exerted great efforts to ensure that a final judgement on the issue would not be reached. This strategy ensured that they would not find themselves in a position where such a final ruling would cause a radical rift among them and divert the focus from the hostage issue to the issue of extra-territoriality."⁵⁸

The second case concerning the issue of extra-territorial jurisdiction was in December 1981, when the United States imposed sanctions against Poland, including a prohibition on equipment for the gas pipeline being built between the Urengoi gas field in western Siberia and Western Europe. In June 1982, the United States extended the pipeline sanctions to American subsidiaries and licencees abroad. The extra-territorial controls announced by President Reagan prevented in the first instance foreign subsidiaries of American companies exporting equipment or technology even if they were of wholly foreign origin. Secondly, independent foreign companies were restricted from exporting goods of foreign origin that were made with technology acquired through licensing agreements with American companies. The controls covered, for example, compressors built by the French company Creusot-Loire under a licensing agreement with General Electric.

The attempt by the United States to exercise extra-territorial jurisdiction over companies operating in Europe resulted in the European Community and individual states arguing that the extra-territorial extension of controls was contrary to international law. The European Community argued that the measures were unacceptable because they ran counter to the principles of territoriality and nationality which formed the basis of jurisdiction.

"They seek to regulate companies not of United States nationality in respect of their conduct outside the United States, and particularly the handling of property and technical data of these companies within the

United States... Goods and technology do not have any nationality and there are no known rules under international law for using goods or technology situated abroad as a basis for establishing jurisdiction over the persons controlling them."⁵⁹

In July 1982, the French government ordered all French companies to fulfil contractual obligations, citing rulings from a high court which asserted the primacy of French law when it conflicts with foreign law.⁶⁰ This was followed by an announcement from the Italian Prime Minister Spadolini that a commitment to provide turbines produced under a General Electric licence would be fulfilled.⁶¹ In August, the British government issued an order under the Protection of Trading Interests Act 1980 instructing British companies to fulfil contracts. Although West Germany wanted to avoid an open rift with the United States, its Minister of Economics nevertheless made a statement that the American action was unacceptable:

"Above all they must not retroactively block execution of contracts that were concluded between European companies and the Soviet Union long before events in Poland."⁶²

Several companies were thus subjected to conflicting orders from the United States and their host country. Those that did not comply with the orders from the United States and instead performed their contracts in compliance with the directive from the resident country, were placed on a "temporary denial" list which essentially halted all exports from the United States. In one court case it was ruled that a Dutch subsidiary could not be excused from performing a sales contract under Dutch law because of United States export regulations.⁶³ It was moreover found that the regulations did not have any jurisdictional basis under international law. The ruling, however, did not prevent the United States from taking action against six European companies for refusal to comply.⁶⁴ A request by one of the parent companies⁶⁵ for a restraining order that would have prevented the American government from penalising the company and its subsidiary was refused by a federal judge in Washington, DC.

The third case of extra-territorial jurisdiction was with regard to sanctions imposed against Libya in January 1986 for giving assistance to terrorists. On this occasion there were narrower claims of extra-territorial jurisdiction by the United States. Jurisdiction was extended only over American citizens, persons in the United States, and juridical

entities organised under American law such as corporations and their overseas branches. It did not extend, as in the pipeline sanctions, over foreign subsidiaries, affiliates and licensees of American companies.

The sanctions did, however, freeze all Libyan property interests in the United States, or in possession or control of overseas branches of American entities. The extra-territorial scope was challenged in 1987 when a British court ruled that an American corporation, Bankers Trust Company, was obliged to pay the Libyan Arab Foreign Bank USD292.5m which had been deposited with the American bank, and which Bankers Trust claimed to have been frozen by President Reagan. Nearly half of the money was in the London branch of Bankers Trust, and the remainder had not been transferred to the London branch before the freeze as directed by the Libyan bank. As a result of the court's finding that British law applied to accounts in Britain even if held at a branch of an American bank, Bankers Trust paid the full amount plus USD28m in interest.⁶⁶

There are no clear cut or consistent principles on the question of extra-territorial jurisdiction and the imposition of sanctions. When Iranian assets were frozen there was little criticism from European states on the exercise of extra-territorial jurisdiction by the United States. In contrast, West European states regarded the extra-territorial reach of the pipeline sanctions as an infringement of their sovereignty. The United States, for its part, found that in the absence of extra-territorial controls, its allies have not always been willing to cooperate on sanctions by imposing their own controls. This was the case with Libya when West European states and Japan failed to adopt sanctions similar to those imposed by the United States. In the absence of any guidelines or solutions posed by the issue of extra-territorial jurisdiction, the legality of sanctions remains an area where each case is judged on its own merits, and not on any established principles of international law.

2.7 THE LEGALITY OF SANCTIONS UNDER NATIONAL LAW

The imposition of sanctions, whether undertaken unilaterally or collectively, is subject to national law and executive action. The legal basis for imposing sanctions in the United States and Britain give an indication of the different ways in which sanctions are treated under national law in a presidential and parliamentary system respectively.

2.7.1 United States

In the United States, sanctions may be imposed under the International Emergency Economic Powers Act of 1977 (IEEPA) which authorises the declaration of a national emergency giving the President sweeping powers over exports, imports and private financial transactions in the face of an:

"...unusual and extraordinary threat, which has its source in the whole or substantial part outside the United States, to the national security foreign policy, or economy of the United States."

The Act was used during the Iranian hostage crisis when President Carter declared a national emergency to freeze about USD12bn of Iranian assets. It was invoked by President Reagan in May 1985 when among other measures, sanctions on the import and export of goods to Nicaragua (unless destined for the Contra rebels) were imposed.

The President also has broad discretion to stop almost all exports to another state under non-emergency laws such as the Export Administrations Amendment Act 1985, and has extensive power over bilateral government programmes. These include: restricting or rescinding fishing rights, port access and aircraft landing rights; imposing passport and travel restrictions; and, limiting low-interest credit loan guarantees and special insurance from the Export-Import Bank, Overseas Private Investment Corporation, and the Commodity Credit Corporation.

The United States has thus been able to use a variety of bilateral government programmes as sanctions. To give some examples, foreign assistance and low-interest credit to Chile was terminated during the presidency of Salvador Allende 1970-3). Aircraft landing rights and fishing rights to the Soviet Union were curtailed following the 1979 invasion of Afghanistan. Foreign assistance to Nicaragua was initially resumed by the Carter Administration to the Sandinista government from 1979-80, but further aid was frozen by President Reagan in 1981.

The United Nations Participation Act of 1945 gives the President power to impose sanctions mandated by the Security Council. President Johnson relied on this provision to issue Executive Orders to implement Security Council resolutions and impose first,

selective sanctions, and then comprehensive sanctions against Rhodesia in 1966 and 1968 respectively.⁶⁷

2.7.2 Britain

In Britain, the government has permanent statutory authority to impose sanctions. The Import, Export and Customs Powers (Defence) Act 1939 grants the Secretary of State broad authority to prohibit the export or import of goods. The statute was used in part to impose sanctions against Rhodesia in 1965, and Iran in 1980. The Exchange Control Law 1947, which gives the Treasury broad power to restrict or prohibit transactions in foreign exchange, was used in 1979 to continue controls against Rhodesia when other exchange controls were lifted.

Specific authority is sometimes sought from Parliament in response to a particular event. In the case of Iran, for example, the cabinet sought a specific mandate from Parliament to impose sanctions, and issued orders authorised under the Iran (Temporary) Powers Act, 1980. One reason for seeking specific legislation is to clarify ambiguities in the general laws, "but the request also appears to be a vehicle for obtaining a demonstration of domestic political support."⁶⁸

Britain's membership of intergovernmental organisations also gives the cabinet additional authority to impose sanctions. Under the United Nations Act 1946, for example, the British government is authorised to do whatever is necessary to implement Security Council resolutions.⁶⁹

2.8 CONCLUSION

The legal basis of sanctions imposed by the international community shows the ways by which the legality of sanctions has evolved - from the League of Nations where the imposition of sanctions was effectively dependent on the interpretation of individual members to the United Nations where the discretion to impose sanctions rests with the Security Council.

The principle of non-intervention and the issue of extra-territorial jurisdiction demonstrate that although Charters of the United Nations and the OAS, for example, explicitly recognise non-intervention, they nevertheless permit enforcement measures for the

maintenance of peace and security. Where the issue of extra-territoriality is concerned, there are no consistent legal guidelines as evidenced in the three cases involving the United States.

The legality of sanctions also comes into issue in relation to the non-discriminatory trading practices under the GATT. The examination of the United States and Britain illustrates the statutory authority that exists for the imposition of unilateral sanctions.

CHAPTER TWO: NOTES

1. see Dugard, J. (1989) "Sanctions against South Africa: an international law perspective." In M. Orkin (ed) Sanctions against apartheid, Cape Town: David Philip, p 116.
2. Neither the Covenant nor the Charter of the United Nations uses the term "sanctions" but the measures envisaged in both documents have been so described though the term itself is not used.
3. Nossal, op cit, p 11.
4. Disputes were to be settled by one of three methods: arbitration, judicial settlement, or an inquiry by the Council. There was to be no resort to war until three months after the conclusion of the chosen means of settlement.
5. Kelsen, H. (1950) The Law of the United Nations, Praeger: New York, p 726.
6. Ivan Soubotitch, a member of the League of Nations Committee of Eighteen responsible to implementing sanctions cited in Daoudi and Dajani, Economic Sanctions, p 74.
7. Daoudi and Dajani, Economic Sanctions, p 74.
8. Nossal, "Economic sanctions in the League of Nations and the United Nations," p 18.
9. Article 1(1).
10. see Kelsen, The Law of the United Nations, p 445, and Goodrich and Hambro (1949) Charter of the United Nations, p 208.
11. S/13735.
12. Kelsen, H (1950) The Law of the United Nations, New York, Praeger, and Dugard, J (1966) "The legal effects of UN resolutions," South African Law Journal, vol 83, p 47.
13. ICJ REPORTS (1955) Separate Opinion in Voting Procedure Case, pp 118-19.
14. Judge Sir Gerald Fitzmaurice, cited in Dugard, "The legal effects of UN resolutions, pp 151-2.
15. Sir Gerald Fitzmaurice, British Yearbook of International Law, 1962.
16. S/RES/202.
17. GA/RES/2022.
18. S/RES/216.
19. for further details see Nkala, J. (1985) The United Nations, International Law and the Rhodesian Independence Crisis, Oxford: Clarendon Press, pp 79-80; and, Zacklin, R. (1969) Challenge to Rhodesia: Toward an International Public Policy, New York: Carnegie Endowment for International Peace, p, 39-40.

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20. S/RES/217.
 21. S/RES/232.
 22. S/RES/252.
 23. S/RES/661.
 24. S/RES/666.
 25. S/RES/670.
 26. EEC Reg No 596/82.
 27. "Legal aspects of unilateral sanctions against South Africa," Comments from the Netherlands university lectures in international law, UN Centre against Apartheid, Document 16/84, p 7.
 28. S/RES/502, April 1982.
 29. Oppenheim, for example, defines intervention not merely as interference but as "dictatorial interference by a state into the affairs of another, while Beloff regards intervention as "the attempt of one state to affect the internal structure and external behaviour of other states through various degrees of coercion. For various viewpoints see Higgins, R.W. (1963) The Development of International Law through the Political Organs of the United Nations, London: Oxford University Press, pp 63-70, and Vincent, R.J. (1974) Nonintervention and International Order, Princeton: Princeton University Press, pp 7-8.
 30. The vote was by a bare two-thirds majority of 14 in favour to one, and six abstention.
 31. for further detail see Jones, G.J. (1979) The United Nations and the Domestic Jurisdiction of States, Cardiff: University of Wales Press.
 32. Nkala, The United Nations, International Law and the Rhodesian independence crisis, p 31.
 33. S/RES/202.
 34. Nkala, The United Nations, International Law and the Rhodesian Independence Crisis, p 42.
 35. Dugard, "The legal effects of United Nations resolutions," p 113.
 36. Ferguson-Brown, K.W. (1989) "The legality of economic sanctions against South Africa in contemporary international law," South African Yearbook of International Law, vol 14, 1988-89, pp 73-4/
 37. General Assembly Resolution 2131.
 38. General Assembly Resolution 2625.
 39. Third principle, paragraph two.
 40. Ferguson-Brown, "The legality of economic sanctions," p 67.
 41. see Bowett, D.W. (1972) "Economic coercion and reprisals by states," Virginia Journal of International Law, vol 13, no 1.

42. Maddrey, W.C. (1982) "Economic sanctions against South Africa: problems and prospects for enforcement of human rights norms," Virginia Journal of International Law, vol 22, no 2, p 353.
43. Ferguson-Brown, "The legality of economic sanctions," p 68.
44. International Court of Justice Reports, 1955, p 115, and Dugard, "Sanctions against South Africa," p 116.
45. Doxey, International Sanctions, p 20.
46. for the development of this argument see Hoffman, S. (1981) Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics, Syracuse: Syracuse University Press, and "The Problem of Intervention," in Bull, H. (ed)(1984) Intervention in World Politics, Oxford: Clarendon Press.
47. see for example Dugard, "Sanctions against South Africa," p 121, and Maddrey, "Economic sanctions against South Africa," pp 373-5.
48. Maddrey, "Economic Sanctions against South Africa," p 373.
49. Hufbauer and Schott, Economic Sanctions I, p 560.
50. The capitalised term "Contracting Parties" refers to the parties to the GATT acting formally as a body. Individual or several contracting parties or members are referred to in the lower case.
51. A significant modification of this principle is the agreement on unilateral preferences for less developed countries embodied in Articles XXXVI to XXXVIII.
52. Carter, International Economic Sanctions, p 136.
53. General Agreement on Trade and Tariffs (1983) GATT Activities in 1982, Geneva, pp 72-3.
54. cited in Carter, International Economic Sanctions, p 134.
55. Henkin, L. et al (1984) International Law: Cases and Materials, St Paul: West Publishing Co, p 236.
56. International Court of Justice Reports, "Barcelona Traction Case," 1970, vol 3, p 43.
57. Carswell, R. (1982) "Economic sanctions and the Iran experience," Foreign Affairs, vol 60, no 2, Winter 1981-2, p 249.
58. Daoudi and Dajani, Economic Sanctions, p 148.
59. "Comments of the European Community on the Amendments of 22 June 1982 to the United States Export Administration Regulations," in Lowe, A.V. (1983) Extraterritorial Jurisdiction: An Annotated Collection of Legal Materials, Cambridge: Grotius.
60. Daoudi and Dajani, Economic Sanctions, p 152.
61. New York Times, 8 July 1982.
62. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 706.

63. Compaignie Europeenne des Petroles S.A. vs Senor Nederland B.V. 1982.
64. These were two French companies, Dresser (France) and Creusot-Loire; two West German companies, AEG-Kanis and Mannesmann Anlagenbau AG; Nuovo Pignone of Italy; and the British company John Brown Engineering Co.
65. Dresser Industries.
66. Libyan Arab Foreign Bank vs Bankers Trust Co, 1987.
67. Executive Order Nos. 11,322 and 11,419.
68. Carter, International Economic Sanctions, p 221.
69. Another example is the power accorded to the cabinet to implement European Community legislation under the European Communities Act 1972.

CHAPTER THREE: THE SANCTIONERS

The application of sanctions in the conduct of international relations has assumed a variety of forms. They have taken the form of acts of law enforcement executed under the authority of the Covenant of the League of Nations as against Italy (1935-36), and the Charter of the United Nations as against Rhodesia (1965-79). They have been also been imposed by individual states, such as those imposed by the Soviet Union against Albania (1961-65) and by the United States against Poland (1981-84). At other times, sanctions have been imposed by a group of states, as for example, the Arab oil producing states against the United States (1973-74) and the Organisation of American States against Cuba (1962-75).

This chapter considers the sanctioners, that is the actors that have imposed sanctions. It differentiates between those that have imposed sanctions collectively on either a mandatory or voluntary basis, and those that have done so unilaterally on a voluntary basis. It examines sanctions imposed by global organisations such as the League of Nations, the United Nations, and the Commonwealth, and regional organisations such as the Organisation of African Unity (OAU), the Organisation of American States (OAS), the Arab League, and the European Community. It discusses the sanctions machinery in the organisations as well as the machinations and manoeuvres of individual states within them, as for instance, Britain and France in the League of Nations, and the United States in the OAS.

The discussion on unilateral sanctioners takes cognizance of the finding by Hufbauer and Schott that sanctions are imposed in the main by large powers with an active foreign policy precisely because they are big and can influence external events.¹

3.1 COLLECTIVE SANCTIONERS

Members of international organisations act as sanctioners for one of two reasons: they have a legal obligation to impose sanctions collectively, or they decide to impose sanctions on a collective basis because their foreign policy objectives coincide and it is in their interests to take collective action. Collective sanctioners, then, are those actors that impose organisationally sponsored sanctions. The organisations may be either global or regionally based.

3.1.1 League of Nations

The Covenant of the League of Nations, for the first time in history, provided for sanctions to be imposed collectively as an alternative to force. Under the Covenant, every member state automatically became a sanctioner against another member state that went to war in violation of its obligations under the Covenant (Article XVI(1)). The interpretive resolutions of 1921,² however, left it to each member state to decide whether there had been a breach of the Covenant.

When Italy invaded Abyssinia in 1935 in contravention of the Covenant, all members, with the exception of Austria, Hungary and Albania, agreed to impose sanctions on the basis that Italy had resorted to war in violation of Article XII.³ Ecuador and Paraguay, however, refused to put the measures into force, while other members such as Argentina, Panama, Nicaragua, and Uruguay accepted some or all of the sanctions in principle only.

Switzerland, though a League member, pleaded reasons of neutrality when it declined to apply sanctions. This was despite the fact that its membership of the League had been obtained after the League Council had agreed that Switzerland would not be expected to participate in any military action or the passage of troops across its territory and in return, Switzerland had agreed to take part in the imposition of any sanctions.⁴

Among those that imposed sanctions, Britain and France in particular were reluctant to act as sanctioners against another Great Power:

"From the point of view of the balance of power, the effect of sanctions against Italy was simply that Italy would be driven into the arms of Germany, and the efforts of Britain and France to maintain a balance in relation to Germany placed in jeopardy."⁵

Both Britain and France feared that sanctions would lead to an Italian rapprochement with Germany that could precipitate a European war which would give Germany a pretext for satisfying its territorial ambitions. They viewed Germany as the enemy, and the League chiefly as an instrument for dealing with German ambitions.⁶ It was, therefore, important to keep Italy on their side rather than on the side of Germany. Thus the French Prime Minister (and Foreign Minister) Pierre Laval, and the British Foreign Secretary Samuel Hoare agreed on a double approach:

"On the one hand, a most patient and cautious negotiation that would keep him [Mussolini] on the Allied side; on the other, the creation of a united front in Geneva as a necessary deterrent against German aggression."⁷

It was a clash of imperatives. Britain and France had to choose between taking actions against an aggressor, or maintaining a balance of power.

Both Britain and France preferred negotiation and conciliation to invoking sanctions as a means of deterring aggression. What had actually emerged with the League was, in many respects, a continuation of the old system of the Concert of Europe whereby disputes were settled by private bargaining among the great powers at the expense of small powers, rather than collectively imposing sanctions as a means of enforcement.

In December 1935, five days before the League was due to discuss the imposition of an oil embargo against Italy, Hoare and Laval agreed to a secret plan. According to the plan, presented to Mussolini in secret, Abyssinia directly or indirectly stood to lose more than half of its territory that it had before the Italian invasion. Any strengthening of the League sanctions programme was prevented when the plan was leaked to the press.

The plan reinforced the belief that Britain and France, though acceding to pressure for sanctions from other League members, were at the same time seeking settlement through independent means, rather than through the League, by attempting to appease Mussolini without the knowledge or consent of other sanctioners.

Sir Alfred Zimmerman, writing on the Great Powers, states:

"The League was built around the Great Powers... to discuss the Great Powers in the League is really to discuss the League itself... if the Great Powers could agree among themselves, the League could function effectively."⁸

The unwillingness of Britain and France to act as sanctioners confirmed that the League could not function effectively without the agreement of the Great Powers.

3.1.2 United Nations

Unlike the interpretive resolutions of the League, the Charter of the United Nations grants the Security Council discretion to decide on the imposition of sanctions (Chapter VII). Accordingly, states can be compelled to become sanctioners by the Security Council, or they may do so voluntarily as a result of Security Council or General Assembly recommendations. Mandatory sanctions have been imposed against Rhodesia and Iraq (as well as South Africa).

3.1.2.1 Rhodesia

Sanctions called for by the Security Council against Rhodesia following the proclamation of UDI were initially not mandatory.⁹ In fact it was not until more than a year after UDI, in December 1966, that the Security Council imposed selective, mandatory sanctions.¹⁰ France, the Soviet Union, Mali and Bulgaria abstained on the resolution. The last three countries abstained because they regarded the resolution as being inadequate. France, on the other hand, had repeatedly abstained on Security Council resolutions on the grounds that the Rhodesian situation was an internal matter concerning Britain, and hence not within the competence of the United Nations.¹¹ In May 1968, however, France voted in favour of the imposition of comprehensive, mandatory sanctions,¹² and implemented the measures by government decree.

Switzerland proved again to be an anomaly. It had not become a member of the United Nations on the basis that the obligations under the Charter, particularly those arising from Chapters VI and VII, were deemed incompatible with its status of permanent neutrality.

The Security Council, conscious of the necessity for compliance by members of the international community, and not only members of the United Nations, sought to extend the sanctions as wide as possible following its adoption of selective, mandatory sanctions. In addition to the obligations upon non-members by virtue of Article 2(6), it invited Switzerland, together with members of the United Nations and specialised agencies, to report on measures taken to implement the sanctions.¹³

Switzerland argued that as a neutral state it could not act as a sanctioner. It undertook, however, to ensure, without any legal obligation, that there would not be an increase in trade with Rhodesia. Following the adoption of comprehensive, mandatory sanctions by

the Security Council in May 1968, the Swiss government further undertook to ensure that Rhodesia did not evade sanctions by shipping goods through Swiss territory.

"In effect its position is that it will not apply sanctions against Rhodesia at the level of their normal or average trade relations, but only as concerns any increase in that trade or attempts to evade sanctions by going through Swiss territory. The fine distinction drawn by the Federal Council leaves the impression that the policy is based on purely selfish motives."¹⁴

Throughout the period that sanctions were imposed against Rhodesia, there was disagreement among the sanctioners. Even prior to their imposition, African and Asian members in particular, apart from arguing that sanctions should be reinforced with military measures, insisted that the Rhodesian situation be dealt with under Chapter VII. After selective sanctions were imposed, Algeria, Ethiopia, India, Pakistan and Senegal introduced a draft resolution in March 1968 calling for the imposition of comprehensive mandatory sanctions after the Smith regime executed three Africans in defiance of international public opinion and a successful Privy Council appeal. The Soviet Union supported the Afro-Asian demand for comprehensive sanctions.

Britain responded with a diluted draft resolution, stating that sanctions should be limited to those where there was consensus among members. The British position was supported, among others, by the United States, the Netherlands, New Zealand, Argentina, Japan, Uruguay and China.¹⁵

"Britain was saying in essence that if these states insisted on unacceptable measures she would veto their draft resolution and no action could be taken by the Security Council."¹⁶

Once comprehensive sanctions were imposed though, "no country campaigned harder to ensure that other United Nations members lived up to their sanctions obligations than the United Kingdom."¹⁷ Britain, however, received little support from either Western European states or Japan, excepting from Scandinavian countries.

The United States became the only member of the United Nations to become a sanctioner and then enact domestic legislation that directly violated part of the sanctions, when the Senate voted in favour of what became known as the Byrd Amendment in November

1971. The amendment authorised the import from Rhodesia of any minerals that were deemed to be of strategic value. As a result, from January 1972 when the amendment came into effect until its repeal in 1977, the United States imported US\$212m of ferrochrome and other minerals¹⁸ in direct contravention of the Security Council resolution on mandatory sanctions.

It was clear from the outset of the sanctions that both Portugal and South Africa would have to act as sanctioners for the sanctions to be effective. Both, however, refused to cooperate in any sanctions programme, and continued to trade openly with Rhodesia and maintain airlinks. The committee of the Security Council established to monitor the implementation of the sanctions observed in its report in 1969 that:

"The Governments of South Africa and Portugal have not taken any measures to implement the provisions of Resolution 253 (1968), and have continued to maintain close economic, trade and other relations with the illegal regime and to permit the free flow of goods from Southern Rhodesia through the territories of South Africa and the colony of Mozambique and their ports and transport facilities."¹⁹

It was also recognised from the outset that Botswana, Swaziland and Lesotho would not be able to apply sanctions against Rhodesia. Neither was Zambia in a position to fulfil its obligations as a sanctioner because of its heavy dependence on the Rhodesian economy and transportation system.²⁰ Zambia did impose some sanctions despite Ian Smith's offer to spare it economic hardship if it did not impose any sanctions.

The Rhodesian episode showed that even though under the Charter of the United Nations, all member states are obliged to impose sanctions when called upon to do so by the Security Council, that states may either be unwilling or unable to act as sanctioners. South Africa and Portugal, for example, refused to participate as sanctioners, and Zambia which made a determined effort to sever links with Rhodesia at great cost, nevertheless found it impossible to break completely its economic ties.

3.1.2.1.1 Iraq

In contrast to the Rhodesian situation, the Security Council dealt with the Iraqi invasion of Kuwait from the start under Chapter VII. In the very first resolution adopted by 14

votes in favour and none against,²¹ on the day of the invasion, 2 August 1990, the Security Council determined that there existed "a breach of international peace and security as regards the Iraqi invasion of Kuwait" and affirmed that it was acting under Articles 39 and 40.

Four days later, it adopted a resolution sponsored by Canada, Colombia, the Ivory Coast, Ethiopia, Finland, France, Malaysia, Britain, United States and Zaire, imposing comprehensive, mandatory sanctions.²² A month later the United Nations Secretary-General reported that 106 states had replied on measures taken to implement the sanctions. Nine countries²³ indicated that they were faced with special economic problems in carrying out the resolution.

Unlike in the case of Rhodesia where draft resolutions calling for comprehensive, mandatory sanctions had been sponsored by Afro-Asian states with the support of the Soviet Union, in the case of Iraq the resolution calling for sanctions was sponsored by states from across the globe. Indeed the resolution adopted on 25 September calling for further sanctions was sponsored, among others, by the United States, France, Britain and the Soviet Union, and all five permanent members were represented by their foreign ministers at the Security Council meeting.

3.1.2.2 The Commonwealth

The Commonwealth is another example of a global organisation. Unlike the United Nations, however, it is a loosely knit association with no written constitution. Its members are not under any rigid contractual obligations such as the ones that bind members of the United Nations. The meetings of the heads of government of member states (CHOGM), held every two years, operate by consensus, and not by voting. Member states may thus impose sanctions on a voluntary basis, with collective action based on the Commonwealth's tradition of consultation and agreement by consensus. In effect this means that member states become sanctioners by agreeing on a compromise that is acceptable to all members.

When CHOGM convened in Nigeria in 1966 to discuss the Rhodesian situation, there were deep divisions on what course of action should be followed. There was pressure from African members, for example, for Britain to use force against the Smith government. The members did, however, agree on how Britain should proceed once the

rebellion was over, and on the setting up of a special sanctions committee under the aegis of the Commonwealth secretariat. The pressure from the Commonwealth "may have persuaded Britain to follow a tougher sanctions policy, and to take the Rhodesian question to the United Nations."²⁴

3.1.3 Regional Organisations

Under Chapter VIII (Articles 52 to 54) of the Charter, regional organisations such as the Organisation of American States, the Organisation of African Unity, and the Arab League are given limited authority to deal with regional disputes subject to the overall supervision of the Security Council.²⁵

3.1.3.1 Organisation of American States (OAS)

The OAS is an example of a regionally based organisation recognised under the Charter. Members of the OAS act as collective sanctioners on a voluntary basis. One such case was when sanctions were imposed against the Dominican Republic in 1960. Although all the members of the OAS acted as sanctioners, and the sanctions were collective in form, they were essentially controlled by the United States.

"Although the initial procedure for imposing the sanctions closely followed the legal form which is closely associated with the notion of sanctions and collective security, the subsequent events were controlled not by the OAS, but the USA. The sanctions became a lever in the bilateral relations between the USA and the Dominican Republic."²⁶

The United States, as the major sanctioner, was able to offer the termination of sanctions as reward for the return of stable rule.

The United States again used its dominance in the OAS to compel other members to act as sanctioners against Cuba on the basis that Cuba was engaged in revolutionary propaganda and subversion in most Latin American states. In January 1962, the OAS voted by 20 to one (Cuba) that adherence to Marxist-Leninist ideology was incompatible with the inter-American system. As Fidel Castro had acknowledged his ideological affiliations earlier, the OAS voted by a two-thirds majority (with six abstentions) that

Cuba had "voluntarily" placed itself outside the OAS system.²⁷ It was also decided to impose an arms embargo against Cuba.

Cuba appealed to the Security Council, and proposed that an advisory opinion be sought from the International Court of Justice on questions concerned with the sanctions, and that the sanctions be suspended in the interim. The United States, however, argued during the Security Council debate that the OAS had the right to take action without impediment.²⁸

In July 1964, the discovery of an arms cache of Cuban origin in Venezuela, led to Venezuela and the United States calling for mandatory sanctions against Cuba on diplomatic relations, all trade except food and medical supplies, and sea and air transport except for humanitarian purposes. With the exception of Mexico which refused to sever diplomatic ties, the other twenty one members of the OAS agreed to impose sanctions.²⁹ When Chile and Peru re-established trade links with Cuba in the late 1960s followed by Argentina in 1973, the OAS lifted collective sanctions in July 1975, and allowed each member to determine the nature and extent of its relations with Cuba.

The OAS illustrates the problems that can occur when the Security Council has left regional bodies to determine rule violation by members and take appropriate measures such as imposing sanctions. In the case of the Dominican Republic, the Security Council could not agree as to whether the OAS had acted improperly in failing to seek prior authorisation from it. The Soviet Union supported the view that the OAS action was indeed improper while the United States opposed it. The issue was left unresolved, with the Security Council merely acknowledging the receipt of the information from the Secretary General of the OAS, and noting that the application of sanctions was on a regional basis.

In the case of Cuba, the Soviet Union opposed OAS sanctions on the grounds that resort to any form of enforcement action was permissible only when authorised by the Security Council. The United States dissented. Although regional bodies are constitutionally free to determine rule violation by members, and where appropriate to impose sanctions, the permissibility of members of regional bodies to act as sanctioners in the absence of Security Council authorization is unclear.

3.1.3.2 Arab League

The Arab League, like the OAS, is a recognised regional arrangement under the United Nations Charter. When it was founded in 1944, one of its stated objectives was "to frustrate Jewish economic development by means of a boycott against Zionist produce."³⁰ In 1946, a permanent boycott office was established in Cairo. In the wake of the establishment of the state of Israel in 1948, the Central Boycott Office was moved to Damascus, and "empowered to coordinate non-military efforts to reassert a cohesive force within the Arab world in its efforts to destroy Israel."³¹

The Central Boycott Office did not have any legal force within member states. Each member was responsible for its own sanctions operation and by 1954 five members - Syria, Egypt, Jordan, Iraq and Lebanon - enacted laws unifying the sanctions procedure and standardising penalties for infringement. Although regulations varied from one Arab jurisdiction to another, there were basic criteria which were common to the states which subscribed to the League's resolutions, and accepted the applicability of the provisions of the "General Principles for the Boycott of Israel" published by the Central Boycott Office.³²

Arab League members did not only impose sanctions on commercial and personal dealings with Israel (sometimes referred to as the primary boycott), but extended the sanctions to foreign companies that gave technical assistance to, or had subsidiaries, factories or assembly plants in Israel. That is to say, Arab states acted as sanctioners against states and companies which, in the opinion of the boycott office, contributed significantly to the strengthening of the Israeli economy or military (this is referred to as the secondary boycott).³³

When Egypt recognised Israel in 1979 and concluded a peace treaty with it, League members acted as sanctioners against Egypt. A set of diplomatic and economic sanctions were imposed, and Egypt's membership of the League and affiliated organisations was suspended. Arab states withdrew their ambassadors from Cairo, and the League moved its headquarters from Cairo to Tunis. Sanctions were imposed on the sale of oil and oil products, and financial transactions between the Egyptian government and other Arab governments were halted although funds were not withdrawn from Egyptian financial institutions.

League members also acted as sanctioners against third states. Sanctions were imposed against Canada, for example, when Joe Clark, on being sworn in as Prime Minister in June 1979, reiterated his campaign promise to move the Canadian embassy from Tel Aviv to Jerusalem.³⁴ The Arab Monetary Fund suspended dealings with Canadian financial institutions, and Iraq threatened Canada with an oil embargo including the indirect export of oil to Canada through third parties. The League decided to halt all economic activity in Canada for one year with the threat of a total embargo if the embassy move took place.³⁵ In October 1979, Clark officially cancelled plans to move the Canadian embassy to Jerusalem.

3.1.3.3 The Organisation of African Unity (OAU)

The OAU, founded in 1963, is another regional organisation under the terms of the United Nations Charter.³⁶ It is based upon the voluntary cooperation of member states, and hence its resolutions are not legally binding. Compliance with the provisions of resolutions depend largely on moral force and goodwill.

When the Security Council called upon Britain to help quell the rebellion in Rhodesia following UDI, it also called upon the OAU to assist in the implementation of the resolution.³⁷ The Council of Ministers of the OAU, meeting in Addis Ababa in the first week of December 1965, adopted a resolution calling on all OAU members to impose total sanctions against Rhodesia. It also called on member states to break diplomatic relations with Britain unless UDI was ended by Britain by 15 December; only ten member states, however, were willing to implement the resolution, thereby demonstrating the inability of the OAU to act as a collective sanctioner. Subsequently, the OAU set up a sanctions committee on Rhodesia consisting of representatives from Egypt, Kenya, Zambia, Tanzania and Nigeria.

3.1.3.4 European Community

The European Community is also a regionally based organisation but unlike other regional bodies, it acts as a single entity in many aspects of its international affairs, with diplomatic relations in its own right with over 100 countries. It is hence "more analogous to the individual member state with a self-serving foreign policy than it is to a universal institution seeking to promote collective security and the proscription of anti-social behaviour."³⁸ At the same time, there are constraints placed on independent

foreign policy-making by individual members because of the agreement to consult and cooperate within the framework for European Political Cooperation (EPC).

While there is no legal obligation under EPC for member states to implement a collective foreign policy, "agreement on consensus positions have come to characterise the European Community's internal relations."³⁹ With the ratification and implementation of the Single European Act in 1987, EPC has become a formalised procedure, though it is not based on legal compulsion. European Community members thus become sanctioners on a voluntary basis when a decision is reached to impose sanctions under EPC. However, given that EPC operates by consensus, members effectively become sanctioners only when their foreign policy objectives coincide, and it is in their interests to take collective action.

3.1.3.4.1 Grain embargo against the Soviet Union

The European Community, which is the world's largest trading grouping, first acted as a collective sanctioner when it imposed sanctions against the Soviet Union following the invasion of Afghanistan in December 1979. The sanctions were in response to measures imposed by the United States which included a partial grain embargo.

On 12 January 1980, the US Under-Secretary for Agriculture announced that following a meeting with representatives of the European Community and the grain exporting countries of Canada, Australia and Argentina, agreement had been reached that "their governments would not directly or indirectly replace the grain that would have been shipped to the Soviet Union prior to the actions announced by President Carter."⁴⁰

The European Commission in Brussels gave formal support by agreeing not to sell higher than normal levels from Europe. Britain wanted the Community to go further by restricting the sale of butter, meat and sugar in addition to the grain, but France, as the major Community food exporter, argued that the European Community sanctions should not exceed those of the United States.⁴¹

The European Community kept to its pledge not to take commercial advantage of the embargo:

"In the 1980-81 year, even though most of the others had abandoned all restraint, EC grain sales to the Soviet Union expanded only modestly to a total of just 1.1 million tons. This, despite the fact that the European Community had plenty of grain to sell."⁴²

The restraint exercised by the Community, however, was not an indication of the willingness of its members to act as sanctioners in deference to the wishes of the United States. In the first place, the European Community had not sold any wheat, and only modest quantities of barley in the six year period prior to the embargo. Second, the budgetary cost of any significant increase in subsidised grain sales to the Soviet Union would have been prohibitive since "European Community grains, grown behind a protective barrier of variable import levies, are priced so high that they cannot be sold abroad without the application of expensive 'restitution payments'."⁴³ Hence the European Community effectively saved money when it discontinued grain export subsidies to the Soviet Union. In the opinion of one commentator, it was more a reluctance to increase spending on export subsidies rather than any reluctance to act in defiance of the United States that held down Community exports to the Soviet Union during the time of the embargo.⁴⁴

Third, the European Community did not act as a sanctioner even with regard to products that did not require export subsidies. An example of this was soyabeans which were purchased duty free from outside of the European Community, processed by European millers and re-exported to the Soviet Union, without subsidy, at competitive prices. During the period of the embargo, European countries imported and processed in the region of one million tons of soyabeans from the United States for resale to the Soviet Union as soyabean meal.⁴⁵

A similar scheme was operated with regard to wheat flour exports to the Soviet Union. European Community rules permitted the importation of inexpensive wheat duty-free so long as it was re-exported in the form of milled flour. Although prior to the embargo, Soviet purchases of wheat flour had been minimal, the loophole allowed European companies to sell a record volume of wheat flour to the Soviet Union. In other words, though the European Community honoured its pledge and acted as a sanctioner, it was in terms that were favourable to it, and not to the United States to whom it had given the pledge.

There was further evidence that the European Community was uneasy acting as a sanctioner. A month after the sanctions were imposed, in an attempt to deflect the Western response on to the path of diplomacy rather than sanctions, the European Community produced a diplomatic proposal for Soviet withdrawal, without loss of face, from Afghanistan.⁴⁶ Indeed even after President Reagan lifted the embargo in April 1981, Lord Carrington, acting on behalf of the Community, went to Moscow in July to attempt an international solution for Afghanistan.

"The fact that this was no more successful than the initiative of the previous February did nothing to convince the Europeans that they had been wrong about sanctions."⁴⁷

3.1.3.4.2 Iran

The European Community's antipathy to sanctions was again characterised during the Iranian hostage crisis (1979-81). It delayed imposing sanctions, ostensibly on legal grounds, so that six months elapsed between the first American sanctions in November 1979 and the Community's announcement on 18 May 1980 that all contracts concluded with Iran since 4 November 1979 would be suspended. On 19 May, Britain decided against retroactive action, and instead banned all new contracts after 20 May 1980. By explicitly excluding all commercial contracts prior to 4 November, and in the case of Britain after 20 May, the European Community members confirmed that they "did not expect their sanctions to make much difference, and more importantly, that the measures could not be expected to bite for some time."⁴⁸ Moreover, Britain's position demonstrated that the European Community was not always willing to act as single entity in the imposition of sanctions.

3.1.3.4.3 Argentina

In contrast to the sanctions against Iran, the European Community was unanimous and rapid in imposing sanctions against Argentina when it seized control of the Falkland Islands on 2 April 1982. On 6 April, Britain formally requested the European Community to impose sanctions against Argentina. The Community responded by agreeing to impose sanctions on Argentine imports contracted after 17 April for one month, under Articles 113 and 224 of the Treaty of Rome. Before the time limit expired, Britain persuaded the Community to extend the sanctions for another seven days

on the grounds that their termination could jeopardise negotiations at the United Nations, which were at a critical stage. The members agreed to extend the sanctions, with the exception of Italy and Ireland, both of which gave an assurance that they would not undermine the sanctions.⁴⁹ At the end of the week long extension, the other members agreed to extend the sanctions for an indefinite period. The sanctions were suspended on 20 June when a ceasefire was announced, although Britain argued that they should be maintained until Argentina made a formal commitment not to renew hostilities. The European Community agreed to reimpose sanctions in the event of Argentina violating the ceasefire.

Central to the European Community's decision to impose sanctions against Argentina "was the desire to express solidarity with a member state whose territory (albeit colonial territory) had been invaded. In this context, the European Community wanted to demonstrate its ability to act as a single entity in international affairs, and to show that European political cooperation could produce results."⁵⁰

3.1.3.4.4 Iraq

The European Community likewise acted as a single entity in response to the Iraqi invasion of Kuwait. Two days after the invasion, on 4 August 1990, the European Community called for the immediate and unconditional withdrawal of Iraqi forces from Kuwait and, among other measures, embargoed arms sales to and oil imports from Iraq, froze Iraqi assets in member states, and suspended Iraq's preferential trade status with the Community.⁵¹

3.1.3.4.5 Yugoslavia

Most recently, the European Community, after failing to find a diplomatic solution particularly through peace plans, imposed sanctions against Yugoslavia on 9 November 1991. Although the sanctions were aimed at Serbia, technically it was not possible to make the differentiation as the Community's commercial arrangements are with the federal government and not with individual republics.

"Since the aim is to punish Serbia, not Croatia, the European ministers have drawn up ways to compensate friendly republics hit by sanctions. But the effect of these arrangements would be mostly to save the Croats

from damage they are unlikely to experience, so their purpose is really political."⁵²

The main sanction was the suspension of the Community's cooperation agreement of 1980. An aid package worth US\$1bn which was part of the agreement was suspended when fighting broke out on 25 June 1991. Other sanctions included a suspension of trade preferences for Yugoslav exports to the Community, restrictions on textile shipments and a freeze on reconstruction aid. The Community rejected an oil embargo against Serbia on the basis that it could be effective only if applied by other states as well. Members agreed instead that the three European Community states on the Security Council at the time - Britain, France and Belgium - would pressure for an oil embargo.

3.2 UNILATERAL SANCTIONERS

Unilateral sanctioners are those actors that impose sanctions on an individual basis, outside of an organisational framework. An actor may act as a sanctioner for any number of reasons - from purely moral reasons to having the capacity to exploit dependence on it by another actor for political purposes. The actors that have imposed sanctions most frequently have been those that have been able to exploit the potential vulnerability of another actor, and who have the capability to control the international environment of other actors and international bodies. The three states which have imposed sanctions the most often are the United States, the Soviet Union and Britain.⁵³

3.2.1 United States

The United States has been the predominant unilateral sanctioner, having resorted to sanctions more often than any other state in pursuit of foreign policy goals. On several occasions it has imposed sanctions against the Soviet Union and its allies. For example, the United States acted as sanctioner against the Soviet Union following the invasion of Afghanistan in 1980, the imposition of martial law in Poland in 1981, and the shooting down of Korean airlines flight 007 in 1983 after it strayed into Soviet airspace. It has been a sanctioner against Cuba since October 1960 when it imposed a total embargo on all exports to Cuba, excepting food and medicine. This was followed by the breaking of diplomatic relations in January 1961, and sanctions on all trade between the two countries in early 1962.

More recently, the United States acted as sanctioner against the Sandinista government in Nicaragua (1981-90). In addition to redistributing Nicaragua's sugar quota among other Central American states, the United States voted against World Bank, IDB and other loans to Nicaragua, and in May 1985, imposed a total trade embargo and banned Nicaraguan aircraft and ships operating in the United States, or entering its ports.

The United States has also acted as a sanctioner against states that were not part of the East-West conflict. For example, it imposed sanctions against Uganda for the policies of Idi Amin (1972-79). It closed its embassy in 1973, and in 1978 imposed total trade sanctions on imports to and exports from Uganda. Similarly, the United States was a sanctioner against Haiti in 1986 when Jean Claude Duvalier was in power. In January 1986, President Reagan withheld about US\$25m in funds on the basis that the certification required under the 1985 foreign assistance act (known the International Security and Development Cooperation Act of 1985) that progress had been made on improving human rights in Haiti, could not be made.⁵⁴

Another example was the United States acting as sanctioner against Panama to destabilise President Manuel Noriega. In March 1988, the United States government denied the Noriega government access to the Panamanian assets in American banks by certifying that the person deposed by Noriega, Eric Arturo Delvalle, was still the legitimate President of Panama.⁵⁵

A third example is the sanctions imposed against China after the massacre of pro-democracy supporters at Tiananmen Square in June 1989. This was not part of the East-West conflict, in the sense of sanctions imposed against the Soviet Union, as evidenced by statements made by the United States administration. Secretary of State James Baker, for instance, cautioned that:

"The hasty dismantling of a constructive US-China relationship built up so carefully over two decades would serve neither our interests nor those of the Chinese people."⁵⁶

The United States acted as a sanctioner against Iraq prior to the imposition of United Nations sanctions when it froze Iraqi assets and imposed sanctions on all trade and financial relations on the day of the invasion.

The question then is, why has the United States been the predominant sanctioner, imposing sanctions against a range of states and issue areas? There are several explanations for this. The first is that the United States displays the highest influence capability in the international system through its ability to control and manipulate the international environment of other states, its relative self-sufficiency, and the economic and military leverage at its disposal.⁵⁷ The United States possesses what Klaus Knorr describes as the "active" and "passive" sides of national economic power:

"From the first point of view, national economic power is the ability of the state to benefit itself using economic or financial policy, by hurting or threatening to hurt... economically weakening... another state. From the second viewpoint, national economic power is a state's ability to limit such use of economic power by other states against itself. Overall, a country's power is a net sum" (emphasis in original).⁵⁸

The second explanation concerns the limitations based on the use of military power. Although war remains an instrument of policy, it is one "that can be used only at greater cost in relation to a narrower range of purposes than before 1945."⁵⁹ Particularly in the aftermath of Vietnam, the United States has relied on its economic superiority, and has employed sanctions as an initial response such as against Libya (1978 -), Poland (1981-82), Nicaragua (1981-90) and Iraq (1990 -).

The third explanation is that the United States, as a society which is more open than most other states and where there is greater public accountability and wider access to government information, makes it more conducive to sanctions which by their very nature are overt exercises.

Arguably, a greater use of sanctions by the United States has been constrained because sanctions are antithetical to the American commitment to laissez faire markets both at home and abroad. Entrenched in foreign policy attitudes is the notion that the market should be free of political control.⁶⁰ In order to overcome a seeming contradiction, successive United States governments differentiated between acting as a sanctioner against the command economies of communist states as being distinct from sanctions imposed against market economies. Thus, the role of sanctioner against the Soviet Union and its allies had the general support of the American public. This is chiefly because the

American political culture, "with its deep-seated suspicion of communism has a powerful influence on the United States policies on East-West trade in general."⁶¹

Indeed one of the objectives of the sanctions imposed against Cuba, as enunciated by Under-Secretary of State George Ball, was to demonstrate to the American continent that communism had no future in the western hemisphere.⁶² Likewise, one of the reasons given by President Reagan for imposing sanctions against Nicaragua was to disrupt the support given by the Sandinistas to leftist rebels in El Salvador. A National Security Council document leaked in 1983 called for "increasing the pressure on Nicaragua and Cuba to increase for them the costs of intervention."⁶³ It has, therefore, been argued that when American governments have been a sanctioner against communist states but have refused to impose sanctions against other states such as those in Latin America, they have not been as inconsistent as critics have maintained as "it is easier doctrinally and in terms of material interest and popular support to take such measures against communist bloc countries than others."⁶⁴

3.2.2 Soviet Union

The Soviet Union also acted as a sanctioner though not as frequently as the United States. It lacked the leverage that the United States derived from its key role in the international economic system as evidenced by the relatively low ranking that it enjoyed in international trade. This relative absence of significant trade, financial investments and economic know-how meant that the Soviet Union was unable to use sanctions to the same extent as the United States.

There were other reasons as well as to why the Soviet Union did not use sanctions more often. One of these was the constraint imposed by domestic economic problems. Another was that any advantage that it may have enjoyed from bringing countries such as Cuba, Vietnam and Ethiopia within its sphere of influence was offset by the amount of subsidy required to keep them viable. A third reason was that the Soviet Union could have feared that the imposition of sanctions against Western states may have invited similar action against itself or its clients. It is also possible that the Soviet Union did not wish to place itself in the position, as with Cuba, where it had to bear the brunt of American sanctions by assuming a large portion of the costs such as paying five times the world price for Cuban sugar in 1983.⁶⁵

Yet another reason relates to the secrecy that surrounded Soviet trade and economic matters. There was an absence of published legislation since all transactions are centrally controlled:

"Soviet leverage and export controls can be both flexible and invisible, and their exercise detectable only from circumstantial evidence."⁶⁶

It was, therefore, unlikely that the Soviet Union would have been predisposed towards the publicity that sanctions engender.

The absence of pressure groups within the country to agitate for sanctions was an additional factor. Indeed it was the trial and conviction of dissidents Aleksandr Ginzburg and Anatoly (now Natan) Sharansky that prompted the Carter Administration in 1978 to cancel the sale of a Sperry computer to Tass, and impose a vetting process for exports of oil technology to the Soviet Union.⁶⁷

Perhaps the most obvious explanation for the relative lack of Soviet sanctions is that the Soviet Union did not wish to jeopardise existing trade and other arrangements which would have denied the income that it required for its balance of payments and acute foreign exchange shortage.

When the Soviet Union did act as a sanctioner, it was mostly against allies such as Yugoslavia (1948-55). When President Tito attempted to assert independence from the Soviet bloc, the Soviet Union responded by severing all trade, aid and diplomatic links. It is possible that the failure of sanctions to subvert Tito led to the Soviet Union using force against Hungary in 1956 and Czechoslovakia in 1968. In 1961, however, the Soviet Union severed diplomatic ties, and ended all trade negotiations with Albania because it sided with China against the Soviet Union at a conference of communist states in Bucharest in 1960.

Although the Soviet Union, as a major arms supplier, could have exerted considerable leverage, it is not known to have imposed military sanctions against its allies or clients in the developing world. An explanation for this is that the Soviet Union always wanted to side with the weaker states against the West. Also, it was not a major commodity importer.

One of the rare instances when the Soviet Union acted as a sanctioner against a Western state was against Australia in 1954 following the defection of a Soviet diplomat. The Soviet Union broke diplomatic relations and embargoed imports of Australian wool.

3.2.3 Britain

Britain is the third state that has been most often a sanctioner. It pre-empted United Nations sanctions against Rhodesia, for example, when it stopped the import of Rhodesian tobacco⁶⁸ and sugar into British territories, and excluded Rhodesia from the sterling and Commonwealth preference areas, and the London capital market, under the Southern Rhodesia Act of 16 November 1965. In January 1966, sanctions were imposed on all imports from, and exports to Rhodesia, with the exception of humanitarian goods.

In another case, Britain acted as a sanctioner against Uganda in 1972 when Idi Amin expelled Asians living there by suspending aid, followed by the breaking off of diplomatic relations when a British subject was murdered in the aftermath of the freeing of hostages by Israeli commandos in Entebbe.⁶⁹

At other times, Britain has acted as a sanctioner to support the United States. It imposed sanctions over the shooting down of KAL 007, for instance, by halting British Airways flights to Moscow for 60 days, and prohibiting Aeroflot flights into Britain for two weeks.

3.3 NON-STATE ACTORS

Although states have been the main sanctioners in the international environment, they have not been the only ones. Non-state actors have acted as sanctioners, particularly in the imposition of sanctions. These have included actors such as universities, trade unions and cultural organisations. Examples of non-state actors having acted as sanctioners are given in the next chapter under boycotts.

3.4 CONCLUSION

There have been collective sanctioners and unilateral sanctioners, with global and regional organisations acting as sanctioners at one time or another. Within these organisations the trend has been for particular member states to play a dominant role, and thus exercise

greater control. In the League of Nations, for example, the predominant role was played by Britain and France, and in the OAS, the United States has been the chief controlling member. In the United Nations, the power of veto in the Security Council has given control to the permanent members.

Where unilateral sanctions are concerned, there has been a minimal use of sanctions as an instrument of foreign policy by states other than the United States. West European states in particular seem to have preferred to use diplomacy rather than sanctions as an instrument of foreign policy. Insofar as less industrially developed states are concerned their low influence capability, and vulnerability to the international economic systems has precluded them using sanctions, except minimally as in the case of India which severed diplomatic relations with Rhodesia prior to UDI, in May 1965.⁷⁰

CHAPTER THREE: NOTES

1. Hufbauer, G.C. and Schott J.J. (1985), Economic Sanctions Reconsidered: History and Current Policy, Washington: Institute for International Economics, p 9. Hereafter referred to as Hufbauer and Schott I to distinguish it from the 1990 edition, which is referred to as Hufbauer and Schott II.
2. see page ?.
3. Austria refused on the basis that from a security point of view, Italian support had relatively greater value than League support, while Hungary felt that the revision of its frontiers would be achieved with the support of Italy rather than from the League.
4. For a comprehensive list of participants and non-participants in the sanctions against Italy, see Highey, A.E. (1938) The first sanctions experiment, Geneva: Geneva Research Centre. Non-League members such as Egypt, for example, imposed sanctions against Italy, but others such as Germany did not support the sanctions (Germany withdrew from the League in 1935).
5. Bull, The Anarchical Society, p 144.
6. see Northedge, F.S. (1986) The League of Nations: its life and times, Leicester: Leicester University Press, pp 236-7.
7. cited in Barber, "Economic sanctions as a policy instrument," p 369.
8. Zimmerman, A.E. (1935) "The Great Powers in the League of Nations," Problems of Peace, 9th series, Geneva Institute of International Affairs. London: George Allen & Unwin, pp 55 and 57.
9. S/RES/216 and 217.
10. S/RES/232.
11. see United Nations Security Council, Debates, S/PV 1277, April 1966.
12. S/RES/253.
13. see United Nations Documents, S/8786, 27 November 1968.
14. Zacklin, Challenge to Rhodesia, p 57.
15. At the time China was represented by Formosa as it was then known.
16. Nkala, The United Nations, International Law, and the Rhodesian Independence Crisis, p 84.
17. Anglin, D. (1987) "United Nations economic sanctions against South Africa and Rhodesia," in Leyton-Brown (ed) The Utility of International Economic Sanctions, p 41.
18. Hufbauer and Schott, Economic Sanctions Reconsidered, II, p 410.
19. United Nations Documents, S/9252, 12 June 1969, p 16.

20. Rhodesia provided over one-third of Zambia's total imports, and Rhodesian railways carried 65 per cent of Zambia's imports and 96 per cent of its exports, principally copper. In addition, Rhodesia supplied all Zambia's oil and coal, as well as 69 per cent of its electricity.
21. S/RES/660. Yemen did not participate in the vote, explaining that it had not received instructions from its Government.
22. S/RES/661. It was adopted by a vote of 13 in favour and none against, with Cuba and Yemen abstaining.
23. Bulgaria, India, Jordan, Lebanon, Philippines, Romania, Sri Lanka, Tunisia, and Yugoslavia.
24. Barber, J. (1969) "The Impact of the Rhodesian Crisis on the Commonwealth," Journal of Commonwealth Political Studies, vol 7, July 1969, pp 83-95.
25. "The Security Council shall encourage the development of pacific settlement of disputes through such regional arrangements or by regional agencies either on the initiative of states concerned or by reference from the Security Council." (Article 52(3)).

"...But no enforcement action shall be taken under regional arrangements without the authorization of the Security Council." (Article 53(1)).
26. Frost, M. (1979) "The Origins and Development of Sanctions - A factual survey, including other experience of sanctions," Sanctions and South Africa: Genesis and Prospects, Johannesburg: SAIRR/SAIIA.
27. There being no provisions for expulsion under the Charter.
28. see Doxey, International Sanctions, p 60.
29. Although Chile, Bolivia and Uruguay dissented from the sanctions recommendations.
30. Losman, D.L. (1979) International Economic Sanctions: The Cases of Cuba, Israel and Rhodesia, Albuquerque: University of New Mexico Press, p 47.
31. Dewitt, D.B. (1987) "The Arab boycott of Israel," in Leyton-Brown, The Utility of Economic Sanctions, p 151.
32. Unified Law in Boycott of Israel, adopted by the Council of the Arab League, Resolution No 849, 11 December 1954. for further details see Stanislawski, H. (1987) "Impact of the Arab boycott of Israel on the United States and Canada," in Leyton-Brown, The Utility of International Economic Sanctions, p 225.
33. The term "tertiary boycott" refers to Arab League members forbidding the use of a blacklisted firm by a company that exports to or has projects in an Arab country.
34. Most foreign diplomatic missions are located in Tel Aviv, and the Arab states have opposed Israel's adoption of Jerusalem as its capital.
35. This in effect meant the cancellation of US\$3.9m in contracts.

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36. The OAU Charter, however, does not make any direct reference to the regional arrangements under the United Nations Charter.
 37. S/RES/217.
 38. Hill, C. and Mayall, J. (1983) "The sanctions problem: international and European perspectives," Florence: European University Institute, July 1983, p 25.
 39. Holland, M. (1989) "The European Community and sanctions against South Africa." In J.D. Brewer (ed) Can South Africa Survive? Basingstoke: Macmillan Press, pp 57-8.
 40. This statement was later interpreted to mean that it was a commitment not to allow sales to the Soviet Union that would exceed "normal" or "traditional" levels. Argentina stated outright that it would not participate in the grain embargo. Congressional Research Service (1981) "An assessment of Afghanistan sanctions: implications for trade and diplomacy in the 1980s," Washington DC: Library of Congress.
 41. see Paarlberg, R.L. (1987) "The 1980-81 grain embargo: consequences for the participants," in Leyton-Brown, The Utility of International Economic Sanctions, p 187.
 42. Paarlberg, "The 1980-81 US grain embargo," p 194.
 43. *ibid*, p 195.
 44. *ibid*. An indication that this was in fact the case was demonstrated when just prior to the lifting of the embargo, the European Commission refused to authorise an addition 600,000 tons of wheat sales to the Soviet Union even though France had received approval from the United States.
 45. Congressional Research Service (1981) "US embargo of agricultural products to the USSR," Washington DC: Library of Congress, p 15.
 46. Hill and Mayall, "The sanctions problem," p 14.
 47. *ibid*, p 15.
 48. Hill and Mayall, "The sanctions problem," p 17.
 49. Argentina was Italy's second largest trading partner in Latin America, and Italian public opinion was largely critical of Britain's handling of the Falklands crisis. Ireland feared that it would compromise its neutral status. Furthermore, there was concern that Ireland might give the impression of supporting Britain's use of force, and that the suspension of sanctions might assist in finding a diplomatic solution. see Daoudi and Dajani, Economic Sanctions, p 115.
 50. *ibid*, p 120.
 51. New York Times, 5 August 1990.
 52. The Economist, 9-15 November, 1991.
 53. see Hufbauer and Schott, Economic Sanctions Reconsidered II, for listing of economic sanctions from 1914-1990. By their count, the United States has used sanctions 75 times (this includes times when the US has imposed sanctions in conjunction with other states or with the UN). Although they state that the Soviet Union has used sanctions on

ten occasions, case histories are given for only seven. Similarly although it is stated that Britain has been a sanctioner on 21 occasions, only ten case histories are given. Moreover, Britain is listed separately from other League of Nations members in sanctions against Italy, and sanctions against Germany during the First World War, as well as against Argentina during the Falklands war are included. What is clear is that the sanctioning record of the United States far exceeds that of the other two which are next in rank.

54. for further details, see Carter, International Economic Sanctions, p 47.
55. Financial Times, 3 March 1988.
56. State Department press release, 26 June 1989.
57. Among other indicators, the United States is the world's major exporter and importer. It has one of the highest real GDP per capita, it is the world's highest energy producer, and among the top in energy consumption. It is ranked among the top five countries in the industrial production of steel, cement, ships and aluminium. Militarily it is the strongest power. see Kurian, G.T. (1990) The New Book of World Rankings, New York: Facts on File, and Cline, R. (1980) World Power Assessment
58. Knorr, K. (1979) "National power in an economically interdependent world," in Goldman and Sjostedt Power, Capabilities and Interdependence, pp 79-80.
59. Bull, "Economic sanctions and foreign policy," p 218.
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62. "American Foreign Policy: Current Documents 1964," US Department of State, Washington DC, 1967, pp 323-4.
63. New York Times, 7 April 1983.
64. Mayall, "The United States," p 169.
65. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 320.
66. Hanson, Western Economic Statecraft, p 65.
67. *ibid*, p 41.
68. Rhodesia depended on tobacco for one-third of its export earnings.
69. see Hufbauer and Schott, Economic Sanctions Reconsidered II, p 455 for further details.
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CHAPTER FOUR: TYPES OF SANCTIONS

When the Assembly of the League of Nations set itself the task of interpreting the obligations laid down in Article XVI¹ of the Covenant, it adopted the principle that should the League have to resort to sanctions, the less drastic measures would be applied first, and the more stringent ones held in reserve.² "Moral" and diplomatic sanctions were considered the less drastic option, and economic and military sanctions regarded as the "hard" option.

Although it is questionable as to whether the moral censure or resort to rhetoric that constitute moral sanctions may be regarded as sanctions, some commentators take the view that the deliberate manipulation of verbal symbols to sway international opinion against the target and undermine international confidence in it, are indeed sanctions.³

An example is the Security Council condemnation of Argentina passed very early in the Falklands crisis confirming that a breach of the peace had occurred, and calling upon Argentina to withdraw.⁴ Likewise, the 1985 Security Council condemnation of Israel's attack on the PLO's headquarters in Tunisia as "an act of armed aggression," supported Tunisia's "right to appropriate reparations."⁵

Since the time of the League, other types of sanctions have been added to the repertoire of available measures such as energy, communication and technology sanctions. This chapter looks at the variety of sanctions that sanctioners, both collective and unilateral have used, and divides them into five types: diplomatic sanctions, economic sanctions, energy sanctions, communications and technology sanctions, and military sanctions. Boycotts are also considered under three categories: sporting, cultural and other boycotts.

4.1 DIPLOMATIC SANCTIONS

Diplomatic sanctions may be considered the first step in translating the rhetoric of moral condemnation into concrete action. One form of diplomatic sanctions is the breaking of diplomatic relations. On several occasions, the Soviet Union has imposed such sanctions. For example, it broke off diplomatic relations with Australia in 1954 and prevented the departure of Australian staff from Moscow,⁶ recalled its ambassador from Helsinki in 1958 when it perceived that Finland was moving away from its traditional foreign policy

line,⁷ and in December 1961, severed diplomatic links with Albania when that country signed a long term trade agreement with China.

The United States has also broken diplomatic relations many times. Among them, diplomatic relations were broken with Cuba in 1961, and Iran during the hostage crisis, and diplomatic missions closed in Libya in May 1981,⁸ and in Nicaragua in 1983.⁹ The United States also formally broke diplomatic ties with Panama on 1 September 1990, having previously recalled its ambassador.

Where other states are concerned, diplomatic relations have been severed, for instance, by Indonesia with the Netherlands in August 1960 over the latter's refusal to relinquish control of West Irian.¹⁰ Diplomatic relations have also been terminated on a collective level. The OAS, for example, broke all diplomatic relations with the Dominican Republic in 1960 after the assassination attempt on the Venezuelan president.

Another form of diplomatic sanctions is the denial of visas to the target's nationals. Most Arab states, for example, refuse visas for Israeli nationals. To give another example, in May 1965 Spain refused to recognise passports issued "on behalf of the Government of Gibraltar," over its dispute with Britain regarding sovereignty over the Rock. In the case of Rhodesia, the Security Council decided that all states should prevent Rhodesian passport holders entering their territories, except on "exceptional humanitarian grounds," and that they should "take all possible measures" to prevent the entry of those ordinarily resident in Rhodesia whom they had reason to believe would "have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal regime."¹¹

The most extreme form of diplomatic sanctions is the non-recognition of a political entity that claims to be a state. The United States, for example, refused to recognise the People's Republic of China for 30 years - from October 1949 when it was proclaimed until recognition was accorded in January 1979.

When the Federal Republic of Germany and the German Democratic Republic were created in 1949 although many states, including the Soviet Union, recognised the FDR, the GDR was not accorded recognition by Western powers. Indeed the FDR threatened economic and diplomatic sanctions against any state that recognised the GDR. The situation was resolved in 1972 when the two Germanies recognised each other as

independent states, and were both admitted to the United Nations in the following year.¹²

The non-recognition of Biafra is another case in point. From 1967 to 1970 when Biafra attempted to cede from Nigeria, only five states - Tanzania, Gabon, Ivory Coast, Zambia and Haiti - recognised it as an independent state, although none of them entered into formal diplomatic links. Under the leadership of the OAU,¹³ other states refused to grant recognition to Biafra.

Collective non-recognition was exemplified in the case of Rhodesia. The Security Council called upon all states "not to recognise this illegal authority and not to entertain any diplomatic or other relations with it."¹⁴ South Africa maintained the solitary accredited representative in Salisbury, and Portugal kept open its consular mission. Both states, however, heeded the call for non-recognition as neither accorded the Smith government de jure recognition.

4.2 ECONOMIC SANCTIONS

Economic sanctions cover the widest range of options available to a sanctioner. They may be subdivided into trade sanctions and financial sanctions.

4.2.1 Trade sanctions

Trade sanctions are concerned with the transfer of goods and services, and may be further subdivided into sanctions on imports and exports, the withdrawal of MFN status, and restrictions on travel links. Each of these are examined in turn.

4.2.1.1 Import and export sanctions

Hufbauer and Schott find that in over one-third of the cases where trade sanctions were imposed, both import and export controls were used.¹⁵ When the United Nations imposed comprehensive, mandatory sanctions against Rhodesia and Iraq, for example, all exports and imports were prohibited with only a small number of exemptions allowed for medical and humanitarian purposes.¹⁶ In instances where only one type of sanction has been used, the preference has been for export sanctions: for example, the Arab oil embargo, the American grain embargo, and sanctions on pipeline equipment to the Soviet

Union. The Soviet sanctions on wool imports from Australia in 1954¹⁷ was a rare instance where import sanctions were used on their own.

There are two possible explanations as to why import sanctions are used less frequently than export sanctions. The first is that targets can usually find alternative markets for their goods, or they can circumvent sanctions by using a third party to export the goods, as point of origin is difficult to verify. Consequently, from the sanctioner's viewpoint, import sanctions are more difficult to control and police. The second explanation is that some sanctioners may not have the legal authority to prevent imports as, for example, the United States which may impose import controls only under exceptional circumstances.¹⁸ Hence import controls have been used by the United States sparingly, such as against Iran in 1979 and 1980; Nicaragua in 1985; Libya in 1986; and Iraq in 1990.

4.2.1.2 Suspension of MFN status

The suspension of most favoured nation (MFN) status is a trade sanction that has been imposed in particular by the United States which has extended the status to many countries either through bilateral agreements or under the GATT. When the 1972 US-Soviet Trade Agreement was signed, for example, its entry into force was contingent upon the Soviet Union being granted MFN status by Congress. However, the so-called Jackson-Vanik amendment which was a key provision of the Trade Act of 1974 prohibited the granting of MFN status to a non-market economy that denied "its citizens the right or opportunity to emigrate," or impose more than a nominal tax on emigration.¹⁹ The reason behind the condition on taxes was that the Soviet Union had introduced a new tax in August 1972 which required that those wishing to emigrate pay up to 22,000 roubles for persons with PhD degrees at one end of the scale, down to 4500 roubles for persons who had finished at a teacher's institute.²⁰ The Soviet Union notified the United States in 1975 that it could not accept a trading relationship based on a statute that was contrary to the 1972 trade agreement which would have given it MFN status.

As discussed earlier, the United States suspended Poland's MFN status indefinitely in October 1982 in response to the Polish government's repression and its outlawing of Solidarity. The suspension was revoked in February 1987 following the release of political prisoners, and reconciliation with Solidarity.²¹

The United States also threatened to suspend Romania's MFN status in March 1983,²² unless it rescinded an "education tax" imposed on emigrants. Romania agreed to suspend implementation of the tax, but continued American pressure on Romania over its emigration and other policies, resulted in Romania unilaterally renouncing the renewal of its MFN status in February 1988.²³

4.2.1.3 Restrictions on travel links

Sanctions on travel links have taken the form of suspension of sea and airlinks, and travel restrictions to the target. The OAS, for example, suspended all sea and air service to Cuba in 1964 as part of its sanctions package, and in the case of Rhodesia, the Security Council decided that member states:

"shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Rhodesia and from linking up with any airline company constituted or aircraft registered in Rhodesia."²⁴

In the case of Iraq, the Security Council decided on 25 September 1990 that member states should not permit any aircraft to take off from their territory if it would carry any cargo to or from Iraq or Kuwait, other than for humanitarian purposes authorised by the Council. Furthermore, overflight permission to any aircraft destined for Iraq or Kuwait was denied, except under certain circumstances.²⁵

The denial of airlinks has been used as a sanction on several instances by unilateral sanctioners. In 1957, for example, France was refused overflying rights in Arab territories because of investments in the Israeli film industry. In December 1981, following the imposition of martial law in Poland, the United States suspended landing rights for the Polish airliner LOT, as well as for Aeroflot to land in the United States. When Lebanon did not cooperate in prosecuting or extraditing the hijackers of TWA flight 847 to Lebanon in 1985, the United States revoked the rights of Middle East Airlines, a Lebanese carrier to serve the United States.²⁶ After the shooting down of KAL 007, Canada, Spain, the Federal Republic of Germany, Japan and Britain imposed sanctions on airlinks with the Soviet Union.²⁷

An example of sanctions on travel links by way of geographic restrictions on the use of passports was in 1981, when the United States began to restrict the use of American passports for travel to Libya. However, as American citizens cannot be deprived of their "liberty" to travel without "due process of law", a series of prohibitions was introduced on travel related "transactions" by US persons.²⁸ No United States citizen or permanent resident was allowed to engage in any transaction in relation to travel to, from or within Libya except for purposes of departure or for journalistic activities.²⁹ The sale of air tickets that included any stop in Libya was also banned.

"The travel related restrictions thus enabled the US Government to get virtually all US persons out of Libya, and eliminate the contributions of these persons to the Libyan economy and the potential risks they were exposed to while living in Libya."³⁰

The prevention of tourist movement as a sanction was demonstrated when Eastern bloc countries stopped tourists from visiting Yugoslavia after Stalin denounced Tito in 1948.

4.2.2 Financial sanctions

Financial sanctions are concerned with the transfer of capital. The sanctions include the suspension of financial transactions, the freezing of financial assets, the suspension of aid, and the blocking of funds from international financial institutions. In nearly three-quarter of the cases studied by Hufbauer and Schott, financial sanctions were used alone or in combination with trade sanctions.³¹

4.2.2.1 Suspension of financial transactions

Sanctions have been imposed on the availability of credit, access to loans, and investment opportunities. The League of Nations, for example, restricted financial dealings involving loans, credits and share issues with government and business concerns in Italy.³² The United Nations prohibited making available to the Rhodesian government or to "any commercial, industrial, or public utility undertaking, including tourist enterprises, any funds for investment or "any other financial or economic resources."³³

Remittances to Rhodesia were also prohibited except for persons, or payments for items exempted from the trade sanctions.

When sanctions were imposed against Iraq, the Security Council decided that states should not make available any funds or economic resources to the Iraqi government, and that they should prevent the remitting of funds from Iraq or Kuwait, excepting payments for humanitarian purposes.³⁴

On a unilateral basis, the United States announced a prohibition on any new loans or credits to Libya in 1986, thereby denying it access to American capital. The regulations barred the extension of credit and loan facilities not only to the Libyan government and its agencies, but also to any person about whom there was "reasonable cause to believe" was acting directly or indirectly on behalf of the Libyan government.³⁵ Thus the provisions prevented American companies or banks from offering practically any mode of financing to "Libyan government-controlled persons or entities in either the oil industry or any other sector of the Libyan economy."³⁶

4.2.2.2 Freezing of financial assets

"The ultimate form of financial and trade control is a freeze of the target country's foreign assets... A freeze not only stops financial flows; it also impedes trade."³⁷

The freezing of assets is a financial sanction that has been employed on several occasions. Following the nationalisation of the Suez Canal by Egypt in 1956, Britain, France and the United States froze Egyptian assets under their respective jurisdictions. The assets under French jurisdiction were minimal, whereas those frozen by Britain were worth £420m in sterling deposits, and £310m arising from World War II debts which were being paid out at a rate of £56m per year. The assets in the United States were worth US\$46m.³⁸

The United States has frozen the assets of various targets, pursuant to the International Emergency Economic Powers Act of 1977 (IEEPA). In November 1979, President Carter froze Iranian assets worth US\$12bn held in American banks and their foreign subsidiaries. In January 1986, President Reagan froze all Libyan property³⁹ interests in the United States.⁴⁰ In April 1988 President Reagan froze Panamanian government assets held in the United States, which amounted to US\$375m when the sanctions were lifted in December 1989.⁴¹ In August 1990, President Bush froze all Iraqi assets, as well as Kuwaiti assets "to prevent Saddam Hussein from plundering them."⁴² Iraqi and

Kuwaiti assets were also frozen by Britain, France and European Community member states.

4.2.2.3 Suspension of aid

Donor countries of foreign aid have often utilized aid as a "carrot" on the one hand, and on the other hand used the suspension of that aid as a sanction. The European Community is a case in point.

"What the Community can give, so the Community can take away... [It] is extensively linked to most areas of the world through commercial and aid agreements, so have the capacity to break, slow down, re-interpret or simply ignore existing arrangements in a more or less delicate attempt to make political points."⁴³

It has used the Lome convention, which makes the European Community the largest group of international donors,⁴⁴ to refuse Angola and Mozambique admission to aid through the Lome so long as they refused to accept that West Berlin was part of the Federal Republic of Germany.

On a unilateral basis, France agreed in 1957 to provide Tunisia US\$34.6m in aid over several instalments. It withheld the first payment of US\$5.8m, however, because of Tunisia's assistance to the Algerian rebellion as it was "inconceivable that French aid to Tunisia should directly or indirectly assist France's enemies."⁴⁵ In another example, the Netherlands suspended a US\$10.5bn aid programme to Surinam in 1982 and withheld assistance of US\$110m for 1983 when leading civilian opponents were killed.

The United States invoked the Foreign Aid Act of 1963, which required the President to stop aid to recipients who refused to restrict shipments to Cuba,⁴⁶ against a British firm which sold 450 passenger buses, and a French company which sold locomotives to Cuba. But it was ineffectual as virtually no aid was given by the United States to either Britain or France.

Also in 1963 the United States suspended aid to Ceylon⁴⁷ for its expropriation of properties belonging to American oil companies.⁴⁸ The previous year President Kennedy had signed what became known as the Hickenlooper amendment which barred

aid to countries that expropriated United States property without "appropriate steps" being taken to ensure adequate compensation.

In 1968-69, aid to Peru was reduced by over two-thirds, from US\$39.6m in 1966 to US\$13.1m in 1969, after Peru expropriated properties of the International Petroleum Company. The United States threatened to invoke the Hickenlooper amendment, but did not do so on the basis that progress had been made to negotiate compensation.⁴⁹ The amendment was, however, invoked against Ethiopia in 1975 after the expropriation of some American owned properties. Bilateral aid was phased out, except for humanitarian aid for victims of the famine in Ethiopia.⁵⁰

Financial sanctions by way of suspension of aid has been intermittently applied against Nicaragua by the United States. During the time of the Somoza presidency aid was suspended, and then resumed by President Carter when the Sandinistas came to power. In 1979, US\$10.5m in economic assistance was unfrozen, and US\$8.8m in emergency assistance granted. The following year Congress approved a US\$75m aid package, but in 1981 President Reagan froze the aid programme, and terminated future aid on the grounds that the Sandinista government was assisting rebels in El Salvador.⁵¹ In 1990, after the fall of the Sandinistas, President Bush approved US\$300m in immediate aid.⁵²

4.2.2.4 Blocking funds from international financial institutions

The United States has used its influence over international financial institutions, albeit in a limited way, to impose financial sanctions.⁵³ When American aid to Peru was suspended over expropriation claims, World Bank authorisations were reduced from US\$42.1m in 1966 to zero in 1969. Similarly, authorisation by the Inter-American Development Bank (IDB) was reduced from US\$39.0m in 1966 to zero in 1969.⁵⁴

During the period of the Allende government in Chile (1970-73), the United States attempted to limit the financial assistance being given to Chile. The World Bank did not provide any new loans to Chile while Allende was in power although previously it had been a major lender. Shortly after his inauguration, the IDB provided two educational loans worth US\$11.6m, but did not make any further loans, notwithstanding requests for additional loans. The IMF, however, did make two loans worth more than US\$80m.⁵⁵

In another case, the Reagan Administration voted against seven loans to Nicaragua during the fiscal years 1977-85. Two of these pertained to the World Bank, and five to the International Development Association.

"Each time the US voted against a loan to Nicaragua it cited 'inadequate macroeconomic policies' as its reason for opposition. Political motives, however, were clearly behind the negative votes."⁵⁶

Nicaragua which had received US\$35.1m from the IDB in 1982 and US\$30.8m in 1983, did not receive any aid at all from 1984 onwards. When the IDB considered Nicaragua's request for a US\$59.8m agricultural loan, the United States increased its pressure by threatening, among other steps, to cut contributions to the IDB.⁵⁷

4.3 ENERGY SANCTIONS

Energy sanctions are those that are imposed on the energy requirements which may be from conventional energy sources like petroleum and other oil products, or from nuclear energy sources. The sanctions may be imposed on the sources themselves, as well as on the provision of technical support and services such as the enrichment and reprocessing of uranium, or the sales of equipment and products concerned with the production and consumption of energy.

4.3.1 Sanctions on conventional sources of energy

Oil, petrol and petroleum products have been the main sources of conventional energy on which sanctions have been imposed; the Arab oil sanctions (1973-4) being the best known example. During the sanctions period, two kinds of energy sanctions were imposed by most of the Arab oil exporting countries.

The first was a total embargo on exports of oil to the United States, Netherlands, Portugal, Rhodesia and South Africa.⁵⁸ Countries where oil was refined or trans-shipped to the Netherlands or the United States, such as Trinidad, Singapore, Puerto Rico and Canada, as well as some refineries in France, Greece and Italy, were also embargoed.

The second kind of sanctions comprised reductions in oil exports.⁵⁹ On 17 October 1974, oil ministers agreed to cut October exports by a minimum of five per cent from the September level, with a further five per cent cut in December. Countries were exempted entirely or in part from the cutback depending on their position on the Arab-Israeli conflict. Saudi Arabia had a system which classified consumer countries into various categories:

- a) Most favoured states such as Britain, France, Spain, Arab states, Islamic states, and African states which had broken diplomatic links with Israel. These states received as much oil as they wished.
- b) Friendly states which had modified their policies in favour of the Arab position, such as Belgium and Japan, were entitled to their pre-embargo level of oil.
- c) European Community states which were subjected to cutbacks but exempted from the December reduction in view of their declaration in November, which called for the end of Israeli territorial occupation from the 1967 war, and advocated the rights of the Palestinians. Though the Netherlands and Denmark signed the declaration, they were not exempted from the embargo.
- d) Neutral states which were subject to all the cutbacks.
- e) The four embargoed states which were prohibited from receiving any Arab oil. Denmark was subjected to a partial embargo.

Another instance of energy sanctions involving oil was in January 1961 when the Soviet Union announced the withdrawal of Soviet technical assistance to the Albanian oil industry in retaliation for Albania's growing concord with China, and there were reports of alleged sabotage of oil installations by Soviet technicians prior to their departure.⁶⁰

When sanctions were imposed against Rhodesia, there was much early optimism that sanctions would improve prospects for negotiations. British Prime Minister Harold Wilson's confident remark in January 1966 to Commonwealth leaders that sanctions would be effective in "weeks not months" was based on energy sanctions as Rhodesia

was dependent on oil and petroleum products for its fuel requirements.⁶¹ In April 1966, in response to a British request, the Security Council authorised Britain to use force, if necessary, to prevent ships arriving at Beira, with oil for Rhodesia.⁶² In December 1966, the Security Council imposed mandatory sanctions on oil and oil products.

There have also been sanctions imposed on the import of oil from producer countries. In March 1982, President Reagan imposed an embargo on the import of Libyan crude oil.⁶³ Although imports of Libyan crude oil accounted for less than one per cent of all American imports of crude oil in 1982,⁶⁴ the presidential proclamation stated that:

"Libyan policy and action supported by revenue from the sale of oil imported into the United States are inimical to our security interests."⁶⁵

The sanctions also prohibited the export to Libya of any oil and gas equipment that was not readily available elsewhere on the international market.

Oil imports were also embargoed from Iraq following the invasion of Kuwait. Although the Security Council resolution did not specifically mention oil, it called upon states not to import any commodities originating from Iraq or Kuwait, and oil was the one major Iraqi export.

4.3.2 Sanctions on nuclear sources of energy

The predominant form of sanctions on nuclear sources of energy has been the refusal to cooperate in the peaceful application of nuclear energy. Canada in particular has imposed sanctions of this nature. It suspended nuclear cooperation with India in 1974 when India exploded an underground nuclear device in 1974. India claimed that it was for peaceful purposes. The Canadian view, as expressed by the foreign minister was that:

"Canada and India have taken profoundly different views of what should be encompassed in the peaceful application of nuclear energy by non-nuclear weapon states... [The Canadian Government] has decided that it would agree to make new nuclear shipments available only on an undertaking by India that Canadian supplies, whether of technology, nuclear equipment or materials, whether past or future shall not be used for the manufacture of a nuclear device."⁶⁶

Canada had supplied India with all the nuclear fuel, equipment and spare parts for its reactors. India received nuclear aid worth US\$96.5m between 1956 (when Canada initiated the nuclear cooperation with India) and 1974 (when it was suspended).

Canada also terminated nuclear cooperation with Pakistan in 1976, when it refused to renegotiate a safeguards agreement to preclude possible "peaceful nuclear explosions." Canada had supplied all of Pakistan's imports of nuclear fuel and spare parts for its reactor, and had offered an interest-free loan of US\$1.7m to finance the foreign exchange component of a fuel fabrication plant that Canada was to supply. A year after the sanctions were implemented, Pakistan closed down its reactor for lack of fuel and spare parts.⁶⁷

Canada's non-proliferation policy, and the Nuclear Non-Proliferation Act passed by the United States Congress in 1978 makes the approval of nuclear exports dependent on the buyer's acceptance of stringent safeguards and veto rights over the re-transfer or reprocessing of American or Canadian supplied fuel. The unwillingness of Brazil and India to accept the safeguards resulted in American supplies being cut off in September 1980 although they received fuel shipments during an 18 month period of grace.⁶⁸

4.4 COMMUNICATIONS AND TECHNOLOGY SANCTIONS

The rapid development of information technology has added communications and technology sanctions to the sanctions repertoire. These sanctions are based on the fact that some technologies are highly specific and may be peculiar to certain companies.

The transfer of technology occurs through:

- the technology embodied in physical goods such as computers, machines, vehicles and equipment.
- cross-licensing and the sharing of technical information, research and development, and production experience.
- the transfer of technical skills either by sending skilled staff, the training local persons, or the mobility of personnel.

- Satellite and other communications.

The sanctions, which may be imposed on both civilian and military levels, control the transfer of technology and attempt to slow the rate of technological diffusion.

Many communications and technology items were embargoed from export to Warsaw Pact countries and Albania, China, Kampuchea, Mongolia, North Korea and Vietnam under the Consultative Group and Coordinating Committee for Multilateral Exports (CoCom).⁶⁹ Control was exercised according to national discretion. The British version of the CoCom industrial list⁷⁰, for instance, ran to "62 closely printed pages, of which about 40 were devoted to electronics, computer equipment and telecommunications items."⁷¹

Oil and gas extraction technology was added to the CoCom control list by President Carter in 1978 to deny access to Western equipment and expertise to the Soviet Union. In January 1980, the United States temporarily suspended all licences for the export of high technology goods to the Soviet Union. Applications for the export of high technology products such as seismic data processing and telecommunications technology equipment were denied.⁷² When a case by case review of validated licences ended in September, only 281 of the 476 suspended licences were reinstated.⁷³

In a further effort to prevent the transfer of technology to the Soviet Union and the Eastern bloc, the United States proposed tighter controls on high technology items in January 1982, and put forward the addition of 100 items to the CoCom list including robots, computers and microprocessors.⁷⁴ It furthermore allowed various agreements on space, science and technology with the Soviet Union to lapse as part of the sanctions imposed against the Soviet Union for its role in Poland.

4.5 MILITARY SANCTIONS

There is a close link between military sanctions, and communications and technology sanctions, especially with regard to "dual use" items: that is, items that can be used for either civilian or military purposes.

Military sanctions may impose restrictions on military links such as a prohibition on the sharing of military intelligence, or they may entail the imposition of an arms embargo

which attempts to prevent key military goods, technologies and services from reaching the target.

4.5.1 Suspension of military cooperation

The United States has suspended military cooperation for political reasons on a number of occasions. The Export Administration Act of 1979 prohibits, or requires congressional approval of, exports that would contribute to a country's military potential if that country has "repeatedly provided support for acts of international terrorism." Countries that have fallen under this category include Iran, Iraq, Syria, South Yemen and Libya.

The President is also empowered to deny military assistance to any foreign country which practices the internment or imprisonment of its citizens for political purposes.⁷⁵ Between 1974-81 country-specific riders attached to military aid bills denied and reduced American assistance on human rights grounds to South Korea, Chile, Uruguay, Philippines, Brazil, El Salvador, Guatemala, Nicaragua, Paraguay, Ethiopia, Argentina and Zaire.⁷⁶

In June 1976, for instance, all military aid to the government of President Stroessner in Paraguay was cancelled, following a wave of repression and human rights abuses. Consequently, American military aid to Paraguay fell from US\$2.4m in 1974 to US\$0.6m in 1978 to nil in 1979.⁷⁷

The following year, in February 1977, the United States terminated all military grants to the government of Colonel Mengistu in Ethiopia because of human rights violations, but allowed the continuation of US\$10m in military credits and US\$13.9m in military assistance. In July, however, Ethiopia was omitted from the foreign aid bill before the House of Representatives. The bill, signed by President Carter in November, denied Ethiopia military assistance and credits. Similarly, military assistance to Bolivia was reduced in 1980 after the introduction of martial law by a military junta. Military aid had been US\$6.7m in 1979, and US\$6m was appropriated for 1980. Bolivia, however, received US\$0.3m in 1979, and nil the following year.

The United States also limited arms sales (and military assistance) to Turkey following the invasion of Cyprus in 1974, and suspended arms sales to China in 1989 after the

massacre at Tiananmen Square. The sanctions affected US\$600m in bilateral government contracts, and US\$100m in commercial sales to China.⁷⁸

At times, military cooperation has been terminated as the result of the target's refusal to "tow the line." The Soviet Union terminated military cooperation with Yugoslavia, and withdrew all its military advisers in 1948 because of President Tito's determination to follow an independent policy.

In June 1959, the Soviet Union cancelled an agreement on atomic cooperation with China as a consequence of China's refusal to accede to the Soviet demand for some control over China's nuclear weapons programme.

Another example is the refusal by the United States to permit New Zealand's participation in ANZUS exercises or have access to American intelligence reports after the New Zealand government withdrew permission for American vessels entry into its ports unless they declared whether they were carrying nuclear weapons or not, which the United States was not prepared to do.

4.5.2 Imposition of an arms embargo

In conflict situations where armed hostilities seem likely (or are already in progress), an arms embargo is usually the first sanction to be imposed by third parties on the ground that it prevents the spread of hostilities and helps to protect the civilian population.⁷⁹ One week following the Abyssinian invasion, the League of Nations imposed as its first sanction an embargo on the supply of arms to Italy. Even prior to the invasion when there appeared to be a threat of hostilities, Britain, acting on its own initiative, imposed an embargo on the sale of arms to both Italy and Abyssinia. The object of this embargo was not so much as to prevent the two governments from accumulating arms as Italy had a powerful arms industry, "but rather to prevent the embitterment of the conflict through purchases of arms from abroad."⁸⁰

The Security Council imposed a mandatory arms embargo against Rhodesia in December 1966,⁸¹ having previously called upon states to "desist from providing it [Rhodesia] with arms, equipment and military material."⁸² As in the case of Italy, Britain imposed an arms embargo prior to the Security Council resolution in November 1965 as part of its sanctions against Rhodesia.

The Security Council also imposed an arms embargo against Iraq in 1990 when it decided that states should not sell or supply "weapons or any other military equipment" to Iraq.⁸³ Prior to the resolution being adopted, several states had already imposed unilateral embargoes. Among them were Poland, Czechoslovakia, China, Italy, the Soviet Union, and Australia. France had earlier suspended arms sales to Iraq because of unpaid debts.⁸⁴

In the case of unilateral arms embargoes, Britain and France declared an embargo against both Israel and Arab states in 1955; the United States embargoed arms sales to India and Pakistan in 1965, and suspended arms shipments worth over US\$2m to India in 1971 when it refused to withdraw its forces from the Pakistan border during the dispute between the two countries on the question of Bangladesh. When Indian troops crossed into Pakistan, in response to a "preemptive" strike on Indian airfields, the United States revoked all remaining licences for military sales to India.⁸⁵ During the Falklands conflict, non-belligerent states such as the United States, Belgium, the Federal Republic of Germany, France and the Netherlands imposed an arms embargo against Argentina. In 1989, an arms embargo was imposed against China unilaterally by the United States, while the European Community imposed a collective embargo on arms sales to China.

4.6 BOYCOTTS

Boycotts are a sub-set of sanctions. They are constraints placed on contacts usually, though not necessarily, at non-governmental level, and often imposed by non-state actors. Boycotts can be divided into three types: sports boycotts, cultural boycotts, and other boycotts.

4.6.1 Sports boycotts

Sports boycotts concern individual and team sports where nationals of the target are excluded from participating on an individual or team basis. Conversely, individuals or teams may be prohibited from participating in events hosted by the target, or at a neutral place where competitors from the target may be participating. An example of a sports boycott was when the OAU requested African states not to take part in the 1972 Olympic Games as an invitation had been extended to Rhodesia. The United Nations General Assembly also adopted a resolution which "called upon all States to take all appropriate steps to ensure the exclusion of the so-called National Olympic Committee of Rhodesia

from participating in the XXth Olympic Games."⁸⁶ The Rhodesian team was subsequently excluded when it became apparent that the Games would be placed in jeopardy.

Another example of a sports boycott was the 1980 Moscow Olympics. In January 1980, President Carter announced that unless the Soviet Union withdrew its troops from Afghanistan within a month, the American Olympic team would lead an international campaign to either have the Olympics postponed or transferred to another city, failing which a boycott of the Games would be called. When the International Olympic Committee objected to the postponement or the moving of the Games, the American Olympic committee voted in favour of not attending the Games. The American government then prohibited the export of goods for use at the Moscow Olympics, and barred the NBC television company, which held the American rights for the Games, from making further payments to the Soviet Union.⁸⁷ The United States was joined in the boycott of the Games by other teams, many of which were forced to comply by withdrawal of government and private funds; altogether 55 teams stayed away from the Games. In 1984, the Soviets, in their turn, boycotted the 1984 Los Angeles Olympics.

4.6.2 Cultural boycotts

Cultural boycotts concern the entertainment and literary fields which are aimed at mass audiences. As such, they affect entertainers who refuse to perform or allow their recordings to be shown or sold in the target's territory. Conversely, entertainers from the target may be prohibited from performing in the sanctioner's territory. Actors may also refuse to perform, or have their shows broadcast or performed. In the literary area, writers can prohibit their works from being made available to the target, and dramatists refuse to grant permission for their plays to be performed. Again, the converse can happen. The sanctioner may refuse to let plays from the target to be performed on its territory. To give an example of a cultural boycott, the British Musicians' Union forbade members to perform in Rhodesia. In 1972 it warned British pop groups performing in Rhodesia that they could be banned from playing elsewhere.⁸⁸

4.6.3 Other boycotts

Other boycotts concern the curtailment of contacts between those whose professions are aimed at specialist audiences such as academics, scientists, engineers, trade unionists and

the like, as opposed to the mass audiences of cultural boycotts. The boycotts may be on an individual or collective basis, and take the form of prohibitions on attendance at international conferences, exclusion from international organisations, and refusal to handle cargo from the target.

Links between Rhodesian and British universities, for example, were severed after Rhodesia declared republican status in 1970. The University of London said that it would not issue degrees to students at the University College of Rhodesia, and the University of Birmingham withdrew of its sponsorship of the medical school at the University College in 1972.⁸⁹ The Vice-Chancellor of the University of Rhodesia was denied admittance into Nigeria on his way to attend a conference in Ghana in 1971. He subsequently decided not to attend the conference as demonstrations were planned to protest his presence at the conference.⁹⁰ Another example of other boycotts was the refusal by American dock workers to handle cargo from Polish ships when martial law was imposed in 1981.

4.7 CONCLUSION

The survey of the various types of sanctions demonstrates that though economic sanctions are the ones that are the most widely cited, to wit the titles of most scholarly works on sanctions, sanctioners have imposed a range of other sanctions. Given the extent of sanctions available to the sanctioner, the tendency to concentrate on economic sanctions alone can be misleading, especially as within each type of sanctions there are sub-categories, making the subject of sanctions far wider than economic sanctions. That is not to say, however, that economic sanctions are not widely used, but rather that there is more to sanctions than economic sanctions alone.

The review of types of sanctions shows that the distinction between action undertaken in pursuit of economic ends on the one hand, for example, and political ends on the other is not always clear cut. Economic restrictions may pursue either economic or political ends. To give an example, one of the first consequences of the imposition of martial law in Poland in 1981 was the sudden decrease in short-term credits that had been granted by Western banks. The reason for this was because Western bankers were of the opinion that they would incur heavy losses should Poland been unable to repay the debt, especially as short-term credits are usually not insured. The action, in other words, was undertaken for purely commercial reasons:

"It should be emphasized that the action taken by private banks was by no means a sanction, political or economic. It is standard procedure for banks to withdraw short-term trade credit facility whenever a change in economic conditions in a borrowing country raises the risk of further short-term lending."⁹¹

There were, however, financial sanctions imposed against Poland by the United States that were for political and not economic reasons. Among these were the ending of governmental credits for the purchases of food and other commodities, and the cancellation of export credit insurance from the Export-Import Bank in December 1981, and the suspension of MFN status for Polish goods in October 1982. The foregoing discussion shows that the reason behind any action is important to ascertain what it is that the action was attempting to achieve.

CHAPTER FOUR: NOTES

1. The sanctions article.
2. Chatham House (1938) International Sanctions, London: Oxford University Press, p 17.
3. see for example, Chatham House, *ibid*, and Brown-John, C.L. (1975) Multilateral Sanctions in International Law, New York: Praeger, pp 8-12.
4. S/RES/502.
5. S/RES/573.
6. following the defection of a Soviet diplomat, see page ?.
7. the so-called Paasikivi line of doing nothing that would conflict with the interests of the Soviet Union. see Hufbauer and Schott, Economic Sanctions Reconsidered I, pp 298-9.
8. The Reagan administration called on American citizens to leave Libya citing the danger posed to them, and endorsed US passports as being invalid for travel in Libya.
9. In retaliation for the expulsion of three US diplomats from Managua.
10. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 289.
11. S/RES/253.
12. see Dugard, J. (1987) Recognition and the United Nations, Cambridge: Grotius Publications, pp 82-3.
13. which supported the Nigerian government on the basis of respect for national unity and territorial integrity.
14. S/RES/217.
15. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 36.
16. S/RES/253 and 661.
17. following defection of the Soviet diplomat, see page ?.
18. These are a) pursuant to a national security finding, b) a Presidential declaration of national emergency under section 232 of the Trade Expansion Act of 1962, or c) the International Emergency Economic Powers Act.
19. Section 402(a) of the Trade Act of 1974.
20. Lowenfeld, A.F. (1983) Public Controls for International Trade, New York: Matthew Bender, p 168.
21. New York Times, 20 February 1987.
22. It had been granted in 1975 on the basis that Romania had permitted a significant increase in emigrants in the second half of 1975, see Carter, International Economic Sanctions, pp 119-20.

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23. *ibid.*
 24. S/RES/253, para 6.
 25. S/RES/670.
 26. New York Times, 3 July 1985.
 27. Canada denied Soviet commercial landing rights for 60 days, while the others imposed two week bans on flights to and from the Soviet Union.
 28. Constitution of the United States, Fifth amendment. see Bilos, P. and Juster, K.J. (1986) "The Libyan sanctions: A rational response to state-sponsored terrorism," Virginia Journal of International Law, vol 26, pp 799-855.
 29. Federal Regulation 1354 and 1355, 1986.
 30. Bilos and Juster, "The Libyan sanctions," p 831.
 31. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 37.
 32. Proposal No II-IIA of 19 October 1935 made the League Council.
 33. S/RES/253, 29 May 1968.
 34. S/RES/661, 6 August 1990.
 35. Federal Regulations 2462 and 2463, 1986.
 36. Bilos and Juster, "Libyan sanctions," p 832.
 37. Hufbauer and Schott, Economic Sanctions Reconsidered II, pp 37-8.
 38. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 272.
 39. Property was defined to include, among other things, money, cheques, bank drafts and deposits, savings accounts, debit notes, debentures, royalties and other contractual rights.
 40. Federal Regulation 2462 and 2463, 1986.
 41. Washington Post, 28 December 1989.
 42. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 37. Kuwait had approximately US\$100bn in foreign assets and investments worldwide.
 43. Hill and Mayall, "The sanctions problem," p 22.
 44. *ibid*, p 21.
 45. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 294-5.
 46. unless it was found to be in the aid recipient's national interest that the President waive the penalty.
 47. as Sri Lanka was then known.
 48. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 324.

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49. Carter, International Economic Sanctions, pp 45-6, and Hufbauer and Schott, Economic Sanctions Reconsidered I, p 434.
 50. Carter, *ibid*, p 46.
 51. Anderson, T.P. (1982) Politics in Central America, New York: Praeger, pp 168 and 190.
 52. Washington Post, 27 May 1990.
 53. The United States can veto any loan made by the World Bank or the IMF.
 54. Hufbauer and Schott, Economic Sanctions Reconsidered I, pp 432-3.
 55. Carter, *ibid*, p 170.
 56. Carter, *ibid*, p 166.
 57. for details see Carter, *ibid*, pp 166-8.
 58. The objectives of the oil embargo are discussed later, see also Licklider, R. (1987) "The Arab oil weapon of 1973-4," in Leyton-Brown, The Utility of International Economic Sanctions, pp 167-81.
 59. Iraq did not reduce production but did participate in the embargo. Iran neither embargoed nor reduced production.
 60. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 329.
 61. Renwick, R. (1981) Economic Sanctions, Harvard Studies in International Affairs, No 45, Cambridge: Centre for International Affairs, Harvard University.
 62. S/RES/221, 9 April 1966.
 63. It was imposed pursuant to Section 232 of the Trade Expansion Act of 1962 which provides the President with the broadest authority to limit imports for foreign policy reasons.
 64. Bilos and Juster, "The Libyan sanctions," p 804.
 65. Proclamation No 4907, Federal Regulation 10507, 1982.
 66. cited in Hufbauer and Schott, Economic Sanctions Reconsidered I, p 496.
 67. *ibid*, pp 501-3.
 68. Loopholes which permitted sales were closed with an amendment to the Export Administration Act of 1983.
 69. Cuba was not included on the list as it was subject to a general embargo by the United States.
 70. There were two other lists - the munitions lists and the atomic energy list.
 71. Hanson, Western Economic Statecraft, p 27.

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72. see Falkenheim, P.L. (1987) "Post-Afghanistan sanctions," in Leyton-Brown, The Utility of International Economic Sanctions, p 118.
 73. *ibid.*
 74. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 213.
 75. Foreign Assistance Act of 1973.
 76. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 461.
 77. Hufbauer and Schott, Economic Sanctions Reconsidered I, pp 551-2.
 78. Washington Post, 6 June 1989.
 79. Brown-John, Multilateral Sanctions, p 21.
 80. Chatham House, International Sanctions, pp 30-1.
 81. S/RES/232, 16 December 1966.
 82. S/RES/217, 20 November 1965.
 83. S/RES/661, 6 August 1990.
 84. The Times, 7 August 1990.
 85. Military assistance to Pakistan worth US\$35m was also suspended. see Jackson, R. (1975) "South Asian Crisis: India-Pakistan-Bangladesh, International Security, Indian Institute for Strategic Studies, no 17, pp 195, 125 and 210.
 86. GA/RES/2796, 10 December 1971.
 87. Falkenheim, "Post-Afghanistan sanctions," p 109.
 88. Strack, Sanctions, p 234.
 89. Strack, Sanctions, p 232.
 90. *ibid.*
 91. Wasowski, S.S. (1986) "US sanctions against Poland," The Washington Quarterly, Spring 1986, vol 9, no 9, pp 168-9.

CHAPTER FIVE: THE PURPOSES AND TARGETS OF SANCTIONS

Sanctions do not exist in a vacuum. There are sanctions because either the established pattern of an existing relationship between one actor and another actor is broken, or one actor intentionally refrains from establishing a relationship it otherwise would have with another actor. To put it another way, sanctions are imposed when a pre-existing relationship such as a trading arrangement between two states is terminated or altered, or when one state refuses to grant diplomatic recognition to another state.

This chapter argues that relationships between actors, be they trading arrangements or the granting of diplomatic recognition may be terminated, restricted or not established as a means to an end. Sanctions are a means to an end, and not an end in themselves. There may be more than one end, and therefore more than one purpose that a sanctioner seeks to fulfil. Moreover, while some of the purposes may be ostensible or publicly stated, others may not be obvious or readily apparent.

Although James Barber's distinction between primary, secondary and tertiary objectives of sanctions¹ concerning the target, sanctioner, and "broader" international considerations respectively, calls attention to the multiple objectives of sanctions, the allocation of objectives into permanent categories means that the determination of relative importance is not treated as an empirical matter.² Therefore, while it may indeed be useful to distinguish between primary, secondary and even tertiary purposes, it should be recognised that these may vary between one case and another.

For example, in the case of sanctions imposed against a state that has violated international norms, sanctioners may deem the upholding of international standards (which in Barber's classification is a tertiary objective), as being the most important purpose. In another case, a sanctioner may regard the satisfaction of its domestic constituency (a secondary objective in Barber's classification) as more important than the effects of the sanctions on the receiver.

5.1 MANIFEST AND LATENT PURPOSES

The concept of manifest and latent purposes is an adaptation of Robert Merton's distinction between manifest and latent functions, which he introduced: "to preclude the

inadvertent confusion, often found in sociological literature, between conscious motivations for social behaviour and its objective consequences."³

The distinction permits an inquiry to extend beyond the explicit, recognised or conscious purpose, that is the manifest purpose, to the underlying realities, namely the latent purpose. It aids the interpretation of practices that persist even though their stated function is not clearly achieved. Merton uses the example of ceremonial rain dances, the manifest purpose of which is to bring rain. Even though this purpose is seldom achieved, the practice continues because it fulfils the latent purpose of reinforcing group identity.

In a similar vein, sanctions may be said to have both manifest and latent purposes. Manifest purposes are publicly stated purposes, whereas latent purposes are those that the sanctioner is unwilling to disclose or is an underlying reason for the sanctions. The existence of one does not preclude the existence or the validity of the other, nor its importance.

Although the stated purpose of a set of sanctions could be to compel a change in the target's policy, the more important purpose could be to "get oneself off the hook" when there has been pressure for some action to be taken. President Bush, for instance, in the face of pressure from Congress for severe action against China after the Tiananmen Square massacre, imposed the relatively mild sanction of suspending military sales, and called for: "a reasoned and careful action, that takes into account both our [China and US] long-term interests... I don't want to see a total break in this relationship... I want to see us stay involved."⁴

Another example is the imposition of oil sanctions by Arab states (1973-74). The manifest purpose was to pressure Israel to relinquish occupied territories, and restore the rights of Palestinians.⁵ The latent purposes included changing the attitudes, particularly of Western states, towards Arab states and their conflict with Israel, and benefitting from higher prices and lower production output.

The third example was the imposition of pipeline sanctions by the United States against the Soviet Union (1981-82). The sanctions were ostensibly in response to events in Poland. President Reagan stated that "the objective of the United States in imposing the sanctions has been and continues to be to advance reconciliation in Poland."⁶

However, there were latent purposes such as exerting economic pressure on the Soviet Union which was in need of revenues from gas sales to replace the hard currency lost from a decline in oil exports, and preventing Western Europe from becoming dependent on the Soviet Union for its gas supplies. The United States feared that the dependence would give the Soviet Union leverage over Western European states by threatening to cut off gas supplies or by actually doing so.

5.2 TARGETS OF SANCTIONS

Targets of sanctions may also be manifest or latent.

"In any given influence attempt states may - and usually do - pursue more than one goal with respect to more than one target... There is no consideration of the possibility that there might be targets of such influence attempts other than, or in addition to, the sanctioned states."⁷

To define the target solely as being the receiver of the sanctions can be misleading.⁸ While the principal target has often been the receiver, it is necessary to recognise that it is not exclusively so, and that there may be other targets of the sanctions.

This chapter shows that there are two types of targets: the receivers or the manifest targets against whom sanctions are imposed, and other, latent targets at whom the sanctions are directed. This distinction is necessary because to confine the definition of a target to being only the receiver of the sanctions is to fail to recognise that "the ostensible target is not necessarily the only, or even the principal receptor."⁹ It should be noted, however, that for the sake of convenience, the term target is used in this thesis to refer to the receiver of the sanctions, unless otherwise stated.

In any given sanctions episode, there have often been more than one target depending on the individual case, and the purposes of the sanctions even though the manifest target has often been the principal object of the sanctions. Thus in the case of sanctions imposed for the purpose of international enforcement, the manifest target of the sanctions would be the state that has acted in violation of its international obligations. There may, however, be latent targets at whom the sanctions are directed for the purpose of symbolic communication, such as the domestic public or the international community, or indeed specific pressure groups or political groupings like liberation movements.

5.3 PURPOSES AND TARGETS OF SANCTIONS

For the purposes of this research, sanctions are classified into six categories: international enforcement; change in policy of the target; deterrence; impose costs on target; isolate target from the international community; and symbolic communication. It is seen that more than one of these purposes are often pursued in a given sanctions episode, and that their relative importance may vary according to the individual case. Moreover, the purposes and targets may be either manifest or latent.

5.3.1 International enforcement

Sanctions have been imposed for the purpose of enforcing international law as "a declared consequence of the target's failure to observe international standards or international obligations."¹⁰ States which violate international norms of conduct or contravene accepted standards of behaviour have been subjected to sanctions imposed collectively by international organisations for the purpose of international law enforcement.

Under the League of Nations, the purpose of sanctions was to enforce international law without recourse to military action. Thus when the League imposed sanctions against Italy, the manifest purpose was the upholding of the Covenant as Italy had gone to war in breach of its obligations. But there were also latent purposes, particularly where the Great Powers were concerned. Among them, to avoid war with Italy, and "to test the association's capacity to stand against Hitler's revisionism."¹¹ Britain also wanted to respond to the strong public reaction to the Italian invasion. During the election campaign in 1935, the government gave support to the League, and before the outcome of the election was known, it had agreed to League sanctions against Italy.¹²

The purpose of sanctions under the United Nations is also to enforce international law without recourse to force. Thus in the case of Rhodesia, when the Security Council determined that the situation posed a threat to international peace and the security,¹³ one of the manifest purposes of the sanctions was to remove the threat to the peace by bringing the rebellion to an end and re-establishing British authority in Rhodesia.¹⁴ But there were latent purposes as well. Britain supported the Security Council resolutions, among other reasons, to forestall the use of force for which African states in particular were agitating. Moreover, it saw sanctions as a way of bringing an end to the rebellion.

This was in contrast to the position taken by African states, which saw the sanctions as a compromise. They believed that military action should be used to force the Smith government into submission "since by seizing power illegally it had forfeited its right as a party whose views should be taken into account in the solution of the problem."¹⁵ Unlike Britain, African states sought not only to end the rebellion, but also to foster the introduction of majority rule. Until 1976, however, Britain (with the support of France and the United States) vetoed every attempt to bind the Security Council to the principle of no independence before majority rule.

When the Security Council imposed sanctions against Iraq, the manifest purpose was the restoration of Kuwait's sovereignty and territorial integrity. There were other purposes as well, particularly as far as individual states were concerned, such as preventing Iraq from having access to Kuwait's oil resources, removing the threat to Saudi Arabia, and the overthrow of Saddam Hussein.

When mandatory sanctions have been imposed for purpose of law enforcement, the manifest target has, by definition, been the state that has acted in violation of its obligation. The sporadic sanctioning record of the League of Nations and the United Nations has meant that such states have been few: Italy, Rhodesia, South Africa, Iraq and Libya.

There have, however, been latent targets where the Great Powers of the League, and permanent members of the Security Council were concerned. In the case of League sanctions, Germany was a latent target insofar as Britain and France were concerned. Indeed Baldwin goes as far as to state that "the primary target was not Italy at all, it was Hitler"¹⁶ to whom Britain and France, haunted by the spectre of a revitalised and militant Germany, wanted to demonstrate that the League had the will to resist his ambitions. The domestic electorate was another latent target. There was public agitation for measures to be imposed against Italy for its belligerence, particularly as during the 1935 election campaign in Britain, as discussed earlier, the government had taken a strong stand in favour of the League and against aggression.

Where the Rhodesian case was concerned, the Commonwealth was one of the latent targets of Britain. Prime Minister Wilson was of the view that unless strong action was taken against UDI, "the Commonwealth, as we knew it would break up or perhaps be

reduced to a handful of the older dominions, plus Malaysia and Malawi."¹⁷ Britain also feared isolation at the United Nations, which itself became a latent target.

"Britain's reputation, honour and credibility were at stake. One MP noted...'if we fail to make these deterrents credible now, then Britain's word at the United Nations and firmness of purpose on a whole range of other issues in the world will be torn to pieces.'"¹⁸

In the case of Iraq, the international community was a latent target of the United States which wanted to demonstrate its leadership as the sole superpower in view of the diminished status of the Soviet Union.

5.3.2 Change in policy

Sanctions may be imposed for the purpose of compelling a change in the status quo. The changes in policy that have been sought by sanctioners may be major policy changes or relatively modest changes in policy. Major policy changes have been concerned with the destabilisation of governments, and the altering of the political ideology of a regime. Modest policy changes on the other hand have usually pertained to specific acts such as support for terrorism, human rights violations, and the expropriation of the sanctioner's assets.

In contrast to the four manifest targets of international enforcement, there have been several manifest targets where a change in policy has been sought. Where destabilisation has been a purpose, a common characteristic of the targets has been that the ratio of the sanctioner's GNP to the target's GNP has exceeded $100 = 1$ in more than 70 per cent of cases.¹⁹ Moreover, there has been a preponderance of Latin American states in cases of destabilisation: Brazil when Goulart was in power; Chile under Allende; Cuba from the time Castro took over; Dominican Republic under Trujillo; Haiti under Duvalier; Nicaragua under the Sandinistas (as well as previously under Somoza); and Panama under Noriega. This is possibly explained by the geographical proximity of the states in question to the United States, and the fact that they had governments whose policies were unacceptable to the United States at the time when the sanctions were imposed.

Manifest targets from which a change in policy has been sought have not only been states. The Arab League sanctions were, as noted earlier, imposed against companies with either direct or indirect dealings with Israel.

5.3.2.1 Destabilisation

It is very rarely that the destabilisation of a government is a ostensible rather than a latent purpose. Security Council sanctions against Rhodesia was one such instance, when in imposing mandatory sanctions, it called on the British government to take measures which would be effective in "eliminating the authority of the usurpers and in bringing the minority regime in Southern Rhodesia to an end."²⁰ This view was supported by African, Asian and East European states. Hungary, for example, went as far as to state that "the sole purpose of this concerted action [sanctions]... must be to overthrow the illegal regime of Mr Smith."²¹

In other cases, the destabilisation of a government has invariably been a latent purpose. When collective sanctions were imposed by the OAS against the Dominican Republic (1960-62), it was agreed by member states that the sanctions would be lifted when the Dominican Republic ceased to be a threat to the peace and security of the region. Although the publicly proclaimed purpose of the sanctions was to punish the Trujillo government for its intervention in Venezuela,²² "the US attempted to force major changes in the Trujillo regime, if not actually to bring it down."²³

Sanctions have also been used unilaterally for the purpose of destabilisation. The latent purpose of the Soviet Union's sanctions against Yugoslavia and Albania were to destabilise the governments of Tito and Hoxha respectively. The United States has used sanctions for the purpose of destabilisation on at least 16 occasions between 1945 to the present.²⁴ Again, destabilisation was a latent purpose.

The goal of destabilisation has often gone hand in hand with seeking a change in the political ideology of the target. The United States provides good examples of this convergence as in the case of sanctions imposed against: Brazil (1962-4), which precipitated a coup against the leftist President Joao Goulart; Chile (1970-3,) when it was under the socialist government of Salvador Allende; and Nicaragua (1981-9), when the Sandinistas were in power.²⁵

The interlinking, however, has not always been the case. The Trujillo government, for instance, displayed an "absence of any ideological alignment";²⁶ if anything, it was perceived to be anti-communist. The changes sought by the United States, therefore, did not include a change in the ideological orientation of the regime. Similarly, when the United States sought to destabilise the Noriega regime in Panama, it was not for reasons of political ideology.

Where targets are concerned, there have been latent targets where destabilisation or change of political ideology has been a purpose. In the case of Cuba, the Soviet Union and Latin American states were latent targets. The sanctions were directed at them to reiterate and demonstrate American resolve to oppose communism in the region. In the case of Chile, Latin American states and the Chilean public were latent targets. To quote Henry Kissinger:

"I don't see why we need to stand by and watch a country go communist due to the irresponsibility of the people. So I do not think we should delude ourselves that an Allende takeover in Chile would not present massive problems for us, and for democratic forces and for pro-US forces in the Latin American, and indeed the whole Western hemisphere."

5.3.2.2 Human rights

One of the consequences of the importance accorded human rights on the international agenda has been the imposition of sanctions against states which violate internationally recognised human rights.²⁷ The sanctions have usually taken the form of withholding military and economic aid, and embargoing arms sales.

United States legislation states that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognised human rights by all countries.²⁸ It prohibits military assistance and arms sales "to any country, the government of which engages in a consistent pattern of gross violations of internationally recognised human rights."²⁹ During its term of office, the Carter administration terminated military assistance, for varying lengths of time, to eight Latin American countries - Argentina, Bolivia, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay and Uruguay - for human rights violations.³⁰

There is also the requirement that the President report to Congress that designated countries have significantly improved their human rights record before funds are made available. This country-specific legislation has meant that in 1985, for example, Congress required that the President certify that Haiti was making progress towards improving human rights before it could receive military or economic assistance.

The United States imposed trade sanctions against Idi Amin's regime in Uganda in October 1978 to protest the consistent pattern of gross human rights violations. Then in June 1989, it suspended arms sales and delayed new loans to China in response to the killings of protestors and the suppression of the pro-democracy movement. Sanctions were also imposed, among others, by the European Community,³¹ with the Council declaring:

"The European Council... strongly condemns the brutal repression taking place in China... It solemnly requests the Chinese authorities to stop the execution and to put an end to the repressive actions against those who legitimately claim their democratic rights."³²

Other countries that have imposed sanctions for human rights violations include the Netherlands, which suspended aid to Surinam in 1982 in response to brutal killing of 15 leading civilian opponents.

Where modest policy changes have been sought with regard to human rights abuses, there has been a preponderance of Latin American targets: Argentina, Bolivia, Brazil, Chile, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay, Peru, Surinam, and Uruguay. Non-Latin American countries against whom sanctions have been imposed for human rights violations have been relatively few. The absence of targets from other regions is not by any means an indication that Latin America have the worst human rights record. Rather it demonstrates that there was inconsistency in the application of sanctions for human rights violations. The United States, for example, exempted countries under the "extraordinary circumstances" clause.

"Extraordinary circumstances were found for all the other countries considered to be gross violators. Thus, Indonesia... was important to countering Soviet and Vietnamese influence in the region. Iran was judged critical because it shared a long border with the Soviet Union...

Military ties with South Korea were deemed essential to deterring the threat of an invasion from the north. Military bases in the Philippines were judged critical to the United States... Zaire... was the source of nearly all the West's cobalt, a material crucial to the performance of high-performance jet engines."³³

In comparison, Latin American targets did not have the same degree of importance to the United States as to warrant exemption:

"None supplied a critical resource, shared a border with the Soviets, or acted as a special surrogate to defend US interests in the entire region."³⁴

Moreover, sanctions for purposes of human rights imposed by the United States only applied to countries which received security assistance from it. Thus communist and Soviet client states were prevented from receiving assistance for national security reasons, and states such as Chile and South Africa for legal reasons.³⁵ Therefore, sanctions were not imposed against them for human rights purposes.

5.3.2.3 State-sponsored terrorism

States that sponsor terrorism are those that "incite groups or individuals to commit terrorist acts, direct acts of terrorism, recruit terrorists for their own programs, and carry out terrorist acts through their own agents."³⁶

State-sponsored terrorism, as opposed to self-supported terrorism, has been a matter of serious international concern since the 1960s. States which have been targets of terrorist activity have responded with a number of measures such as increasing security at airports and diplomatic offices, and entering into international agreements to combat hijacking, kidnapping and other terrorist acts. The United States in particular has imposed sanctions, as one of the measures to combat state-sponsored terrorism, against those countries that have been designated as supporting terrorism.³⁷

Syria has been one such state. In November 1986, in the face of evidence that Syria was involved in an El Al bomb plot, the United States ceased the export of items on the national security list and all import-export programmes, stopped the sale of tickets and landing rights for Syrian Arab Airlines, and reduced the number of diplomatic staff in

Damascus.³⁸ The United States was joined by Britain and Canada which both imposed diplomatic sanctions against Syria. The European Community banned new arms sales, suspended high level visits to Syria, and agreed to review the activities of Syrian diplomatic missions in member countries.

Another state against which sanctions have been imposed because of state-sponsored terrorism is Libya. When President Reagan imposed additional sanctions against Libya in 1986, following a spate of terrorist attacks in which Libya was implicated,³⁹ he emphasised Colonel Qaddafi's use of terrorism as "one of the primary instruments of his foreign policy," and warned that "if these steps do not end Qaddafi's terrorism, then I promise you that further steps will be taken."⁴⁰

In contrast to the targets of human rights violations, the targets of sanctions imposed for the purpose of countering state-sponsored terrorism, with the exception of Cuba, have all been from the Middle East region: Iran, Iraq, Libya, South Yemen and Syria. One reason for this is the American alliance with Israel and the role of these states in providing support for PLO. Another is that the states concerned have a strong Islamic base with autocratic regimes. The dispensation granted under the Koranic concept of *Anfal*⁴¹ and the promise of martyrdom, taken in conjunction with autocratic rulers in a position to make demands without public enquiry or scrutiny.

A third reason is that the targets of state-sponsored terrorism have been identified as such only by the United States. Therefore, states that have engaged in similar activities but where the United States has not been directly affected have not been classified as a state that sponsors terrorism and had sanctions imposed against them. Hence the identification of the targets of state-sponsored terrorism does not imply that they are the only states that have resorted to sponsoring terrorism.

5.3.2.4 Expropriation of property

A third area where a modest policy change has been sought by the sanctioner is with regard to resolving expropriation claims. As earlier discussed, when Egypt nationalised the Suez Canal in July 1956, Britain, France and the United States imposed financial sanctions by freezing Egyptian assets under their respective jurisdictions.

When the Tunisian government began expropriating most foreign owned land, following the national assembly passing a nationalisation law, France cancelled an aid agreement with Tunisia in May 1964.⁴²

The United States has imposed sanctions, among others, against Ceylon (1961-5), Peru (1968-74) and Ethiopia (1976-85) because they expropriated American assets and interests. The United States also imposed sanctions in response to expropriation, but as part of a broader policy to destabilise the target government, in the case of Brazil when Goulart was in power (1962-4), Chile during the Allende regime (1970-3) and Cuba (1960 to the present).

There does not appear to be any discernible geographical pattern with regard to targets of sanctions imposed in response to expropriation claims. What is discernible is that all the targets displayed high "stress sensitivity", defined as the degree to which the domestic structures of a state are affected by changes and demands from its international environment.⁴³ The targets were vulnerable to the sanctioners' demands on their domestic structures, as for instance in the case of Ceylon.

"The coerciveness of sanctions against Ceylon lay in the intensification of the economic decline and, most critically, in the withholding of help which the Ceylonese saw as the only way of arresting the deterioration of their economy... desperation induced compliance."⁴⁴

Stress sensitivity was also illustrated where targets of other modest policy changes have been concerned. New Zealand became a French target following the "Rainbow Warrior" incident. France employed a series of measures against New Zealand goods such as failure to grant import licences, suspension of New Zealand lamb imports into the French territory of New Caledonia, and lengthy customs delays. Bales of wool were slashed apart purportedly to see if they contained caches of cocaine, and frozen sheep's brains were examined box by box until the shipments thawed and spoiled.⁴⁵ More importantly, France threatened to oppose the renewal, at the end of July 1986, of New Zealand's butter agreement with the European Community, thereby posing a threat to New Zealand's vital economic interests, and exposing its stress sensitivity.

5.3.3 Deterrence

Sanctions imposed for the purpose of deterrence differ from sanctions imposed for the purpose of seeking a change in policy in an important respect: deterrence concerns future action as compared with seeking change in current policy such as state-sponsored terrorism.

The deterrence that is sought may be direct, that is to say that the sanctions are imposed to deter the target from repeating a given action. The sanctions serve as an appropriate response when a particular action cannot be "undone". A latent purpose of sanctions imposed on Aeroflot flights by Canada, Britain and other Western European states after the shooting down of KAL 007, served the purpose of deterring the target from repeating its behaviour. In other words, the purpose of the sanctions was to say, "Don't do it again."

Indirect deterrence may also be sought by the sanctioner. That is to say, the sanctions are imposed to deter other actors from pursuing a similar policy, and the purpose may be manifest or latent. Soviet sanctions against Yugoslavia (1948-55) is a case in point where indirect deterrence was a latent purpose. The Yugoslav bid for an independent policy was the first public challenge to Soviet domination of the communist bloc. There was fear that Tito's "bad example" would cause an outbreak of nationalism elsewhere in Eastern Europe. The sanctions acted as a warning to other Soviet allies, and to deter them from following suit: "If even a fringe country like Yugoslavia could incur such wrath, imagine what could happen to other Eastern European countries."⁴⁶

American sanctions against Cuba served a manifest purpose of deterrence. Two of the four purposes given by Under-Secretary of State George Ball in 1964 was that sanctions would: a) reduce Castro's "will and ability to export subversion and violence to other American states," and b) "demonstrate to the people of the American Republics that communism has no future in the Western hemisphere."⁴⁷ Furthermore, the sanctions acted: "to warn would-be revolutionaries lest there be any misunderstanding about the intensity of US hostility to communism."⁴⁸

New Zealand was the manifest target of French sanctions for the purposes of deterrence in the context in which the Rainbow Warrior affair took place. French nuclear testing in the Pacific had been a source of continuing contention, and New Zealand had led

Pacific nations in opposing it. France by demonstrating the credibility of its sanctions, and exposing New Zealand's stress sensitivity in terms of its economic vulnerability, not only showed that it could coerce New Zealand into modifying its stated intention of stopping nuclear testing in the region, but targeted other Pacific nations as latent targets. It also sought to deter New Zealand from supporting independence movements in French territories in the region.

The United States has sought to deter the Soviet Union and its allies, as in the cases of Cuba, and the sanctions imposed against the Soviet Union after the shooting down of KAL 007. The Soviet Union has sought to deter its own allies; to wit, Yugoslavia and Albania. The targets of deterrence have been both manifest and latent; in the latter case, the targets being the allies or client states of the manifest target.

5.3.4 **Impose costs**

Sanctions may be used for the purpose of imposing costs on the target, and the rationale behind it is the notion that "if the sanctioning state is unable to force a change in the target state's conduct, it can at least exact a price for defying its demands."⁴⁹ Though the punishment of the target is often the reason for the imposition of costs, it is not necessarily the case.

During a House of Commons debate on Rhodesia in November 1965, for example, there was agreement on what the purposes of sanctions should not be, and punishment was one of them. As Harold Wilson encapsulated it:

"We are not going to indulge in any measures purely for the sake of recrimination, purely for the sake of inflicting punishment, purely for inflicting pain or hardship for the their own sake. Every measure has been judged and must be judged against its ability to restore the rule of law and the functioning of a democratic constitution in Rhodesia."⁵⁰

Punishment may indeed at times be a motivating factor. The damage inflicted on the Cuban economy by the United States, and consequently on the Cuban people for their continued support of Castro is an example of this. One of the manifest purposes of the sanctions against Cuba was "to make plain to the people of Cuba that Castro's regime cannot serve their interests."⁵¹ Under the Reagan administration, the imposition of

economic costs on Cuba continued to be a purpose of the sanctions. Travel to Cuba was limited so as to reduce hard currency earnings, and in response to Cuba's external financial crisis the United States attempted to undermine Cuba's debt restructuring efforts.

"It is clear that at present US policy is to increase the cost to Cuba... At a minimum, the US intends to raise the financial cost to Cuba of any accommodation with her creditors."⁵²

Costs were also imposed by the United States on the Soviet Union for its invasion of Afghanistan. The principal reason for imposing financial controls as part of the Olympic boycott was to prohibit NBC from making payments totalling US\$20-26m of a broadcasting contract worth US\$87m.⁵³

Nicaragua is another example where costs were imposed as a manifest purpose. In 1983, a United States National Security Council document called for costs to be imposed on Nicaragua⁵⁴ for its intervention. Shortly afterwards the Reagan administration announced that it would redistribute Nicaragua's sugar quota among "Central American nations friendly to the US."⁵⁵ A White House statement noted that the step was intended to reduce the resources available to the Sandinista government for financing its military buildup and "its support for subversion and extremist violence in the region."⁵⁶

Panama also illustrates costs that were imposed through the suspension of its sugar quota. American legislation in 1987 imposed a specific prohibition on sugar imports from Panama unless the President certified that constitutional guarantees had been restored to the Panamanian people. Indeed, the sanctions on the sugar quota was one of several steps employed by the United States to put pressure on the government of General Noriega.

When the United States imposed sanctions on pipeline equipment to the Soviet Union (1981-2), a latent purpose of the sanctions was to deprive the Soviet Union of hard currency:

"It is believed that the delaying or blocking of the pipeline could significantly affect the Soviet economy which needs the revenues from gas

sales to replace the hard currency lost from the decline in oil exports as reserves are depleted."⁵⁷

This was confirmed in July 1982, when Under Secretary James Buckley stated that the sanctions would "increase the internal costs to the Soviet Union of the project and cause an additional strain on already thinly stretched resources."⁵⁸

Where targets are concerned, the latent target of sanctions against Cuba was the Soviet Union on which costs were imposed, such as having to pay up to five times the international market price for Cuban sugar, for "maintaining a communist outpost in the Western Hemisphere."⁵⁹

By freezing Panamanian assets in American banks which led to the closure of most commercial banks in March 1988, the United States hoped to impose costs on the Panamanian public and armed forces, which were latent targets, so as to discredit Noriega and force him to relinquish power.

"With the country's banking system essentially shut down because of fears of a major bank run and insufficient funds in Panama's central bank, Panamanians are waiting to see what the military and government will do about their employees. People in the Panama defence forces are suffering for the first time the cost of having Noriega as their commander."⁶⁰

5.3.5 Isolate from international community

Sanctions, and in particular boycotts, have been imposed for the manifest purpose of depriving the target of international contact, and thereby creating a psychological sense of isolation. The international ostracism can reduce the target to the status of a "pariah" and diminish its international respectability. In short, the purpose is to send the target "to Coventry."

Rhodesia is a good example where isolation was one of the purposes of sanctions. This was evident during Security Council debates. The Danish representative, for instance, stated that the purpose of the sanctions was:

"... to persuade the men in Salisbury of their isolation from the rest of the world and convince them that there is no future in persisting in their illegal course."⁶¹

The Somalian representative declared that:

"Sanctions must be preserved and intensified to maintain the illegal regime's present international isolation; if there were no sanctions, the drift towards recognising it de jure would follow surely as day follows night."⁶²

In Britain, the Lord Chancellor in referring to travel sanctions observed that they were not intended to punish but to bring home to the Rhodesian people "the isolation and estrangement from the rest of the civilised world which the actions of their leaders have imposed on them."⁶³

The United Nations Sanctions Committee noted that participation in sports and membership of international sports organisation tended to enhance the status of Rhodesia, and promote the recognition of the Smith government.⁶⁴

"At a minimum, such contacts reduce the sense of isolation of the European community from the rest of the world and, at a maximum enhance the subjective perception of the legitimacy of the political system resulting from UDI."⁶⁵

Indeed Prime Minister Ian Smith commented in January 1968 after Rhodesian participation at the Mexico Olympics was confirmed:

"It is a wonderful thing that Rhodesia is able to take its place alongside other nations of the world at the Olympic Games."⁶⁶

Yugoslavia and Egypt are other examples of cases imposed for the purpose of isolating the target. After President Tito was denounced by the Soviet Union in 1948, Yugoslavia was isolated when East European states severed links, and cooperation in cultural and other activities came to a halt as tourists stopped visiting Yugoslavia. In the case of Egypt, one of the purpose of sanctions imposed by the Arab League following the

signing of the peace treaty with Israel in 1979 was "the clear message... that Egypt no longer belonged to the family of the Arab world."⁶⁷

The targets of isolation have usually been the manifest target as sanctions and boycotts have been imposed specifically against them for the manifest purpose of putting psychological pressure on them through isolation. Targets against whom sanctions have been imposed for the purpose of isolation have included Rhodesia, the Soviet Union, Egypt, Yugoslavia, Iraq and Libya. In the case of Arab League sanctions against companies that had direct or indirect business, Israel was one of the manifest targets as one of the purposes was to isolate Israel from international trade.

5.3.6 Symbolic communication

Sanctions imposed for the purpose of symbolic communication, has its basis in image politics, and is a consequence of what Bull describes as the "new diplomacy". That is, the need to conduct foreign policy in a manner so as to satisfy domestic and international public opinion.

"Because they [the sanctioners] recognise the need to take some visible action which will demonstrate to domestic and international opinion that they feel strongly about a particular issue and are taking action in relation to it."⁶⁸

This is especially so when the sanctioner wants to be seen to be doing something. In a much cited observation, Galtung expresses it thus:

"There is a value of at least doing something, of having the illusion of being instrumental, of being busy in times of crisis. When military action is impossible for one reason or another, and when doing nothing is seen as tantamount to complicity, then something has to be done to express morality, something that at least serves as a clear signal to everyone that what the receiving nation has done is disapproved of."⁶⁹

But sanctions can serve more than the purpose of disapproving the action of the target. Sanctions imposed for symbolic purposes may communicate a variety of messages to multiple audiences. In addition to expressing disapproval of the target's conduct, they

may meet the expectation of allies, satisfy domestic opinion, or enhance the sanctioner's international reputation. Different messages, in other words, may be directed at different audiences.

"Sanctions can communicate, more credibly than mere words, the sanctioning state's commitment to a particular position, the seriousness with which it views foreign conduct, its intention to act and its willingness to bear costs... Messages like these can be important instruments of deterrence... They can create a psychological sense of isolation or shame or spur reconsideration of target state policies even if they impose no substantial costs on the target. Sanctions can communicate diverse messages like these to states, groups and individuals other than the immediate target state."⁷⁰

Arab sanctions against Israel, for example, provided "a symbolic way simultaneously to condemn Israel and to demonstrate Arab unity to the Western powers."⁷¹

In the case of Cuba, the sanctions conveyed to the Soviet Union the message that the United States was not prepared to countenance communism or Soviet influence in the region: "A threshold had been crossed, and the US wanted the Soviets to know that it had not gone unnoticed."⁷² The sanctions also demonstrated to other states in the region, as well as to allies, American resolve and strength of commitment in opposing communism in the region.

Similarly, sanctions against Iran served to signal messages. Although the United States took the hostage issue to the Security Council almost immediately, the sanctions ensured that the international community was informed that Iranian action would not go unanswered, and that international help was expected. In this regard, President Carter stated:

"I want our message to Khomeni to go to our major trading partners as well, so that they would be more eager to discourage Iran from Khomeni's off-repeated threat to punish our people."⁷³

Even when sanctions cannot force a change in policy, act as a deterrent, impose costs, or isolate the target, they can perform the function of signalling a message. It can indeed

be said that almost all sanctions communicate one message or another, regardless of their other purposes.

The United States has resorted to symbolic sanctions to assert leadership in the international arena. As Hufbauer and Schott note, such action has been expected by the international community as a gesture of moral outrage, and as a mark of reassurance that the United States will abide by its international commitments:

"US presidents seemingly feel compelled to dramatise their opposition to foreign misdeeds, even when the likelihood of changing behaviour in the target country seems remote. In these cases sanctions often are imposed because the cost of inaction - in lost confidence at home and abroad in the ability or willingness of the US to act - is seen as greater than the cost of the sanctions."⁷⁴

The boycott of the Moscow Olympics is a case in point. It was unlikely that the boycott would have compelled Soviet withdrawal from Afghanistan, as symbolic disapproval such as the suspension of cultural ties is rarely conceived of as a lever to undo an act already committed.⁷⁵ The purpose of the boycott was to communicate the strength of American opposition to the invasion. Indeed the Carter administration argued that the boycott would deprive the Soviet Union of the propaganda value it would have gained from the Games, and that morally, attendance at the Games would be the equivalent to attending the 1936 Berlin Games when Hitler was in power.⁷⁶

Sanctions imposed against Syria by the United States in November 1986, is another example. In addition to conveying the message of American commitment to taking action against terrorism to Syria and other states, the sanctions served the purpose of sending:

"a powerful message of support to England, which had just convicted Nizar Hindawi of complicity in the attempted El Al bombing and persuaded the European Community to adopt diplomatic sanctions against Syria. England, of course, had provided a base for the bombing of Libya, and here the United States repaid that favour."⁷⁷

Sanctions have also served the purpose of winning electoral support. In the 1960 American presidential elections, an anti-Castro stance was perceived as necessary to

win.⁷⁸ Two weeks prior to the election, in an attempt to help Richard Nixon win, President Eisenhower announced sanctions on exports to Cuba, while John Kennedy promised, "to do something about Fidel Castro"; a promise that may have subsequently contributed to the Bay of Pigs fiasco.

Similarly, one of the purposes of sanctions over Afghanistan was to signal a message to the electorate. The Soviet invasion happened at the start of the 1980 presidential campaign when President Carter's popularity was very low, especially as a result of his handling of the Iranian hostage issue. A failure to adopt a firm response would have further weakened confidence in his leadership. At the same time, Carter could not risk imposing sanctions that would adversely affect the economic interests of important electoral groups. In order to overcome these contradictory pressures, the sanctions imposed by the Carter administration attempted on the one hand to convey American displeasure at the invasion, while on the other hand limiting the damage to domestic interest groups.

In many sanctions cases, the satisfaction of domestic opinion has been a paramount factor. Thus, the latent targets have often been the domestic constituencies of either or both of the sanctioner and the manifest target. When Britain imposed sanctions against Italy, the British public was a latent target. A "Peace Ballot" organised by the League of Nations Union in Britain had found overwhelming support for the sanctions: 10 million voted in favour, and only 635,000 opposed sanctions.⁷⁹

There were demands for strong action against Poland from influential people such as senators Jesse Helms and Daniel Patrick Moynihan, and Lane Kirkland, president of the AFL-CIO trade union, when Solidarity was suppressed.⁸⁰ Conservative supporters of President Reagan were also unhappy over what they saw as a relaxation in relations with the Soviet Union such as the lifting of the grain embargo.⁸¹ The imposition of sanctions against Poland, therefore:

"enabled President Reagan to satisfy these constituencies as well as to defuse pressure for actions that even he regarded as too stringent (such a new grain embargo, a formal declaration that Poland was in default of its debt obligations, or a US withdrawal from arms control negotiations). Economic sanctions were a happy middle path which avoided the perils of

inaction as well as the dangers of a full-blown East-West confrontation."⁸²

American public opinion gave widespread support to Solidarity's efforts to liberalise Polish society. While politicians and commentators could not agree as to sanctions that would be adequate and appropriate, the American public took part in demonstrations and sent in donations for Polish workers.⁸³

The Solidarity movement and the Polish people were latent targets.

"The population was ready to accept the restrictions caused by sanctions either because they wanted to see the oppressive regime condemned or because they hoped that pressure from the outside world would somehow improve their fate."⁸⁴

Thus the Polish sanctions were not only a signal of condemnation to the manifest target, which was the Polish government, but a message of concrete support for the Polish population.

Third states have also been latent targets of symbolic sanctions. Baldwin notes with regard to Soviet sanctions against Yugoslavia:

"Not only was Yugoslavia not the sole target Stalin had in mind, it may not even have been the primary target. Indeed, Yugoslavia provided Stalin with a particularly inviting opportunity to send a message to other communist countries (emphasis in original)."⁸⁵

Likewise, among the latent targets of Soviet sanctions against Albania, were China and other communist states.

In the case of Cuba, the latent targets included Latin American and Caribbean states, as well as West European allies. To the states in the region, the sanctions demonstrated the intensity of American hostility to communism, and reassured ruling elites of American resolve to oppose communism in the region. To the allies, the sanctions exhibited the strength of American commitment to opposing communism. The Cuban example serves to illustrate that sanctions may have many targets. In addition to Cuba as the manifest

target, there were latent targets already mentioned as well as the Soviet Union, the American electors, and the Cuban people for their support of Castro.

When the United States imposed sanctions against Syria for state-sponsored terrorism, terrorist groups that were not sponsored by Syria were also latent targets.

"... [The sanctions] demonstrated to terrorist groups, including those not supported by Syria, that the United States continued to view terrorism as a serious problem. The sanctions suggested a degree of determination to oppose terrorism likely to be reflected not only in economic sanctions and other measures aimed at state support but also in measures designed to prevent terrorist acts and improve the procedures for apprehending, extraditing and prosecuting individual terrorists."⁸⁶

The sanctions communicated to other terrorist supporting states, American determination and commitment to opposing state-sponsored terrorism. To allies, the sanctions demonstrated American leadership in dealing with international terrorism. In this regard, the State Department announced that the sanctions served, "to refute criticisms that we ask our allies to make sacrifices while we continue to profit from commercial relations with countries supporting terrorism."⁸⁷

5.4 CONCLUSION

The reaction of the United States to the Soviet invasion of Afghanistan demonstrates that sanctions are seldom imposed in pursuit of a solitary purpose.

The Carter administration imposed the sanctions after having discussed various options for dealing with the perceived threat. Military action was rejected as being too extreme, and doing nothing would have been tantamount to complicity.⁸⁸ The sanctions effectively ended an era of economic, diplomatic, military and cultural detente in superpower relations. What then was the purpose of the measures? Was it to coerce the Soviet Union into withdrawing from Afghanistan, signal American displeasure at the Soviet action, or some other purpose?

Although withdrawal from Afghanistan was one of the manifest purposes of the sanctions, President Carter admitted that he did not expect the sanctions to cause the Soviets to

withdraw from Afghanistan.⁸⁹ There were at least two other manifest purposes of the sanctions. The first was to impose costs. President Carter stated in a speech to Congress a month after the invasion, in January 1980, that "verbal condemnation was not enough. The Soviet Union must pay a concrete price for their aggression."⁹⁰ The imposition of costs on the Soviet Union indicated a strong element of punishment. However:

"While administration officials did not specify how much damage they intended to inflict, the President did indicate that the intent was not to starve Soviet citizens, but to deny them a planned improvement in their diet."⁹¹

In this regard it should be noted that sanctioners have protected themselves from later accusations of failure by asserting that punishment, and not compliance, was the object of the exercise.⁹²

Carter also indicated in his public statements⁹³ that deterrence was also a purpose of the sanctions. The fear of Soviet expansionism that led to the "Carter Doctrine" announced in the "State of the Union Address" on 23 January 1980, for example, made clear that the United States would use "any means necessary, including military force" against any attempt "by an outside force to gain control of the Persian Gulf region." Testimony by the Secretary of State in March that year to the Senate Foreign Relations Committee underlined this view.⁹⁴

There were latent purposes besides. Winning electoral support, as discussed earlier, was one of them. Another was that the sanctions:

"provided a pretext for the American government to take steps which had been advocated for other reasons. For a number of years before the invasion there had been growing pressure within US government to impose tighter restriction on high technology exports to the Soviet Union."⁹⁵

Finally, the sanctions diffused pressure for more extreme action, yet signalled to allies and the indeed the international community that the United States would not permit Soviet aggression without retaliatory measures. The sanctions also bolstered Carter's (and the United States, after Vietnam) image of weakness.

Although the majority of manifest and latent targets have been small, less power states, sanctions have not only been imposed against them. The Soviet Union and its allies have been the targets of American sanctions on several occasions. The United States, with its low degree of stress sensitivity helped by its relative self-sufficiency and the economic leverage at its disposal, has seldom been on the receiving end of sanctions, one of the few occasions being when it was singled out as a prime target of Arab oil sanctions. Waltz explains the reasons thus:

"The low dependence of the United States means that the costs of, and the odds on, losing our trading partners are low. Other countries depend more on us than we do on them. If links are cut, they suffer more than they do. Given this condition, sustained economic sanctions against us would amount to little more than economic self-mutilation... The Soviet Union is even less dependent economically on the outside world than we are, but has less economic and political leverage on it. We are more economically dependent on the outside world than the Soviet Union is, but have more economic and political leverage on it."⁹⁶

CHAPTER FIVE: NOTES

1. Barber, J. (1979) "Economic sanctions as a policy instrument," International Affairs, vol 55, 3 July 1979, p 370.
2. for a more detailed criticism of Barber, see Baldwin, Economic Statecraft, pp 17-18.
3. Merton, R.K. (1968) "Manifest and latent functions," Social Theory and Social Structure, New York: Free Press, pp 73-138.
4. Washington Post, 6 June 1989.
5. for a detailed discussion on the communique issued by Arab oil ministers in October 1973 when the sanctions were imposed, see Daoudi and Dajani, Economic Sanctions, p 105.
6. Washington Post, 19 June 1982.
7. Baldwin, Economic Statecraft, p 17.
8. see for instance, Galtung, "On the effects of international economic sanctions," p 378.
9. Doxey, International Sanctions, p 9.
10. Doxey, International Sanctions, pp 4-5.
11. Baer, G. (1973) "Sanctions and Security: The League of Nations and the Italian-Ethiopian War, 1935-36," International Organisation, vol 27, Spring 1973, p 166.
12. The election resulted in the return of the National government with a handsome majority.
13. S/RES/232, 16 December 1966.
14. S/RES/253, 29 May 1968 and S/RES/277, 18 March 1970.
15. Nkala, The United Nations, International Law and the Rhodesian Independence Crisis, p 80.
16. Baldwin, Economic Statecraft, p 157.
17. cited in Strack, Sanctions, p 26.
18. *ibid.*
19. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 63.
20. S/RES/217, 20 November 1965.
21. UN Security Council Debates, S/PV 1408, 26 March 1968.
22. see Brown-John, Multilateral Sanctions in International Law, pp 203-4.
23. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 303.

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24. see Carter, International Economic Sanctions, p 18 for a list of 15 cases - the additional one is Iraq.
 25. In none of these cases, was the change in ideology a manifest purpose.
 26. Doxey, Economic Sanctions, p 34.
 27. The term "internationally recognised human rights" is defined in Section 502B of the US International Security and Development Cooperation Act of 1985, commonly known as the 1985 foreign assistance act, as including: "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, and other flagrant denial of the right to life, liberty, or the security of the person. The use of the word "includes" suggests that the list of abuses listed is not comprehensive.
 28. Section 502B of the 1985 Foreign Assistance Act, which replaced the Foreign Assistance Act of 1973.
 29. An exception is allowed for "extraordinary circumstances" which necessitate a continuation of military aid and arms sales in the national interest of the United States.
 30. Exceptions were found for all other states considered to be gross violators of human rights, see Cohen, S.B. (1982) "Conditioning US Security Practices on Human Rights Practices," American Journal of International Law, vol 76, pp 246-279 for a detailed study.
 31. The European Community suspended arms sales and military cooperation, and postponed economic development projects and examination of requests for credit insurance.
 32. Financial Times, 28 June 1989.
 33. Cohen, "Conditioning US security assistance," p 270.
 34. *ibid*, p 271.
 35. security assistance to Chile was prohibited under the International Security Assistance and Arms Export Control Act of 1976 as amended by the International Security Assistance Act of 1978, and to South Africa by the arms imposed by the Security Council in 1970, and prior to that by the unilateral arms embargo announced by President Kennedy in 1963.
 36. Abbot, K. (1987) "Economic sanctions and international terrorism," Vanderbilt Journal of Transnational Law, vol 20, 1987, p 289.
 37. This group has included Cuba, Iran, Iraq, Libya, Syria, and South Yemen.
 38. Congressional Quarterly Weekly Report, November 1986.
 39. These included attacks airports in Rome and Vienna, the hijacking of a TWA aircraft in Beirut and, the seizure and subsequent killing of a US citizen on the cruise ship Achille Lauro. see Bilos and Juster, "Libyan Sanctions" for a comprehensive study.
 40. Congressional Quarterly Weekly Report, 11 January 1986, and Bilos and Juster, "Libyan sanctions," p 309.

41. Originally conferred only by the Prophet Mohammed, the warriors of Islam are entitled to dispose as they please those of their heathen adversaries who have earned such retribution.
42. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 395.
43. Hansen, "Adaptive behaviour of small states," pp 143-75.
44. Olson, R.S (1977) "Expropriation and international economic coercion: Ceylon and the 'West' 1961-65," Journal of Developing Areas, vol 11, January 1977, p 225.
45. "Ruling pertaining to the differences between France and New Zealand arising from the Rainbow Warrior affair," New Zealand High Commission communique, London, 7 July 1986; International Herald Tribune, 12-13 July 1986; Guardian Weekly, 13 July 1986.
46. Baldwin, Economic Statecraft, p 229.
47. US State Department, (1967) "American Foreign Policy: Current Documents, 1964," Washington DC, 1967, pp 323-4.
48. Baldwin, Economic Statecraft, p 177.
49. Abbot, "Economic sanctions and international terrorism," p 303.
50. cited in Strack, Sanctions, p 27.
51. US State Department, "American Foreign Policy: Current Documents, 1964," pp 323-4.
52. Roca, S. (1987) "Economic sanctions against Cuba," in Leyton-Brown, The Utility of International Economic Sanctions, pp 89 and 91.
53. US Congress Subcommittee on Europe and the Middle East of the House Committee on Foreign Affairs (1981) "An Assessment of the Afghanistan Sanctions: Implications for Trade and Diplomacy," pp 92-3.
54. as well as Cuba.
55. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 177.
56. see Carter, International Economic Sanctions, p 114.
57. New York Times, 10 February 1982.
58. cited in Hufbauer and Schott, Economic Sanctions Reconsidered I, p 702.
59. US State Department, "American Foreign Policy: Current Documents, 1964," pp 323-4.
60. Washington Post, 13 March 1988.
61. Security Council Debates, S/PV 1428, 28 May 1968.
62. ibid, 24 February 1972.
63. cited in Strack, Sanctions, p 39.
64. UN Security Council Official Records, Doc S/12265, 1977, pp 17-8.

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65. Strack, Sanctions, p 218.
 66. Rhodesian Herald, 13 January 1968.
 67. Lavy, V. (1984), "The economic embargo of Egypt by Arab States: myth and reality," in The Middle East Journal, vol 38, no 3, p 425.
 68. Bull, "Economic Sanctions," p 219.
 69. Galtung, J. (1967) "On the effects of international economic sanctions with examples from the case of Rhodesia," World Politics, vol 19, no 3, April 1967, p 411.
 70. Abbott, "Economic sanctions and international terrorism," p 303.
 71. Baldwin, Economic Statecraft, p 234.
 72. *ibid*, p 177.
 73. cited in Baldwin, Economic Statecraft, pp 252-3.
 74. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 9.
 75. Cohen, R. (1982) International Politics: The Rules of the Game, London: Longman, p 12.
 76. Falkenheim, "Post-Afghanistan sanctions," p 109.
 77. Abbot, "Economic sanctions and international terrorism," p 324.
 78. Barber, "Economic sanctions," p 369.
 79. Northedge, The League of Nations, pp 229 and 247.
 80. New York Times, 25 December 1981.
 81. Marantz, P (1987) "Economic sanctions in the Polish crisis," in Leyton-Brown, The Utility of International Economic Sanctions, p 134.
 82. *ibid*.
 83. see Wasowski, "US sanctions against Poland," p 169.
 84. *ibid*, p 172.
 85. Baldwin, Economic Statecraft, p 230.
 86. Abbott, "Economic sanctions and international terrorism," p 319.
 87. US State Department (1986) "Economic sanctions to combat international terrorism," Bureau of Public Affairs Special Report No 149, July 1986.
 88. Falkenheim, "Post-Afghanistan sanctions," p 106-7.
 89. Congressional Research Service, "As assessment of Afghanistan sanctions," p 20.
 90. Congressional Research Service, "As assessment of Afghanistan sanctions," p 20.

91. ibid, p 38.
92. Doxey, International Sanctions, p 92.
93. see ibid, and Weekly Compilation of Presidential Documents, vol 16, nos 4-15, 23 January 1983 - 10 April 1980.
94. United States Senate Committee on Foreign Relations, (1980), "Hearings: US Foreign Policy Objectives," 96th Congress, Second Session, p 27.
95. Falkenheim, "Post-Afghanistan sanctions," p 118.
96. Waltz, K. (1979) Theory of International Politics, Reading: Addison-Wesley, p 159.

CHAPTER SIX: RESPONSE OF THE TARGET

Sanctions are not qualitatively different from military force in that they are a confrontational strategy however "minimal" the actual sanctions may be.¹ This chapter considers the various responses of the manifest targets, which have seldom accepted passively the sanctions imposed against them. In this respect Hufbauer and Schott note:

"We recognise that the third law of physics - for every action there is a reaction - seems to play a role in the course of a sanctions episode."²

Thus when confronted with sanctions, targets have seldom not responded in one way or another. In so doing, they have sought to avoid economic stagnation and other deprivation resulting from the loss of access to international markets, and the inability to conduct international transactions. They have attempted to avoid what has been called the "psychological cancer of isolation"³ by strengthening public morale. They have sought to demonstrate the legitimacy of their position by attacking the sanctioner and attempting to prove that the sanctions have been ineffective.

There are four ways by which targets have sought to achieve these objectives:

- a) they have instituted counter-measures against the sanctioner such as the expropriation of property.
- b) made internal and external adjustments to compensate for the sanctions, as for example, assisting domestic producers and seeking the assistance of third parties to offset the effects of sanctions.
- c) rallied international support to keep sanctions to a minimum by seeking to influence, for example, allies of the sanctioner.
- d) circumvented sanctions through clandestine methods such as false labelling to disguise the country of origin, setting up companies in third countries, and exporting goods through another state.

6.1 Counter-measures

There are several types of counter-measures that have been employed by manifest targets against sanctioners. These have included expropriation of property, debt default, closing military facilities to the sanctioner, imposing legal prohibitions against the sanctioner, and responding in kind by imposing counter-sanctions.

To give some examples, when the United States imposed sanctions on Cuba's sugar exports in 1960, Cuba, as a declared reprisal, responded by expropriating property - sugar plantations and processing plants, oil refineries, electric and telephone companies - belonging to American interests.

When Rhodesia's sterling assets in London was frozen in 1966, it retaliated by defaulting on its sterling debt. In a similar fashion, Iran retaliated for the freezing of its assets by the United States by repudiating its foreign debt estimated by Iran to be worth US\$15b in 1979.

When the United States suspended military aid to Turkey following the invasion of Cyprus, Turkey responded by closing many of the American bases in Turkey in 1975, and in 1977, requested the departure of all American troops. When military assistance was resumed in 1978, Turkey allowed the United States to open four military bases.⁴ Ethiopia closed the United States military mission and four American agencies, and expelled American military attaches in April 1977 following the cancellation of military grants.

The United States responded to Arab sanctions, specifically the so-called secondary and tertiary boycotts, by introducing anti-boycott provisions incorporated into the 1977 amendments to the Export Administration Act. The provisions effectively prohibited compliance with the secondary and tertiary boycotts, although the provisions granted certain exemptions "designed to permit compliance with primary boycotts and other legitimate interests of Arab states."⁵

An example of a target imposing counter-sanctions is the case of Argentina during the Falklands dispute. In addition to suspending principal and interest payments on its UK£5.8m debt to British banks,⁶ Argentina froze British assets worth about UK£4b, and imposed sanctions on all imports from the European Community in retaliation against Community sanctions.

6.1.1 Internal and external adjustments

Targets have normally had to make some form of internal and external adjustments to compensate for the sanctions. The nature of the adjustments has depended on the stress sensitivity of the target, and the "extent to which a country is or is not dependent on the decision of others for the goods, services and money which it needs to meet its own economic goals."⁷

When Rhodesia's two main agricultural exports, tobacco and sugar, were badly affected by sanctions to the extent that the Rhodesian Tobacco Corporation had to purchase and store most of the crop and then resell it at a considerable loss, and sugar fell by more than two-thirds in price,⁸ the country diversified into wheat, cotton and maize.

When the actual loss in value of Rhodesia's exports in 1966 was just over one-third, imports were reduced by a similar amount to preserve a favourable balance of trade. Import substitution industries were developed, and local industry expanded to the extent of producing sophisticated goods such as rail wagons, bus and truck bodies, and steel tubing.

In another adjustment, employment of the white population group was maintained through the government placing controls which obliged companies to continue employing semi-redundant workers. Tight government control of the industrial sector was such that government permission was required for firms to go out of business.

Targets have also sought to enlist the support of third states, particularly military and ideological rivals of the sanctioner in order to reorientate trade and other links. Yugoslavia, for instance, had been heavily reliant on the Soviet Union and other East European states for its economic and industrial recovery after the Second World War. Joint Yugoslav-Soviet shipping and air companies had been established, and most of Yugoslavia's external trade had been conducted with the Eastern bloc. The Eastern bloc had also provided capital goods on easy credit terms, technical assistance, and direct aid.

Trade with the United States and Western Europe was negligible by comparison. In 1952, four years after sanctions had been imposed, 19 per cent of Yugoslav imports came from the United States and 20 per cent from the Federal Republic of Germany, while 14 per cent of Yugoslav exports went to the United States and 20 per cent to the Federal

Republic.⁹ Two years later, 80 per cent of Yugoslav trade was being conducted with the United States and Western Europe.

Albania too had been heavily dependent on the Eastern bloc prior to the imposition of sanctions in 1961; trade with the Eastern bloc accounted for 94 per cent of exports, and 93 per cent of imports. Most of Albania's imports consisted of essential food items and industrial goods such as machinery, tractors, and trucks vital to economic development, while its main exports to the Soviet Union were cigarettes and tobacco. Financially too, Albania had been dependent on the Soviet Union which provided the finance for its two Five year Plans (1951-55 and 1956-60).

When Khrushchev reacted to Albania's open support of China by refusing to ship 50,000 tons of wheat, China provided the wheat. Thus, "a united Albanian leadership, strengthened by the knowledge that the Chinese would give concrete assistance, was able to stand up to Khrushchev."¹⁰ When further sanctions were imposed, Albania signed a long-term trade agreement with China which provided shipments of wheat, grain, steel, fertiliser and other goods. China also committed itself to grant Albania a credit of US\$123m.¹¹

Cuba is another example of a country that made external adjustments to compensate for sanctions, by turning away from the United States to the Soviet Union. When Castro seized power in 1959, Cuba was dependent on the United States for 67 per cent of its exports and 70 per cent of its imports, with American business investment totalling US\$1b. Most of Cuba's sugar had been bought by the United States at an artificially high price under the terms of the Costigan Act of 1934.¹²

In the three years from 1959 to 1961, the principal position of the United States in Cuba's external trade was erased. By 1961, the United States was supplying only four per cent of Cuba's imports, and the following year it was negligible.¹³ Instead, 82 per cent of Cuba's export trade and 85 per cent of its import trade were conducted with the Eastern bloc, especially the Soviet Union, China and Czechoslovakia.¹⁴

A bilateral trade agreement with the Soviet Union in 1963 which increased Soviet sugar imports by one million tons per year to a maximum five million tons in 1968, ensured stability in sugar earnings. The Soviet Union also extended long-term credit of US\$100m

as the first step in an aid programme which amounted to around US\$3.6b over the decade.¹⁵

Panama's Noriega exploited the Reagan Administration's fear of leftist influence by seeking economic assistance from the Soviet Union, Cuba and Libya. In May 1989, it was reported that according to banking sources, government salaries were being paid with the assistance of a Libyan grant of US\$50m, and that a credit line of US\$100m in oil supplies had been offered by Libya.¹⁶

The Soviet Union is another target which has made adjustments, the grain embargo being a case in point. Among the steps it employed to mitigate the effects of the embargo was to increase grain imports from Argentina, Canada, Australia and the European Community, as well as from South Africa, India, Thailand and Brazil.¹⁷ Meat imports were increased as were flour imports that were not subject to sanctions, and the equivalent amount of cheap local wheat freed for animal feed. Grain shipments to the Eastern bloc was reduced, which in turn increased its imports particularly from the United States.

6.1.2 Rally domestic and international opinion

In their attempt to raise domestic public morale and persuade international opinion of the injustice of the sanctions imposed against them, targets have resorted to a variety of public relations exercises.

In response to the League sanctions, the Italian government repudiated sanctions: "the Italian people had been taught to regard sanctions as a device of world anti-Fascism and British Imperialism for the overthrow of the Fascist regime."¹⁸ Mussolini called on international support, and asked for the support of Italian communities overseas in rejecting the sanctions.

In Yugoslavia, theoreticians attempted to discredit Stalin domestically and internationally, by denouncing him as an exponent of "state capitalism" in contrast to the "worker's democracy" practised in Yugoslavia.¹⁹

In response to American sanctions, Iranian leaders stated that they welcomed them as they would rid Iran of American influence. Ayotollah Khomeini moreover stated that

sanctions were a "good omen" because they signalled that the United States recognised that it had lost its influence in Iran.²⁰

Rhodesia attempted to influence international public opinion through establishing overseas information offices, and on a more informal level, the "Friends of Rhodesia" societies.²¹ In an effort to woo British support it was frequently announced by the Rhodesian government that Rhodesians had fought alongside Britain in the two world wars, and that they were the kith and kin of the British people.

The importance of public relations, especially in the United States, was stressed by the Rhodesian Ministry of External Affairs:

"Of course one is fully aware of the need for counterpropaganda or counterinforming the peoples of the world everywhere... Public relations is a vast and pervasive industry in the United States, and no important institution or personality can afford to ignore its significance... it has proved possible to cultivate a better understanding and a wider circle of friends of Rhodesia... to the extent that informed and sympathetic public opinion exercises a leverage on policy making."²²

Thus the Rhodesian Information Service in Washington was active in its appeal to potential American investors to exert pressure on the United States government to modify its stance on Rhodesia - a factor that contributed to the Byrd Amendment in 1971.

Indeed the Rhodesian efforts at propaganda, especially the establishment of information offices, raised the issue of whether Security Council resolutions had been contravened. In particular was the resolution prohibiting any activity that would "promote" or was "calculated to promote" trade with Rhodesia. Also in contention was the Security Council decision that states should prohibit the use or transfer of funds for the establishing of any office or agency of the Rhodesian regime.²³ In response, the United States Congress adopted by a voice vote, a "sense of Congress" resolution in 1971 that declared that any foreign country should be allowed to maintain an information office in the United States.²⁴

6.1.3 Circumvent sanctions

Targets have circumvented sanctions by manifold means of deception, and Rhodesia illustrates some of these methods of circumvention. First, exports were disguised by selling the goods to South African and Portuguese firms at a discount.

Second, Rhodesian holding companies were organised in Switzerland, Luxembourg and Liechtenstein. When the activities of these companies became known, they were closed and replaced by others.

Third, full use was made of the Swiss banking system to "launder" money. Fourth, trade chains were developed and maintained with sufficient links to make the task of tracing the origin of goods virtually impossible. As a result, Rhodesian goods found their way to the Soviet Union, Eastern Europe, and nearly all OECD countries.

Fifth, by arranging shipment through South Africa and Mozambique, Rhodesia was able to ensure that a significant quantity of British goods reached its markets in spite of a complete embargo on all British exports (excepting educational and medical supplies).

Sixth, the formation of a Rhodesian-owned airline, Affretair, based in Gabon enabled Rhodesia to export beef to Europe. Consequently, Rhodesian beef was to be found in the restaurants of Athens, Rome, Paris and Brussels. Rhodesia also made arrangements to export beef to Zaire, Brazil, Yemen, Mauritius and Taiwan.²⁵

The Soviet Union's exploitation of commercial greed during the grain embargo provides another example of a target's methods of circumvention. Argentina, for instance, was offered prices well above those it had been offered by other customers.²⁶ The Soviet Union also exploited loopholes in European Community legislation such as one that provided export subsidies for certain "mixtures", and another that allowed for the export of milled wheat flour. It was thus able to purchase an unprecedented 50,000 tones of mixed animal feed, at a cost to the European Community budget of US\$23m in export subsidies, as well as wheat flour.²⁷

Third parties have often gained as a result of circumvention. The main beneficiary of the American grain embargo was Argentina which sold grain to the Soviet Union to make up for the shortfall caused by the embargo. Argentina, which made clear its opposition

to the embargo, exported 7.6m metric tones of grain to the Soviet Union in the 1979-80 crop year, which was four times more than its sales the previous year.²⁸ It also concluded an agreement guaranteeing the Soviet Union 4.5m metric tons annually for the next five years.

The episode demonstrated that the United States could not, on its own, control the amount of a basic agricultural commodity that could be obtained by the Soviet Union; there were a number of oligopolistic competitive producers for supplies to any specific buyer to be controlled.²⁹ Thus in response to the KAL shooting three years later in August 1983, Secretary of State George Shultz said:

"Trade sanctions, particularly in agriculture, will not be invoked unless we get Canada, Australia and Argentina to go along with us."³⁰

There is little evidence to show that altruism or loyalty has been the motivating factor behind third parties assisting manifest targets. On the contrary, as South Africa's assistance to Rhodesia showed:

"The South Africans were totally mercenary. They exploited the situation from the word go. They exploited their monopolistic control over our transport routes. They exploited their favourable position as a supplier of spares and critical things that we couldn't buy internationally because of sanctions. We owe the South Africans nothing for 14 years of sanctions busting. They were making a good business out of it."³¹

Third parties also suffer. In the case of League sanctions against Italy, the brunt of the costs incurred by sanctioners was borne by Yugoslavia. It lost 80 per cent of its exports to Italy which accounted for 21 per cent of its total exports, and suffered a permanent dislocation of its trade.³²

Sanctions against Rhodesia placed heavy costs on neighbouring states. The imposition of oil sanctions necessitated an airlift of oil supplies to Zambia until alternative routes, such as a pipeline from Dar-es-Salaam to the Zambian border, could be established. Zambia progressively disengaged ties with Rhodesia to the extent that by 1967, the value of Rhodesian manufactured goods consumed in Zambia was only one-third of its pre-sanctions value.³³

Falling food production in 1971 though, forced Zambia to purchase large quantities of maize from Rhodesia. In January 1973, following a series of border incidents, Smith closed the frontier with Zambia although permitting the use of Rhodesian railways for Zambian copper exports as the railways derived considerable income from them.

Zambian President Kaunda responded by closing the border and keeping it closed until 1978 when he was compelled to reopen the border because of a threat of starvation, and the inability to export copper at a sufficient rate through Tanzania. Between 1965 and 1977, Zambia incurred an estimated US\$944m in additional public expenditure as a result of sanctions.³⁴ In 1976, United Nations officials estimated that the closing of the border with Rhodesia had cost Zambia about US\$450m.³⁵

The Security Council expressly recognised Zambia's special problems by requesting member states to:

"extend assistance to Zambia as a matter of priority with a view to helping her solve such special economic problems as she may be confronted with arising from the carrying out of these decisions."³⁶

President Kaunda, however, commented that the international community had been "more generous with moral support than material support." Britain repaid about US\$46m of the contingency expenses incurred by Zambia, and China gave US\$10m, and helped build the rail link to Tanzania.³⁷

The sanctions imposed against Rhodesia by Mozambique after it gained independence, cost US\$139-165m in the first year 1975-6, and thereafter direct costs were estimated at US\$110-135m per annum.³⁸

"The experience of Mozambique following the border closure in 1976 was to demonstrate no less clearly that the limited amount of additional economic assistance received could in no way compensate for the economic disruption caused by the loss of cross-border and transit trade."³⁹

6.2 CONCLUSION

When faced with sanctions, targets have responded in several ways to offset the effects, often at a heavy cost. Thus by the mid-1970s, there was little room in the Rhodesian economy for further expansion by way of import substitution industries, use of excess industrial capacity or increased productivity as both domestic and foreign markets were glutted.⁴⁰ The sanctions-led decline in export earnings which placed severe limitations on access to international loans and direct investment, coupled with a critical shortage of foreign exchange, imposed serious structural limitations on the growth of manufacturing and other sectors. In April 1973, Prime Minister Ian Smith conceded in Parliament:

"The imposition of sanctions has created many trading problems for us. We find that we are compelled to export at a discount and import at a premium... This has the effect of reducing profit margins internally, and at the national level it has an adverse effect on our balance of payments and foreign reserves."⁴¹

It is estimated that during the sanctions period, sales discounts alone cost Rhodesia UK£1.1b.⁴² By contrast, the war cost Rhodesia over UK£1m per day, and absorbed over one third of the national budget. More than ten years of sanctions left Rhodesia struggling to finance the war which could have lasted much longer without sanctions. A business person involved in sanctions evasion stated:

"I imagine that if we had been able to continue our economic strength, the political side would have continued the war longer."⁴³

The Cuban sanctions also illustrate the costs of sanctions on the target. By late 1961, barely a year after sanctions were imposed, the lack of spare parts had reduced the efficiency of capital equipment, and left one-quarter of the island's buses out of operation for want of spare parts. By the following year, only one-half of Cuba's 1400 railway carriages were able to function. The loss of the sugar bonus from the United States hurt the economy to the extent that by 1965, nine sugar mills had been "cannibalised," and of the 161 mills existing in 1969, only 115 functioned by 1972.⁴⁴

At the same time, Cuba benefited from a sharp increase in non- Western trade, and extension of financial credits in spite of the American sanctions. The value of trade with

non-socialist European countries increased, and financial credits and loans from Western sources increased by over ten-fold from under US\$300m in 1969 to US\$3.3b in 1981.⁴⁵

The response of the target has depended much on the availability of third states to give assistance, and in this respect, targets have been helped in particular by the United States and the Soviet Union when one or the other has been the sanctioner.

CHAPTER SIX: NOTES

1. Hill and Mayall, "The sanctions problem," p 146.
2. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 72.
3. see Strack, Sanctions, p 39.
4. Hufbauer and Schott, Economic Sanctions Reconsidered I, pp 492-3.
5. Carter, International Economic Sanctions, p 178.
6. the payments though were made to an escrow account in New York.
7. Bull, "Economic sanctions and foreign policy," p 219.
8. Renwick, Economic Sanctions, pp 31-3.
9. Doxey, Economic Sanctions, pp 31-2 and Hufbauer and Schott, Economic Sanctions Reconsidered I, pp 204-7.
10. *ibid.*
11. Freedman, R.O. (1970) Economic Warfare in the Communist Bloc: A Study of Soviet Economic Pressure against Yugoslavia, Albania and Communist China, New York: Praeger, p 73 and Doxey, Economic Sanctions, pp 31-2.
12. Doxey, Economic Sanctions, pp 35-41; Daoudi and Dajani, Economic Sanctions, p 125 and Hufbauer and Schott, Economic Sanctions Reconsidered I, pp 315-21.
13. Losman, International Economic Sanctions, p 21.
14. Doxey, Economic Sanction, p 39.
15. *ibid*, and Hufbauer and Schott, Economic Sanctions Reconsidered I, p 319.
16. The Economist, 27 May 1989.
17. Daoudi and Dajani, Economic Sanctions, pp 140-1.
18. Chatham House, International Sanctions, p 141.
19. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 207.
20. *ibid*, p 630.
21. Strack, Sanctions, p 57.
22. *ibid.*
23. S/RES/409.
24. for further information see Strack, Sanctions, p 60.

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25. Sunday Times, 26 August and 2 September 1973, and Renwick, Economic Sanctions, p 31.
 26. The Soviets reportedly offered to pay up to 25 per cent above US prices for immediate shipment. At their peak in June 1980, the premium offered by the Soviet Union for Argentine corn pushed prices to 29 per cent above US prices. see Paarlberg, "The 1980-1 US grain embargo," p 189 and Hufbauer and Schott, Economic Sanctions Reconsidered I, p 659.
 27. Paarlberg, "The 1980-1 US grain embargo," pp 195-6.
 28. Falkenheim, "Post-Afghanistan sanctions," p 113.
 29. Hanson, Western Economic Statecraft, p 43.
 30. New York Times, 14 September 1983.
 31. Eddie Cross, a Rhodesian economist quoted in Minter and Schmidt, "When sanctions worked," p 228.
 32. Doxey, Economic Sanctions, pp 47-9; Hufbauer and Schott, Economic Sanctions Reconsidered I, p 145.
 33. Schmidt, E. (1987) "United Nations sanctions and South Africa: Lessons from the case of Southern Rhodesia," New York: United Nations Centre against Apartheid.
 34. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 414; Doxey, International Sanctions, p 120.
 35. Renwick, Economic Sanctions, p 83.
 36. S/RES/253, 29 May 1969.
 37. Strack, Sanctions, p 125.
 38. *ibid.*
 39. Renwick, Economic Sanctions, p 83.
 40. see Strack, Sanctions, p 224.
 41. cited in Renwick, Economic Sanctions, p 77.
 42. Minter and Schmidt, "When sanctions worked," p 221.
 43. see Hanlon, J. and Ormond, R. (1987) The Sanctions Handbook, Harmondsworth: Penguin, p 208.
 44. Losman, International Economic Sanctions, p 35.
 45. Roca, "Economic sanctions against Cuba," p 99.

CHAPTER SEVEN: THE EVALUATION OF EFFECTIVENESS

In 432 BC, Pericles of Athens imposed sanctions against Megara, a Spartan ally, because he found himself in a predicament. To allow Megara (which against the advice of Sparta had joined Corinth in fighting Corcyra, an Athenian ally) to go unpunished would mean that Sparta might find itself unable to restrain other Peloponnesian League members from joining Corinth. On the other hand, to yield to domestic pressure, and embark on military action against Megara would mean that Sparta would have no option but to come to the aid of its ally.

According to Aristophanes, the refusal by Athens to lift the sanctions in response to a Spartan ultimatum, precipitated the Peloponnesian War. Thucycides, on the other hand, contended that a war had been inevitable ever since Athens had become an imperial power. The question is, were the sanctions successful or not?

If one takes Aristophanes' interpretation, the sanctions were a failure as they led to the very thing that Pericles had wished to avoid. On Thucycides' analysis, Pericles' choice of sanctions was based on prudential considerations. Under the circumstances, sanctions appeared to be the only option that could avoid war, and yet serve as an object lesson to the Peloponnesians:

"What Athens could do to Megara she could do also to other maritime cities of the Peloponnesian League, and Pericles was anxious that, in their councils of war, this fact should be duly weighed."¹

Whatever the case - whether the Peloponnesian War occurred despite sanctions or whether sanctions precipitated it - the Megarian episode illustrates that the judgement of success is neither straightforward nor simple.

It is difficult to isolate sanctions from other factors that may influence the outcome. It is equally difficult to judge whether the behaviour of the manifest target would have differed in the absence of sanctions, or if a different set of sanctions had been applied. It becomes a matter of conjecture as to whether a given result is a direct consequence of sanctions or whether the outcome would have occurred regardless of the sanctions. In short, it is the problem of counter-factuals. In the absence of any explicit criteria for

measuring the effectiveness of sanctions, any assessment of success or failure is hence subjective.

The most common proposition advanced by academic opinion is that sanctions are not an effective instrument of foreign policy. To give some examples:

"... the conclusion about the probable effectiveness of economic sanctions is, generally, negative" (Johann Galtung).²

"There seems to be a consensus among scholars that sanctions are not only an ineffective means to secure policy objectives, but as well be dysfunctional or counterproductive, producing results opposite to those desired by the initiators of sanctions" (Henry Strack).³

"Sanctions have thus far been unsuccessful in each of the cases studied, despite the target countries [Cuba, Israel and Rhodesia] being relatively small and highly vulnerable" (David Losman).⁴

"All in all, economic sanctions are not an effective weapon" (Milton Friedman).⁵

"While trade boycotts, embargoes and other economic sanctions are legitimate alternatives to military action, they rarely work" (Judith Miller).⁶

"...not only may sanctions be ineffectual in modifying the target's behaviour... the target may be driven to adopt defiant and perhaps more extreme positions as a result of sanctions" (Margaret Doxey).⁷

In contrast to the above conclusions, Baldwin challenges what he calls the "conventional wisdom" that sanctions "don't work." He reconsiders the "classic cases" of economic sanctions that are cited in support of these conclusions, and argues that a simple dichotomy between success and failure obscures variation in degree as well as the different dimensions for measuring success.⁸ To view the use of sanctions in terms of securing compliance with explicitly and publicly stated demands is to "load the dice in favour of failure."

A major weakness of conventional assessments is that success is often judged in economic terms alone. Hufbauer and Schott find that:

"At most there is a weak correlation between economic deprivation and political willingness to change. The economic impact of sanctions may be pronounced, both on the sender and the target country, but other factors in the situational context almost always overshadow the impact of sanctions in determining the political outcome."⁹ (emphasis in original)

That is not to say that the imposition of heavy economic costs do not play a significant role in the outcome of a sanctions episode. In the case of Nicaragua, for instance, the sanctions were estimated to be costing the country US\$108m only 18 months after their imposition.¹⁰ A record inflation of 36,000 per cent in 1988, and arrears to the World bank of US\$172m, as well as American aid to the contra rebels, were factors that contributed to the Sandinista government agreeing to a ceasefire and negotiations leading to a free and fair election. But to focus on the economic impact of sanctions can and does detract from other effects:

"Economic sanctions may have diplomatic, psychological, political, military or other effects even when their economic effect is nil. Ignoring this fact severely impairs one's ability to evaluate the costs and effectiveness of economic sanctions."¹¹

The question, therefore, is how are sanctions to be judged?

This chapter proposes four criteria by which to evaluate sanctions, and demonstrates that the application of these criteria revises the evaluation of the effectiveness of sanctions. They are:

1. Were the sanctions implemented, enforced and terminated in an effective manner?
2. Did the sanctions achieve any of their purposes?
3. How do sanctions compare with other policy instruments?

4. What functions have sanctions fulfilled in the conduct of international relations?

7.1 WERE THE SANCTIONS IMPLEMENTED, ENFORCED AND TERMINATED IN AN EFFECTIVE MANNER?

The first criterion is that for the effectiveness of sanctions to be judged, it is necessary to evaluate the manner in which they were implemented, enforced and terminated. When sanctions are evaluated using this criterion, it becomes evident that if sanctions have been judged a failure as a policy instrument, it is because: they were not meant to succeed; they were not enforced properly; or they were terminated so that outcomes that are compromises, or concessions could be made.

7.1.1 Implementation

"Of course some sanctions fail because they were never intended to succeed, in the sense of producing a real change in the target's behaviour."¹²

When the League of Nations decided, under the interpretive resolutions of 1921, that it was for each member to decide if a delict had been committed, it meant that in practice there was a reluctance on the part of member states to commit themselves to enforcement action that was potentially damaging to their economic or other interests. This was especially so in view of the limited League membership that did not include the United States, the Soviet Union (until 1934), Germany (joined in 1926 and withdrew in 1933) and Japan (withdrew in 1933).

Although the League did use the threat of sanctions with limited success - such as when the British Prime Minister Lloyd George warned Yugoslavia when it attacked Albania's borders that if it did not comply with its Covenant obligations, economic sanctions would be instituted forthwith¹³ - it was reluctant to impose sanctions against gross breaches of Covenant obligations, notably an attack by Italy on Corfu in 1923. Italy was not subjected to sanctions as would have been expected since it had taken territory in breach of its obligations. This was because Britain and France appeased Italy by preventing the League from handling the affair.¹⁴ The League also failed to halt Japan's annexation of Manchuria in 1931-33.

When Italy invaded Abyssinia, it was allowed to remain a member of the League, even though Article XVI stipulated not only immediate sanctions, but expulsion in the final instance. The discussion at the League instead centred on whether the Abyssinian representative had the right to take his seat after the conquest of his country. The ineffectiveness of the League meant that Poland did not even consider bringing the invasion by German forces in August 1939 to the attention of the League. Neither did the League take any action when Denmark, Norway, the Netherlands and Belgium were invaded. When the Soviet Union attacked Finland in 1939, the League Council for the first time in its history expelled a member state.

The question is, were the sanctions against Italy implemented so that they would succeed? In the first instance, the sanctions were not imposed in either the spirit or the letter of the Covenant as "the most cursory glance at the text of Article XIV will show that it was never fully applied, at least not in accordance with the text as drafted by the original framers of the Covenant."¹⁵

The sanctions were limited in scope and were not implemented until a month after the decision to impose them was taken. There was no attempt made to deter Mussolini with the threat of sanctions prior to the invasion. When Abyssinia appealed to the League in January 1935, after the first border clash with Italian forces, it was persuaded to resolve the border dispute through arbitration procedures laid down in the Italian-Abyssinian Friendship Treaty signed in 1928, although Article XI of the Covenant stated:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League..."

Second, sanctions on oil, as well as coal and steel, were rejected by France and Britain. Neville Chamberlain as Chancellor of the Exchequer argued that the more effective the sanctions were, the more likely it would be that a point of war with Italy would be reached.¹⁶ It was reported from various capitals that Mussolini would regard an oil embargo as being tantamount to war.¹⁷ Mussolini reportedly later told Hitler that had the League imposed an oil embargo, it would have forced him to withdraw from Abyssinia.¹⁸

"Chamberlain and Laval did not want sanctions to succeed... Under England and France's leadership only imperfect types of economic sanctions were applied. The oil sanctions were never put into real effect... The Suez Canal was never closed either for the Italian ships and Italian commerce, or even for the Italian African invasion army and its supplies... The sanctions were sabotaged by Paris and London."¹⁹

In short, the sanctions were ineffective because Britain and France did not want them to succeed.

7.1.2 Enforcement

Sanctions were imposed against Rhodesia on an escalating scale along three continuums: from unilateral to universal; selective to comprehensive; and from voluntary to mandatory. As the sanctions were initially voluntary, there was no compunction on the part of member states to comply. When they became universal, comprehensive and mandatory, the blatant disregard and open defiance of Security Council sanctions by South Africa and Portugal not only seriously undermined the effectiveness of the sanctions, but were a violation of the Charter. The non-compliance by the two states was itself grounds for United Nations action. Article 25 reads:

"The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter.

As Kelsen notes,²⁰ the obligations of members stipulated in Article 25 is a specification of the general obligation of members stipulated in Article 2(5):

"All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action."

Nothing, however, was done about South Africa and Portugal, although it was clear that had action been taken against them, that there was every likelihood that the sanctions would have been more effective.

When an oil embargo was first imposed, it was effective to the extent that by January 1966, Rhodesia found itself reduced to six weeks supply. But South Africa came to its aid as various organisations within the country purchased oil for Rhodesia. Subsidiaries of oil companies operating in South Africa were informed that they would not be permitted to make "conditional" sales to South Africa clients; that is, to insist that the product would not be resold to Rhodesia.²¹

Prime Minister Verwoerd made it clear that his government would not permit companies to operate on instruction from foreign governments, and that South Africa would be prepared to face the consequences of its trade with Rhodesia, even if it meant that its own supplies would be placed in jeopardy.

Britain did nothing to prevent "the deal that Foreign and Commonwealth Office officials cooked up... to undermine oil sanctions against Rhodesia."²² In essence, the deal involved the French oil company Total taking over Shell/BP's Rhodesian sales while handing over an equal share of Total's South African market. The deal made a mockery of the public stance taken by the British government on the sanctions.

Prominent white businessmen interviewed in Zimbabwe several years after independence admitted that sanctions were a major factor in pressuring Smith to negotiate. If South Africa had not served as a lifeline, and had petrol supplies been totally severed, then the country could not have survived for more than a few months:

"Sanctions by themselves would sooner or later have forced a political decision... no economy anywhere in the world can exist under a sanctions-type situation for a long period of time... Sooner or later something had to give."²³

Proposals to extend the sanctions to South Africa and Portugal were, however, blocked by Britain and the United States, the latter using its power of veto for the first time in the Security Council.

7.1.3 Termination

"By no means the least of the difficulties attending the application of sanctions has been the problem of terminating them. For it frequently is

the case when sanctions are imposed that inadequate attention is given to the circumstances in which it is envisaged that they should be lifted. In the case of Italy... the sanctions imposed were insufficiently rigorous to exert real pressure except on an extended timescale; yet they were in force for only eight months."²⁴

To assume that sanctions should be terminated only when all the demands made by the sanctioner are met is to overlook important realities. Even though a sanctioner may face difficulty withdrawing from a position that it has adopted, or admitting that expectations have not been fulfilled, the achievement of latent purposes may be sufficient grounds for termination, even if manifest purposes have not been met.

The sanctioner may also consider it prudent to terminate sanctions if its allies or its domestic public demands it. On the other hand, to terminate sanctions unilaterally in a multilateral sanctions venture may create serious discord and render the sanctions ineffective.

Most importantly, sanctions may need to be terminated so that the target can meet the demands that have been made of it. In the light of international and domestic "image" politics, the target may need to be given the opportunity to comply, without serious loss of public image or international prestige. In other words, the target is seen to be acting out of its own convictions, and not bowing to foreign pressure.²⁵

To give an example, 140 Soviet prisoners of conscience were released in February 1987 some two weeks after sanctions on oil drilling equipment²⁶ imposed by President Carter were lifted. To have released the dissidents prior to the termination of sanctions would have been construed as a concession made under duress.

Another example is the Iranian hostage crisis. The most important sanction was the freezing of Iranian assets worth more than US\$12m in November 1979. The action neutralised threats of withdrawal of assets by Iran and any propaganda victory that could have been gained from the sudden outflow of money from American banks. The Iranians were placed in a position where they needed to be able to claim that they had forced the United States to grant concessions. The Americans, for their part, needed to be able plausibly to deny that any such concessions had been made. The unfreezing of the assets

provided both parties to the conflict with a way out of the dilemma, as well as the key for the release of the hostages.

A third example is the case of French sanctions against New Zealand. When France's determination to secure the release of its agents was confirmed to Prime Minister Lange during a tour of Europe, he agreed to a proposal from the Dutch government that mediation by the United Nations Secretary-General be accepted, as it was effectively the only way by which he could gracefully retreat from his earlier declaration that the two would serve their full terms. The two agents were subsequently released into French custody for three years "confinement" in the French Polynesian island of Hao. In return, New Zealand received a full and formal apology from France, US\$7m in compensation, and an undertaking that France would not oppose New Zealand's butter access to Britain through the European Community, nor take any measures to block meat imports to the Community.²⁷

In the light of the success of terminating sanctions at the "right time", it may be argued that it would have been wise for the United States to have lifted sanctions against Cuba at the same time as the OAS in 1975. The reason given by the OAS at the time for ending the sanctions was that "during the period 1969-74 Cuban foreign policy greatly moderated its subversive activities in the Western hemisphere."²⁸ Had the United States agreed with this assessment, particularly given that it fulfilled one of the manifest purposes of the sanctions, then it is possible that Cuban involvement in Africa may have been prevented. On the other hand, there was the risk that to have lifted sanctions may have sent the wrong foreign policy signals to Cuba and to the Soviet Union, particularly as Cuba has just sent troops to Angola. Also, Gerald Ford did not want to lose the Florida primary in the 1976 presidential elections.

The wisdom of continuing sanctions against Iraq is also questionable as the regime of Saddam Hussein remains in place although human suffering continues to escalate. It is for this reason that the Security Council offered to ease sanctions in August 1991. The Council decided to allow Iraq to sell US\$1.6bn worth of oil over six months, with two-thirds of the money used to buy food and medicine to be distributed by the United Nations and the Iraqi government, and the rest to go towards war reparations.

There is always the possibility that defiant reaction to sanctions from the target, or support for the sanctions from the sanctioner's public, may result in unwillingness to

compromise. When national feeling has been aroused to resist sanctions or to support them, any compromise or conciliatory gesture by the target towards the sanctioner, or vice-versa, could give the appearance of capitulation in the face of pressure. A sanctioner's public, committed to a policy of coercion, may expect unrealistic demands of the target as a condition for the termination of sanctions. At the same time, a sanctioner that is willing to introduce variations into the demands for change may be regarded as weak by the target.

This was much the case when the Reagan administration changed its initial demands of the Polish regime in July 1983. Instead of requesting a response to the original demands which were clearly defined - amnesty for political prisoners, end to martial law, and resumption of dialogue between the government, church and Solidarity - alternative conditions for the withdrawal of sanctions were suggested. Although it was a change in specifics and not in intent, the Polish government took the change as a sign of weakness, and presented the United States with a bill for the sanctions, in addition to announcing that it expected the United States to begin removing the sanctions.²⁹

Sanctions have also been terminated to suit domestic political pressures. In the case of the grain embargo, for instance, the decision to lift it was the result of domestic pressure.

"The timing of the decision was influenced by President Reagan's desire to curry favour with senators and representatives from agricultural districts, whose support he needed to pass an important farm bill."³⁰

When sanctions are evaluated considering their implementation, enforcement and termination, it is demonstrated that sanctions have often "failed" because they were not implemented or enforced with the goal of ensuring success. It is also evident that sanctions may have to be terminated so that their purposes may be achieved, or compromises reached.

7.2 DID THE SANCTIONS ACHIEVE ANY OF THEIR PURPOSES?

The second criterion is based on the recognition that a single set of sanctions can be designed to achieve multiple purposes:

"When all the objectives are determined and attention given to them rather solely to the objectives formally stated for the record, success is much more common than the critics of economic coercion have led us to believe."³¹

To assume that external pressure from a sanctioner bears a more or less linear relationship to internal change in the target, or to perceive sanctions as zero-sum games is simplistic, as sanctions may fulfil some, if not all of its purposes.

Yet authorities on sanctions such as Renwick and Losman pay little attention to the purposes of sanctions in their discussions on their outcome. Renwick's discussion of American sanctions against Cuba contains no reference to the goals sought by the United States in imposing sanctions,³² and Losman's analysis of sanctions against Cuba, Israel and Rhodesia does not discuss the purposes of the sanctions against those countries.³³

Nevertheless Losman concludes, in the case of Cuba, that:

"the embargo has been quite economically damaging, although much of its incidence has been shifted to the socialist bloc. Its political results, on the other hand, have been questionable. Indeed, the absolute refusal to trade with Cuba literally forced and cemented almost permanent relations with the Communist world."³⁴

In so doing he ignores whether the sanctions achieved their manifest purposes let alone latent ones. At least two of the manifest purposes were realised. First, the sanctions increased the cost of maintaining a communist outpost in the Western hemisphere. Second, they made it difficult for Cuba "to export revolution."

The judgement of success should, therefore, take into consideration not only whether manifest purposes were achieved, but also latent purposes. For example, even if sanctions imposed for the manifest purpose of compelling a change in policy is not successful, latent purposes such as symbolic communication may be achieved.

The Arab oil embargo (1973-4) is a case in point. Although the embargo did not realise the manifest purposes of achieving an Israeli withdrawal to its 1967 borders and the restoration of Palestinian rights, they did achieve latent purposes. The implicit short-term

purpose was a symbolic one - to influence international opinion in favour of the Palestinian cause, "in itself believed to be a huge step towards achieving the longer term goals."³⁵

In this respect, the embargo succeeded in a significant pro-Palestinian shift in international attitudes. Japan, for example, had successfully avoided being embargoed during the Six Day War in 1967 by remaining politically neutral. When faced with another embargo in 1973, it abandoned neutralism, and the Japanese foreign minister visited eight Arab states. Japan issued a series of statements culminating in a call for Israeli withdrawal from all occupied territories, and the threat to "reconsider" relations with Israel if this were not done.³⁶

The Netherlands, which had pursued a policy that was more pro-Israel than those of other European Community members, signed a Community statement which acknowledged the rights of the Palestinian people, and asked Israel to return territories taken in the 1967 war.³⁷ The embargo forced the United States to readjust its strong pro-Israeli policy, and pressure Israel into withdrawing its forces from the west side of the Suez Canal and parts of the Golan Heights, and make possible the exchange of prisoners of war.

The increase in oil prices worked to the advantage of Arab states which benefitted from higher prices and lower production output. Arab self-confidence was restored and Arab prestige strengthened with the "oil money" which gave access to new and increased markets. Even though the embargo failed to meet the ultimate objectives, "on the level of economic sanctions the Arab oil embargo was the first effective instance of these at the highest political level since the Industrial Revolution."³⁸

In the case of sanctions against Rhodesia, one of the latent purposes was to compel the Smith regime to negotiate with Britain so that a mutually acceptable political settlement could be reached. Even before Mozambique gained independence, and white living standards were adversely affected, Smith resumed public negotiations with Britain on three occasions.

Another latent purpose was to prevent a communist take-over in Rhodesia. Both Mozambique and Angola were seen as gains for communism, and the United States was sensitive to the reality that unless an acceptable agreement was reached, Rhodesia could come under communist influence. It therefore put pressure on South Africa not to assist

Rhodesia. As it was also in South Africa's interest, particularly after independence in Mozambique and Angola, that African nationalism should not spread southwards, South Africa began in 1976 to force Smith to concede the principle of majority rule put forward by Henry Kissinger. Rhodesian imports were thus left stranded south of the border by "unexplained" delays; oil and other vital supplies were stopped; South African loans, crucial for financing the war, came to a halt; the arms flow stemmed; and Rhodesia exports accumulated at South African ports.³⁹ The result was that Smith agreed to the Kissinger plan.

The British government also feared a communist take-over in Rhodesia. Prime Minister Harold Wilson stated that there was a struggle for the soul of Africa, and that he did not want to see a "Red Army in blue berets" entering Rhodesia, referring to the possibility of a communist country being invited to send an army to intervene under United Nations auspices.⁴⁰ He spoke of the fear that if Britain did not seize the initiative in Rhodesia others would, who might embark on "dangerous courses of action which we should all reject."⁴¹

The Rhodesian sanctions also served the symbolic purpose of sustaining and reinforcing the claims and interests of black Rhodesians because the majority of the population sought, from the outset, the same outcome as their external supporters.

Insofar as the manifest purpose of the sanctions were concerned:

"By 1978, the Rhodesian regime had conceded the principle of majority rule, which a decade earlier had been ruled out in Smith's lifetime. This was a substantial shift in Rhodesian policy with respect to a fundamental issue. *Considering the difficulty of the task*, twelve years was a remarkably short - at least reasonably short - period of time for such a change. This should be abundantly apparent to any observer of the speed with which the American government has been able to execute the easier task of implementing the US Supreme Court decision in *Brown vs Board of Education* (1954)" [italics in original].⁴²

Sanctions operate within limits, with neither perfect success nor absolute failure being the likely outcome. Thus to judge success according to E.H. Carr's dictum that "in sanctions as in war, the only motto is 'all or nothing'" is misleading.⁴³

7.3 HOW DO SANCTIONS COMPARE WITH OTHER POLICY INSTRUMENTS?

A third criterion is the comparison of sanctions with other policy options. A common shortcoming in assessments of the effectiveness of sanctions is the failure to cast the analysis in comparative terms.

"No matter how much evidence and argument are amassed to demonstrate the uselessness of economic statecraft, little has been said that is relevant to policy making until one states or implies the existence of more useful policy instruments."⁴⁴

One of the critical questions by which to determine success is not so much whether sanctions achieved their manifest purpose so much as whether there was a greater likelihood of that purpose being achieved through another policy instrument. And, whether in the long run it would have cost more to do nothing than to impose sanctions at the same time. That is to say, were sanctions less likely to be effective than alternative courses of action. By distinguishing between "effectiveness" and "utility" Baldwin finds that even if sanctions have low effectiveness, they may have high utility in that under the circumstances they were the best option available to the sanctioner.⁴⁵

In the case of League of Nations sanctions against Italy other options were closed off. Britain and France were unwilling to use military force, as one of their objectives was the avoidance of war with Italy. Consequently, the sanctions were not accompanied by even an implicit threat of military action. Diplomatic relations were maintained, allowing Italy to manipulate France and Britain. Diplomatic action such as the expulsion of Italy from the League was not undertaken. To have done nothing would have alienated France and Britain from other League members. Moreover, as Ivan Soubboitch, a member of the League of Nations Committee of Eighteen responsible for implementing sanctions commented at the time, the sanctions were:

"...a legal obligation analogous to the penalties of criminal law. They were not just a matter of policy. There had been a violation of international law and Italy, whose army had started to invade Abyssinia, had been declared an aggressor and made subject to sanctions."⁴⁶

For the League to have refrained from imposing sanctions against Italy would have been tantamount to complicity with naked aggression and violation of the Covenant. It would have meant, that a state could violate international obligations with impunity. France, Britain and other League members, therefore, had little choice but to impose sanctions.

Cuba provides another example. Sanctions were the response of American decision makers who considered that the credibility of American commitment to anti-communism and the validity of the Monroe Doctrine had been challenged by the Castro regime. Diplomacy was inadequate to meet the strong response that policy makers perceived was required. A full scale military invasion would have been effective in demonstrating American resolve, the disastrous Bay of Pigs invasion notwithstanding. But, "economically, psychologically and politically an invasion would certainly have been more costly than economic sanctions."⁴⁷

The outcome of American sanctions against Poland illustrate that though the sanctions did not fulfil their manifest purposes, they may nonetheless have achieved more than could have been expected with alternative courses of action. The Western allies had prepared contingency plans of action and reprisals against the Soviet Union in expectation of a Soviet invasion of Poland.⁴⁸ When the Soviet Union "decided to play the role of puppeteer instead of an invader,"⁴⁹ new decisions had to be made and appropriate steps designed to cope with a new and unexpected situation. Under the circumstances, sanctions seemed the best available option.

The argument has been made that the publicity needed to make sanctions successful is not conducive to the goal of compliance, and that the manipulation of foreign aid is a better policy instrument as the pressure is covert.⁵⁰ This argument can be challenged on several grounds. In the first place, the termination, suspension or reduction of foreign aid, falls under the ambit of sanctions. Second, the consequences of foreign aid manipulation can be even more unpredictable, as many recipients already suffer unstable governments and faltering economies. Third, West European states have successfully used foreign aid sanctions particularly through the Lome convention which covers over 60 Afro-Caribbean and Pacific states. As aid via the Lome system makes the European Community the largest group of international donors, it has been used to advantage by Community members.⁵¹ Negotiations with Andean pact states were suspended, for example, when a military coup took place in Bolivia, and admission to Lome was denied

to Mozambique and Angola, as discussed earlier, so long as they did not accept that West Berlin was part of the Federal Republic of Germany.⁵²

When the outcome of sanctions is compared with the outcome of military action, the judgment that sanctions are an ineffective instrument of foreign policy is difficult to substantiate. From Hufbauer and Schott's study it may be estimated that between 1951 and 1984 there were 83 episodes of economic sanctions. Of these 34 were judged successful (40.9 per cent), 37 unsuccessful, and 12 were still continuing at the time. They cost US\$15.6b in total, or US\$18.8m per episode, and lasted on average 2.76 years.

By comparison, it may be determined from a study of major armed conflicts undertaken for the Canadian Department of National Defence⁵³ that of 174 major inter-state armed conflicts that occurred between 1951 and 1984, from the initiator's viewpoint, 37 were successful (21.2 per cent), 60 were unsuccessful, 34 ended in compromise, and 43 were still continuing at the time. The conflicts costs 10,527,000 lives in total, or 112,000 per conflict, and lasted an average of five years. Indeed such figures lead the report to comment:

"It is hoped that figures like these will tend to discourage nations (and actors) from initiating new wars."

Although the judgement of the success of sanctions entails a high degree of subjective evaluation, and does not quantify human suffering as a result of sanctions, it nonetheless demonstrates that at the very least sanctions are no less successful than armed conflict.

7.4 WHAT FUNCTIONS HAVE SANCTIONS FULFILLED IN THE CONDUCT OF INTERNATIONAL RELATIONS?

The fourth criterion concerns the function of sanctions as an instrument in the conduct of international relations. The traditional view is that sanctions are considered to be an intermediate step when diplomacy is seen as too weak, and military force as too strong a measure:

"Sanctions provide a popular middle road: they add 'teeth' to international diplomacy - even if the bark is worse than the bite.

"... world leaders often find the most obvious alternatives to economic sanctions - military action or diplomatic protest - too massive or too meagre. Sanctions can provide a satisfying theatrical display, yet avoid the costs of war."⁵⁴

Sanctions thus conceptualised do not have any clearly defined functions of their own; at best, they occupy an ill-defined middle ground, suspended between the two established concepts of diplomacy and war. Sanctions exist, as it were, by default.

Therefore, to evaluate the functions sanctions perform, it is necessary to consider sanctions in terms of acting as a substitute for war and diplomacy since: "sanctions are used as a surrogate for other measures."⁵⁵ In other words, to evaluate the effectiveness of sanctions as surrogate warfare and surrogate diplomacy.

7.4.1 Sanctions as surrogate warfare

"The role of war... appears more closely circumscribed... The range of political objectives war can serve has become narrower, the costs of resorting to it greater... war remains an instrument of policy, but one that can be used only at greater cost and in relation to a narrower range of purposes.. in an era when force has seemed to offer a less viable instrument of foreign policy than in earlier times, economic sanctions have been thought to provide an alternative."⁵⁶

For sanctions to be evaluated as surrogate warfare, they need to be compared with the functions of war to evaluate whether they have acted as an effective substitute. That is to say, have sanctions functioned as surrogate warfare?

Bull enumerates three functions of war:

"In the perspective of international society, war is a means of enforcing international law, of preserving the balance of power, and arguably, of promoting change in the law generally regarded as just."⁵⁷

From the enforcement point of view it is questionable whether sanctions have adequately performed the function of enforcing international law. The optimism of the founders of

the League of Nations, who regarded sanctions as a panacea for the intractable problem of war, fell short of expectations mainly because of the "premeditated policy" of the great European powers not to use effective sanctions.⁵⁸ The Hoare-Laval plan, conceived in secret,⁵⁹ reinforced the belief that Britain and France, though acceding to pressure for sanctions from other League members, were nevertheless at the same time seeking settlement through independent means.

Under the United Nations, the likelihood of sanctions acting as an effective instrument for maintaining international order has been undermined because the power of veto ensures that "the key factor is not the nature of state conduct but the status of the rule-breaker (be it a permanent member of the Security Council or a non-aligned Third World state) and its relationship to other governments."⁶⁰

The ideological orientation of a state in breach of international obligations has often proved the decisive factor in Security Council decisions. The Smith regime's portrayal of itself as staunchly anti-communist and committed to the preservation of western civilisation in Africa, for example, became a major argument for not imposing comprehensive mandatory sanctions against Rhodesia much earlier, and influenced the degree of enforcement when sanctions were finally applied.

United Nations action against violation by members has been selective. Such instances have either not been discussed by the Security Council, or not acted upon because one or more members have used the veto to protect their own or their clients' interests. As a result, there has been liberal use of the veto according to East-West, North-South and other rivalries.

During the Iranian hostage crisis, for example, the Soviet Union vetoed a draft resolution proposed by the United States for mandatory sanctions against Iran.⁶¹ The veto was predictable because the United States was at the same time attempting to persuade its allies to join in imposing sanctions against the Soviet Union over Afghanistan.

In view of the veto, Britain deliberately chose not to request the Security Council to impose sanctions during the Falklands crisis in April 1982, when Argentina failed to comply with a Security Council resolution⁶² demanding an immediate ending to

hostilities, and a withdrawal of forces. Britain feared that a Soviet veto would undermine the British case, alienate other states, and prejudice relations with allies.⁶³

In the case of Iraq, although unprecedented cooperation was achieved to enforce international law through mandatory sanctions, China was a reluctant participant.

"China might well have blocked some or all of those actions, using its veto... if not for its desire to rehabilitate its own international image and see the sanctions imposed after the Tiananmen Square massacre lifted."⁶⁴

From the point of view of maintaining a balance of power, sanctions as surrogate warfare have gone a long way towards fulfilling this function in relation to the Soviet Union and the United States. The sanctions imposed by the United States against the Soviet Union and its allies were in essence a continuation of the Cold War. Whenever, the United States has perceived that the Soviet Union or its proxies as threatening the balance of power and international political stability, it has responded with sanctions - Cuba, Afghanistan, Poland, and Nicaragua - to name a few.

"The usual approach is to judge 'sanctions episodes' as self-contained short stories, with its own sad or happy ending. Relations between Moscow and Washington are, for better or worse, more like a long-running soap opera in which each of the two main characters is continually changing his mind about the other's intentions, and modifying his own behaviour accordingly. Therefore, US sanctions should be judged by their long-term effects and not just by their apparent influence on the policy which served as the original cause or pretext of each sanction."⁶⁵

It has been suggested by one analyst that the Soviet Union opted for Polish-imposed martial law on Poland rather than an invasion because the strength of the American response to Afghanistan had already begun to induce caution.⁶⁶ If this indeed was the case, then the sanctions were successful in deterring the Soviet Union from repeating its action in Afghanistan.

From the point of view of acting as an agent of just change, sanctions have fulfilled this function to a limited degree, particularly in relation to human rights and nuclear safeguards.

7.4.2 Surrogate diplomacy

Bull enumerates five functions of diplomacy: communication between political leaders and other entities in international politics; the negotiation of agreements; the gathering of intelligence; the "minimisation of the effects of friction in international relations"; and "symbolising the existence of the society of states."⁶⁷ Have sanctions as surrogate diplomacy fulfilled these functions?

It is arguable whether sanctions are refined enough of an instrument, and have sufficient sophistication to fulfil the function of communication. Although communication constantly takes place between political leaders and other actors in international affairs without the mediation of professional diplomats, nevertheless, as Bull points out:

"There is more to communication than the exchange of messages; messages have to be understood and interpreted. They have to convey moods and intentions as well as information. Their meaning depends on their context... the significance of a message may lie in what it omits as well as in what it includes, on the choice of one phrase rather than another in conveying an idea."⁶⁸

It is doubtful whether sanctions imposed for the purpose of symbolic communication are successful conveyors of messages or whether they are instead open to misunderstanding. The Moscow Olympics, for example, came in for much derision because, regardless of the intention of the Carter Administration, there was a public perception that it was imposed to induce Soviet withdrawal from Afghanistan.

The hope of the Carter Administration was that the boycott would deprive the Soviet Union of the propaganda benefits it hoped to derive from the Games, and that the Soviet people would be made aware of the negative effects of the Afghanistan invasion.⁶⁹

The boycott did make the Moscow Olympics less of a propaganda success than anticipated by the Soviet Union. The number of athletes participating in the Games was reduced from 10,000 to 6,000, and 55 nations joined the boycott. The cancellation and reduction in international media coverage deprived the Soviet Union of hard currency earnings as did the lack of Western tourists.

But, the fact that the Games did take place and was attended by 81 countries, deprived the boycott of much of its effect, and provided a strong incentive for the Soviet Union to lead an Eastern bloc boycott of the Los Angeles Games in 1984. Most importantly, the public perception, both international and in the United States, was that the boycott had been imposed to induce Soviet withdrawal from Afghanistan, and that in that respect it had failed.

The American grain embargo also sent mixed signals. It has been contended that the sanctions were intended "neither to get Soviet troops out of Kabul nor to produce hungry Russians; it was to send a clear signal to the Soviet Union" so as to forestall future forays into the region.⁷⁰ The sanctions, in other words, confirmed American willingness to impose stronger measures if Soviet policies continued in the same vein, and "had little to do with Afghanistan per se."

But the clarity of the signal was important. President Carter had indeed admitted that he did not expect the sanctions to cause a Soviet withdrawal from Afghanistan.⁷¹ If the purpose of the sanctions was to send "a message in an unambiguous way," and to signal American concern about future Soviet action, as has been asserted, then the question arises as to what nature of signal the sanctions did convey.

As far as the Soviet Union was concerned, since change to the status quo was not sought, and the purpose of the sanctions was not to induce Soviet withdrawal even at a later date, there was a clear implication of a degree of acceptance of Soviet presence in Afghanistan as a fait accompli. In this respect, the signal confused rather than clarified American intent.

The third function of diplomacy is the gathering of intelligence. Although sanctions are, by their very nature, overt actions and, therefore, antithetical to this function, intelligence gathering is not only about collecting information about another actor, but also about imparting selected information:

"... just as Byzantine practice...was to impress them [foreign envoys] with displays of military might, great powers today seek... to impress with selected military information, for the sake of 'deterrence'."⁷²

An example of sanctions performing the function of serving as a credible deterrent was, as discussed earlier, during the Rainbow Warrior incident when France revealed the credibility of its threat of sanctions against New Zealand. France is thus in a position to use sanctions again especially in the context of nuclear testing in the Pacific or support for independence movements in French territories in the South Pacific.

Insofar as sanctions minimising the effects of friction is concerned, they can have the opposite effect, and exacerbate tension or create friction. The pipeline sanctions caused serious dissension among Western allies. In the case of the Olympic boycott, Japan, which had reluctantly joined the boycott, slipped to fifth position from being the Soviet Union's second largest trading partner, after the Federal Republic of Germany, as a consequence of boycotting the Games. Thus when the United States called for further sanctions against the Soviet Union over Poland, Japan "limited itself to largely symbolic gestures such as cancelling some trade meetings" as a means of meeting the American expectation of support.⁷³

The grain embargo also caused friction among allies. This was evident in the fact that the sanctions created disarray among Western states, and described by the Canadian Prime Minister Joe Clark as "totally chaotic."⁷⁴ On 12 January 1980, four days after Carter admitted that he did not expect the sanctions to result in withdrawal, Clark announced:

"We are expecting our actions and, particularly the actions of a number of countries acting together, may persuade the Soviet Union to withdraw from Afghanistan. This is the point of the exercise."⁷⁵

It is possible to speculate that there may have been less friction and a stronger Western support had the United States made Soviet withdrawal the manifest purpose of the sanctions. Instead, of leading Western states, only Britain supported the Olympic boycott. France announced that it would associate itself with the condemnation of the invasion but would otherwise pursue an independent policy. The European Community did not go beyond issuing a statement that in principle agricultural exports should not replace the embargoed grain. Australia, Japan and New Zealand were "restrained in their reaction."⁷⁶

The fifth function of diplomacy, that of symbolising the existence of the society of states, is performed because:

"In the developed form of the diplomatic corps that exists in every capital city they are tangible evidence of international society as a factor at work in international relations."⁷⁷

There is, however, no equivalent of the diplomatic profession or the "common outlook that binds foreign diplomatists working together" in the case of sanctions. There are no sanctions professionals with the training and expertise of diplomats (or for that matter military personnel). The only way perhaps by which sanctions may be said to perform this function is in the application of diplomatic sanctions, on the basis that unless a society of states existed, there would not be reason to impose such sanctions.

In sum, sanctions imposed as a surrogate for diplomacy have fulfilled a very limited function. They have usually been a response to domestic and international pressure, and have become a series of habitual responses to events occurring in the international environment.

As such they run the risk of being regarded as irritants or minor nuisances by the target, and thereby devalue and undervalue the potency of sanctions as an ordering mechanism in the conduct of international relations.

7.5 CONCLUSION

When sanctions are evaluated using the four criteria, it is found that although they are not dismal failures, neither are they resounding successes. One of the reasons is that sanctions have not been implemented, enforced or terminated so that they will succeed. Often they are simply a reaction to domestic political pressure and a perceived need to be seen to be doing something.

Even so, sanctions have usually succeeded in achieving latent purposes, even if they have failed to realise manifest ones. As with other policy instruments, sanctions have their weaknesses and strengths. In comparison with military action, sanctions have not been any the less successful in meeting objectives. What is perhaps evident is that too much has been expected of sanctions, especially as comparatively little is known about how they operate, especially in relation to war and diplomacy. As with any other instrument of foreign policy, sanctions can be well or poorly applied.

For example, there are strong moral and prudential arguments for states acting in concert, as collective action has greater legitimacy and, in theory, a greater chance of success. Case studies demonstrate, however, that in practice a government would normally seek to evaluate the probable effects of sanctions on its own economy more so than on the target's economy. As a result, states tend to reject those measures that would have an adverse effect on their own economy, even if they are likely to be the most effective.

There need to be overriding reasons, after all, for potential sacrifice and hardship when a state's survival is not at stake. States are seldom prepared to impose sanctions for the sake of human rights or other accepted international norms at the expense of their own economic or other interests. The end effect of such self-serving criteria is that the measures tend to be minimal, and not necessarily the ones that would have had the most effect on the target. Moreover, states have less control over the nature, extent and implementation of mandatory sanctions as compared with voluntary, unilateral sanctions.

Thus collective sanctions are not as successful as might be expected. Indeed it is hard to conceive of an instance where sanctions were applied with equal zeal by all the major trading partners of the target. The European Community reaction to American-led sanctions initiatives illustrates this point where the sanctions have "not only been reactive in the sense of constituting quite hasty responses to relatively unexpected external developments, but none of them have been genuinely collective initiatives arising out of the priorities and values of the Community as a whole."⁷⁸

In the case of Iraq, there was an extraordinary degree of international willingness and cooperation in imposing sanctions. But:

"had the invasion of Kuwait not placed Hussein in a position to control the second-largest oil reserves in the world, with his million-man army poised on the Saudi Arabia border, it is unlikely that the world have united in condemning him."⁷⁹

The functions of sanctions in the conduct of relations remains unclear. As surrogate war or surrogate diplomacy, sanctions have performed a limited function. However, at times, their qualifications to play such roles has been questionable.

In the case of surrogate diplomacy, the sanctioner has often felt that it has done its duty simply by doing something. The effect on the target, therefore, becomes secondary. Even when the sanctioner is aware that the pressure exerted on the target is inadequate, it becomes an excuse for not imposing stronger sanctions. As a consequence, such symbolic sanctions become insufficient to allow serious questioning of the target's behaviour that led to the sanctions in the first place.

An example is the sanctions imposed against China after the Tiananmen Square massacre in June 1989 by President Bush in the face of harsher sanctions called for by Congress. It was evident that:

"... sanctions would not work. Spouting anti-foreigner rhetoric last heard during the cultural revolution, a determinedly xenophobic regime is unlikely to pay much heed to official reprimands from abroad. And anyway the world's words would not be matched by its deeds, not for long anyway."⁸⁰

The sanctions were symbolic because as Henry Kissinger summarised it:

"China remains too important for America's national security to risk the relationship on the emotions of the moment... punitive sanctions will fail... because... geopolitical realities will dictate a rapprochement between the United States and China."⁸¹

It is evident that for sanctions to perform as an effective instrument in the conduct of international relations, greater thought needs to be given towards enumerating the functions that they are expected to fulfil, rather than have them, as at present, suspended in limbo between war and diplomacy.

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 76. Doxey, International Sanctions, p 77.

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PART II: SANCTIONS AND SOUTH AFRICA

CHAPTER EIGHT: THE LEGALITY OF SANCTIONS AGAINST SOUTH AFRICA

When the National Party came to power in 1948, it marked a watershed for South Africa. Until then, South Africa had been a respected member of the international community, especially under the leadership of Jan Smuts who played a leading role in the establishment of the League of Nations and the United Nations. Prior to the Second World War, the racial segregation practised in South Africa drew relatively little criticism; it was, in essence, consistent with Western colonialism in Africa and elsewhere. But in a climate which saw the dissolution of European empires, and the emergence of a new morality born out of the horrors of Nazism, South Africa's consolidation of its racial policy into the doctrine of apartheid under the Nationalist government, placed it at variance with world opinion. As a result, South Africa found itself facing increasing international hostility and ostracism centred on the policy of apartheid.

In response to apartheid, the international community, unilaterally and collectively, imposed sanctions against South Africa. This chapter considers the legality of these sanctions in the light of the Charter of the United Nations; European Community law; the principle of non-intervention; the GATT; and the national laws of the United States and Britain. A number of states which are parties to the treaties establishing the European Community and the GATT have argued that these arrangements prohibit the taking of measures against South Africa.

It should be noted that the issue of extraterritoriality, examined in chapter two, did not arise in the case of South Africa, as the United States did not exert the broad extraterritorial jurisdiction that it did in the case of the pipeline sanctions. However, when it seemed that pending sanctions legislation in the United States in 1988 would have mandated measures against American subsidiaries of British and other European oil companies in South Africa, Britain brought to the attention of the Chair of the House Interior Committee,¹ the extraterritorial aspects of the draft legislation. It warned that legislation which resulted in BP or Shell ceasing to receive equitable treatment when applying for American licences, would place the British government under strong domestic pressure to retaliate against American oil companies operating, or wishing to

operate, in Britain.² The section of the bill in question was changed accordingly, though it was subsequently not enacted.³

8.1 UNITED NATIONS

Apartheid was a violation of the provisions of the Charter of the United Nations, and various declarations adopted by the General Assembly and the Security Council. The International Court of Justice held apartheid to be a contravention of the Charter when it determined in 1971 that it was a "flagrant violation of the purposes and principles of the Charter."⁴ The Court also found that apartheid constituted a denial of fundamental human rights as enshrined in the 1948 Universal Declaration of Human Rights.⁵

Apartheid was denounced as unlawful by the 1966 International Convention on the Elimination of All Forms of Racial Discrimination, and the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. It was also seen as a denial of the right to self-determination as defined in the 1970 Declaration on Friendly Relations,⁶ as the right of a people in an independent and sovereign state to be ruled by a "government representing the whole people belonging to the territory without distinction as to race, creed or colour." The question is, were sanctions, under the provisions of the Charter, a legally appropriate means of making South Africa comply with international law?

8.1.1 Security Council

The key provision for enforcement action is Article 39. It grants the Security Council discretionary power to determine "the existence of any threat to the peace, breach of the peace, or act of aggression," with which the Security Council needs to comply, before the specific measures dealing with non-military action, detailed in Article 41, or the military measures detailed in Article 42 are imposed. Indeed at the San Francisco conference in 1945, it was made clear that the use of force should only be used if other measures failed or were seen to have no chance of success. "Peaceful settlement" of international disputes was recognised as the "first line of defence," and efforts were to be made to "make unnecessary, if possible, the use of armed force among the great family of nations."⁷

In 1960, following the shootings at Sharpeville⁸ when police opened fire on a peaceful crowd protesting against the pass laws which required Africans to carry passes at all times, the Security Council, with Britain and France abstaining, recognised, for the first time, that the situation in South Africa was "one that has led to international friction and if continued might endanger international peace and security," and called on South Africa to abandon apartheid.⁹

In 1963 and 1964, the Security Council called on states to end the supply of arms and military equipment to South Africa.¹⁰ However, as the resolutions were based on the determination that the situation only "seriously disturbed" international peace, and not threatened it, the resolutions were adopted under Chapter VI, and not Chapter VII, which meant that they were recommendatory. The Council also invited states to "exert all their influence in order to induce the South African government to comply with the provisions of the Charter."¹¹ Thereafter, the Security Council reaffirmed its call for states to impose a voluntary arms embargo.

Following the uprising in the township of Soweto in 1976, the Security Council condemned the action taken by the South African state under security laws in October 1977. In November, in the wake of mounting international pressure, the Council determined the situation to be a threat under Article 39, and acting under Chapter VII, imposed a mandatory embargo on the sale of arms and nuclear weapons technology to South Africa.¹² It was the first time that the Security Council imposed sanctions against a member, as Rhodesia had not been a member of the United Nations.

The Security Council decision was based on five factors:

- a) the South African government's resort to violence against blacks, including schoolchildren and students;
- b) its "military build up and persistent acts of aggression against neighbouring states;"
- c) its acquisition of arms which constituted "a threat to the maintenance of international peace and security;"

- d) the concern that South Africa was on "the threshold of producing nuclear weapons;" and,
- e) its "defiant continuation of the system of apartheid."

In 1985, following the declaration of a state of emergency, the Security Council urged members to impose sanctions,¹³ among them, on new investments, the sale of kruggerands, export loans, new contracts in the nuclear field, sales of computer equipment for use by the South African defence forces or police, and sports and cultural relations.¹⁴ The resolution was adopted by a vote of 13 to none, with Britain and the United States abstaining. As the resolution was not preceded by a finding under Article 39, it was not binding on states.

Neither was the resolution adopted by the Security Council in 1986.¹⁵ The Council urged members to ensure that components of embargoed items did not reach the South African military and police through third states, and to prohibit the export of dual use items,¹⁶ and spare parts. It defined the term "arms and related material" referred to in the 1977 arms embargo to include:

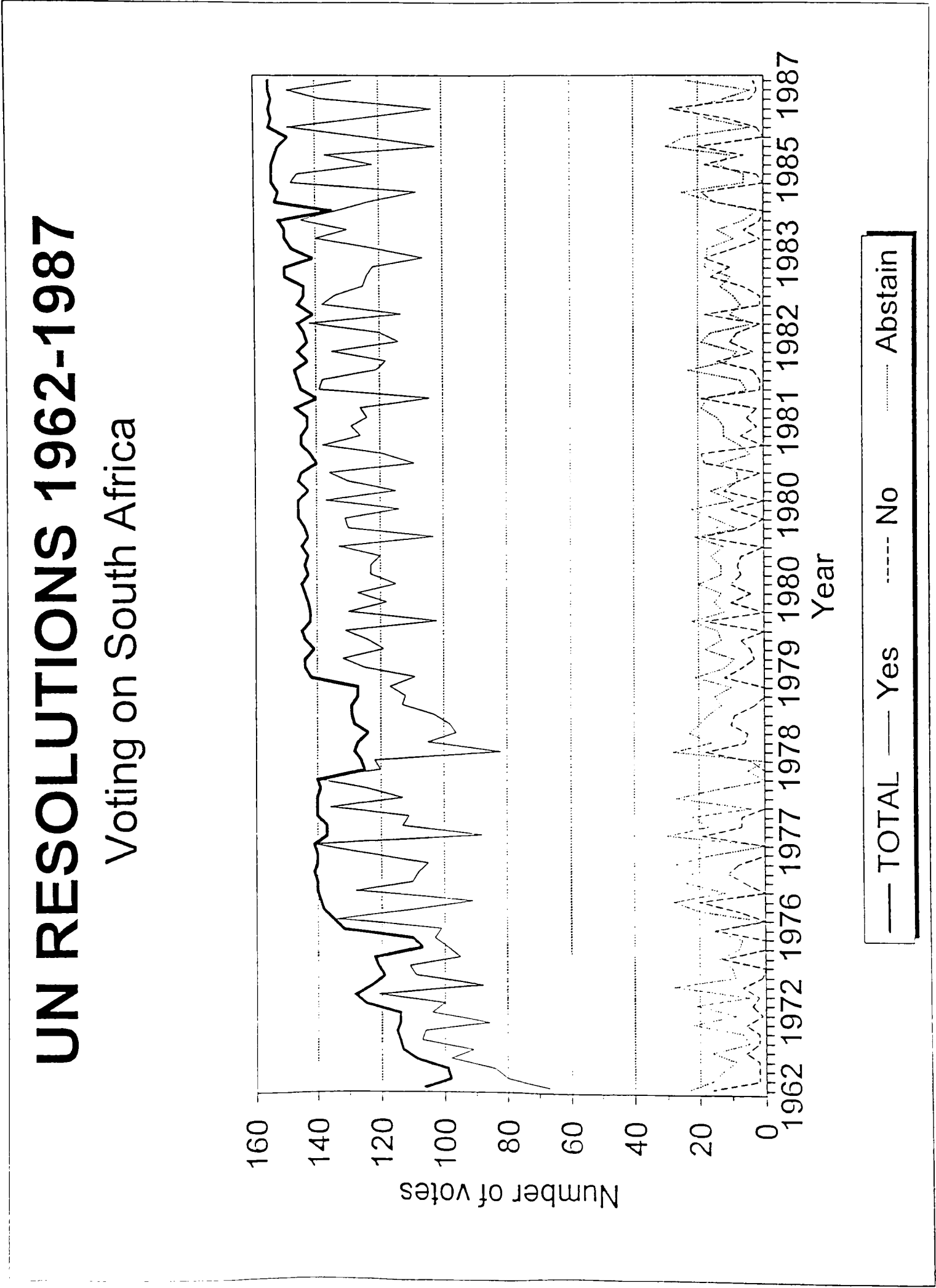
"in addition to all nuclear, strategic and conventional weapons, all military, paramilitary police vehicles and equipment, as well as weapons and ammunition, spare parts and supplies."

8.1.2 General Assembly

The General Assembly does not have the legal competence to impose sanctions; it may, however, make recommendations that are not obligatory or legally binding on members. In the 25 year period from 1962, when the General Assembly first called for sanctions against South Africa, to 1987, it adopted no less than 97 resolutions pertaining to sanctions. (The voting on these resolutions is given in Figure 8.1.¹⁷ and Appendix A gives detailed voting on sanctions resolutions.)

In 1971, for example, it requested all states to take steps to dissuade their nationals from emigrating to South Africa so long as apartheid existed.¹⁸ The following year, it requested members of international organisations and agencies, particularly the European Community, the GATT, and the IMF, to deny all assistance to South Africa.¹⁹

Figure 8.1 UN Voting Resolutions on South Africa 1962-1987



In 1976, in the aftermath of the Soweto uprising, the General Assembly called on France, Britain and the United States to "desist from using their veto power in the Security Council to protect the racist regime in South Africa."²⁰ It also adopted a "Programme of Action against Apartheid". The programme called upon states to impose comprehensive sanctions: ranging from diplomatic through military sanctions to cultural, educational and sports boycotts. In addition, trade union, churches, anti-apartheid organisations and other non-governmental organisations were encouraged to institute a range of measures such as: intensifying campaigns against banks and other transnationals "which collaborate with South Africa", and the emigration of workers there; requesting workers not to handle any arms orders to South Africa; and refraining from all contact with racially based sport teams and sports bodies.

The International Declaration against Apartheid in Sports proclaimed in 1977, set out the steps to be taken to implement a sports boycott of South Africa.²¹ By 1980, when a resolution on comprehensive sanctions was adopted by the General Assembly, the majority of resolutions on South Africa concerned sanctions. In that year, of the 17 resolutions adopted, 12 pertained to sanctions, in one way or another as, for example, calling on Israel to terminate all forms of economic, military and nuclear collaboration with South Africa.

On the basis of the recommendations of the International Conference on Sanctions held in Paris in May 1981, the Assembly reaffirmed "its conviction that comprehensive, mandatory sanctions under the Chapter VII of the Charter, universally applied, were the most appropriate and effective means of ending apartheid", and urged the Security Council to determine that the situation in South Africa and in southern Africa as a whole, constituted a grave threat to international peace.²² It proclaimed 1982 the International Year of Mobilisation of Sanctions against South Africa.

8.2 EUROPEAN COMMUNITY

The power to impose sanctions, outside of the common commercial policy of the European Community, is specified in Article 224 of the Treaty of Rome.²³ Unlike in the case of Rhodesia, when comprehensive sanctions were imposed under the terms of this Article, there were no binding decisions of the Security Council with regard to South Africa, except for the arms embargo.

There was disagreement as to whether measures affecting trade with South Africa, were "commercial policy measures" or not, since such measures are primarily matters for the Community as a whole. The Council of the European Community took the view that a commercial policy measure is any measure whose aim is to influence the extent or direction of trade. On this view, it is the purpose of the measure which is significant. The European Commission's view, on the other hand, was that:

"Article 110 indicates one general objective of commercial policy; it constitutes only a declaration of intent which cannot deprive the Community of the power to take commercial policy measures related to the defence of its interests. The commercial policy measures which employ the traditional instruments referred to in Article 113, may be based on a variety of motives or intentions of a political, monetary, social or agricultural nature."

Although both the Council and the Commission invoked the advisory opinion of the International Court of Justice, the Court did not provide a definite choice between the two views.²⁴

Article 36 provides for individual member states to place restrictions on the free movement of goods on the grounds of "public morality, public policy, or public security; the protection of commercial or industrial property." It is left to the discretion of member states, subject to the provision that "such prohibitions or restrictions shall not constitute a means of arbitrary discrimination or disguised restrictions on trade between Member States."

"Indeed, it could be argued that the true purpose of Article 36 is to provide scope to individual states to take measures which have an ulterior purpose not aimed at trading advantage. If this is correct, then the category of sanctions overlaps with that of commercial policy measures. We would argue that the measures affecting trade with the South African regime are within the overlapping category and can be justified as sanctions under Article 224, or if they are treated as commercial policy measures, under Article 36."²⁵

Thus arguments that sanctions were contrary to Community obligations were legally unfounded.

8.3 PRINCIPLE OF NON-INTERVENTION

The principle of non-intervention rests on the premise that interference by one state in another state's sphere of domestic jurisdiction is a violation of that state's sovereign authority.

When India brought up the treatment of people of Indian origin at the very first session of the General Assembly in 1946, the Indian case rested on the grounds that South Africans of Indian origin were discriminated against under legislation enacted by the South African government, and that such legislation was a violation of the Charter concerning human rights and fundamental freedoms.

India relied on the premise that compared with the League of Nations, which had been chiefly concerned with the maintenance of the status quo, human betterment was a prime consideration of the United Nations. The Indian government further contended that South Africa's refusal to settle the matter by amicable means had given rise to a situation where "friendly relations between the two states had been impaired." Accordingly, India submitted the matter for consideration by the General Assembly under Articles 10 and 14 of the Charter.

South Africa denied the Assembly's competence on the basis that the matter was essentially within its domestic jurisdiction, and that the principle of non-intervention under Article 2(7) precluded discussion. South Africa further argued that since human rights are not defined in the Charter, a member state could not be said to have undertaken legal obligations.

The South African representative, speaking on behalf of the Smuts government in 1947, stated that there were certain basic rights with which no one could disagree: the right to exist, freedom of conscience and speech, and freedom of access to courts. South Africa had not violated any of these rights.

The following year, speaking this time on behalf of the Nationalist government, the representative added that the basic human rights and freedoms that had always been

recognised in international law had not been denied any citizens of whatever race, colour or religion. The Universal Declaration of Human Rights could not serve as a basis for United Nations intervention since it was "still very much a counsel of perfection and a declaration of ideals which created no obligations."²⁶

The debate raised issues that became recurrent themes in the relations between South Africa and the international community. The arguments for intervention in the cause of justice were based on the view that human rights were not a matter exclusively within the domestic jurisdiction of South Africa since the United Nations, as the representative of international society, had the right to overrule the defence of domestic jurisdiction if standards of conduct within a state fell below standards asserted to have been agreed between member states.²⁷ The opposing view held that intervention would be contrary to the interests of international order, and that intervention by the United Nations would threaten the sovereignty of states. South Africa's proposal that the International Court of Justice be asked to rule on whether the treatment of South African Indians was essentially one of domestic jurisdiction was rejected by the General Assembly.²⁸

In 1952, several Afro-Asian states requested that the wider issue of apartheid be included on the General Assembly agenda. A memorandum submitted with this request stated that apartheid was causing an inflammatory situation which constituted a threat to international peace and security. It further asserted that apartheid was a flagrant violation of the principles of human rights, and cited several examples of racial discrimination in South Africa.

South Africa again argued that the domestic jurisdiction clause prohibited the United Nations from interference in any form, and in support stated that:

- The term "to intervene" in Article 2(7) was not to be interpreted in a narrow sense of dictatorial interference, but also such interference as the discussion of, and passing of resolutions by the Assembly on matters essentially within the domestic jurisdiction of a state.
- The pledge of international cooperation in Article 56 to promote respect for, and observance of human rights, and the social and economic objectives of Article 55, did not authorise interference by the United Nations.

- The policy of apartheid did not threaten the territorial integrity or political independence of any other state, and, therefore, did not constitute a threat to international peace and security.²⁹

South Africa was supported by Australia, Belgium, France, New Zealand and Britain.

When the Assembly appointed a commission³⁰ to study the racial situation in South Africa in the light of the Charter, including the domestic jurisdiction clause, South Africa reiterated that the Assembly did not possess the competence to deal with the matter.

The Sharpeville killings in 1960 resulted in a qualitative change at the United Nations. In 1961, the General Assembly accepted unanimously that apartheid was sui generis a violation of the Charter and the Declaration of Human Rights, and that South Africa could no longer claim protection under Article 2(7).

Once the inapplicability of the domestic jurisdiction clause to apartheid was established, the legality of sanctions imposed against a state practising it, in the light of the principle of non-intervention, was thereby resolved. Apartheid, being a flagrant violation of obligations erga omnes, was removed from internal jurisdiction and consequently the maintenance of such a system was no longer considered a sovereign right of a state by the standards of international law. Therefore, the prohibition in the 1970 Declaration of Friendly Relations³¹ that no state may use or encourage the use of economic, political or any other type of measure in order to obtain from another state the subordination of the exercise of its sovereign rights, did not apply to South Africa.

8.4 THE GATT

The issue of whether sanctions against South Africa contravened treaty obligations under the GATT has arisen on several occasions.³² Sweden, for example, faced problems regarding the legality of sanctions against South Africa in relation to the GATT. The principle of Swedish neutrality had previously ruled out participation in any trade sanctions except those called for by the Security Council.

The Swedish government took the view that the GATT, by acting as a multilaterally accepted system of rules and regulations on trade, had brought a desired degree of discipline and predictability to the conduct of international trade. The government

believed that in the absence of Security Council authorisation, the resort to Article XXI of the GATT for the imposition of sanctions, apart from those concerned with nuclear energy and munitions:

"... not only leads to a decrease in world trade, but also makes it more difficult for many countries, including Sweden, to appeal to international rules in politically difficult situations for the purpose of maintaining exports and imports at their normal level."³³

Sweden also rejected the applicability of Article XXV, which grants exemptions from obligations if a contracting party obtains a two-thirds majority vote, on the basis that no party had been granted such an exemption for the imposition of trade sanctions in pursuit of its foreign policy, and that it would not be in the interests of Sweden, a small state dependent on trade, to create a precedent.

When Sweden imposed sanctions in 1979, new investments were specifically selected on the basis that they did not interfere with existing trade agreements subject to the GATT.³⁴ When it imposed sanctions in 1985 the Swedish Foreign Minister stated that Sweden accepted that it would breach international trade law embodied in the GATT.³⁵

The Irish Anti-Apartheid Movement argued, in relation to the legality of sanctions and the GATT, that the Charter of the United Nations and rules of international law developed by the organs of the United Nations, as well as the interpretations of the International Court of Justice, constitute "a higher order of law" superior to trade treaties such as the GATT:

"These enactments, and the principles of customary international law arising from them, condemn apartheid as a gross violation of international law and justify action by States both unilaterally and in cooperation with each other and the United Nations, which will contribute to the fall of apartheid. Accordingly, individual States may introduce unilateral sanctions against apartheid if they so wish and other States are not entitled to obstruct such measures, since they are exercising the sovereign rights of States."³⁶

The Irish government conducted an inquiry in 1985 as to whether prison labour was used in the growing of fruit and vegetables in South Africa. As a result, the government announced that from January 1987, licences would not be issued for the import of South African fruit and vegetables unless the importer could demonstrate that prison labour was not being employed.

In response, the Irish Anti-Apartheid Movement argued that such an approach was limited and misconceived:

"In its attempt to make any measures that the State may take consistent with Article XX of the GATT, the Government has ignored the wider dimensions of the law... The reason for taking action against South Africa has never been that prison labour has been used in farm work or the production of wine but that the apartheid system itself demands the taking of action; farm labour is only one of the obnoxious features of the system."³⁷

Even if it were to be argued that the GATT is exhaustive on the grounds on which states may interfere with international trade, and that those grounds did not justify sanctions against South Africa, the fact remains that the GATT is a treaty and subject to the jus cogens which constitutes a higher law.

Although the legality of trade sanctions in relation to the GATT obligations has not been fully resolved, it is noteworthy that unlike Nicaragua and Argentina, but like Rhodesia, South Africa did not challenge, under the GATT, the export and import sanctions imposed against it.

8.5 NATIONAL LAW

The implementation of sanctions against South Africa under national law in a presidential system and a parliamentary one are examined in the cases of the United States and Britain, respectively.

8.5.1 United States

The first sanctions imposed by the United States against South Africa was an arms embargo in 1963. Under the United Nations Participation Act of 1945, the President is authorised to impose sanctions mandated by the Security Council, particularly with reference to Rhodesia and South Africa. When the Security Council called for an arms embargo against South Africa in 1977, the United States had already imposed the required sanctions under its arms export laws.

In 1985, an attempt by Congress to impose further sanctions was preempted by President Reagan. The sanctions imposed by President Reagan were pursuant to the IEEPA³⁸ and the declaration of a national emergency in September 1985. He ordered by regulation most of the sanctions that Congress was about to pass.

These sanctions were superseded by more comprehensive sanctions imposed by Congress in September 1986 under the Comprehensive Anti-Apartheid Act of 1986 (CAAA), which overrode a Presidential veto. The statute, which was mandatory, wrote into law most of the sanctions imposed by Reagan, as well as adding several new measures. For example, it codified the 1985 regulation against new loans to the South African government, and added a prohibition against American nationals making any new investments in South Africa, as well as forbidding American banks from holding deposits for the South African government.

8.5.2 Britain

The British government committed itself formally to four major international agreements on sanctions against South Africa. The first was the Gleneagles Agreement, adopted in June 1977, which covered sporting links with South Africa. It required that Commonwealth governments take "take every practical step to discourage contact or competition by their nations with sporting organisations, teams or sportsmen from South Africa."

Britain did not, however, restrict sportspersons from coming to Britain, or attempt to prevent British sportspersons from going to South Africa. South Africans were not required to have visas to enter Britain which meant that there were no controls over the entry of South Africa sportspersons. In 1986, the British government informed the House

of Commons: "We have no present plans to institute a visa requirement for South Africans entering the United Kingdom."³⁹

The second agreement was the Security Council mandatory arms embargo on arms exports, extended in December 1984⁴⁰ to cover arms imports, but not made mandatory. Britain did not introduce any comprehensive legislation to enforce the arms embargo. It relied primarily on the Export of Goods (Control) Order (as amended),⁴¹ which is a standard order covering the export of strategic items worldwide, to enforce the embargo, and the Statutory Instrument 277 of 1978, labelled "The South Africa (UN Arms Embargo, Prohibited Transactions) Order 1978."⁴²

The third agreement was the package of "restrictive measures" agreed on by the European Community foreign ministers meeting in Luxembourg in September 1985. There was no legislation to implement, for example, the cessation of oil exports to South Africa; there was only official guidance:

"HMG's guidance to companies extracting North Sea crude oil is that they should do so only in the markets of our partners in the European Community and the International Energy Agency, or where there is an existing pattern of trade outside these areas (in practice, Finland, and certain Caribbean destination only). Exports to all destinations outside these three groups are precluded by this policy."⁴³

The British position was that since South Africa was not included in any of the categories, there was effectively a ban on the sale and export of oil to South Africa. There were not, however, any controls to enforce the ban, and no prohibition on British companies or British nationals being involved in the shipment of oil to South Africa. Indeed, two British companies, Shell and BP, jointly own South Africa's largest oil refinery, and marketed some 40 per cent of South Africa's petroleum sales.⁴⁴

The fourth agreement was the Commonwealth Accord on Southern Africa reached at Nassau a month later, which included a "programme of common action." As a consequence, the British government issued a "Notice to Importers" on 23 May 1986, prohibiting the import of gold coins originating in South Africa, except under the authority of an individual licence issued by the Department of Trade and Industry.⁴⁵ The prohibition came into effect seven months after the adoption of the Commonwealth

Accord. This was in contrast to the United States, where the President announced his intention to impose such a ban on 9 September 1985; it came into effect on 11 October 1985.

8.6 CONCLUSION

There is no rule of international law that prohibited the application of sanctions against South Africa. As sanctioners could release themselves from any contrary legal obligations under commercial treaties with South Africa, there were no legal barriers that a state could claim as legal justification for not imposing comprehensive sanctions against South Africa.

The Swedish government's position that only a decision by the Security Council could invalidate its obligations under the GATT, for example, was criticised by the Swedish International Development Authority (SIDA). It pointed out that Sweden not only had a number of restrictions on free trade, such as on textiles and agriculture, but that a sharp rise in trade with South Africa was contradictory to Sweden's stated endeavour to end apartheid.

Therefore, the decision, whether or not to impose sanctions or broaden the scope of those already imposed, rested solely with the political and economic interests of states in relation to South Africa.

CHAPTER EIGHT: NOTES

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3. See the Dellums Bill, page ?.
4. International Court of Justice (1971) Advisory opinion on the legal consequences of states of the continued presence of South Africa in Namibia, Reports of the ICJ, vol 16, 1971, p 57.
5. For the arguments concerning the legal effect of the provisions of the Declaration, see Ferguson-Brown, K.W. (1989) "Economic sanctions against South Africa," South African Yearbook of International Law, vol 14, 1988-89.
6. The full title of which is the 1970 Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations.
7. United Nations Conference on International Organisations (UNCIO), Document 1088/111/8, 1945, New York: United Nations Headquarters.
8. Sixty nine were shot dead, the majority in the back, and 186 others were wounded.
9. S/RES/134.
10. S/RES/ 181 and 183, 1963; S/RES/191, 1964.
11. S/RES/5761, 9 June 1964.
12. S/RES/418, November 1977.
13. The term "measures and not "sanctions" have been used in United Nations resolutions.
14. S/RES/569, 26 July 1985.
15. S/RES/591, 28 November 1986.
16. Items that can be used of military or civilian purposes.
17. The voting pattern is generated from inputting the votes at the General Assembly pertaining to sanctions against South Africa.
18. GA/RES/2775F, 29 November 1971.
19. GA/RES/2923E, 15 November 1972.
20. GA/RES/31/6I, 9 November 1976.
21. GA/RES/32/105 M, 14 December 1977.
22. GA/RES/36/172 A, 17 December 1981.
23. see page ?.

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24. Advisory opinion of the International Court of Justice concerning the International Rubber Agreement, June 1979, p 2884.
 25. "The legal case for unilateral sanctions against South Africa," The Legal Group of the Irish Anti-Apartheid Movement, World Conference on Sanctions against South Africa, June 1986, p 12.
 26. cited in Carter, G.M. (1958) The Politics of Inequality: South Africa since 1948, London: Thames and Hudson, p 398.
 27. Vincent, R.J. (1974) Nonintervention and International Order, Princeton: Princeton University Press, p 261.
 28. By a vote of 31-21-2.
 29. Jones, The United Nations, p 54.
 30. Commission on the Racial Situation in the Union of South Africa.
 31. see page ?.
 32. see for example, the Irish Minister of Foreign Affairs' statement in November 1985, that unilateral trade sanctions could be in conflict with GATT obligations. In "The legal case for unilateral sanctions against South Africa," Ireland, p 3.
 33. Unofficial translation of the Swedish Government bill on Prohibition of Investments in South Africa and Other Measure against Apartheid, February 1986.
 34. see Clarke, S. (1980) Financial Aspects of Economic Sanctions on South Africa, London: Africa Bureau, p 35.
 35. Financial Times, 13 March 1987.
 36. "The legal case for unilateral sanctions," Ireland, p 3.
 37. "The legal case for unilateral sanctions," Ireland, p 3.
 38. see page ?.
 39. Hansard, 16 July 1986, col 519/520. This was in contrast to a number of European Community states such as France and the Netherlands which had terminated the no-visa agreement in order to enforce the sporting boycott, and other states which automatically refused visas to South Africans wanting to compete in sporting events.
 40. S/RES/558, December 1984.
 41. The Export of Control Order of 1970 was replaced by a new Order in 1970, 1981 and 1985.
 42. For details on the items covered by the Orders and the implications thereof, see Landgren, S. (1989) Embargo Disimplemented: South Africa's Military Industry, SIPRI: Oxford University Press, pp 194-209.
 43. Hansard, 9 July 1987, col 192.

44. Anti-Apartheid Movement (1986) "A tiny little bit: An assessment of Britain's record of action against South Africa," AAM, 30 July 1986.
45. Notice to Importers no 2086.

CHAPTER NINE: THE SANCTIONERS AND SOUTH AFRICA

The early years of Nationalist rule in South Africa saw the consolidation of apartheid. The enactment of the Mixed Marriages Act of 1948, the Immorality Act of 1950,¹ the Population Registration Act of 1950,² and the Group Areas Act of 1950,³ firmly entrenched apartheid.

In 1959, the African National Congress (ANC), which since its founding in 1912 had been the main vehicle for the articulation of black opposition to racial segregation, appealed for an international boycott of South African goods. This set in motion the campaign for sanctions against South Africa.

The response of the international community both collectively and unilaterally is considered in this chapter. It examines the sanctioners that have imposed sanctions collectively: global organisations such as the United Nations and the Commonwealth, regional organisations such as the European Community, the Nordic Council, and the Southern African Development Coordination Committee (SADCC), and the willingness or otherwise of individual states acting within the organisational framework to act as sanctioners. In addition, unilateral sanctioners, including non-state actors, which have acted outside the collective framework are examined, with particular attention given to the major powers, taking into cognizance Hufbauer and Schott's finding that large powers are the ones that mainly impose sanctions.⁴

It is argued that neither a collective nor a unilateral basis were Western powers willing to impose sanctions against South Africa. Instead, there was considerable resistance from Western powers to act as sanctioners. One reason was that South Africa based its post-war foreign policy on the consolidation and extension of existing links with Western powers. It cultivated and projected an image of political stability, economic prosperity, and a crusading commitment to anti-communism.

"Western powers... are essentially supporters of the status quo with little inducement to change their position on South Africa's domestic situation unless and until they are compelled to do so because of some fundamental change in the Southern African system which threatens profoundly their economic interests in the region and their aspiration to avoid having to

make hard choices about their commitments to the Republic in advance of any major social upheaval."⁵

South Africa was hence regarded as part of the Western "club". This created a divide between Afro-Asian and Caribbean states on the one side, with Eastern bloc support, and Western states on the other; in essence, it was a North-South divide. Consequently, even non-economic sanctions that were called for and imposed by non-Western states, were resisted by the majority of Western powers.

9.1 COLLECTIVE SANCTIONERS

Collective action were imposed by members of international organisations because they were either under a legal obligation to do so, or it was in their interests to act collectively. Indeed, the willingness to act as sanctioners against South Africa was an international trend which gradually gained momentum, with very few reversals.

Until 1960, South Africa received "kid glove" treatment from the international community. At the General Assembly, South Africa was "urged," "invited" and "requested" to observe its obligations under the Charter. Several states supported South Africa's retreat behind the domestic jurisdiction clause.

From 1960 onwards, there was a marked shift in international attitudes towards South Africa. Two distinct and unrelated events contributed to this change: the shootings in Sharpeville, and decolonisation in Africa which saw emerging African nations taking a proactive stance against South Africa. The merging of the effects of the two events shaped international opinion on South Africa, and the action taken to change the situation there.

9.1.1 UNITED NATIONS

South Africa was a focal point of debates and resolutions ever since the inception of the United Nations in 1946. The Security Council and the General Assembly, however, were divided on what measures should be taken against South Africa.

9.1.1.1 Security Council

In 1963, the Security Council imposed a voluntary arms embargo when it called on states to end the supply of arms and military equipment to South Africa.⁶ It was a compromise resolution to forestall a proposal for more comprehensive sanctions. Britain and France qualified their position by distinguishing between items used for internal suppression and those items used for external defence, and stating that they would continue to supply the latter.⁷ In 1964, a Group of Experts established by the Council to examine the feasibility of sanctions found that South Africa's major trading partners were opposed to any form of economic sanctions.

No further action was taken by the Security Council until 1977 when the South African government responded to internal agitation for change by increasing repression with more arrests, trials and deaths in detention, including that of Steve Biko, the Black Consciousness Movement leader in September 1977. In the face of mounting pressure for action, the Security Council imposed the mandatory arms embargo under Chapter VII in 1977.⁸ By determining that the situation to be a threat to international peace under Article 39, the Council allowed room for further collective action. No further mandatory sanctions, however, were imposed. In the United States, the Reagan administration, and in Britain, the Thatcher government, used their vetoes to ensure that only recommendatory resolutions were adopted by the Security Council.

In 1984, the Security Council adopted a non-binding resolution requesting states not to import arms and military vehicles from South Africa. It was again a compromise resolution agreed to by the Western states as an alternative to mandatory sanctions. When a state of emergency was declared in South Africa in July 1985, several African states submitted a resolution calling for mandatory sanctions, but it was vetoed by the United States and Britain. They did not, however, veto a French resolution calling for the voluntary selective sanctions, *inter alia*, on new investments, the sale of krugerrands, sports and cultural relations, and the sale of computer equipment for use by the South African army or police.⁹

9.1.1.2 General Assembly

The first time that the General Assembly called for sanctions against South Africa was in 1962. The Assembly requested members "separately or collectively, in conformity with the Charter", to break diplomatic relations with South Africa; close ports to South African vessels; impose an arms embargo, and sanctions on South African exports and

imports; and refuse landing and overflying rights to South African aircraft. The resolution argued that if South Africa could not be persuaded by reason and good will to abandon apartheid, then persuasion had to be replaced with coercion. Western states either abstained or voted against the resolution.¹⁰

By the end of 1963, 46 states had informed the Secretary General of the United Nations that they had imposed comprehensive sanctions against South Africa, and another 26 states signalled their intention to do so, or said that they did not have any links with South Africa.¹¹ From then on, the General Assembly passed a series of resolutions calling for the imposition of sanctions. In November 1973, the Assembly adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid which declared apartheid a "crime against humanity" and assigned "international criminal responsibility" to individuals, organisations and states responsible for the continuation of apartheid.¹²

When in 1974, the Assembly voted to suspend South Africa from participation in all international organisations and conferences under the auspices of the United Nations, it noted that Britain, France and the United States by using their veto, prevented the Security Council from taking effective action against South Africa.¹³ Blocked by the Security Council vetoes and powerless to impose binding sanctions, the Assembly assumed it had a responsibility to resolve the South African situation in the light of the principles of the Charter. In 1975, the Assembly formally proclaimed: "special responsibility towards the oppressed peoples and the liberation movements of South Africa."¹⁴ It executed this assumed responsibility in four main ways.

First, it ensured South Africa was kept on the international agenda. This was an important factor during times of internal quiescence in South Africa, and when there was censorship of foreign news coverage of events in the country.¹⁵ Second, the Assembly put pressure on South Africa's allies, particularly in those in the Security Council. The Special Committee against Apartheid, which organised the "World Conference on Sanctions against Racist South Africa" in June 1986, for example, noted in its commission report that pressure should not be on South Africa alone:

"The persistent use of the veto by the United Kingdom and the United States has prevented the adoption of mandatory sanctions... The campaign for mandatory sanctions must be aimed at exposing the role of the United

States and the United Kingdom, as well as other major opponents of sanctions such as the Federal Republic of Germany in protecting apartheid in South Africa."¹⁶

Third, the Assembly made repeated calls on member states to impose comprehensive sanctions and selective sanctions on oil, arms and technology. These calls had a cumulative effect. The Assembly's request to member states, beginning in 1968, to suspend sporting and other exchanges with South Africa, for instance, culminated in the adoption of the International Declaration against Apartheid in Sports in 1977.¹⁷

The repetition of resolutions on sanctions by the General Assembly, served an important function which went beyond mere rhetoric. The verbal reiteration was not meant to impart new information, but to reinforce a previously learned response:

"Diplomatic reiteration can be compared with learning by rote in the classroom... frequent revision keeps the lesson in mind.. not only to condition the response, but also to demonstrate that the actor concerned is still interested in maintaining the rule."¹⁸

Thus, even though the imposition of sanctions is a prerogative of the Security Council, the General Assembly's persistent adoption of sanctions resolutions over a long period of time gave those resolutions acceptance if not legitimacy. Its numerous resolutions on sanctions gave indicators to individual members, and set guidelines on the agenda for change in South Africa.

Fourth, the Assembly invited the ANC and the PAC to participate in the debates on apartheid in plenary sessions beginning in 1976. In so doing, it gave legitimacy to the armed struggle on the grounds that efforts to resolve apartheid through sanctions had been repeatedly vetoed by the Security Council.

There was a discernible trend in the changing character of General Assembly resolutions in relation to sanctions and the armed struggle. In the 1960s, sanctions resolutions were not specific, and called for general sanctions. By the mid 1970s, the resolutions focused on specific sanctions: sports, arms, nuclear technology, oil and investments.

The Assembly's response to the armed struggle evolved over three distinct stages. In the 1960s, the Assembly expressed support for those opposing apartheid and recognised the legitimacy of their struggle on the grounds of human rights and fundamental freedoms.¹⁹ In 1969, the recognition was extended on the basis of the inalienable right of self-determination, and majority rule based on universal suffrage.²⁰ Finally in 1970, the General Assembly recognised the legitimacy of those struggling against apartheid to do so "by all means at their disposal" and "by all means available".²¹

This was a clear indication of the Assembly's willingness to support military action against South Africa. During discussions at the Special Political Committee, a number of states²² pledged military assistance, in addition to moral and material assistance. Cuba and Sudan argued that an armed struggle was the only solution to apartheid. Denmark, Norway and Japan, amongst others, argued that the United Nations' primary task was that of peacekeeping, and hence it could not be a party to violence.²³ In 1977, the Assembly explicitly endorsed the "armed struggle",²⁴ with the Nordic states stating that they could not condone such expressions of explicit support for the use of armed force.²⁵ The General Assembly's stance was paradoxical. While on the one hand it took an increasingly stronger view on the legitimacy of the armed struggle, on the other it continued to speak of the need for a peaceful solution.

In 1965 and 1967, the Assembly drew the attention of the Security Council to the need for action under Chapter VII as being essential, and mandatory sanctions as being the only means of achieving a peaceful solution. This position was later revised²⁶ to state that sanctions constituted "one of the essential means of achieving a peaceful solution of the grave situation in South Africa." In 1973, the Assembly set the additional condition that:

"The release of leaders of the oppressed people of South Africa and other opponents of apartheid from imprisonment and other restrictions is essential for a peaceful solution of the grave situation in South Africa."²⁷

The conclusion which may be drawn from the General Assembly's attitude to sanctions in relation to the armed struggle is that sanctions were initially seen as a substitute for force, but came later to being accepted as an adjunct to military action.

9.1.2 THE COMMONWEALTH

In the early post-war years, the majority of Commonwealth members subscribed to the notion that apartheid was a matter of domestic jurisdiction. This consensus became increasingly difficult to sustain as newly independent states joined the Commonwealth as fully fledged members.

South Africa applied to remain in the Commonwealth as a republic after 31 May 1961, when "the most cherished ideal of Afrikaner nationalists - the establishment of a republic became a reality."²⁸ The Commonwealth Conference discussed South Africa's application for two days during which time many members made it clear that they would withdraw from the Commonwealth if South Africa was allowed to remain. Before any compromise could be reached, South Africa suddenly withdrew its application, thus avoiding expulsion which, in all likelihood, would have been the end result.

Although the main focus of the Commonwealth was on Rhodesia until the achievement of majority rule, it did not preclude specific action being taken against South Africa. The 1971 Heads of Government meeting, for example, broadened its discussion of an arms embargo against South Africa to adopt the Declaration of Commonwealth Principles, setting out the Commonwealth's stand on human rights subscribed to by all the members.

In 1977, the Commonwealth adopted what became commonly known as the Gleneagles Agreement to:

"... vigorously combat the evil of apartheid by withholding any form of support for, and by taking every practical step to discourage contact or competition by their nationals with sporting organisations, teams or sportsmen from South Africa or from any other country where sports are organised on the basis of race, colour or ethnic origin."

It was not a formal agreement, but it obliged Commonwealth governments to discourage their sportspeople from undertaking sports contacts with South Africa. It was left to the discretion of individual governments to fulfil their obligations in accordance with their laws.

At the 1983 conference, when Rhodesia (by then Zimbabwe) was, for the first time in two decades, not on the agenda, South Africa became the main focus of the Commonwealth. The conference issued a call for: "a stricter enforcement of the mandatory arms embargo so as to ensure that there are not loopholes in the implementation of the Security Council resolution 418 of 1977." When the Commonwealth Heads met in Nassau in October 1985, members were set to impose sanctions with Britain as the sole dissenter, Mrs Thatcher having categorically rejected sanctions before the opening of the summit.²⁹ The Commonwealth's tradition of agreement by consensus, however, prevailed and a compromise, the Commonwealth Accord on Southern Africa, was reached. The Commonwealth embarked on a twin track strategy of persuasion on the one hand, and coercion on the other. A team of mediators known as the Eminent Persons' Group (EPG) was created with a brief to promote a process of "political dialogue" involving "the true representatives of the majority black population of South Africa."

To this end, the South African government was presented with a specific set of demands: an undertaking to dismantle apartheid; the termination of the state of emergency; the unconditional release of political prisoners; and the unbanning of the ANC and other political parties. At the same time, the Commonwealth imposed a set of selective sanctions that were compatible with, and closely paralleled those imposed by the European Community a month earlier. The Commonwealth warned that further sanctions would be imposed³⁰ if after six months adequate progress had not been made towards meeting the demands.

Although the EPG's report³¹ did not explicitly recommend that sanctions be imposed, there was a clear implication that South Africa would not otherwise be interested in a genuine effort to end apartheid:

"While we are not determining the nature or extent of any measures which might be adopted, or their effectiveness... We are convinced that the South African government is concerned about the adoption of effective economic measures against it. If it comes to the conclusion that it would always remain protected from such measures, the process of change in South Africa is unlikely to increase in momentum."³²

The 1986 Commonwealth Games saw the withdrawal of 31 teams from an original entry of 58 as a result of a move initiated by Nigeria to protest against the British government's stand on sanctions.

In August 1986, with the exception of Britain, the rest of the Commonwealth agreed to impose the sanctions agreed to at Nassau, with additional sanctions such as a prohibition on all new bank loans to South Africa, the import of uranium, coal, iron and steel, and withdrawal of all consular facilities in South Africa.³³ Without Britain's participation, however, the sanctions were not expected to have the same impact, as the other states did not have the same political and economic leverage. The Commonwealth leaders' meeting in August 1986, therefore, appealed for a concerted and coordinated programme of international sanctions, particularly from the European Community, the United States and Japan.

The Heads of Government meeting held in Vancouver in 1987, established a Committee of Foreign Ministers on Southern Africa.³⁴ Among its objectives were that: a) the "wider, tighter and more intensified application of economic and other sanctions remain an essential part of the international community's response to apartheid"; b) Commonwealth leaders continue their efforts to "secure a more concerted application of a global sanctions programme; and c) the leaders "evaluate on a continuous basis the application of sanctions in order to assess their impact."³⁵ Britain did not agree to the establishment of the Committee or its objectives.

9.1.3 ORGANISATION OF AFRICAN UNITY (OAU)

The greatest demand for sanctions emanated from newly independent African states. In 1948, when the Nationalists came to power in South Africa, there had been only three other independent states on the continent apart from South Africa; by 1966, decolonisation reached South Africa's borders when Botswana and Lesotho gained independence. The process saw the growth of African national consciousness and the Summit Conference of Independent African States which gave birth to the OAU³⁶ agreed unanimously in May 1963 "to coordinate concerted measures of sanctions against the Government of South Africa.

The OAU adopted a two-pronged tactic against South Africa. On the one hand, it pressured organisations which did not have provisions for sanctions, to expel South

Africa from its membership. Such organisations included nearly all specialised agencies and some United Nations organs. On the other hand, the OAU decided to use the United Nations, and in particular the Security Council, to impose Charter-based sanctions under Chapter VII. The foreign ministers of Liberia, Tunisia, Malagasy Republic and Sierra Leone were designated to put the case before the Security Council.³⁷ The delegate from Liberia in the report to the OAU stated:

"Right from the beginning, the Western Press did everything either to cause disunity among the African countries or to minimise the importance of what we were charged by the African Heads of State to bring to the Security Council... The Americans and Britons have openly told us... that they will not change their position and that their economic links with South Africa are much more important to them than our condemnation of apartheid."³⁸

Nevertheless the OAU initiated its own centralised campaign for sanctions, and a bureau of sanctions was established in 1964 to supervise the implementation of the OAU resolutions calling on member states to apply sanctions against South Africa.³⁹ Several members objected because it duplicated United Nations efforts, and also because several OAU members continued to have relations with South Africa, and could not see their termination in the foreseeable future. Moreover, there was divisiveness between Francophone states and Anglophone states.⁴⁰

Enforcement became difficult, particularly as South Africa made a concerted effort to increase relations with African states.⁴¹ In 1971, the Ivory Coast announced that apartheid was a matter of domestic jurisdiction, and Madagascar signed a trade agreement with South Africa which included a loan of US\$5m from South Africa.⁴² The cultivation of ties with various African states did not, however, convert the majority of OAU members to endorse dialogue with the South African government.

The strongest measures against South Africa came from Nigeria which, as a large importer of industrial goods and the nearest big oil producer to South Africa, was one of the few OAU members with direct leverage. Nigeria was thus not only able but, more importantly, was willing to impose sanctions against South Africa. The Nigerian Minister of External Affairs addressing the World Conference on Sanctions against South Africa in June 1986 pointed out that Nigeria had not asked other states to do what itself

had not done. He stated that between 1970 and 1983, South Africa imported US\$50bn worth of oil. Given its proximity, Nigeria could have supplied most of this oil. However, by imposing sanctions, Nigeria suffered a potential loss in earnings of about US\$45bn.⁴³

9.1.4 EUROPEAN COMMUNITY

The European Community's relationship with South Africa came into existence only with Britain's accession in 1973. At the time, South Africa continued to enjoy Commonwealth preferential tariffs even though it had withdrawn from the Commonwealth, through an agreement reached in private and never subjected to public scrutiny.⁴⁴

When Britain entered the Community, South Africa planned to establish a large mission in Brussels with the express purpose of negotiating directly with the Community either by way of a formal Agreement of Association, or at the very least through a commercial agreement. The Community had, however, already established multilateral links with Afro-Caribbean and Asian states through the Lome Convention. In view of this, any links with South Africa were perceived as politically inexpedient and unwise. Nonetheless links with South Africa were established:

"The quiet understanding that South Africa would continue to get favoured treatment... was clearly another one of those deals fixed up with the EEC during negotiations on membership by the British delegation (led by Christopher Soames), and never subjected to public debate."⁴⁵

Additionally, South African goods found their way into the Community under the favourable tariff and other preferences granted to the other members of the South African Customs Union - Botswana, Lesotho and Swaziland. In 1976, the Community issued its first statement on South Africa, when the Dutch President of the Council of Ministers stated at the United Nations:

"False solutions to the problems of apartheid such as the establishment of homelands... promote rather than diminish racial discrimination... Apartheid has no future and constitutes an unsupportable violation of human dignity."⁴⁶

The European Community's policy on South Africa developed alongside European Political Cooperation. Although a collective position was established on the abolition of apartheid as part of the political cooperation mechanism, its limitations reflected the weakness of EPC. Following the Soweto riots in 1976, the Community faced mounting pressure from Lome states. Accordingly, the "Code of Conduct for European Enterprises with Subsidiaries in South Africa," was adopted on 20 September 1977. The main recommendations of the Code were that European companies should:

- recognise and negotiate with black trade unions;
- seek to alleviate the effects of the migrant labour system by providing better housing and welfare facilities;
- have a minimum wage substantially higher than subsistence needs;
- adopt the principle of equal pay for equal work with equal access;
- provide fringe benefits to cover areas such as health, house, transport, education, insurance and pension; and
- abolish segregation in the workplace.

The Code urged European companies in South Africa "to make every effort to promote the adoption of the policies and practices" recommended in it. The interpretation, application and monitoring was left to individual states. The Code characterised flexibility and independence, and not uniformity or collective action.

From the beginning the diversity of national interests precluded uniformity of interpretation or application. Britain and West Germany had substantial investments in South Africa whereas Ireland and Luxembourg did not have any companies with South African subsidiaries. The Code effectively became a symbolic gesture that "appeased the Community's liberal conscience and acted to disarm the more demonstrative critics."⁴⁷ It protected Community investments, improved labour relations, and justified continued Community links with South Africa without jeopardising those links, while at the same placating those who wanted more aggressive action taken against South Africa.⁴⁸

Until 1985, the Code was the Community's foreign policy instrument for achieving change in South Africa, and acted as the only possible mechanism for producing joint Community policy, even though that policy had no collective basis in practice. The lack of a coherent Community policy was illustrated in the reception accorded Prime Minister Botha when he visited Europe in 1984. He was given a warm official welcome by Britain, a cool unofficial one by West Germany, and an official refusal by France.

The second Community initiative on South Africa was precipitated by the declaration of a state of emergency in July 1985. Community foreign ministers meeting in August 1985, agreed to impose diplomatic sanctions by recalling their ambassadors in Pretoria for consultation. They also sent a delegation of three foreign ministers to South Africa, and gave South Africa six weeks to lift the state of emergency and open negotiations with black leaders. Then in September, in response to the escalating violence in South Africa, and a European Parliament resolution of 18 April requesting that a consistent policy of measures be agreed upon in accordance with United Nations resolutions, the Community foreign ministers agreed on what were termed "restrictive measures".

These measures included sanctions on the export and import of arms and paramilitary equipment, the recall of military attaches and the refusal to grant accreditation to military attaches from South Africa, and a prohibition on new collaboration in the nuclear sector. Economic sanctions were imposed on oil exports to South Africa, and on exports of "sensitive" equipment destined for the police and the armed forces. In the cultural and technology areas, member states were requested to discourage cultural and scientific events except where they contributed to the ending of apartheid, and to freeze official contacts and agreements in the sports and security spheres.⁴⁹ South Africa was threatened with further sanctions "in the absence of significant progress within a reasonable period of time."

At the European Community summit at the Hague on 27 June 1986, a strong call for further sanctions was made by several states, particularly Denmark and Ireland, but was resisted successfully by Britain with the support of West Germany and Portugal. Instead of imposing sanctions, the summit called for the release of all political prisoners, the unbanning of the ANC, and the opening of dialogue with the black opposition. It also authorised the British Foreign Secretary, Geoffrey Howe, in his capacity as President of the European Council of Ministers, to undertake a mission to South Africa to urge the

government to acquiesce to the Community's demands, rescind the state of emergency, and release those detained under it.

From the outset, Sir Geoffrey's mission to seek a diplomatic solution to apartheid through establishing a framework for dialogue was an unrealistic task. There was no reason to suppose that the Community initiative would succeed where the Commonwealth one had failed. The South African government was fully aware that Britain, supported by West Germany, had not only unequivocally rejected sanctions, but had pointed out that the Community demands were not accompanied by the threat of sanctions in the event of non-compliance. There was little reason, therefore, for the South African government to concede to any of the Community's demands.

The Community had considerable leverage at its disposal to impose comprehensive sanctions as a means of compelling change in South Africa. The Community accounted for a substantial proportion of South Africa's trade in virtually all the important commodity groups. It imported half of South Africa's minerals and two-thirds of its textiles, and supplied more than half of South Africa's needs in chemicals, plastics, machinery and transports equipment. Fruit and vegetables imported by the Community in 1985 accounted for two-thirds of South Africa's exports, yet South Africa accounted for only one to two per cent of total agricultural imports by member states from outside the Community. Officials in Brussels expressed confidence that South African imports could be easily replaced from other sources, particularly from within the Community where Spanish products could be held in cold storage.⁵⁰ Community agricultural trade, in other words, was more important to South Africa than it was to the European Community.

Yet, the Community remained divided. Those member states with the largest stake in South Africa - Britain, West Germany and Portugal - remained the least supportive, with Portugal influenced not so much by any direct economic stake, but by the Portuguese from Angola and Mozambique who settled in Portugal and South Africa after 1975. The British representative speaking on behalf of the Community at the United Nations, encapsulated the reasons for opposing sanctions:

"We cannot support calls for the total isolation of South Africa since this would not in our view further the goal we all share - the abolition of apartheid. Channels of communication with South Africa must remain

open in order to enable the outside world to maintain and increase its pressure on the South African Government, for the establishment of a free and democratic society without racial oppression."⁵¹

In sum, the compromise, minimalist package of European Community sanctions which were so designed, fell short of the comprehensive sanctions that some members states wanted, and had been hoped for by Afro-Asian states. In a strong indictment of European Community sanctions, a report by the Committee on External Economic Relations of the European Parliament concluded:

"Closer scrutiny of the sanctions announced by the Foreign Ministers of the Twelve.. reveals the symbolic nature of the measures, which are designed to placate a broad body of public opinion without actually satisfying its demands. The number of gaps and loopholes gives rise to the suspicion that either effective sanctions were never the intention or the Foreign Ministers could not agree on them. The former would undermine the Community's credibility in foreign policy and the latter would make the Community appear incapable of taking action at that level."⁵²

Nevertheless, the European Community did maintain a collective position, although in so doing, it held in check calls for comprehensive sanctions. As a result, the European Community remained South Africa's most important trading partner. In 1989, some 63 per cent of South Africa's goods went to the Community, and 44 per cent of imports came from there.⁵³ However, sanctions that were imposed signalled a move away from a strategy of accommodation towards South Africa.

9.1.5 NORDIC COUNCIL

In 1978 the Nordic Council⁵⁴ took the decision to co-ordinate policy on South Africa, and in 1985 adopted a Joint Programme of Action against South Africa. The programme was a set of strategic guidelines for general policy co-ordination, as individual members had implemented measures that went beyond the level of common agreement. This was in sharp contrast to the European Community where the agreed level of sanctions was considered as the upper limit by some members.

In June 1986, Denmark, a member of both the European Community and the Nordic Council, became the first West European country to impose comprehensive sanctions.⁵⁵ Previously in June 1985, Denmark with Norway and Sweden ended the Scandinavian Airlines System (SAS) route between Copenhagen and Johannesburg. The foreign ministers of the Nordic Council meeting in August 1986 could not, however, agree to follow Denmark's lead and impose comprehensive pan-Nordic sanctions. The main resistance to a Nordic trade ban came from Sweden which stood to lose more than other members because of its extensive trade links with South Africa.⁵⁶ It was decided instead to intensify efforts to persuade the Security Council to impose mandatory trade sanctions against South Africa.

9.1.6 SOUTHERN AFRICAN DEVELOPMENT COORDINATION CONFERENCE (SADCC)

SADCC was formed in 1980 by the nine states which neighbour South Africa: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zimbabwe and Zambia. The Lusaka Declaration issued at its founding meeting stated that the purpose of SADCC was:

"to liberate our economies from their dependence on the Republic of South Africa, to overcome the imposed economic fragmentation and coordinate our efforts toward regional and national economic development."

In 1985, seven per cent of the total exports of SADCC went to South Africa against 30 per cent of total imports which originated there.⁵⁷ Services formed an important component of SADCC imports from South Africa; mining companies in particular relied on expatriate personnel, and transnational corporations located their regional and high level staff in Johannesburg. With the exception of Tanzania, which severed all links with South Africa, and Angola which did not have any trading links, other SADCC states with trading links had significant deficits, with import dependence varying from 12 per cent in the case of Mozambique to 95 per cent in the case of Lesotho.⁵⁸ Botswana, Lesotho and Swaziland (BLS) were further integrated into the South African economy through the membership of the South African Customs Union. Moreover, the incorporation of Lesotho and Swaziland into the Rand Monetary Area tied their currencies on a unitary basis to the rand.

Apart from Angola which is the only SADCC state to produce oil, all the others depended on oil imports, most of which came through South Africa. Migrant labour was another area which reinforced SADCC's dependence on South Africa, providing employment for an estimated 350,000 legal migrant workers, and up to one million illegal workers from the region.⁵⁹ Remittances from migrant workers contributed in 1986 an estimated half of Lesotho's GNP, six per cent of Swaziland's, three per cent of Mozambique's, two per cent of Malawi's, and one per cent of Botswana's GNP.⁶⁰ SADCC's most pronounced area of dependence on South Africa was the region's transport network. South Africa used destabilisation to affect and even paralyse the surface transport system feeding SADCC ports, and instead forced traffic to use South African routes.

In spite of SADCC's dependence, it repeatedly called for sanctions against South Africa, and member states supported the imposition of sanctions to varying degrees. Although there was less enthusiasm for sanctions from Lesotho, Malawi and Swaziland, the three countries approved the call for sanctions from SADCC from 1986 onwards. Lesotho endorsed sanctions which was "an act of great courage on King Moshoeshoe's part given his country's geographic, economic and strategic context."⁶¹ Malawi, which had previously opposed sanctions, "preserved a total public silence on its own including not dissociating itself from SADCC's pro-sanctions statements."⁶² Although Swaziland publicly opposed sanctions in 1984-5, it was "apparently at the initiative of a clique led by Prince Mfansabili which the renewed assertion of kingly and traditional power has now swept aside."⁶³

SADCC members reasoned that sanctions should have first been imposed by South Africa's Western trading partners before SADCC members were asked to impose them, with BLS states possibly being exempted. Mozambican President Chissano when Foreign Minister summed up the argument thus:

"We in the Frontline states should not apply sanctions when they won't be effective. We would like to see those sanctions applied by those who can make them effective. The countries which have economic power in South Africa must take the lead."⁶⁴

The argument rested on three points. First that economic constraints prevented neighbouring states from implementing sanctions to the degree that they would wish. The

historically inherited links in the region being such, SADCC states could not afford an abrupt break without the support of powerful states. Second, Japan, the United States, Britain and other West European states should organise and apply sanctions since these would be more effective and less costly than those applied by neighbouring states. Third, Western states should consider the impact of sanctions on themselves and South Africa, and not use the excuse of effects on neighbouring states as a reason for not imposing sanctions.

9.2 UNILATERAL SANCTIONERS

In addition to imposing sanctions within a collective framework, most states also imposed sanctions against South Africa outside of the collective framework. Although the Security Council imposed only one mandatory embargo, permanent members of the Council- the United States, Britain, Soviet Union, France and China - all imposed unilateral sanctions. The willingness of the permanent members of the Security Council, particularly the Western powers, to act as sanctioners was influenced by the response of West Germany and Japan which had vital economic and other links with South Africa.

9.2.1 United States

In the first 25 years of the post-war period, the United States followed a policy of minimal engagement with South Africa. The Kennedy administration supported the Security Council voluntary arms embargo, but under President Nixon, the arms embargo was eased: between 1968 and 1972, the United States sold 1376 aircraft of various types to South Africa, including 10 giant C-130 troop carriers.⁶⁵ The policy reversal was explained thus:

"The United States believes that the outside world can and should use its contacts with southern Africa to promote and seek change. We do not therefore believe that the isolation of the white regimes serves African interests or our own, or that of ultimate justice."⁶⁶

Until the fall of the Portuguese government in 1975 which heralded the demise of Portuguese colonialism, American interest in southern Africa remained peripheral since Soviet presence in the area was minimal. Each presidential administration maintained

good relations with the minority controlled regimes in southern Africa, while at the same time expressing American abhorrence of apartheid and colonialism.⁶⁷

The victory of the MPLA in the Angolan civil war, albeit tenuous, dramatically altered the situation. For the first time, there was a sizeable Soviet and Cuban presence in the southern African region, upsetting the balance that had been previously maintained because of the stability afforded by the minority governments in Angola, Mozambique, Rhodesia and South Africa.

The United States was faced with a dilemma. On the one hand, its global strategy rested on the containment of the Soviet Union, and the only way by which this could be achieved in southern Africa was to rely on the minority regimes that were avowedly anti-communist. On the other hand, change in the region seemed not only inevitable, but the status quo was unacceptable to international opinion, especially in Africa and Asia. To ensure that the Soviet Union did not gain any further footholds in the region or the support of states hostile to the minority regimes, it was imperative that change in the region had to be controlled and directed by the United States. Sanctions hence became an instrument that could be used as and when required to fulfil the objectives of containment and control.

The pursuit of these twin objective marked successive administrations. As Zbigniew Brzezinski, Carter's national security advisor, notes in his autobiography:

"... our activist policy in southern Africa could only work if on the one hand we convinced the blacks that we were serious about majority rule by pursuing that objective aggressively, even through the use of sanctions; and yet at the same time convince the whites that there was a future for them, particularly by opposing the Soviets and the Cubans and insisting that the Africans join us in that opposition."⁶⁸

Under the Carter administration, there was an increase in unilateral sanctions,⁶⁹ but not the expected support for mandatory sanctions in the Security Council. There were two reasons for this: first, the Carter administration was under criticism for not paying adequate attention to the containment of the Soviet Union, and South Africa was seen as a bulwark against Soviet expansion; second, unilateral sanctions in comparison with

mandatory collective sanctions were more flexible and easier to control, and could be used according to the administration's assessment of the situation.

When the Reagan administration took over, it adopted the policy of "constructive engagement"⁷⁰ which argued that internal change in South Africa was intrinsically linked with external security in the region. As part of the policy of constructive engagement, and as a sign of faith in the Botha government to implement reforms, the Reagan administration avoided public criticism of apartheid, and relaxed several sanctions; most notably the arms embargo. Although the United States had agreed to the 1977 Security Council embargo, it continued from the outset to permit the export of dual use items.

Under the Carter administration the value of licences for dual use items had been reduced from US\$4.6m in 1978 to US\$25,000 in 1978 to nil in 1980.⁷¹ Under the policy of constructive engagement, President Reagan broadened the category of dual use items to include trucks, computers, aircraft and chemicals prohibited for export to South Africa by previous administrations. In addition he authorised licences worth US\$28.3m in 1981.⁷²

Constructive engagement explicitly eschewed sanctions. They were rejected for two main reasons. The first was that sanctions would alienate and frighten whites into unshakeable intransigence, and second, that they would create instability over which the United States would have little or no control, thereby creating a situation that would give the Soviet Union an added opportunity of exploiting the instability to advance its own ideological and strategic objectives.

The Reagan administration was forced, however, to abandon its blanket opposition to sanctions in the face of mounting domestic pressure, particularly from anti-apartheid protest movements, and to forestall Congressional calls for sanctions. During the 1985 congressional session, Congress introduced several proposals, some 30 bills in all, for reducing ties with South Africa, in both the House and the Senate. The Anti-Apartheid Act of 1985, which was passed by the House by 295 votes to 127 in June 1985, banned nuclear collaboration and new investments, prohibited bank loans and computer sales to the South African government, and stopped the importation of kruggerands. Faced with the prospect of having to veto legislation that could have, in all likelihood, mustered the two-thirds required to override a presidential veto,⁷³ Reagan issued his own executive orders in September 1985, imposing sanctions.

The sanctions banned the export of most nuclear goods and the transfer of nuclear technology, loans to the South African government unless they were for the benefit of all racial groups, and the sale of computer hardware and software to agencies that administered or enforced apartheid. A ban on the importation of kruggerands was added on 1 October after discussion of possible legal problems with the GATT and with major trading partners.⁷⁴

The presidential sanctions were "aimed at avoiding statutory sanctions because once they had become law they would be difficult to remove. Furthermore, a congressional sanctions act would have severely limited the President's freedom of movement in formulating and implementing foreign policy generally as well as with South Africa."⁷⁵ On 19 June 1986, however, the House, in a vote by acclamation, passed a bill which imposed a total trade embargo against South Africa, and required that all American firms leave the country within 180 days. At the same time, the Senate deliberated a bill with milder provisions, and on 15 August 1986, ratified its version of the Comprehensive Anti-Apartheid bill which provided a basis for the reconciliation of the legislation of both houses on 12 September. President Reagan vetoed the bill on 26 September, but it was overridden by the Republican-controlled Senate by a vote of 78 in favour and 21 against on 2 October.

The Comprehensive Anti-Apartheid Act, which imposed a range of sanctions, unwittingly or otherwise, embodied the two objectives of constructive engagement - control of change in South Africa, and containment of communist influence - by specifying the conditions that had to be met by the South African government and opposition groups. As far as the government was concerned, the Act specified six requirements:

1. the repeal of the state of emergency.
2. the release of all political prisoners.
3. the free exercise of the right to form political parties, express political opinions, and participate in the political process.
4. the establishment of a timetable for the elimination of apartheid.

5. negotiations to be held with representatives of all racial groups in South Africa for the future political system.
6. end military and paramilitary activities aimed at neighbouring states.⁷⁶

Where opposition movements such as the ANC, Pan African Congress (PAC) and their affiliates were concerned, the Act required that, among other steps, that they reexamine their ties with the South African Communist Party.⁷⁷

The influence capability of the United States was demonstrated in the provisions of the Act. The economic and political leverage of the United States over South Africa's main trading partners and countries that were likely to help in sanctions evasion was made evident. Military assistance was prohibited to states that continued to circumvent the arms embargo.⁷⁸ Sanctions were also to be imposed against states that "benefit from, or otherwise take commercial advantage of" the sanctions imposed by the Act.⁷⁹

In 1987, Congressman Ronald Dellums introduced the Anti-Apartheid Act Amendments Bill, known as the Dellums bill, to the House of Representatives. The Bill, which virtually prohibited all trade and investments, passed the House in July 1988 by a vote of 244 to 132, and the Senate Foreign Relations Committee, but failed to reach the floor of the Senate.⁸⁰

9.2.2 Soviet Union

The Soviet Union's involvement in southern Africa was as much a part of the East-West conflict as it was for the United States. In a statement to the "World Conference on Sanctions against Racist South Africa" held in Paris in June 1986, the Chairman of the Council of Ministers of the USSR denounced the United States:

"The US administration, while in word condemning the South African actions, in practice takes it under its direct protection, impedes the imposing of effective international sanctions and in fact encourages Pretoria to step up the violence in the country and to escalate the policy of state terrorism. What is evident here is the double standard which becomes typical of the United States foreign policy course."

Soviet attitudes to South Africa were shaped by its regional and global concerns. At the United Nations, Soviet participation increased from 1954 onwards with the reorientation of Soviet foreign policy under Khrushchev, and the emergence of new states with a pronounced anti-Western stance. In an endeavour to exploit the emerging consensus on anti-colonialism at the General Assembly, the Soviet Union spoke out frequently against apartheid.

The Soviet objectives were three-fold: to weaken Western, particularly American hegemony in the region; contain, and where possible, reduce Chinese influence; and win recognition as the major supporter of anti-imperialism and anti-racism to help strengthen its claims as a global power.⁸¹ To reinforce its global claims, the Soviet Union attempted to ensure that it had a role in resolving the racial conflict in South Africa by proving itself indispensable to liberation movements, and at the same time holding Western powers responsible for the continuation of apartheid.⁸²

Although the Soviet Union exposed the Western powers for their reluctance to impose sanctions, particularly through the United Nations, it was more receptive to using the United Nations as an effective political forum to denounce the West than as a medium of enforcement measures.⁸³ It was prepared to support Security Council resolutions against South Africa more in show of solidarity with Afro-Caribbean and Asian countries than as a commitment to sanctions as an instrument of international enforcement:

"Annually the Soviet Union either sponsors or supports a resolution in the General Assembly calling on the Security Council to authorise general mandatory sanctions against South Africa. Invariably, one of the Western powers must cast a negative vote in the Council to kill the initiative."⁸⁴

The outcome was that the Soviet Union emerged not as the leader of the anti-apartheid forces, but as a "follower" of Afro-Caribbean and Asian states at the United Nations. Although the validation of global status required the demonstration of global reach through sustained political, economic and military presence, the Soviet Union had little desire to become embroiled in a prolonged conflict in South Africa, as its resources were already stretched.⁸⁵

There were other reasons. Whereas officially there were no trade or other links between South Africa and the Soviet Union, the economies of both were critically dependent on

earnings from mineral exports. Political and ideological antagonisms were overridden by the necessity to enter into a cartel arrangement for the marketing and price arrangements for the world's diamond, platinum and gold reserves which they share.⁸⁶ De Beers, the South African mineral conglomerate, purchased the entire Soviet production of diamonds at a price re-negotiated each year,⁸⁷ for marketing through the Central Selling Organisation network.

Thus the Soviet Union held significant leverage over South Africa's mineral based economy, "for by simply bypassing the De Beers syndicate, the Soviet Union could conceivably bankrupt De Beers and do significant damage to the South African economy."⁸⁸ At no stage, however, did the Soviet Union threaten to use its leverage over South Africa because the arrangement on diamonds was profitable, and brought it much needed hard currency.

There is no evidence of the same degree of collusion with regard to gold sales, which was controlled by the government in both countries, except that they coordinated the timing of gold sales in Zurich.⁸⁹ In the case of platinum, the level of cooperation between the two countries lay between that of diamonds and gold; South African and Soviet officials met each May at the Savoy Hotel in London for the "Platinum Dinner."

The Soviet Union reconciled any tension between its stated opposition to apartheid and its economic links with South Africa on the theoretical distinction between strategic policy and tactical compromises:

"While strategic policies are by definition long-term and in close accordance with the dictates of ideology, tactical policies are short-term, subordinate to and designed to serve strategic ones... Accordingly, collaboration with South Africa for the marketing of minerals is deemed a tactical compromise."⁹⁰

Thus seemingly contradictory policies, each serving the national interests of the Soviet Union, were followed independently; Soviet support for sanctions at the United Nations did not, for example, stop it from importing grain from South Africa during the grain embargo. Neither did it impede Western technology from being channelled through South Africa. In 1983, for example, a DEC Vax 11/782, described by the US State Department as "state-of-the-art computer hardware," with "heavy military value", was

seized in Sweden en route to the Soviet Union. Investigations revealed that the computer, which was not permitted to be sold the Soviet Union, had been licensed by the US Commerce Department for sale to South Africa. The computer had been sent to the Soviet Union by the South African importer."⁹¹

9.2.3 Britain

Of all the major powers Britain, as the former colonial power, had by far the strongest ties with South Africa: extensive economic links; a socio-cultural affinity with the white population; loyalties of kith and kin; a common language; and, a Westminster style of government. The ties though were almost exclusively with white South Africa, with an estimated 800,000 South African residents entitled to British passports.⁹² Britain's membership of the European Community, the Commonwealth, and its "special relationship" with the United States, however, placed demands which have often been in conflict with each other and with Britain's own interests. South Africa was no exception.

Sanctions, which have never enjoyed wide use as an instrument of British foreign policy, were only reluctantly considered as an option against South Africa, regardless of the party in power. Any conflict of interests with other states over sanctions was resolved by agreeing to exert minimal pressure as and only when required. Hence Britain was party to the Gleneagles Agreement and the Security Council arms embargo, and the European Community sanctions imposed in 1985 and 1986.

Indeed until 1985, when the Thatcher government reluctantly agreed to the European Community sanctions, Britain had acted as a sanctioner only as far as the arms embargo was concerned. The British position, under the Thatcher government in particular, was that measures such as the European Community Code of Conduct were more important in influencing South Africa to end apartheid than sanctions.⁹³ Britain did not support the Commonwealth sanctions proposed at Nassau in 1985.

9.2.4 France

In contrast to Britain, France's links with South Africa were primarily military and, in the absence of traditional political links, its relationship with South Africa was qualitatively different from that of Britain. Until 1985, the French attitude to sanctions, however, was similar to that of Britain. France did agree to the 1963 voluntary arms

embargo, but drew a dual usage distinction between weapons designed for civilian as opposed to military application.

When the Wilson government announced in 1964 that Britain would adhere fully to the arms embargo by removing any ambiguity arising from dual usage, France moved in to fill the gap to become South Africa's main arms supplier. It helped to build the Koeberg nuclear reactor, and in 1971, the aircraft company, Marcel Dassault, signed an agreement with Armscor (Armaments Development and Production Corporation of South Africa) to construct, under licence, Mirage III and F-1 fighters. The agreement was regarded in South Africa as a virtual military agreement between the two countries.⁹⁴

When the socialist government of Francois Mitterand came to power in 1983, sporting sanctions were imposed on all amateur links with South Africa, and France reduced its diplomatic representation in Pretoria to charge d'affaires level.⁹⁵ Other links though remained basically intact.⁹⁶ Although there were no official arms sales after the 1977 mandatory embargo, French spare parts continued to be supplied to the South African Defence Force.

In July 1985, when South Africa introduced emergency measures, France reacted swiftly by undertaking a number of unexpected initiatives. Amongst others, it recalled its ambassador, which is a rare event in French diplomatic practice, banned all new investments, and submitted a resolution to the Security Council calling for the imposition of voluntary sanctions.⁹⁷ France thus became the first Western member of the Security Council to take the initiative in calling for sanctions to be imposed against South Africa. It then imposed further unilateral sanctions in November 1985 and January 1986.

France's action was a distinct break from its earlier opposition to sanctions. Even the conservative Jacques Chirac, who succeeded Laurent Fabius as Prime Minister, favoured sanctions against South Africa,⁹⁸ and did not reverse the measures imposed by his predecessor. There are two possible explanation for France's change of attitude. The first is that France realised that change in South Africa resulting in a majority government was inevitable: "France decided that it is in its best interests to begin to side with it."⁹⁹ Second, it was under pressure from Francophone countries in West Africa. It was important for France to maintain close links with them for reasons of regional credibility and global aspirations. The imposition of sanctions was a means of demonstrating French resolve over South Africa.

9.2.5 China

The People's Republic of China's attitude to South Africa characterised its international policy. On the one hand, it wanted to be the leader of the "Third World"; on the other it did not wish to undertake any action that would alienate it from the West.

South Africa wooed China in the 1970s on the premise that South Africa needed to change its traditional Western orientation to adjust to changing realities in great power relations, and that China's changing attitude towards the United States would provide opportunities for South Africa. The Soviet Union, and not China, was viewed as the expansionist power and a threat to Africa. There was the prospect of "some grand anti-Soviet coalition in which both South Africa and China would feature."¹⁰⁰ Additionally, there was the possibility of potential economic benefits from forging links with China.

It was a fundamental departure from South Africa's rigid adherence to the rule that it would not have formal contacts with communist states. Prime Minister Vorster, fearful of adverse domestic reaction to this policy change, allowed the Minister of Information¹⁰¹ publicly to justify the change by pronouncing that "my enemy's enemy is my friend."¹⁰²

Although it unequivocally supported calls for sanctions at the United Nations, and in spite of official claims there were no trade links with South Africa, China is known to have imported "laundered" South African steel through Hong Kong because of the substantial discounts offered by South Africa. Out of a total of 850,000 tonnes of steel imported by Hong Kong in 1985, of which a substantial portion originated in South Africa, about 400,000 tonnes went to China.¹⁰³

9.2.6 West Germany

German ties with South Africa go deep because of cultural and historical links with the region.¹⁰⁴ The expansion of the West German economy in the 1960s provided South Africa with an ideal source for the high technology imports that it needed for its own expansion. By 1973, West Germany had become the second largest source of South African imports.¹⁰⁵

From the West German viewpoint, South Africa played a minor role in its overall foreign trade. In 1986, at the height of the sanctions campaign, South Africa's share of total West German exports was 0.8 per cent and 0.7 per cent of total imports.¹⁰⁶ Investments in South Africa, which accounted for between one and three per cent of total West German investment, declined after its peak in 1983.¹⁰⁷

Although South Africa played a relatively insignificant role in West Germany's foreign trade and investment, the government of Chancellor Kohl was adamantly opposed to imposing sanctions. It took the view that the European Community sanctions imposed in 1985 represented a maximalist programme, and that no Community country should take measures which went beyond them.¹⁰⁸ In September 1986, the government agreed to a further package of sanctions, although Kohl made it clear that agreement was purely for the sake of unity in the Community.

9.2.7 Japan

Japan, which long had an ambivalent attitude towards apartheid and relations with South Africa, overtook the United States as South Africa's largest trading partner in mid-1987.¹⁰⁹ Trade relations between the two countries had developed rapidly in the post-Sharpeville economic boom, although the Japanese government had prohibited direct investment in South Africa since the early 1960s. Japanese businesses, however, in their bid to participate in the lucrative South African market circumvented the sanctions by setting up representative offices of trading companies, and licensing South African firms to produce Japanese goods.

Japan kept its diplomatic relations at the consular level, although those appointed as consuls were always diplomats of ambassadorial standing.¹¹⁰ In spite of this, the Japan-South African Parliamentarians Friendship League was formed in 1984 to lobby for full diplomatic representation in Pretoria.

The Japanese government made it clear that it would adhere to sanctions agreed on by the United States and Western Europe, and not fill any trade gaps, although it reserved the right to import essential raw materials. The government indicated, moreover, that it would not impose wider sanctions without the cooperation of its trading partners as part of a multilateral exercise. Although the government did not impose a formal ban on agricultural products from South Africa, a *de facto* ban was instituted. In 1986, the

Japanese government did not dispatch its annual team of quarantine officers to South Africa, ostensibly for reasons of safety, but with the result that agricultural imports stopped.¹¹¹

In keeping with South Africa's trading partners, and in particular the European Community, Japan imposed a package of limited sanctions in September 1986.¹¹² Japan estimated that the sanctions would affect only about eight per cent of South Africa's trade with Japan, and would at best be an "inconvenience" since the sanctions did not harm essential business contacts or mineral exports. The ban on South African aircraft being permitted to land in Japan was academic as South African Airways did not fly there, and Japanese airlines did not fly to South Africa.¹¹³

The Japanese, conscious of the "honorary white" status conferred on them by South Africa, took issue with this classification which they regarded as "dishonourable". An advertisement to this effect was placed in the Johannesburg Sunday Star on 10 April 1988 by 133 members of the Japanese parliament and 235 prominent individuals. The advertisement also called for the release of political prisoners, and for political organisations to be unbanned.

Until that point there had been little palpable public pressure. Japan had no historical involvement with South Africa, and the distance between the two was as much symbolic as it was real. As sanctions on direct investment and trade with South Africa amounted to 0.9 per cent of Japan's total external trade, the South African issue did not assume any major importance. To Japan's embarrassment, it became South Africa's leading trading partner in spite of "an overtly affirmed foreign policy of no diplomatic links other than consular representation, and the imposition of carefully selected economic sanctions against Pretoria."¹¹⁴

9.3 NON-STATE SANCTIONERS

The incentive to initiate sanctions has often come from non-state actors. Where governments were unwilling to act as sanctioners, voluntary action was taken by non-state actors such as trade unions, local governments and corporations. These have sometimes been referred to as "people's sanctions."¹¹⁵

At the Convention for Sanctions held in 1986 in Britain, people's sanctions were summed up as follows:

"We cannot wait for government action to break the links that make Britain an ally of apartheid South Africa. By our organised and united efforts, in our trade unions, churches, political parties, women's organisations, professional, cultural and sports bodies, through our local authorities, student unions and community associations we can act now to break the links. People's sanctions must develop into an unstoppable groundswell that not only breaks the links at local and regional level, but forces action at government level."¹¹⁶

One of the early examples of non-state actors being sanctioners was a conference was arranged by the American Committee on Africa in June 1960, and co-sponsored by groups such as Americans for Democratic Action, Jewish Labour Committee, and the National Association for the Advancement of Coloured People (NAACP). The conference urged the American government to cease buying gold and strategic raw materials from South Africa if alternative sources were available; called for a consumer boycott of South African goods; requested dock workers not to handle South African cargo; attempted to persuade the organisers of the World Trade Fair not to grant South Africa a pavilion; and asked business not to invest in South Africa.¹¹⁷

Trade unions around the world took up the call for action against South Africa. In November 1959, the newly formed All African Trade Union Federation appealed to the labour movement to refuse to market South African goods. In Scandinavia, trade union leaders called on over three million of their members to boycott South African goods from April to August 1960.¹¹⁸ In Britain, the Trade Union Congress organised a month long boycott of South African goods in March 1960. During April 1960, dock workers in Trinidad refused to handle a cargo of South African merchandise or to refuel the ship carrying the goods -as a result a consignment of hardboard had to be returned to South Africa.¹¹⁹

In the 1980s banks and corporations acted as sanctioners by disinvesting from South Africa due to pressure from shareholders who sold shares in companies with South African links. Foreign banks and companies with links to South Africa came under pressure from the public in their home countries, particularly the United States. The campaign for disinvestment and the end to bank loans to South Africa, proved an

influential factor in the sanctions campaign. As a result states such as Massachusetts, Connecticut and Wisconsin, and cities like New York, San Francisco and Miami took action to withdraw funds from banks and corporations with investments in apartheid.

The failure of the Reagan administration's policy of constructive engagement was highlighted by Jesse Jackson during his presidential campaign in 1984. The merging of black political self-awareness aroused by his campaign with anti-apartheid organisations gave birth to the Free South Africa Movement which generated a nationwide campaign especially on university campuses. More than 50 American universities withdrew funds from South Africa-linked companies, as well as many churches which ended their links to banking and business with interests in South Africa.¹²⁰

The momentum generated in the United States, which until then had been peripheral to the international boycott movement, galvanised anti-apartheid activities throughout Western Europe and North America. In Britain, the Transport and General Workers Union members at the Southampton docks, backed by the National Union of Seamen, blocked the shipment of a container carrying goods for South African military aircraft in September 1985.¹²¹ In another case, the Cooperative Society prohibited all South African produce in its shops. In Ireland, Dunnes workers, after a protracted dispute following their refusal to handle South African produce, were instrumental in pressuring the Irish government to impose sanctions on all South African fruit and vegetable imports.¹²² In the Nordic states, trade unions refused to handle imports of South African goods. Most importantly, the boycott campaign placed sanctions against South Africa on the agenda at national and international levels to the extent that by the end of 1985, all Western states had imposed selective sanctions against South Africa.

9.4 CONCLUSION

Sanctions were inimical to the economic interests of major Western powers. Historically, there were four main reasons why there was resistance to sanctions against South Africa.

- The strategic importance of South Africa in terms of Cape route, and its supply of vital minerals.
- South Africa's role as the dominant regional power.

- Economic and socio-cultural links with South Africa.
- The belief that sanctions are an ineffective instrument of foreign policy.

Although Western powers were willing to voice their abhorrence of apartheid, accept that it violated the principles of the United Nations Charter, and willing to impose military sanctions, they were reluctant to impose economic sanctions :

"Thus, while Western powers were becoming increasingly keen to demonstrate their distance from South Africa in political and military matters, their economic ties with the Republic remained virtually unaffected... perhaps Western powers deliberately tried to divert international attention away from their advantageous economic ties with South Africa by taking public stances on political and military issues."¹²³

Britain and West Germany in particular regarded sanctions not only as ineffective, but also counterproductive. It was a view shared by the Reagan administration, though not by the United States Congress. There was also the judgment that the threat of sanctions gives far greater leverage than their actual implementation. As one State Department official admitted in private, the Comprehensive Anti-Apartheid Act took the pressure away from the Administration to impose sanctions, "so that we can carry on with what we were doing before, away from the public eye." Britain was especially antagonistic towards any strengthening of the arms embargo. In 1980, for example, it was the only member of the Security Council to express any reservation on all of the 16 recommendations produced by the arms embargo committee.¹²⁴

In the case of the Soviet Union, although pragmatism prevailed over ideology, the mutually beneficial and clandestine relationship did not affect a politically hostile relationship. The Soviet Union was particularly successful as an ally of national liberation in Africa in general, and South Africa in particular. It was the only country that "consistently championed the plight of the oppressed population with guns and money,"¹²⁵ and provided the ANC with political support, arms and training facilities for the cadres of its military wing.¹²⁶ However, where sanctions are concerned, those imposed by the Soviet Union, as well as China, were effectively symbolic.

France, on a regional level, used its connection with South Africa to obtain leverage to balance British interests in Africa. On a global level, it hoped to re-establish itself as a leading world power by cultivating relationships with major middle powers such as South Africa. France was, however, loathe to be beholden to South Africa, or to become too involved so as not to be able to extricate itself quickly if it became too difficult or no longer expedient to continue the French connection with South Africa.¹²⁷

Even in the absence of comprehensive Security Council sanctions, the collective sanctions imposed by the Commonwealth, the European Community and Nordic Council, and unilateral sanctions by major powers not only made it difficult for South Africa to replace one trade conduit with another, but provided little guarantee that even its staunchest allies would continue with their support. The sanctions, despite their shortcomings, demonstrated that Western states in particular, collectively as well as unilaterally were prepared to sever at least some links with South Africa.

Where governments failed to impose sanctions, non-state actors were willing to do so. They put pressure on their own governments as well as on South Africa through a variety of means. Some of these actions were multilateral in nature, as in the case of trade unions in different countries acting in concert with each other, while others were unilateral measures.

CHAPTER NINE: NOTES

1. The act forbade sexual relations between white and other groups.
2. The Act classified every South African according to race.
3. The Act required that people of different races lived in areas specifically allocated to them.
4. See page ?.
5. Spence, J.E. (1975) The Political and Military Framework: Foreign Investment in South Africa, Study Project Paper No 4, Uppsala: Africa Publications Trust, pp 53-4.
6. S/RES/181, 7 August 1983.
7. Doxey, International Sanctions, p 48.
8. S/RES/418, 4 November 1977.
9. S/RES/569, 26 July 1985.
10. The resolution was carried by 67 votes to 16, with 23 abstentions.
11. see Moorsom, R. (1986a) "Sanctions against South Africa," Confidential report to OXFAM, p 77. Permission has been granted to cite this source for the purposes of this research.
12. By 1986, over 58 states had agreed to be bound by the convention.
13. GA/RES/3324E, 16 December 1974.
14. GA/RES/3411.
15. The international attention on South Africa has been sustained through the dissemination of information primarily through the Centre against Apartheid. The Centre and its associated agencies have provided the principal means of initiating and coordinating sanctions and other action.
16. "Report of the Commission" World Conference on Sanctions against South Africa, June 1986, A/CONF/137.4
17. GA/RES/32/105M.
18. Cohen, International Politics, p 119.
19. see, for example, GA/RES/2054A, 15 December 1965.
20. GA/RES/2506B, 21 November 1969.
21. GA/RES/2671F, 8 December 1970.
22. These included Algeria, Ethiopia, Iraq, Nigeria and Poland.
23. United Nations Yearbook 1970, p 132.

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24. By a vote of 112 for, 9 against and 17 abstentions.
 25. GA/RES/32/105J, 14 December 1977.
 26. GA/RES/2923E, 15 November 1972.
 27. GA/RES/3055, 26 October 1973.
 28. Geldenhuys, D. (1984) The Diplomacy of Isolation: South African Foreign Policy Making, Johannesburg: Macmillan, p 111.
 29. With Labour governments in Australia and New Zealand, and Canada's Conservative Prime Minister Brian Mulroney seeking to play a mediating role, the Commonwealth was set to impose sanctions.
 30. By some states, in a reference to Britain's refusal to impose sanctions.
 31. The EPG's efforts to facilitate dialogue between the South African government and the black opposition through its "Possible Negotiating Concept" was rejected in dramatic fashion by the South African government with the bombing of three neighbouring Commonwealth countries even as the Group was in discussion with senior ministers.
 32. Commonwealth Secretariat (1986) Mission to South Africa: The Commonwealth Report, Harmondsworth: Penguin, p 140.
 33. Except for their own nationals and those of third states to whom consular services were rendered.
 34. The purpose of the Committee was to provide guidance on the objectives of the "Okanagan Statement and Programme of Action on Southern Africa".
 35. Commonwealth Secretariat (1989) South Africa: The Sanctions Report, London: Penguin, p ix, hereafter known as The Sanctions Report I.
 36. see page ?.
 37. for a discussion of the OAU in relation to South Africa see Bissell, R.E. (1977) Apartheid and International Organisations, Boulder: Westview Press.
 38. cited in Bissel, p 72.
 39. El-Ayouty, Y. (1975) The Organisation of African Unity After Ten Years: Comparative Perspectives, New York: Praeger, pp 144-5.
 40. For example, over French arms sales to South Africa.
 41. Several member states such as Malawi, Ivory Coast, Madagascar agreed to meet with Prime Minister Vorster, with the support of Ghana, Dahomey, Gabon, and Lesotho.
 42. *ibid.*
 43. Statement by the Nigerian Minister of External Affairs to the World Conference on Sanctions against South Africa, Paris, June 1986.

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44. Rogers, B. (1986) "The European Communities: Special Favours for South Africa," Fabian Society Conference Paper, 11 July 1986.
 45. *ibid*, p 45.
 46. cited in Holland, M. (1985) "The European Community and South Africa: economic reality or political rhetoric?" Political Studies, vol XXIII, 1985, p 408.
 47. Holland, "The European Community and South Africa," p 414.
 48. *ibid*.
 49. A series of "positive" measures such as educational assistance, intensified contacts with blacks, financial help to NGOs involved in non-violent activities, and aid to southern African states were also introduced.
 50. Financial Times, 20 June 1986; Moorsom, R (1986b), The Scope for Sanctions, London: Catholic Institute of International Relations, p 11.
 51. UN General Assembly, 41st session, 18 November 1986.
 52. Document A2/157/87, 2 October 1987.
 53. Weekly Mail, 30 November-6 December 1990.
 54. The Council comprises Denmark, Finland, Iceland, Norway and Sweden.
 55. This was a culmination of steps that had begun in 1978 when the Danish Parliament had called for a gradual phase-out of Danish purchases of South African coal. In 1983, a programme for this phase-out was set, but it was superseded by the decision to suspend trade in June 1986.
 56. This was particularly the case with the export of specialised machine tools and machinery to the South African mining industry. Swedish exports to South Africa in 1985 totalled US\$607.6m while imports, which included molybdenum for the steel industry, amounted to US\$67.2m.
 57. OAU (1986) "Patterns of dependence," OAU P/Steering Committee.2 (IV), May 1986.
 58. CIDA (Canadian International Development Agency) (1986) The Impact of Economic Sanctions against South Africa on SADCC states, Hull: Canada.
 59. Hanlon and Omond, The Sanctions Handbook, p 111.
 60. Hayes, J.P (1987) Economic Effects of Sanctions on South Africa, London: Gower, p 44.
 61. Green, R.H. (1986) "The SADCC economies and sanctions against South Africa: Notes toward cost containment and benefit attainment," Sussex: IDS, p 2.
 62. *ibid*, p 6.
 63. *ibid*.
 64. cited in Hanlon and Omond, The Sanctions Handbook, p 110.
 65. Johnson, Can South Africa Survive, p 58.

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66. *ibid.*
 67. Price, R.M. (1982) "US policy towards southern Africa: interests, choices and constraints," in Carter and O'Meara, International Politics in Southern Africa, p 45.
 68. Brzezinski, Z. (1983) Power and Principle: Memoirs of the National Security Adviser 1977-1981, London: Weidenfeld and Nicolson, p 143.
 69. Eximbank guarantees to the South African government and parastatals, were blocked, export of items to the South African police and military was prohibited, and export credits were granted only to companies adhering to the Sullivan Code.
 70. for details of the policy see Crocker, C. (1980) "South Africa: strategy for change," Foreign Affairs, Winter 1980-81.
 71. Seidman, A. (1985) The Roots of Crisis in Southern Africa, Trenton: Africa World Press, p 109.
 72. *ibid.*
 73. There was delay because versions of the bill passed separately by the House and the Senate differed materially. Also legislation was stalled in the Senate through a filibuster by Senator Jesse Helms.
 74. Washington Post, 1 October 1985.
 75. Bethlehem, R.W. (1988) Economics in a Revolutionary Society: Sanctions and the Transformation of South Africa, Craighall: Donker, p 90.
 76. Section 101(b).
 77. see page ?.
 78. Section 501(c)(2).
 79. Sections 402 and 403.
 80. During the second session in 1988 and the first session in 1989, Congress considered the Anti-Apartheid Act Amendments of 1988 and 1989. The legislation, which synthesised six draft bills, would have severed virtually all trade and financial links with South Africa.
 81. see Albright, D.E. (1982) "The communist states and southern Africa," in Carter and O'Meara, International Politics in Southern Africa; Seidman, The Roots of Crisis; and, Campbell, K.M. (1986) Soviet Policy Towards South Africa, London: Macmillan.
 82. In 1962, for example, the Soviet delegate to the Special Political Committee stated that South Africa would be unable to persist with apartheid except for the support of Western powers. United Nations Yearbook 1962, p 92.
 83. In the case of Rhodesia, for example, it abstained on the 1966 Security Council sanctions resolution.
 84. Campbell, Soviet Policy towards South Africa, p 82.

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85. see Albright, "The communist states and southern Africa," p 17.
 86. Together, the Soviet Union and South Africa produced more than 90 per cent of the world's platinum, 60 per cent of the world's gem diamonds, 40 per cent of the industrial diamonds, and 80 per cent of the gold.
 87. estimated at between US\$600-700m in 1986.
 88. Africa Report, March-April 1986, pp 72-5.
 89. Campbell, Soviet Policy Towards South Africa, p 110.
 90. *ibid*, p 114-5.
 91. "The UN arms embargo and the USA," International Seminar on the UN Arms Embargo against South Africa, London, 28-30 May 1986; Hanlon and Omond, The Sanctions Handbook, p 271.
 92. House of Commons Foreign Affairs Committee, Sixth Report, vol 1, London, 1986, hereafter referred to as FAC I.
 93. see the Hansard, debates on South Africa, 1984-5.
 94. Die Burger, 28 June 1971.
 95. The Chirac government re-graded it to ambassadorial level.
 96. French exports to South Africa in 1983 amounted to FFr3800m, and imports totalled FFr4400m. France supplied the Koeberg power plant with two reactors. Le Monde, 10 June 1984.
 97. Le Monde, 28/19 July 1985.
 98. see Lipton, M. (1988) Sanctions and South Africa: The Dynamics of Economic Isolation, London: Economic Intelligence Unit, p 19.
 99. Guardian, 4 August 1985.
 100. Geldenhuys, The Diplomacy of Isolation, p 115.
 101. Connie Mulder, who later resigned over the Muldergate information scandal.
 102. The South African press ridiculed the pronouncement and the initiative to build links was abandoned.
 103. Financial Times, 5 November 1986.
 104. Namibia was a German colony, and there are 18,000 ethnic Germans there, and another 70,000 in South Africa. A survey South African MPs in 1980 found that next to Britain, West Germany as the country most frequently visited by them. Geldenhuys, The Diplomacy of Isolation, p 66.
 105. In the previous decade, the Federal Republic had provided only 3 per cent of South Africa's imports, and taken 4.4 per cent of its exports. Johnson, Will South Africa survive, p 33.

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106. Exports to South Africa were dominated by capital goods and chemicals which made up 85 per cent. Almost 80 per cent of imports from South Africa were raw materials, including more than half of the Federal Republic's supply of minerals such as manganese chrome and manganese ore, molybdenum and cobalt ore. For a discussion of trade with West Germany, see Starnberger Institute (1987) The Economic Impact of Sanctions against South Africa, Postfach: Starnberger Institute.
 107. Starnberger Institute, The Economic Impact of Sanctions, p 16.
 108. Conlon, P. (1986) "Analytical compendium of action taken by governments with respect to sanctions on South Africa," World Conference on Sanctions against South Africa, Paris, June 1986.
 109. Total trade with South Africa amounted to US\$3.6b in 1986, up from US\$2.9b in 1985.
 110. Hanlon and Omond, The Sanctions Handbook, p 352.
 111. "Report to the Congress on Industrialised Democracies' Relations with and measures against South Africa," Department of State, Washington DC, 12 May 1987, hereafter referred to as the "Congress Report".
 112. Among them, a ban on direct investments in South Africa, the importation of krugerrands, iron and steel, a prohibition on the export of computers to the South African police, military and apartheid enforcing agencies, the suspension of direct air links with South Africa, and a prohibition on the use of South African Airways for international travel by Japanese officials.
 113. *ibid.*
 114. Venter, D.J. (1989) South Africa, Sanctions and the Multinationals, Chichester: Carden Publications, pp 32-3.
 115. The term came into common usage at the "Convention for Sanctions" held in June 1986 under the auspices of the British Anti-Apartheid Movement.
 116. Verbatim statement of delegate at Convention for Sanctions.
 117. SAIRR, Race Relations Survey 1960.
 118. *ibid.*
 119. *ibid.*
 120. The Universities included Harvard, Yale, Brown and New York. Among the churches were the National Council of Churches, Lutheran Church, Methodist Church, Reformed Church and American Friends.
 121. "People's sanctions: Act Now against Apartheid," Anti-Apartheid Movement, February 1987.
 122. *ibid.*
 123. Geldenhuys, The Diplomacy of Isolation, p 12.

124. According to the British Anti-Apartheid Movement, the Thatcher government did not take any action to stop the manufacture of South African military and paramilitary equipment under licence in Britain, Anti-Apartheid Movement, 30 July 1986.
125. Campbell, Soviet Policy Towards South Africa, p 157.
126. "Umkhonto we Sizwe" (Spear of the Nation).
127. Johnson, R.W. (1977) How long will South Africa survive? London: Macmillan Press, pp 38-42.

CHAPTER TEN: TYPES OF SANCTIONS

The campaign for sanctions against South Africa had several distinct, though not necessarily disparate focal points which encompassed both comprehensive sanctions and selective sanctions, as well as boycotts and disinvestment. Various sanctioners utilised all or some of these measures both collectively and unilaterally. The Security Council, for example, only used an arms embargo, whereas the United States used a wide range of measures.

Although economic sanctions were the main type of sanctions in operation against South Africa, this chapter shows that they were part of an extensive campaign against apartheid which included diplomatic, energy, communications and technology, and military sanctions, as well as a variety of boycotts. Each set of measures exerted pressure on South Africa, albeit some more than others. The sports boycott, for example, had the most visible impact and precipitated palpable changes in the apartheid policy, whereas technology sanctions had relatively little impact.

10.1 DIPLOMATIC SANCTIONS

When South Africa sought to establish diplomatic links in the early 1960s with the newly independent states in Africa, it was confronted with a dilemma. On the one hand it wanted to establish such links to gain legitimacy and dominance in the region; on the other, it did not wish to antagonise the white domestic electorate by giving "equal" status to black diplomats.

Black African states, however, were not amenable to forging diplomatic links with South Africa. For a short period between 1957 and 1960, Ghana considered establishing diplomatic relations after agreement had been reached on such links.¹ It did not materialise, however, because in 1960, the All-Africa People's Conference and the Pan-African Federation Conference called for "commercial, political and diplomatic sanctions."² The call for diplomatic sanctions strengthened after the 1962 General Assembly resolution requested states to sever diplomatic relations with South Africa or refrain from establishing such relations.³ The OAU at its inaugural meeting in 1963, added its voice to calls for South Africa's diplomatic isolation.

The sanctions, which frustrated South Africa's attempts to establish diplomatic links with black Africa states, forced it to embark on a programme of technical cooperation with these countries.⁴ It was a form of ad hoc diplomacy:

"Pretoria saw technical cooperation and the provision of aid as an important channel for communication and, moreover, as a possible forerunner to the eventual establishment of formal ties."⁵

In 1965, however, technical organisations in which South Africa was involved were either disbanded or absorbed into the OAU, thus denying South Africa membership of practically all inter-African technical organisations. It was not until 1967 that South Africa achieved a breakthrough when diplomatic relations were established with Malawi, and the dilemma regarding the presence of black diplomats which, until then, had been largely academic became a reality.⁶ At the United Nations, the General Assembly refused to recognise South Africa's credentials. In 1974, the Assembly suspended South Africa from participation in the work of the Assembly. It was the first time that a member state had been suspended.⁷ (An attempt was also made to expel South Africa from the United Nations in 1974. A draft resolution submitted to the Security Council was rejected by a triple veto from France, the United States and Britain.)

By the mid 1980s, Denmark, Panama and New Zealand had severed diplomatic relations. Diplomatic personnel from other states were recalled at various times. In July 1985 France, for instance, recalled its ambassador in Pretoria. The European Community, in an attempt to maintain diplomatic unity, recalled all member states' ambassadors a week later. Even this united front was defective as Denmark went as far as to close its consulate while Britain insisted that the recall of its ambassador was only for consultation, and did not mark a change in British policy.⁸ South Africa was forced to close its consulate in Norway after a series of demonstrations in Oslo including the burning of coffins in front of the consulate.⁹ Some countries with diplomatic links such as Australia, Austria, the Benelux countries and Spain introduced visa requirements for South African passport holders. Finland granted visas only to known opponents of apartheid. Many states refused visas for South Africans to participate in sporting and cultural events.¹⁰ Japan suspended tourist visas for South Africans coupled with a request that Japanese citizens voluntarily refrain from visiting South Africa.¹¹

It was, however, the establishment of the so-called homelands by the South African government which resulted in the most severe form of diplomatic sanctions, namely that of non-recognition. In 1970, the General Assembly condemned the establishment of these homelands, and the following year adopted a resolution specifically on them.¹² When the Transkei became the first homeland to be declared independent by South Africa in 1976, the Assembly rejected the action as invalid, and called upon governments to deny any form of recognition to the Transkei. It did so on the basis that the homelands were prejudicial to the territorial integrity of the state and the unity of the people, and designed to perpetuate white rule and deprive blacks of their right to South African citizenship.¹³ The Security Council endorsed the call for the non-recognition of the Transkei.¹⁴ Consequently, Transkei and the other homelands subsequently granted independence,¹⁵ were recognised only by South Africa, and refused diplomatic recognition by all other states. Despite pressure from South Africa on SADCC states to recognise the homelands, none of them did so.

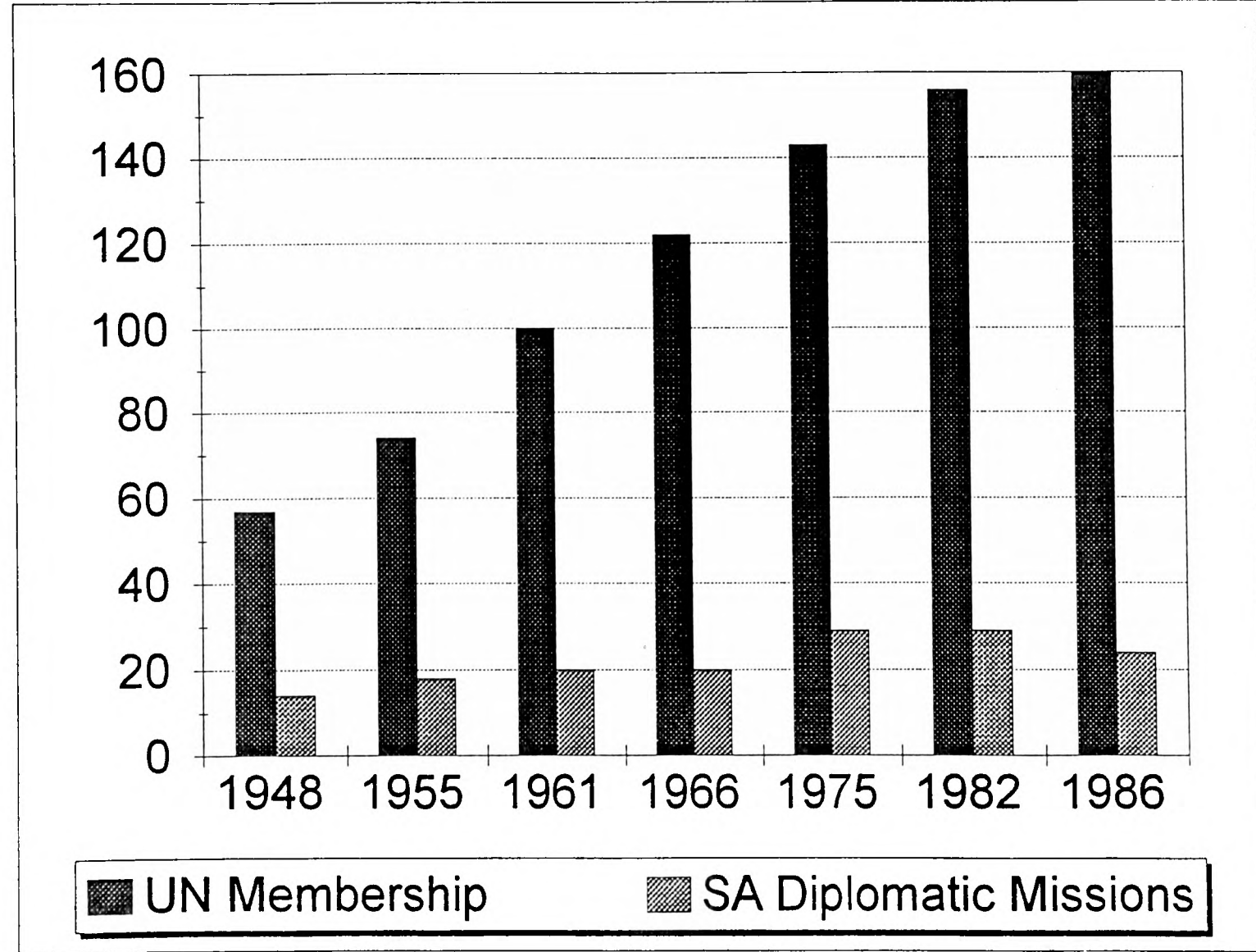


Figure 10.1: South Africa's diplomatic mission in comparison with United Nations membership.

(Sources: South Africa Yearbooks)

All these diplomatic sanctions, particularly those by Western states, thwarted South Africa's attempts to establish itself in the international community. South Africa's diplomatic missions contracted in relation to the growth in the number of internationally recognised states (see Figure 10.1). A high concentration of missions were in Western Europe - 13 out of 28 in 1986 - and Malawi was the sole country in Africa to have diplomatic relations with South Africa. The sanctions were important in breaking South Africa's ties, and reiterating its pariah status. The non-recognition of the homelands was a particular blow to the Verwoerdian conception of grand apartheid which envisaged the homelands as a legitimate means of depriving blacks of South African citizenship.

	1950	1955	1960	1965	1970	1975	1980	1985	1986
<u>Export ratio</u>									
South Africa	31	31	30	26	21	27	36	34	33
United States	4	4	5	5	6	8	10	7	7
Japan	-	11	11	11	11	14	15	16	-
Federal Germany	11	20	20	19	23	26	29	35	33
Kenya	-	-	-	33	28	30	29	26	-
Mexico	17	17	11	10	8	7	13	18	-
Brazil	-	-	-	7	7	7	9	14	-
Turkey	7	5	4	5	6	6	7	11	-
India	8	7	5	4	4	6	7	7	-
Taiwan	8	-	13	-	30	39	53	55	59
South Korea	-	2	3	9	14	27	34	36	41
People's Republic of China	5	6	5	5	3	6	7	12	14
<u>Import ratio</u>									
South Africa	27	29	25	26	25	30	27	24	23

Figure 10.2: Export and import ratios (%) of selected market economies
(Source: Starnberger Institute 1987: Table 3)

10.2 ECONOMIC SANCTIONS

Economic sanctions, both trade and financial, were at the crux of the international sanctions campaign against South Africa. The three main sanctions packages - United States, Commonwealth and European Community - were directed predominantly at the South African economy. This was because South Africa is an open economy, highly dependent on the international economy in several respects: a high trade ratio (see Figure 10.2) entrenched reliance on foreign capital inflows, and domination by foreign companies of the more advanced sectors of production and technology. Moreover, South Africa relies on primary commodities to generate foreign exchange, especially gold.

The sanctions which partially or completely severed economic links with South Africa, fell under three broad categories: imports, exports and capital flows. Sanctions on imports from South Africa focused on coal, iron and steel products, agricultural produce, and gold coins. Sanctions on exports concentrated on arms, crude oil and computer equipment to the military and police. Sanctions on capital flows were on new direct investments and new bank loans. Unlike in other instances discussed in chapter three, suspension of MFN status was not a sanction imposed against South Africa as it was not affected either through any bilateral agreement or under the GATT.

10.2.1 Trade sanctions

From 1981-85, the period immediately prior to the imposition of economic sanctions by the majority of its trading partners, South Africa's foreign trade as a proportion of its GDP averaged around 60 per cent.¹⁶ South Africa's importance in international trade was derived from its position as the world's leading producer of minerals and metals. Four commodity groups accounted for almost two-thirds of South Africa's earnings: gold, coal, iron and steel, and uncut diamonds. For five types of strategic minerals for industrial and military use - manganese, vanadium, chromium, platinum group metals and gold - South Africa was the first or second leading producer after the Soviet Union.

"In sum, South Africa's exports of raw or partly processed materials, especially gold, continue to pay the bills for the imported machinery and equipment on which the material infrastructure and an uncompetitive manufacturing sector depend so heavily."¹⁷

The United States, Japan, West Germany and Britain accounted for 56 per cent of South Africa's non-gold exports in 1986. By comparison, South Africa accounted for less than one per cent of total trade for the United States, one per cent for West Germany, and under two per cent for Britain.¹⁸ From the trade perspective it was clear that South Africa was dependent on a small, powerful group of states with a high degree of influence capability and limited vulnerability.

10.2.1.1 Import and export sanctions

In Hufbauer and Schott's finding, import and export sanctions were used in over one-third of cases,¹⁹ and import sanctions on their own were rare. In the South African case, many of the early sanctions were solely on imports from South Africa for the simple reason that trade was one-way. Thus in 1959, at a Pan African conference, representatives of six Central and East African territories decided to impose sanctions on South African liquor, and on South African hoes that were widely used in the region. Early in 1960, Nigeria imposed sanctions on all imports from South Africa, followed by Ghana, which announced that applications for licences for South African imports would be considered only in the most exceptional circumstances.²⁰

It was not until after 1984, when Western states imposed sanctions, that there was wide use of both import and export sanctions. The most comprehensive trade sanctions were imposed under the Comprehensive Anti-Apartheid Act of 1986 which contained several import sanctions. This was in contrast to previous instances where the United States used import controls sparingly.

The principal South African imports targeted by the Act were iron, steel, uranium, coal, krugerrands, textiles, sugar and certain other agricultural products. The main exports to South Africa that the Act prohibited were petroleum products and computer equipment to the South African government or parastatals.

The Commonwealth and European Community also endorsed import sanctions on iron, steel, and krugerrands, and export sanctions on oil and sensitive equipment destined for the police or armed forces. The Commonwealth had additional import sanctions on coal and agricultural products which Britain did not accept. West Germany did not ban exports of oil, or the export of computer equipment (included under sensitive equipment) to the military and the police. The sanctions on coal exports contributed to the reduction

of South Africa's revenue from coal exports. These had risen from 29.9m tons in 1982 to 45m tons in 1986, declined to 39m tons in 1987.²¹ South Africa's coal earnings fell by 25 per cent in 1987 compared with the previous year, and cost South Africa US\$467m, cutting off two per cent of its total export earnings. Iron and steel earnings fell by 27 per cent in 1987 at a cost of US\$229m.²²

10.2.1.2 Restrictions on travel links

The curtailment of air links with South Africa was the most important sanction on travel links, given South Africa's geographical location. Following the call by the General Assembly for collective sanctions in 1962,²³ South African Airways was denied overflying rights over most of Africa in 1963. In 1986, Scandinavian Airlines System (SAS)²⁴ stopped its flights to South Africa, and in 1987 Australia cancelled South African Airways flights, Qantas services having been terminated in 1983. Under the Comprehensive Anti-Apartheid Act of 1986, air transportation with South Africa was prohibited.²⁵ Canada and New Zealand which did not have flights to South Africa terminated general sales agreements with South African Airways in 1986, and Canada shut down the airline's three offices in that country. Spain terminated air services to South Africa in 1986, and South African Airways flights to Madrid were stopped two years later.

Travel links with regional states, however, were not terminated, and South Africa continued air links with SADCC states excepting Tanzania and Angola, as well as with Zaire, the Comores, Mauritius and Reunion. There were also direct flights between South Africa and 11 European states, three in Asia and one in South America. Many of the main carriers operating to South Africa²⁶ ran advertising campaigns to undermine the American sanctions by offering incentives to fly to the United States with them.²⁷ In 1987, Cape Verde began a weekly service to the United States to link up with a South African Airways flight, and Zambia Airways began a Lusaka-Monrovia-New York flight in 1988 which had a connecting flight to South Africa.

The sanctions nevertheless affected South African Airways as the airline was forced to fly round the "bulge" of Africa, costing it an extra 10 tons of fuel and one hour 20 minutes in flying time.²⁸ Although American carriers did not fly to South Africa, the United States was the second most important intercontinental destination for South African Airways with five weekly flights carrying around 100,000 passengers per

year.²⁹ South African Airways instituted legal proceedings against the American government on the basis that it had not been given the required one year's notice to abrogate the air services agreement, but later dropped the proceedings.³⁰

10.2.2 Financial sanctions

Financial sanctions were imposed against South Africa to reduce South Africa's access to international money markets so that it did not have access to foreign capital essential to its development.³¹ South Africa was linked to the international economy through foreign investment and borrowing. Britain accounted for between 40 and 50 per cent of direct foreign investment, the United States for 18 to 25 per cent, and West Germany for 10 per cent. These three countries accounted for almost 90 per cent of foreign companies in South Africa. In 1985, South Africa's foreign debt stood at US\$24bn. Of this, approximately US\$15bn was owed to foreign banks, primarily British, American, French and West German banks.³² Foreign ownership of South Africa's capital stock was high, with much of the mining industry and a large proportion of the banking sector in foreign hands.³³ The South African economy was hence, by virtue of the foreign ownership of fixed assets, not only integrated into the international economy but was an integral part of it.

South Africa needed the foreign capital for economic growth, and especially access to industrial technology. Virtually all such R&D in the non-communist world was in the United States, Western Europe and Japan where a high return was sought for R&D investments. South Africa was able to provide such returns by opening its economy to foreign penetration. There was a return of foreign capital which had fled the country in 1960-61 following Sharpeville, attracted by a high 15 to 20 per cent return, an economy expanding rapidly at 5-9 per cent, cheap non-unionised labour, and an abundant supply of mineral resources.³⁴ It is estimated that sixty seven per cent of South Africa's economic growth in the post-Sharpeville period was due to foreign investment compared with 12 per cent from an increase in domestic capital stock.³⁵

The search for autarky in strategic products such as oil and arms, in response to sanctions, accelerated capital intensive development. The South African government's wish to minimise dependence on black labour for manufacture, exacerbated the need for foreign capital and imported technology.³⁶ The private sector too relied on foreign finance. During the 1980s, South African banks took up a large number of foreign short-

term credits, and short term borrowing increased from US\$6b in 1980, to over US\$14b in 1984.³⁷ Short term capital repayable within 12 months accounted for 42 per cent of South Africa's total foreign liabilities in 1984 compared with 19 per cent in 1980.³⁸ When the 1985 debt crisis occurred, nearly 66 per cent of South Africa's foreign debt was in the form of short-term loans compared with an average 44 per cent for other developing countries.³⁹

The striking feature of South Africa's international financial dependence was the steep rise in short term liabilities between 1980 and 1985. The major portion of the increase was in portfolio investment which increased from 52 per cent of total foreign investment in 1980, to 66 per cent in 1986.⁴⁰ The doubling within a year of short term liabilities in 1984, worsened by the depreciation of the rand, indicated South Africa's vulnerability to action by foreign banks and investors.

South Africa also needed foreign loans to offset the costs of its expanding bureaucracy, the wars of destabilisation in Mozambique and Angola, and the occupation of Namibia. The resulting state budget deficits⁴¹ aggravated the disequilibrium in the economy which, until 1986 when new lending from foreign banks was halted, was partially contained through overseas borrowing.⁴² The accumulation of short term debt made South Africa extremely vulnerable to a sudden cutoff of international credit, and susceptible to international financial pressure. It was against this background that financial sanctions were imposed.

10.2.2.1 Suspension of financial transactions

Sanctions on new direct investments were imposed by most states. Japan banned direct investment in 1968, and Sweden took substantive action on financial transactions when in July 1979 it passed the Prohibition on Investment in South Africa Act banning new investments in, and loans to South Africa. Other countries prohibited investments through new transfers of capital or expansion into new economic activities. None of them called for disinvestment, and most allowed the reinvestment of profits generated in South Africa. There was a considerable degree of variation on the extent of the bans imposed by different sanctioners.

The Comprehensive Anti-Apartheid Act of 1986, imposed three major restrictions on financial transactions with South Africa. The first prohibited virtually all new loans and

extensions of credit to the South African government, or "to any corporation, partnership or other organisation which is owned or controlled by the Government of South Africa."⁴³

The second restriction prohibited American banks from holding a deposit account for the South African government or parastatals.⁴⁴ The two restrictions were designed to make it difficult for the South African government to conduct business in the United States. The third restriction prohibited American nationals from making any new investments in South Africa, except in companies that were black owned.

A further measure was imposed when President Reagan signed into law on 22 December 1987, the Omnibus Budget Reconciliation Act.⁴⁵ The Act repealed tax credits received by American companies in the United States for taxes paid by their subsidiaries in South Africa.

Finland, Norway and Sweden extended the definition of investment to cover the leasing and licensing of capital equipment, as well as technology transfers. Expansion of existing operations in South Africa was not allowed, although some reinvestment was permitted for commercial maintenance. Loans, as well as participation in international loan agreements to South Africa were prohibited. Sweden imposed specific prohibitions on indirect investments by banning the acquisition of portfolio investments in South African commercial enterprises.

The Commonwealth agreed to prohibit new direct investments and reinvestments, excepting for Britain which agreed only to a voluntary ban. All government loans to the South African government were banned, as were bank loans to private or public borrowers in South Africa. The European Community suspended new direct investments, but existing investments were not affected. Direct investments were defined to include the establishment or acquisition of branches or undertakings, increasing participation in new or existing undertakings, or loans that exceeded more than five years.⁴⁶

Financial transactions were also suspended by non-state actors. In July 1985, a financial crisis was precipitated when American banks, led by Chase Manhattan, refused to roll over short-term credit.⁴⁷ As in the case of Rhodesia which responded to a financial crisis by defaulting on its debt,⁴⁸ the South African government reacted by imposing a four month moratorium on debt repayment, and the re-introduction of a two-tier

commercial/financial rand exchange rate. When the declaration of a partial state of emergency on 21 July 1985 was followed a few days later by the imposition of a variety of sanctions led by France, the rand plummeted below the psychologically important US\$0.50 level, to reach to a record low of US\$0.35 on 27 August resulting in the Johannesburg stock and foreign exchange markets being closed for several days.⁴⁹

The moratorium applied to 60 per cent of all outstanding debts. The other debts - public bonds, government guaranteed credits, and the IMF - amounting to US\$10bn were excluded from the "net" to secure some degree of credibility as a borrower and "to ensure the continued flow of essential credits."⁵⁰

The fact that the moratorium applied to repayments of principal, and not interest was a tactically important step as it allowed South Africa the option to extend the scope of its counter measures. The rescheduling of its debts enabled South Africa to survive the crisis,⁵¹ and gave it the resources to finance major stock-piling programmes in the first half of 1986 against the possibility of trade sanctions.⁵²

10.2.2.2 Blocking funds from international financial institutions

Although South Africa has been a member of the both the IMF and the World Bank, from 1974 it was unable to gain representation on the executive board of directors, and was hence excluded from any decision-making process. Australia and New Zealand indicated that they did not wish to represent South Africa in their voting group⁵³, and as South Africa was unable to find another group to which it could belong, it was not represented by a director on either board.

"As a result South Africa's position at the IMF and the World Bank is much the same as it is at the United Nations. By virtue of its refusal to withdraw it has all the rights and obligations of the institution, but can play no part and has no say in its daily operations."⁵⁴

In 1982, South Africa received an IMF loan of US\$1.1bn after bitter division within the IMF with 52 per cent voting in favour of South Africa's application, 21 per cent against, and 27 per cent abstaining.⁵⁵ It was not, however, able to apply for further loans as the United States requires its Director of the IMF to vote against requests for the use of the fund by countries practising apartheid.⁵⁶

Although other states represented on the executive board were not under any obligation to follow the American position, "there is general acceptance that a proposal to lend to South Africa would not receive support from the board."⁵⁷ Hence the Governor of the South African Reserve Bank announced in 1985 that his country did not have the option of an IMF loan, as private talks with major fund members showed that a loan application would not meet with board approval.⁵⁸

South Africa was not eligible for World Bank loans on the basis of per capita income although it did receive project loans; the last one being paid off in 1976. It did not apply for reinstatement as a borrower as it would have subjected South Africa to a review of its economic policies which would have failed to meet the required standards without fundamental policy reforms.⁵⁹ South Africa was unable to gain any external account relief from the Bank of International Settlements (BIS) because the IMF board did not approve a programme for South Africa, and the BIS could only lend to bridge an IMF programme.⁶⁰

10.2.2.3 Disinvestment

Disinvestment had its roots in the 1960s when anti-apartheid organisations and activists focused on Western economic involvement in South Africa, and began to identify and expose companies with subsidiaries and associates in South Africa. The resulting strategy was disinvestment which demanded the withdrawal of assets and loans from South Africa. Pressure was placed on the parent home at its home base through a variety of tactics such as: damaging the public image of the company through exposing exploitative practices by its subsidiaries in South Africa; criticising the company at annual meetings of shareholders and encouraging shareholder action; boycotts of the company's products and services; and divestment of shareholdings in protest at the company's involvement in South Africa.

It was the last tactic of divestment that gained the most prominence, particularly in the United States where there is a tradition of company accountability to shareholders, a business culture that is open to public scrutiny, and a wider range of institutions that are privately rather than state funded.⁶¹ Non-governmental organisations with investment portfolios such as churches, universities, pension funds, charities and trade unions, placed divestment on their business agendas when faced with their funds being invested in companies engaged in South Africa.

By the mid-1970s, disinvestment became a leading campaigning tactic in several Western countries.⁶² The World Council of Churches at its central committee meeting in 1972, issued a call to all Christians to press for disinvestment and an end to bank loans to South Africa. In Britain, "End Loans to South Africa" was formed in 1973 to oppose loan finance to the South African government and parastatals. In the United States, black workers at Polaroid directly challenged the company's involvement in South Africa, and in 1977 the parent company severed links after it was disclosed that its subsidiary was selling equipment to the South African government.⁶³

In the aftermath of Soweto, the campaign gained momentum. The South African government found it increasingly difficult to secure public loans, especially through Eurobonds, and had to rely on syndicated loans negotiated privately with international banks. In the United States the Sullivan Principles, which were essentially a code of conduct along the lines of the European Community code, were introduced in 1977 after the exposure of foreign companies' treatment of black employees. The voluntary code called on American companies in South Africa to desegregate facilities, introduce equal pay, and improve job training and advancement for blacks.

In the years 1981 to 1985, foreign investment swung from direct to indirect investment mostly as a result of pressure on foreign companies to disinvest (see Figure 10.3). Between 1 January 1984 and 14 April 1989, 155 American transnationals and 122 transnationals based in other countries disinvested from South Africa. By September 1990, 83 cities in the United States, 23 states and 19 counties had legislation that encouraged disinvestment and restricted purchases from corporations with business or investment connections with South Africa.⁶⁴

Of the American companies, 71 per cent maintained non-equity ties either with their former subsidiaries, local management or through trusts.⁶⁵ General Motors, for example, continued to supply engines to its former factory, and its licensing agreements did not prevent the manufacture of vehicles for the South African Defence Forces.⁶⁶ IBM restructured its South African interests so that relations remained basically intact. In a letter to its South African customers it gave the assurance that "a full range of IBM products and services will continue to be available to South Africa... and that there will be no change to the supply of IBM products."⁶⁷ The new company, known as ISM, had a five year service agreement and access to IBM's international network for information and support for hardware and software.⁶⁸ Consequently, the City of Los Angeles

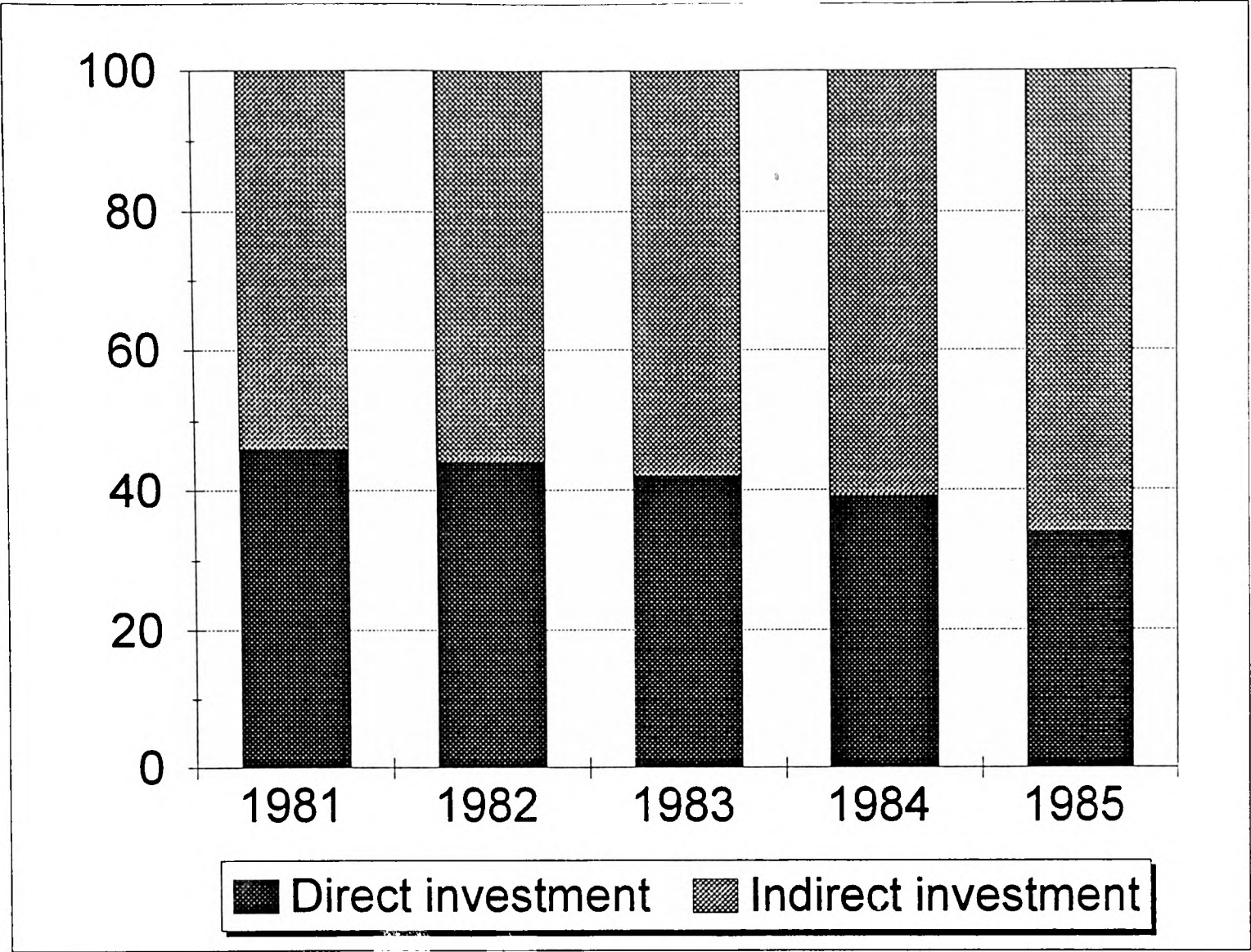


Figure 10.3: Direct and indirect investments in South Africa
(Source: adapted from SAIRR Survey 1986: 68)

Mode of disinvestment	By number of companies		By number of employees	
Sold to South African companies	63	(38%)	35,644	(45%)
Sold to local companies	30	(18%)	13,694	(17%)
Closed down	18	(11%)	763	(1%)
Sold to European/Asian/Australian companies	16	(9%)	6,528	(8%)
Sold to United States companies	9	(5%)	855	(1%)
Sold or donated to some form of trust	7	(4%)	11,236	(14%)
Trust - Management buyout	1	(1%)	152	(1%)
Moved to a neighbouring country	1	(1%)	182	(1%)
Withdrew investment	1	(1%)	30	(0%)
Donated to church	1	(1%)	5	(0%)
Unaware of mode	19	(11%)	9,359	(12%)
Total	167	(100%)	78,468	(100%)

Figure 10.4: Modes of disinvestment by American firms 1984-1989.
(Source: "Transnational Corporations in South Africa and Namibia," UN Centre on Transnationals)

continued its ban on IBM products despite the "termination" and the New York City pension funds sold its shares in the company. Figure 10.4 gives an indication of the modes of disinvestment by American firms.

Thus the United Nations Secretary General noted in a report on disinvestment by the United Nations Centre of Transnational Corporations:

"Such measures allow companies to obtain receipts and profits whilst removing themselves from conflicts around apartheid... the changed nature of their links with South Africa makes them less visible but they continue to provide the South African economy with important products and technologies."⁶⁹

The report concluded that South Africa had virtually unrestricted access to international technology and transnational products.

British companies were less active in reducing South African operations for the reason that public accountability is far less than in the United States, and consequently shareholder pressure relatively lower. In addition, local government is not as powerful as in the United States. Where pressure was actively applied, disinvestment resulted as in the case of Barclays Bank where a concerted campaign was waged by anti-apartheid activists and student organisations.

Disinvestment was essentially a response to economic reality and political pressure. South Africa's poor economic prospects was evidenced by a low growth rate in 1986-1988, a rising unemployment rate (particularly for the black population) and a shortage of capital as a result of financial sanctions. Currency devaluation had a negative effect on the transfer of profits in foreign currencies, and the cessation of taxation agreements,⁷⁰ played a role in the decision to disinvest from South Africa. The Rangel Amendment, introduced in 1987 in the United States Senate, eliminated foreign tax credits for taxes paid on earnings to the South African government. This meant that the effective tax rate for Mobil, for example, which announced its intention to disinvest in April 1989, was 72 per cent.⁷¹

Though it may have been in the transnationals' longer term commercial interests to withdraw, the damage to the corporate image appeared the more immediate reason for

disinvestment. One reason for this was the intensified pressure on companies - there were disinvestment motions at 78 annual general meetings of American companies, and at 127 meetings in 1987.⁷² Another reason was a change in public perception as one of the benefits of disinvestment, particularly for American companies which wanted a positive public image at home.

In explaining its decision for withdrawing from South Africa for "commercial reasons," the Barclays Bank said that its share of the student market in Britain had been reduced from 25 per cent to 17 per cent as a result of its South African connections.⁷³ It was the largest of British companies to withdraw from South Africa at the time, and its departure fuelled speculation that other companies in Britain and Europe would follow suit.

"The loss of Barclays was regarded as ominous for South Africa since British entities were South Africa's biggest investors. All told the Barclays Bank disinvestment was therefore a severe psychological blow for the South African government."⁷⁴

10.3 ENERGY SANCTIONS

Sanctions on energy were aimed at depriving South Africa access to sources of energy, both conventional and nuclear, by imposing sanctions on the export of energy products to South Africa. Although coal is a conventional source of energy, sanctions on coal were not imposed to deprive South Africa of an energy source but as a sanction on South African exports.

10.3.1 Sanctions on conventional sources of energy

As early as January 1960, the Second All Africa People's Conference held in Tunis suggested that oil companies be approached with the objective of preventing the sale of oil to South Africa.⁷⁵ It was an indication of the importance of oil to South Africa. Oil is one of South Africa's most vulnerable point of dependence on the international community.⁷⁶ It is the only strategic raw material not found in commercially exploitable quantities within South Africa's borders. Although South Africa met most of its domestic energy requirements from its substantial coal reserves, it nonetheless remained dependent on liquid hydrocarbons. Oil supplied about one quarter of South Africa's energy

consumption of which 80 per cent was used in transport, and at least ten per cent to fuel the highly mechanised South African police and armed forces.⁷⁷

Beginning in 1973, South Africa faced pressure with the emergence of oil producing countries as a powerful economic force. Following the Six Day War with Israel, Arab states entered into a mutually beneficial quid pro quo arrangement with African states. In return for instigating an oil embargo against South Africa, African states agreed to ostracise Israel, and by 1973, all but four African states had severed diplomatic links with Israel.

The Shah of Iran, however, did not join the embargo and until his fall in 1978, South Africa obtained 90 per cent of its oil from Iran.⁷⁸ The United States reportedly used this link in 1977 by threatening to cut South Africa's oil supplies from Iran if South Africa did not pressure Ian Smith into relinquishing power in Rhodesia within two years. Iran in turn was threatened with an arms embargo.⁷⁹

Oil embargoes were imposed by the European Community, the Commonwealth, the United States, the Nordic states, and OPEC. However, they were mandatory only in Denmark, Norway and France. Consequently, two British companies, Shell and BP, jointly owned South Africa's largest oil refinery and marketed some 40 per cent of South Africa's petroleum sales.⁸⁰ France, owned 40 per cent of Total which controls almost two-thirds of Total South Africa.

At the United Nations, most states supported an oil embargo. However, many states voting yes indicated that they would not actually apply sanctions unless the Security Council imposed an mandatory embargo - it was an unlikely step because the United States, Britain and France had used their veto power since November 1977 to block Security Council action.⁸¹ Moreover, Arab states which supported the oil embargo nevertheless supplied South Africa with crude oil. Saudi Arabia, Oman, the United Arab Emirates, Qatar, Kuwait, as well as non-Arab Iran were the major suppliers of crude to South Africa.⁸²

Norwegian tankers were responsible for much of the oil delivery to South Africa⁸³ until 1986 when the Norwegian government introduced a system requiring the registration of tankers supplying South Africa. During the first three months, four Norwegian owned ships were recorded as having delivered crude oil to South Africa, though the registry

did not include all Norwegian ships delivering to South Africa.⁸⁴ In March 1987, Norway strengthened the sanctions by prohibiting oil delivery by Norwegian flagged or controlled ships, although loopholes remained.

From 1989, shipping groups based in Hong Kong, and London-based Greek groups dominated crude oil shipments to South Africa. Britain was at the centre of sanctions evasion because of its sovereignty over Hong Kong. "In one way or another the UK was linked to 112 of the 121 deliveries, thus accounting for no less than 93 per cent of the total volume identified."⁸⁵

The imposition of the oil embargo did, however, serve as a deterrent. A ban introduced in 1987 proved effective in the case of Brunei, for example, which had become a major supplier. One of South Africa's largest suppliers, Transworld Oil based in Bermuda, announced in October 1987 that following Commonwealth sanctions it had stopped deliveries to South Africa.⁸⁶ In the absence of a major alternative supplier, after the fall of the Shah of Iran South Africa was forced to buy on the spot market, and pay large premiums over an already inflated trading price. In April 1986, President Botha stated in Parliament that it had cost South Africa R22m between 1973 and 1984 to break the oil embargo.⁸⁷

10.3.2 Sanctions on nuclear sources of energy

The South African nuclear industry which developed entirely with foreign support remained dependent upon it. The development of the uranium mining industry, training of personnel and nuclear research activities, and the construction of nuclear reactors - in effect South Africa's progress and increasing sophistication in the nuclear field - was achieved through the cooperation of several countries, corporations and institutions. There was little doubt that South Africa had the technical capability to make nuclear weapons and the necessary means of delivery.⁸⁸

In September 1985, the European Community agreed to prohibit all new collaboration in the nuclear sector. This allowed France to continue to service and supply the Koeberg reactor, thus making it possible for South Africa to proceed with the development of its civilian nuclear power capacity to increase its independence in the energy field, and lessen its sensitivity to sanctions in that area.

The United States had restriction on exports of nuclear materials as South Africa was not a signatory to the Nuclear Non-Proliferation Treaty, and the Nuclear Non-Proliferation Act of 1978 barred such exports. In 1982, the Reagan administration eased export restrictions on nuclear equipment and technology, and South Africa became the third largest recipient of such exports. In 1985, the Presidential executive order that was issued to stave off congressional sanctions prohibited exports of nuclear goods and technology, and the Comprehensive Anti-Apartheid Act of 1986 prohibited the export of "special nuclear material or sensitive nuclear technology", as well as items of "significance for nuclear explosive purposes."⁸⁹ In Britain, South Africa's membership of the UKAEA's Systems Reliability Service was not renewed in July 1986.⁹⁰

South Africa's continued membership of the International Atomic Energy Agency (IAEA) was, however, supported by Western states despite moves for its expulsion.⁹¹ In September 1987, for instance, when Nigeria attempted to suspend all South African contacts with the IAEA, it was reported that the Soviet Union agreed with the American view that it was better to have South Africa in the organisation than out of it particularly as President Botha, in the wake of the threat of expulsion, had signalled that South Africa would be prepared to sign the non-proliferation treaty.⁹² It was argued by critics of South African membership that the IAEA allowed South Africa to acquire vital technical know-how, derive substantial benefits from technological and scientific exchanges promoted by the IAEA, and establish valuable contacts for its nuclear plants.⁹³

10.4 COMMUNICATIONS AND TECHNOLOGY SANCTIONS

South Africa's attempt to distance itself from the international economy, integrated it even more into it, and showed its stress sensitivity. Import substitution increased dependence on imports of technologically more sophisticated goods. One of the reasons for this was the failure of the South African government to promote the development of an indigenous technology complementary to its policy and emphasis on import substitution. As a consequence, even though production of consumer goods increased significantly, the process depended largely on imports of capital goods and components to maintain production.⁹⁴

In response to the high tariffs imposed in the 1960s, many transnationals⁹⁵ set up branches in South Africa, but located R&D, as is customary, in the home countries. As

a result, the technology and components for these key sectors were imported. Thus in 1985, 80 per cent of components used in the computer industry and 50 per cent by value of all motor vehicles were imported.⁹⁶ The vulnerability of this dependence was demonstrated when a crisis was precipitated in these sectors when the value of the rand fell.

Additionally, dependence on exports of primary products to finance this technology transfer made South Africa sensitive to fluctuations in international commodity prices and reliant on inflows of foreign capital to finance gaps in foreign exchange requirements. Although the South African government's promotion of R&D produced notable achievements in agricultural and mining technologies, it contributed little towards reducing South Africa's overall dependence on imported technology. By 1985, foreign investment in South African economy was concentrated in the most dynamic and strategic sectors of the economy: petroleum, chemicals, electronics, computers and vehicles. American companies alone controlled 48 per cent of South African computer market, 44 per cent of the oil market and about 33 per cent of the motor vehicles market.⁹⁷

Computers and new technology were vital to the modernising of South African industry and military. The South African computer industry was largely an assembly activity dependent on overseas design and technology.⁹⁸ It has been import intensive, and heavily reliant on foreign R&D.⁹⁹ Moreover, given the skills shortage in South Africa, computers were regarded by the South African government as a key means by which to cope with the bureaucratic complexities of apartheid.

The Irish Anti-Apartheid Movement in calling for South Africa to be excluded from the World Computer Congress in Dublin in 1986 stated:

"Computers have gained a special significance in South Africa. Computerisation has helped everything from banking to passport control - among the most hated of apartheid tools. More than any other single technological advancement, the computer has fostered the concentration of administrative power in the hands of the South African white elite... An IBM computer system used by a South African administrative department facilitates the uniquely South African system of racial classification that underpins apartheid."¹⁰⁰

In 1985, the Security Council urged a prohibition on all sales of computer equipment that could be used by the South African army or police.¹⁰¹ Both the Commonwealth and the European Community complied with this request.¹⁰² The Nordic states's prohibition included restrictions on technology transfer and licences, and as technology transfer includes knowledge, skilled personnel and equipment, the sanctions were aimed at limiting the ability of South Africa to obtain certain kinds of technology. The most stringent unilateral technology sanctions were introduced by Canada in March 1989 when South Africa and Libya were the only two countries placed on an "Area Control List" prohibiting a broad range of exports. The exports included computer software and hardware, and electronic and telecommunications equipment to both potential private and public purchasers in South Africa.

Under the Comprehensive Anti-Apartheid Act, the United States prohibited the export of computer hardware, software, goods and technology to the military, police, prison system, national security agencies, the parastatal Armscor and its subsidiaries, and the weapons research activities of the CSIR¹⁰³, and apartheid enforcing agencies including those in local, regional and homeland governments.¹⁰⁴ The ban covered about 30 per cent of sales to South Africa.¹⁰⁵

The sanctions, however, were not designed to prevent the flow of computers to South Africa. Since the sanctions on computer hardware and software related only to specific agencies, there was nothing to prevent other bodies from purchasing the goods for lease to agencies on the prohibited list. Besides, only sections of the CSIR were banned from receiving American computers, which meant that others could legally procure them. Even though American sanctions specifically prohibited sales to Armscor, the ban did not extend to the 800 or more private contracting firms that undertook work for the parastatal. Hence computers that could not be sold to the South African government or to Armscor, could be sold to private companies that acted as contractors to the defence establishment. The stringent CoCom controls on the export of computer technology did not apply to South Africa, and technology transfers took place with little or no controls. Although the Pentagon attempted to block the sale of personal computers to Eastern bloc states on the basis that they could be put to military use, there were no objections raised to the sales of personal computers to South Africa.¹⁰⁶

10.5 MILITARY SANCTIONS

There was a close link between the military sanctions and the communications and technology sanctions imposed against South Africa particularly in the use computers that can be used for either military or civilian purposes. The other military sanctions have included the withdrawal of military attaches, as in the case of the 1985 European Community sanctions, the suspension of military assistance, especially by way of military cooperation, and the arms embargo.

10.5.1 Suspension of military cooperation

Military cooperation with South Africa was reduced through the European Community agreement in September 1985 to withdraw their military attaches from Pretoria, and revoke accreditation to military attaches from South Africa. Military and nuclear cooperation was also banned. Nevertheless in July 1986, the existence of active cooperation between British (and American) and South African intelligence agencies was revealed.¹⁰⁷ Three South African military intelligence officers took part in a meeting at the GCHQ in Cheltenham as part of a pattern of pooling intelligence between the three countries.

The United States, which in 1977 imposed an embargo on the export of all items on the Munitions List, permitted the export of some of the items in 1982 as part of the policy of constructive engagement. In 1984, licences were issued for the export of US\$88m of Munition List items to South Africa.¹⁰⁸ The Comprehensive Anti-Apartheid Act of 1986 reverted to a prohibition on Munitions List sales to South Africa but did not cover most dual purpose equipment which fell under other export licensing provisions.

10.5.2 Arms embargo

Individual governments defined what items fell within the scope of an arms embargo. To use Britain as an example, when it imposed an arms embargo in 1964, it was an important step in view of the Simonstown Agreement signed between South Africa and Britain in 1955. The agreement did not confer the obligations and guarantees of a defence alliance on either party, but South Africa regarded the agreement as granting a degree of legitimacy in Western defence thinking and a position in Western strategic defence. There was an assumption that the spirit of the agreement carried an implicit

commitment to sell arms to South Africa.¹⁰⁹ The resolve of the 1964 Labour government to adhere fully to the voluntary United Nations embargo thus removed any ambiguity. Soon after the Conservative party came to power in June 1970, it announced that a partial reversal of the embargo was being considered. However in the period 1970-74, only seven Wasp helicopters, which Britain was legally obliged to supply in the terms of the Simonstown Agreement, was sold to South Africa.¹¹⁰ In 1974, Britain withdrew from the agreement.

Nevertheless, Britain permitted exports of equipment such as the Plessey ARD3D mobile military radar systems, and South African military personnel were brought to Britain to train on the equipment prior to export. Likewise, the Marconi S-247 static military radar system which provided the backbone of South Africa's radar was updated.¹¹¹ The export of these systems was permitted because they were also used for civilian air traffic control. British controls did not extend to cover items such as cryostats used by the South African military in heat-seeking missiles, or the Optica aircraft developed for police and air surveillance work. By contrast, when France placed strict licensing requirements on the export and re-export of military and nuclear equipment to South Africa in January 1986, with the exception of exports to the Koeberg nuclear plant,¹¹² the sanctions were significant in that France had long been a major supplier of military and nuclear equipment and technology to South Africa.

The United Nations imposed three arms embargoes: the 1963 voluntary arms embargo; the 1977 mandatory arm embargo, which in addition to prohibiting the sale of arms and materials for arms production also covered, for the first time, cooperation with South Africa in the manufacture and development of nuclear weapons; and the 1984 voluntary embargo which requested states not to import arms, ammunition and military vehicles produced in South Africa.¹¹³

South Africa responded to the arms embargoes by establishing the parastatal Armscor in 1977¹¹⁴ to control the procurement and production of all armaments by one organisation. The South African manufacture of a wide range of basic and advanced armaments was evidence of South Africa's success in breaking the mandatory arms embargo and achieving arms self-sufficiency. This was seen at displays at international arms fairs, such as "Fida 88" held in Chile in 1988, where South Africa revealed its ability to produce sophisticated weaponry such as the "Airbok" Alpha helicopter and the Cheetah fighter-interceptor.¹¹⁵

10.6 BOYCOTTS

The three main type of boycotts discussed in chapter three - sports, cultural and other boycotts - were in operation against South Africa. The boycotts, also known as "people's sanctions," were instituted in the main by non-state actors at the non-governmental level.

10.6.1 Sports boycott

The role of sport in influencing change in most countries is minimal. In South Africa, however, sport enjoyed a special political significance, and hence of the array of international measures adopted against South Africa, the sports boycott was the most visible.

Since sport in South Africa was determined and administered by general practice and policy and not by specific legislation, there were no laws or legal clauses per se that specifically prohibited racially mixed sports.¹¹⁶ Apartheid, however, militated against mixed sports.

"There was little need ... to impose a policy of apartheid upon specific sporting relations since social differentiation already existed. Furthermore, the general laws of apartheid rule rendered multi-racial sport impossible in that it was illegal for black and white athletes to mix openly in competition, as it was for black and white people to mix socially in society."¹¹⁷

South Africa's first official sports policy announced in 1956, affirmed the view that white and non-white sport should remain distinct and separate on both competitive and administrative levels. However, white executive committees coordinated the work of sporting associations of all colour groups, and acted as their representatives on international bodies. International teams competing in South Africa against white South African teams were expected to be all white. The government did not issue passports "to subversive non-whites, that is, those engaged in activities designed to change South Africa's racial policy, discredit South Africa's image abroad, or attempt to eliminate white South Africans from international competitions."¹¹⁸

One of the implications of this policy was the use of a letter from the Transvaal Indian Congress, charging the South African Olympic Council of being discriminatory, as proof of "treason" in the Johannesburg treason trials in 1957. Another was the barring of non-white spectators from sporting events. As a result, the international pressure on South Africa over its sports policy intensified. In New Zealand, for example, the exclusion of two outstanding Maori players from the All Blacks tour of South Africa in 1960, resulted in protests in New Zealand with the catchphrase, "No Maoris, no tour."

South Africa was charged of being in violation of the Olympic Charter on the grounds that the selection of South African teams on the basis of colour was a contravention of the principle that the Games were open to all people.¹¹⁹ Consequently, South Africa was presented with an ultimatum by the International Olympic Committee (IOC) in June 1964: either South Africa altered its sports policy by August, or else the invitation to the 1964 Tokyo Games would be withdrawn. South Africa chose to respond by stating that racially mixed teams would not be allowed to represent South Africa; it, therefore, did not participate in the Olympics.

South Africa was invited to send a team to the 1968 Games in Mexico following a postal ballot of IOC members.¹²⁰ The threatened withdrawal of mainly African nations, and a strong campaign to exclude South Africa resulted in the invitation being cancelled after another ballot. In 1970, the "Stop the '70 Tour" campaign organised in Britain over the Springbok tour, the refusal of 13 African teams to participate in the Edinburgh Commonwealth Games, and the consequent cancellation of South Africa's cricket tour of England, presaged the expulsion of South Africa from the IOC, and the international football federation, FIFA.

Sport in South Africa gradually became desegregated, with the introduction of "multinational sport" and the announcement in 1976 of a new sports policy which allowed all South Africans teams participating in international events to be selected on merit through racially mixed trials. The sports boycott though continued. The initial objective of the boycott had been the desegregation of sport in South Africa. The South African government in its quest for readmission of South Africa into the international sports arena was prepared to meet initial demands. But the objective of the sports boycott movement shifted to include the wider issue of apartheid on the basis that there could no "normal" sport in an "abnormal" society. Thus in 1977, the Gleneagles Agreement, by which the Commonwealth agreed as part of its support for the international campaign against

apartheid to discourage contact and competition with teams or individuals from South Africa, further served to isolate South African sports.

There was intensification of the sports boycott after the adoption of the tricameral constitution for South Africa in 1984. In December 1985, the General Assembly adopted the International Convention against Apartheid in Sports¹²¹ which by September of the following year had been signed by 64 countries. A sports blacklist was instituted and updated, and India declared its intention to enforce the blacklist even at the cost of the 1987 World Cup Cricket scheduled to be held in India being cancelled.¹²²

Despite the efforts of sports promoters and organisations to convince international opinion that sport in South Africa was untarnished by racialism, public opinion in South Africa took a different view. Two surveys conducted in late 1985 and 1986 on international sporting tours, and the extent of sports integration revealed that 56 per cent of urban whites did not believe that sport in South Africa was integrated at all levels, and 83 per cent of urban blacks considered it proper that international teams should not play against South Africa until apartheid was abolished.¹²³ By the end of 1986, of the 108 national sports controlling bodies recognised by the South African government, only 31 remained full participating members of 29 international sporting associations, compared with the 72 that were recognised in February 1984. In 1985 alone, South African teams were either barred or had their invitations withdrawn from a total of 38 international sporting events.¹²⁴

10.6.2 Cultural boycott

The cultural boycott had its beginnings in October 1954 when Bishop Trevor Huddleston, who subsequently became the President of the Anti-Apartheid Movement, wrote to The Observer:

"I am pleading for a cultural boycott of South Africa. I asking those who believe that racialism to be sinful or wrong should refuse to encourage it by accepting any engagement to act, to perform as a musical artist or as a ballet dancer - in short, engage in any contacts which would provide entertainment for any one section of the community."¹²⁵

From then on, South Africa was progressively isolated in the cultural field. In 1961, the British Musicians Union adopted a policy decision that its members not perform in South Africa so long as apartheid existed. Two years later, 45 British playwrights signed a declaration instructing their agents to insert a clause in all future contracts which automatically refused performing rights in any theatre "where discrimination is made among audiences on the grounds of colour."¹²⁶ The declaration was subsequently signed by playwrights in other countries. A decision by British Actors' Equity in 1976 not to sell to South African television, programmes featuring its members resulted in British productions with Equity members, apart from documentaries, not being aired in South Africa. In 1978, the Associated Actors and Artists of America, the umbrella organisation of major actors' unions, took a unanimous decision not to perform in South Africa.

In 1985 the cultural boycott gained further momentum in the United States when the singer Stevie Wonder accepted his Oscar award in the name of Nelson Mandela, and the South African government reacted by imposing a ban on all his music. The actor and director Woody Allen announced that he would no longer allow his films to be released in South Africa as a protest against apartheid, and over 50 artists belonging to "Artists United against Apartheid" recorded an anti-apartheid song "Sun City".¹²⁷ A year later, the company producing the soap opera "Dallas", which was rated as South Africa's most popular television programme, decided to stop the export of the programme to South Africa. The Cape Times commented:

"The coming end of 'Dallas' has shattered our complacency. People are not concerned about the cultural boycott as such, because they are not concerned about culture. But American soap operas are different."

The South African Broadcasting Corporation added that "the entire public will be affected by the ban on 'Dallas'".¹²⁸

At the inter-governmental level from 1968 on, the General Assembly requested all states and organisations to suspend cultural exchanges with South Africa.¹²⁹ In view of the defiance of the boycott by many entertainers who continued to perform in South Africa, the General Assembly, in May 1980, appealed to "writers, artists, musicians, and other personalities to boycott South Africa"¹³⁰ In 1983, as part of its effort to promote the cultural boycott, the Special Committee against Apartheid began the periodic publication

of a register of those who had performed in South Africa in defiance of the boycott. In 1986, the United Nations Centre against Apartheid reported a significant decline in entertainers going to South Africa which it attributed to the adverse publicity of appearing in the register.

The arguments regarding the register and the cultural boycott was manifested in full when the American singer Paul Simon popularised black music with his album "Graceland". The controversy centred on whether Simon had violated the boycott by going to South Africa to record the album in 1985 and thus compromised the goal of isolating white South Africa, or whether his "Graceland" tour with South African exiles Hugh Masekela and Miriam Makeba made a significant contribution to the anti-apartheid cause by bringing black South African music to the attention of the international music world.¹³¹

The debate brought to the fore the "cultural struggle", as it was termed, in South Africa. ANC leader Walter Sisulu, in a message smuggled out of prison said: "Do not become the spit in Paul Simon's mouth. You cannot remain aloof from the political struggles of your community."¹³² The pressure on South African performing artists to become more politically aware, resulted in the ANC changing its policy on the cultural boycott.

This change became evident when the ANC broke the deadlock between the author of a cartoon version of the Holocaust, Art Spiegelman,¹³³ and his publishers, Andre Deutsch. Spiegelman refused to have his book "Maus" sold in South Africa because of the cultural boycott, while Andre Deutsch argued that it was morally wrong for publishers who should fight censorship in all its forms to ban their own books from South Africa, especially ones that present powerful arguments against racism.¹³⁴ The ANC took the view that there should not be any hard and fast rules on books, and that "Maus" had relevance to the struggle against apartheid.¹³⁵ It then arranged for the book to be published in South Africa, and for the ANC to receive all the profits.

The effect of cultural deprivation as a result of the cultural boycott was the explosion of indigenous theatre, creative writing, poetry and music. On an international level, the cultural boycott brought the issue of apartheid to a wider audience through musicians participating in the boycott, and recording songs against apartheid.¹³⁶

10.6.3 Other boycotts

The academic boycott was foremost among other boycotts. It was initiated in response to the Extension of Universities Act of 1959 which effectively ended the independence of universities.¹³⁷ The Act deprived universities of the freedom to select students on academic merit, and denied black students any freedom of choice over the university they wished to attend.¹³⁸

The academic boycott, as with most other boycotts, worked in both directions. Academics were pressured not to go to South Africa either on a permanent basis or on sabbaticals, lecture tours or to attend conferences. In the other direction, emphasis was placed on preventing South African participation at conferences where individuals could be seen to be representing South Africa regardless of their personal views. The General Assembly, which considered the suspension of academic contacts with South Africa an important measure in the international campaign against apartheid, requested all states since 1980,¹³⁹ to prevent academic exchanges with South Africa, and urged academic institutions to terminate all links with South Africa.

The issues surrounding the academic boycott came to the fore in late 1986 when demonstrations and disruptions forced the cancellation of lectures by the Irish academic and former President of the Irish Anti-Apartheid Movement, Conor Cruise O'Brien at the University of Cape Town (UCT). The protestors maintained that his visit was a violation of an international commitment to isolate South Africa. The publicity secretary of the Azanian Student's Organisation (AZASO) stated that the visit was:

"... under the pretext that UCT is at the forefront of the struggle against apartheid. But the campus is a by-product. The campus as such, including the politics department, is not at the forefront of the struggle."¹⁴⁰

O'Brien, on the other hand, justified his decision thus:

"I don't accept the right of these people to tell a free scholar where and what to teach. By sacrificing my own right to my own mind I would not be alleviating the suffering here."¹⁴¹

Even though the academic boycott was mostly opposed by South African academic staff, 81 academics at UCT were against the visit.¹⁴² They stated:

"We dispute the definition of academic freedom... in which the notion of freedom of speech is divorced from the South African context... True academic freedom and freedom of speech are inseparable from the establishment of fully democratic institutions in a free society."¹⁴³

The arguments concerning the academic boycott also came to the fore during the World Archaeological Congress at Southampton University in 1986. When it became known that South Africans had applied to attend the congress, the Southampton City Council warned that it would withdraw funds, African countries threatened a boycott, and the students' union, the Association of University Teachers and the British Anti-Apartheid Movement said they would hold demonstrations if South African participation was allowed. Subsequently, the organisers decided to inform the South Africans that their presence at the congress would be unacceptable.

It was a controversial decision. There were several resignations from individuals and organising bodies, and the International Union of Prehistoric and Protohistoric Sciences (IUPPS), archaeology's governing body, withdrew recognition of the Southampton congress as the official IUPPS congress.¹⁴⁴ In November the following year, the official IUPPS congress was held in Mainz, West Germany with South African participation, despite protests and representations from scholars, African governments and anti-apartheid movements.

The argument in favour of the academic boycott rested on the grounds that academic freedom could not exist without equality of opportunity. Moreover, it was argued that the principle of academic freedom was usually discussed in the context of a right affecting a small group of white liberals, and not in the wider context of academics and students whose freedom was suppressed because of the detentions and bannings that they had to face as a result of their opposition to apartheid. Even though a total boycott did close doors, it did not prohibit anti-apartheid ideas crossing borders, nor prevent academics from seeking out those ideas and people associated with them when visiting abroad. Although there were negative effects from the academic boycott, these were a necessary short-term sacrifice.¹⁴⁵

The academic boycott led to a decline in the number of overseas academics taking up positions at South African universities and research institutions, and accepting visiting lectureships. Many international exchange programmes with South Africa were terminated. Austria, for example, suspended its student exchange programme, and the Netherlands stopped providing funds for students to go to South Africa. The Royal Institute of British Architects ceased to recognise architecture degrees from three South African universities on the basis that insufficient progress had been made on the admission of black students.¹⁴⁶ Within South Africa, a repressive academic environment caused a brain drain from universities and research institutions.¹⁴⁷ Whether this was the result of the overall political and economic climate, or purely the result of the academic boycott is difficult to ascertain.

The academic boycott resulted in the reappraisal of the role of academics in an apartheid society. In an attempt to break the boycott, some academics suggested that political guidelines be established so that was only a selective boycott of individuals and institutions:

"What we are trying to say to those abroad is that while we understand the reason for the boycott, we believe that they should distinguish between opponents of South Africa and others."¹⁴⁸

Other academics suggested that South Africans applying to attend international conferences or submitting papers to international journals be required to sign a declaration stating that they did not support an academic system based on discrimination and inequality.¹⁴⁹ In the other direction, some academics taking up positions in South Africa did so after consultation with exiled liberation movements. As one of them explained:

"An ANC official told me that though officially they would not say that I should go to South Africa, they would rather that I got the position than some right wing person who would help perpetuate apartheid."¹⁵⁰

10.7 CONCLUSION

In 1991, the Financial Mail concluded:

"The cost of economic sanctions can never be accurately quantified. Not least because much of the cost was in opportunities foregone when the economy turned inward - focusing, for instance, on import replacement for more than two decades."¹⁵¹

It is estimated that growth sacrificed as a result of economic policies designed to counter sanctions was equivalent to 20-35 per cent of GDP. This equated to about 1-1.5 per cent reduction in the annual growth rate. The Trust Bank estimated in 1990 that sanctions imposed since 1985 had cost the South Africa US\$16b in foreign exchange; US\$13b in total production; and US\$30b.¹⁵² Indeed, the Minister of Finance, Barend du Plessis announced in 1991 that sanctions had cost South Africa 4.4 per cent in annual growth, and R25,000 million.¹⁵³ Disinvestment contributed to a significant loss in international business confidence. It discouraged further foreign investment, and made it difficult for South Africa to obtain foreign loans except on a short term, high interest basis.

The impact of trade sanctions was minimal. The main reason for this as that sanctions were on goods that were in surplus on the world market, especially iron, steel and agricultural products.

"They are certainly not picking on essential minerals such as platinum and chromium, and they are too scared to tamper with gold."¹⁵⁴

Sanctions on kruggerands were imposed only after the market had been largely saturated. They were expected to have little effect as South Africa had already stopped minting them, and they had ceased to be investments under the influence of market forces.¹⁵⁵ The Commonwealth sanctions on airlinks resulted solely in the termination of direct flights between Johannesburg and Sydney.

A result of financial sanctions was an estimated capital outflow between 1985-1988 of US\$11bn, which was equal to 4 per cent of GDP in 1988. The costs of the transformation from capital importer to capital exporter were high: rising inflation rates approaching 20 per cent, and a consequent decline in real income, and unemployment in the region of 40 per cent of the workforce.

The question of unemployment was one of the reasons put forward by Western states, in particular West Germany and Britain for not imposing sanctions:

"The Kohl government is sceptical of the efficacy of economic sanctions, taking the view that sanctions harms those they are intended to help. Business shares this view."¹⁵⁶

When the first sanctions resolution was adopted by the General Assembly in 1962, with Britain voting against it, the British representative stated in the explanation of vote that "sanctions would inflict damage on thousands of innocent people whom they were intended to help."¹⁵⁷ Twenty seven years later Mrs Thatcher, in explaining her opposition to sanctions said:

"I see nothing moral in sitting in the House of Commons pronouncing poverty and starvation on many black children and black people in South Africa."

The argument was not unique to the South African case. When anti-fascist groups in Britain advocated sanctions against Germany to end Hitler's persecution of the Jews, the suggestion was dismissed on the grounds that Jews would suffer the most.¹⁵⁸

Various studies attempted to assess the impact of sanctions on employment levels.¹⁵⁹ Significantly, it was projected in 1989 that on average a quarter of jobs affected¹⁶⁰ would concern white employment, and moreover that employment was about half a million lower than it would otherwise have been, not so much because existing jobs were lost, but because so many more new jobs could have been created for young work-seekers in a scenario of higher overall growth.¹⁶¹ It was also argued that it was apartheid itself which produced structural unemployment, and was more responsible for unemployment than sanctions:

"By impeding the apartheid system and making it unworkable, sanctions would open the door to much more hopeful prospect for the black population."¹⁶²

Nevertheless, there is little doubt that blacks were the worst affected simply because of their numerical preponderance in the workforce, and that 80 per cent of new job seekers are black people. Consequently there was an increasing emphasis on tailoring sanctions which minimised the impact on blacks, and maximised pressure on the government.¹⁶³

Employment was also affected in other ways. A result of disinvestment was that foreigners were not the only ones to leave; the loss of South Africans with skills and

ideas was even more damaging. The development of an indigenous technology to offset reduced access to R&D from the withdrawal of foreign capital was further impaired by an increase in net migration, mostly of skilled workers who could not be replaced in the medium term.

Sanctions also forced the development of small business and informal activities in order to limit the unemployment resulting from low economic growth. The employment-creating potential of a positive urbanisation policy had the effect of developing and upgrading black townships. One of the ironies of the sanctions was that they raised the price of gold, a traditional bulwark in times of economic crisis.¹⁶⁴

Although economic sanctions were the main feature of sanctions packages, there was a wide range of other sanctions and boycotts imposed against South Africa. Over the years, the types of sanctions became broader in scope, and more specific in content affecting virtually all areas of linkages with South Africa. The scope of sanctions broadened in 1985 when, for the first time, nearly all of South Africa's Western trading partners imposed sanctions.

The intensification and extension of the sanctions and boycotts, saw each affected group raise objections in defence of its position, and its right to be exempted from the boycott. A prevalent feature was what may be termed the "Why me?" syndrome. Sports personalities complained as to why they should be the targets of boycotts when people with business and other links were allowed to continue with their international relationships relatively unimpeded. Business groups, on the other hand, claimed that economic sanctions would hurt blacks, whereas the sports boycott would be beneficial in removing apartheid. Academics stated that those who would suffer the most from the academic boycott were:

"... the very people who have been the most outspoken against race discrimination and South Africa - academics with unimpeachable records."¹⁶⁵

In a similar vein, the exiled South African writer Lewis Nkosi endorsed the sports boycott and the music segment of the cultural boycott, but objected to the literary boycott on the grounds that:

"It is difficult to see how a state as powerful as South Africa can be brought down by a rhyming couplet... What kind of collaboration can they [books] be supposed to enter into with Botha?... Certainly it would be odd to withdraw the 'Communist Manifesto' from the black townships under the illusion that one was harming the government."¹⁶⁶

Each set of sanctions and boycotts thus created its own set of convoluted arguments for and against it. Nevertheless, they all had a cumulative effect on South Africa on several fronts, affecting to a far greater degree the white population and depriving it of amenities to which the rest of the population had negligible exposure.

The sanctions and boycotts exerted pressure on South Africa's political, economic and social milieux both directly and indirectly. They demonstrated to South Africans, particularly those classified as white, the international unacceptability of apartheid. According to a leading South African financier, Dr Chris Van Wyk, Chief Executive of Bankorp:

"The fact that South Africa is an integral part of the global village has been forcefully brought home by sanctions while the vital importance of meaningful international relations has been more than adequately underlined by growing isolation."¹⁶⁷

CHAPTER TEN: NOTES

1. SAIIR, Race Relations Survey 1961.
2. *ibid.*
3. GA/RES/1761, 6 November 1962.
4. Especially in agriculture and medicine in which South Africa had particular expertise.
5. Geldenhuys, The Diplomacy of Isolation, p 14.
6. South Africa's isolation from black Africa was broken when Verwoerd's successor Vorster achieved two diplomatic successes: a visit to the Ivory Coast's President Houphet-Boigny in September 1974, and Liberia's President Tolbert in 1975.
7. for a background to the suspension, see Bissell, Apartheid and International Organisations, pp 161-2.
8. Holland, "The European Community and sanctions against South Africa," p 61.
9. *ibid.*
10. Ireland, for example, though it did not have any visa requirements, did not permit South African sporting organisations to visit the country.
11. Venter, South Africa, Sanctions and the Multinationals, p 33.
12. GA/RES/2775E, 29 November 1971.
13. The resolution was adopted by 130 votes to none, with only the United States abstaining. GA/RES/31/6A, 26 October 1976.
14. S/RES/402, 22 December 1976 and S/RES/407, 25 May 1977.
15. Bophuthatswana (1977), Venda (1979) and Ciskei (1981).
16. In comparison with 20 per cent for the United States, and a range of 20 to 40 per cent for most OECD countries. See Lipton, Sanctions and South Africa, p 32, and United Nations, Transnational Corporations in South Africa and Namibia, p 42.
17. Moorsom R. (1989) "Foreign trade and sanctions," in Orkin, Sanctions against Apartheid, pp 256-7.
18. 1984 figures, Lipton, Sanctions and South Africa, p 41.
19. Hufbauer and Schott, Economic Sanctions Reconsidered II, p 36.

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20. Also in 1960, Sudan imposed sanctions on South African goods, and Somalia excluded South Africa from a 15 per cent preferential trade tariff granted to Commonwealth countries.
 21. United Nations Centre against Apartheid, "Apartheid and international response: recent developments," Document 8/88, May 1988.
 22. Commonwealth Secretariat, Sanctions Report II, pp 51-2.
 23. See page ?.
 24. Owned by Denmark, Norway and Sweden.
 25. Section 306.
 26. British Airways, Lufthansa, Swissair, Alitalia, Olympic Airways, Sabena, KLM, TAP, UTA, Luxavia and Varig.
 27. The Sanctions Report II, p 307.
 28. Sunday Star, 9 June 1991.
 29. Commonwealth Secretariat (1990) South Africa: The Sanctions Report: Documents and Statistics, London: Commonwealth Secretariat, hereafter referred to as The Sanctions Report II, p 306.
 30. *ibid.*
 31. The sanctions did not include the suspension of aid as aid was directed towards improving conditions for the black majority. Under the Comprehensive Anti-Apartheid Act of 1986 there were specific "measures to assist the victims of apartheid". In 1986, the European Community launched a new aid programme for black South Africans which allocated £14.5m under its 1987 budget. Additionally, there were bilateral aid programmes such as the British one which in 1986 amounted to some £20m towards the education.
 32. Starnberger Institute, The Economic Impact of Sanctions, p 14.
 33. see Starnberger Institute, The Economic Impact of Sanctions.
 34. Johnson, How long will South Africa Survive? p 30.
 35. *ibid*; Suckling, J., Weiss, R., and Innes, D. (1975) The Economic Factor: Foreign Investment in South Africa, Study Project Paper Nos 5 to 9, Uppsala: Africa Publications Trust, p 187.
 36. Lipton, Sanctions and South Africa, p 85.
 37. US State Department, "A US policy towards South Africa."
 38. Lipton, Sanctions and South Africa, p 37.
 39. Lipton, M. (1990) The Challenge of Sanctions, Discussion paper no 1, Centre for the Study of the South African Economy and International Finance, London School of Economics, September 1990, p 9.

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40. for details, see Moorsom, Sanctions against South Africa, p 39; Lipton, Sanctions and South Africa, pp 36-7.
 41. Approaching five per cent of GDP.
 42. South, April 1988.
 43. Section 305(a). Exception was made for loans for education, housing or humanitarian benefit that were non-discriminatory with regard to population groups.
 44. There was an exception for accounted authorised by the American President for diplomatic or consular purposes.
 45. Also known as the Rangel Amendment.
 46. Some exceptions were allowed for new investments in education, health and social areas.
 47. Details of the debt crisis are given in various publications. See for example, Ovenden and Cole Apartheid and International Finance, pp 85-98.
 48. See Chapter Six, 6.2.1.
 49. Further details on the background are given in Blumenfeld, South Africa in Crisis, p 26.
 50. Hirsch, "Sanctions, loans and the South African economy," p 274.
 51. The South African government negotiated two agreements, the first one rescheduling its debts in 1987 for one year, and the second in 1987 for three years.
 52. In January 1986, the banks agreed to a compromise proposal consisting of a provisional rescheduling of 95 per cent of short term credits, the repayment of the other US\$500m within twelve months, and further rescheduling of talks in March 1987.
 53. The directors, with the exception of those representing the largest shareholder countries, are represented by constituencies of countries. South Africa was formerly a member of constituencies in both the IMF and the World Bank.
 54. Ovenden and Cole, Apartheid and International Finance, p 99.
 55. CIDA (Canadian International Development Agency) (1986) The Impact of Economic Sanctions against South Africa on SADCC states, Hull: Canada, p 32.
 56. US Domestic Housing and International Recovery and Financial Stability Act of 1983. see *ibid*, pp 102-3.
 57. *ibid*, p 103.
 58. *ibid*.
 59. *ibid*.

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60. Commonwealth Secretariat, South Africa and the International Financial System, p x.
 61. Moorsom, Sanctions and South Africa, p 80.
 62. Although in New Zealand, for example, the sports boycott was at the forefront of the anti-apartheid movement, while in the Netherlands, the consumer boycott became the leading focus of action against South Africa.
 63. *ibid*, p 81.
 64. New Nation, 21-27 September 1990.
 65. *ibid*, p 77.
 66. Starnberger Institute, The Economic Impact of Sanctions, pp 54-5.
 67. cited in Lipton, Sanctions and South Africa, p 65 and appendix 13.
 68. For a analysis of IBM's disinvestment from South Africa see Computer Today, 12 November 1986.
 69. *ibid*.
 70. See for example, the requirement that American companies pay US taxes on South African profits as though it was income earned in the United States.
 71. *ibid*, p 70.
 72. United Nations, Transnational Corporations in South Africa and Namibia, p 44.
 73. United Nations, "Transnational Corporations in South Africa and Namibia," p 70.
 74. Venter, South Africa, Sanctions and the Multinationals, p 37.
 75. *ibid*.
 76. Shipping Research Bureau (1986) "Tightening the oil embargo against South Africa: possible actions to close loopholes" June 1986.
 77. Moorsom, Sanctions and South Africa, p 50.
 78. Moorsom, Sanctions and South Africa, p 53.
 79. Geldenhuys, The Diplomacy of Isolation, p 215.
 80. Anti-Apartheid Movement, "A tiny little bit," p 16.
 81. Klinghoffer, A.J. (1989) Oiling the Wheels of Apartheid: Exposing South Africa's Secret Oil Trade, Boulder: Lynne Reiner Publishers, p 11.
 82. *ibid*, p 41.
 83. see *ibid*, pp 51-2 for details.
 84. *ibid*, p 52.

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85. Weekly Mail, 24-30 Jan 1992.
86. It is also suggested that another reason for stopping deliveries was the company's planned expansion in the United States would have met with anti-apartheid protests. Ibid, and Commonwealth Secretariat, Sanctions Report II, p 47.
87. Financial Times, 1 May 1986.
88. United Nations Centre on Disarmament, Document no A/35/402.
89. Section 307.
90. Hansard, 21 July 1986.
91. South Africa was, however, expelled from the IAEA's board of governors.
92. Financial Times, 23 September 1987.
93. New Statesman, 27 June 1986.
94. In the period 1975-85, imports of capital goods consistently comprised approximately 40 per cent of imports, compared with approximately 16 per cent in Brazil and 17 per cent in India. CIDA, The Impact of Economic Sanctions, p 28.
95. They controlled about 40 per cent of the manufacturing sector including key sub-sectors in oil, computers, motor vehicles, chemicals and electronics.
96. *ibid*, p 29.
97. Financial Times, 20 June 1986.
98. Deputy Minister for Economic Affairs and Technology, Theo Alant, cited in Southscan, 1 April 1987.
99. A detailed study on the South African electronics industry is given in Commonwealth Secretariat, Sanctions Report II, pp 235-247.
100. "The case for the exclusion of South Africa from the World Computer Conference - Dublin in September 1986", Irish Anti-Apartheid Movement, March 1986.
101. S/RES/569, 26 July 1985.
102. As noted under trade sanctions, the Commonwealth banned computer equipment for use by the South African military, police or security forces, and the Community prohibited the sale of "sensitive equipment" to the military and police.
103. Council for Scientific and Industrial Research.
104. Section 304.
105. Commonwealth Secretariat, Sanctions Report I, p 49.
106. Commonwealth Secretariat, Sanctions Report II, p 243.

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107. New York Times, 23 July 1986.
 108. Hanlon and Omond, The Sanctions Handbook, pp 307-8.
 109. Spence, The Political and Military Framework, p 10.
 110. *ibid*, p 12.
 111. AAM "A tiny little bit," p 10.
 112. The exemption was granted to comply with a 1979 contract which provided for repairs and maintenance to be carried out by France.
 113. S/RES/558, 13 December 1984.
 114. It was an amalgamation of the Armaments Production Board established in 1964 and the old Armscor founded in 1968.
 115. Details of these aircraft and their development are given in Landgren, Embargo Disimplemented, chapter 5.
 116. For detailed discussion on the history of sports in South Africa see Lapchick, R.E. (1975) The Politics of Race and International Sport: The Case of South Africa, Westport: Greenwood Press; Brickhill, J. (1976) Race against Race: South Africa's Multinational Sports Fraud, London: International Defence and Aid Fund; Archer, R. and Bouillon, A. (1982) The South African Game: Sport and Racism, London: Zed Press; and Jarvie, G. (1985) Class, Race and Sport in South Africa's Political Economy, London: Routledge & Kegan Paul.
 117. Jarvie, *ibid*, p 48.
 118. Lapchick, The Politics of Race and International Sport, pp 25-6.
 119. Archer and Bouillon, The South African Game, p 46.
 120. A fact-finding mission sent by the IOC to South Africa had earlier concluded that some progress had been made on selection based on merit rather than colour.
 121. GA/RES/40/64G, 16 December 1985.
 122. The Guardian, 19 June 1986; Financial Times, 21 July 1986.
 123. Business Day, 4 December 1985 and Sunday Tribune, 25 August 1986.
 124. SAIIR Annual Survey 1986, p 291.
 125. cited in the "Register of entertainers, actors and others who have performed in apartheid South Africa," United Nations Centre against Apartheid, October 1983.
 126. *ibid*.
 127. *ibid*.
 128. Observer, 13 April 1986.
 129. GA/RES/2396, 13 December 1967. The resolution also called for the suspension of other ties such as in sports and education.

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130. GA/RES/206E, 16 December 1980.
 131. For details of the Graceland controversy see Africa Report, July-August 1987.
 132. Guardian, 30 January 1988.
 133. He was awarded a special Pulitzer prize for the book in 1992.
 134. Observer, 23 November 1986.
 135. New Statesman, 26 September 1986.
 136. A list of recordings are given in Africa Report, July-August 1987, p 45.
 137. Until then, the universities had exercised autonomy over admission, curricula and selection of staff. The Act was mainly concerned with the administration and control of separate "tribal colleges" for black students, and the impositions of ministerial control over the admission of black students to universities which had become de facto white institutions.
 138. "Divided campus: Universities in South Africa", Association of University Teachers and World University Service Briefing Paper, May 1986.
 139. GA/RES/35/206E, 16 December 1980.
 140. Cape Times, 13 September 1986.
 141. Star, 3 October 1986.
 142. The Union of Democratic University Staff Association, for example, did not support the boycott. Also see Hanlon and Omond, The Sanctions Handbook, p 119.
 143. Argus, 17 October 1986.
 144. Peter Ucko who headed the organising committee gives a detailed account of the background and events in Ucko, P. (1987) Academic Freedom and Apartheid: The Story of the World Archaeological Congress, London: Duckworth.
 145. "Education under apartheid", Conference Report, National Union of Teachers, London, 15 November 1986.
 146. Hanlon and Omond, The Sanctions Handbook, p 358.
 147. Hawke, Sanctions, p 116.
 148. Argus, 17 October 1986.
 149. Nature, vol 320, p 420.
 150. An academic at the University of Natal who took up his position before the ANC called for the lifting of people-to-people sanctions.
 151. Financial Mail, 3 May 1991.

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152. Finance Week, 28 May 1990.
 153. "Agenda," South Africa Broadcasting Corporation, 4 March 1991.
 154. Dr Azar Jamime, chief economist at Econometrix, cited in SAAIR Annual Survey 1986, p 71.
 155. Conlon, Analytical Compendium of Action", p 14.
 156. Congress Report, p 18.
 157. Keesings Contemporary Archives, no 19306, vol XIV, 1963-64.
 158. Guardian Weekly, 13 July 1986.
 159. See for example, Federated Chamber of Industries study, "The effect of sanctions on employment and production in South Africa," Pretoria, 1986, the Institute of Production Management results in the Sunday Star, 15 June 1986, and Orkin, Sanctions against South Africa, p 251.
 160. Some 90 000 jobs out of an average 423 000.
 161. Van Wyk, C.J. (1989) "South Africa and the international community: The effect of sanctions and disinvestment on the South African economy," Speech delivered at a one-day symposium, Vaal Triangle Technikon, 2 November 1989.
 162. Starnberger Institute, The economic impact of sanctions against South Africa.
 163. See Becker, "Economic sanctions against South Africa."
 164. Lipton, Sanctions and South Africa, p 91.
 165. The Vice-Chancellor of UCT, quoted in the Guardian, 9 October 1986.
 166. New Statesman, 10 October 1986.
 167. Van Wyk, C.J. (1989) "South Africa and the international community: The effect of sanctions and disinvestment on the South African economy," Speech delivered at a one-day symposium, Vaal Triangle Technikon, 2 November 1989.

CHAPTER ELEVEN: THE PURPOSES AND TARGETS OF SANCTIONS

Ambivalence was the hallmark of sanctions against South Africa. On the one hand, while it became internationally unacceptable to support apartheid to the extent that condemnation became routine, on the other hand, support for sanctions as means of coercive pressure was minimal. The South African sanctions were imposed for the same reasons sanctions have been imposed against other states -international enforcement, change in policy in the target, imposition of costs on target, isolation of target and symbolic communication. The only exception was that of deterrence. Sanctions were not applied for the purpose of deterrence because apartheid was regarded by the international community as being sui generis. Although South Africa was not the only country where there is racial discrimination and violations of fundamental human rights, it was the only instance of a state which institutionalised racial discrimination in the constitution, and almost on every level of society.

The three main sanctions packages were compromises between the various participants. Their manifest purpose was to send South Africa an unequivocal message of the unacceptability of apartheid. Hence Sir Geoffrey Howe stated:

"People ask, why then have we agreed to introduce selective, restrictive measures against South Africa?... They are intended to bring home to the South African government the political message that change is urgently needed."¹

However, as this chapter argues, there were latent purposes as well, most notably to reduce international and domestic pressure for sanctions. Thus, in the case of the American sanctions, their purpose was:

"...not only to demonstrate to blacks and whites in South Africa but to the whole world that the United States will act to uphold human dignity and racial equality. The issue here is not the sanctions themselves. The issue is the signal we send."²

Inasmuch as there have been manifest and latent purposes of sanctions, there have also been manifest and latent targets. In any given sanctions episode, there have usually been more than one target: the manifest target against whom the sanctions are imposed, and latent targets at whom the sanctions are directed.³ The South African case was no exception. While the South Africa government was the manifest target of sanctions and

boycotts, there were other sectors within South Africa that were latent targets of sanctions depending on the type of sanctions. Thus the sporting sector was the target of the sports boycott whereas the business community was the target of economic sanctions. Sanctions were also aimed at the black constituency in South Africa, the sanctioners' domestic constituencies, and the international community.

11.1 International enforcement

Sanctions have been imposed collectively by international organisations against states which have not observed international standards and obligations. Under the United Nations, the purpose of sanctions is to enforce international law without recourse to force. When the Security Council imposed the mandatory arms embargo in 1977, it determined that apartheid was a violation of the Charter, and deemed it a threat to the peace. It cited South Africa's "persistent acts of aggression against the neighbouring states" as one of the factors for its decision.⁴ South Africa had taken military action against neighbouring states, including the invasion of Angola in 1975, Mozambique (until the signing of the Nkomati Accord in 1984), and raids into Botswana, Zambia and Zimbabwe in 1986.⁵ The General Assembly's resolutions calling for sanctions against South Africa also gave as one of the purposes of sanctions, South Africa's "repeated acts of aggression, subversion, terrorism and destabilisation against neighbouring African independent states."⁶

Another factor was the concern that South Africa was on the threshold of producing nuclear weapons. The United States' manifest purpose for supporting the resolution pertained to the nuclear arms buildup in South Africa. In the week prior to the Security Council vote, President Carter had expressed concern at Prime Minister Vorster's statement that South Africa had not given any assurance against the testing of nuclear weapons. It was a contradiction of earlier assurances, as according to Carter:

"In both public and private statements and also in private dispatches through diplomatic channels and a private message directed to me from Vorster, they had unequivocally committed themselves not to design nor produce nor test any atomic explosions at all."⁷

Following the imposition of the arms embargo it was expected that further mandatory sanctions would be imposed, but only non-binding resolutions were allowed to pass.

Efforts by Afro-Asian and Caribbean states for mandatory sanctions to be imposed was blocked by Western states. Although apartheid and the actions of the South African government were strongly condemned, they were not judged to constitute threats to international peace and security. In 1984, for example, the Security Council declared the tricameral constitution "contrary to the principles of the Charter of the United Nations."⁸ Both the United States and Britain abstained.

After the declaration of a state of emergency in 1985, the Security Council called on member states to impose a range of sanctions on a voluntary basis.⁹ The purpose cited in the resolution for the sanctions was that the "very cause of the situation in South Africa lies in the policy of apartheid and the practices of the South African government."¹⁰ Even though the Security Council did not find under Article 39, it was clear from the legal viewpoint that having found that apartheid constituted a threat to international peace and security in 1977, that the purpose of the sanctions was that of international enforcement.

The South African government was the manifest target of the arms embargo. But there were other latent targets. The arms embargo, which was aimed at restricting arms supply to the South African military, also had as its latent targets, southern African states being destabilised by South Africa. Hence, neighbouring states were cited in both the Security Council resolution pertaining to the arms embargo, as well as General Assembly resolutions.¹¹

The arms embargo also targeted Afro-Asian states to offset demands for comprehensive mandatory sanctions. The embargo represented "the lowest common denominator in the quest for universally enforceable measures."¹² During the Security Council session on the arms embargo, Western powers triple-vetoed¹³ three African sponsored resolutions demanding comprehensive mandatory sanctions against South Africa.

11.2 Change in policy

Sanctions against South Africa were imposed for the purpose of compelling major and modest policy changes. The major policy change that underpinned all sanctions was the elimination of apartheid. The Security Council, for instance, when it imposed mandatory sanctions in 1977 called upon the South African government "to take urgent steps to eliminate apartheid and racial discrimination."¹⁴ When the Commonwealth agreed to

the Nassau Accord in 1985, the dismantling of apartheid and the establishment of a non-racial and democratic government was given as one of the purposes of the sanctions.¹⁵ Though British policy under the Thatcher government was opposed to sanctions, it nonetheless saw the purpose of the sanctions to which Britain agreed, as the elimination of apartheid:

"We seek the total abolition of apartheid. We want to see it replaced by a non-racial, representative system of government. What we ask is that change should be peaceful and by negotiation, and that the new system of government should be fair and acceptable to the people of South Africa as a whole."¹⁶

The purpose of the US Comprehensive Anti-Apartheid Act of 1986 also makes clear the purpose of the sanctions imposed under it:

"To set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial democratic form of government."¹⁷

In effect, the sanctions were imposed for the purpose of destabilising the status quo, unlike in other cases where destabilisation has been a latent purpose such as Chile, Nicaragua and Panama.¹⁸

Sanctions imposed for the purpose of change in policy were not targeted at the South African government alone. They were targeted on the white population, the overwhelming majority of which in mid-1986 were against sanctions: 92 per cent opposed them, and only five per cent supported them.¹⁹ One of the main white targets was the business sector most of which subscribed to the "O'Dowd thesis" written in 1964 which argued that apartheid was essentially a functional equivalent of class or other form of social injustice that is inevitable in a developing economy.²⁰ Capitalism and apartheid were, however, antipathetic, and economic growth would erode apartheid. Capitalism was hence a necessary condition for the abolition of apartheid. At the time of the enactment of the Comprehensive Anti-Apartheid Act of 1986, however, it was recognised that:

"The business community which has tended to over-emphasise its ability to bring about social change in the short term, has patently not been able to deliver."²¹

Black South Africans were also a target. The Commonwealth Committee of Foreign Ministers on Southern Africa in its report to the Heads of Government Meeting in Kuala Lumpur in 1989 stated:

"Our deliberations and consultations with several black South African leaders have confirmed our view that most black South Africans continue to look principally to sanctions as the international community's most necessary form of pressure on Pretoria for peaceful change. Pretoria's campaign, supported by massive financial resources to convince Western countries that black South Africans are opposed to sanctions demonstrates its fear of them, and is tantamount to an admission that sanctions have been effective... If Pretoria does, indeed, turn towards the dismantling of apartheid, sanctions will have contributed to forcing that change."²²

Modest policy changes sought by sanctioners were specific such as the release of political prisoners and the unbanning of political parties. The General Assembly persistently demanded the South African authorities to "release and unconditionally Nelson Mandela and all other political prisoners."²³ The Commonwealth, European Community and United States sanctions similarly called for the release of imprisoned political prisoners when they imposed sanctions.

Another relatively modest policy change sought by sanctioners was the unbanning of political parties. In the wake of the shootings in Sharpeville in 1960, the South African government banned the ANC and the PAC, forcing them underground and into exile. The government had previously outlawed the South African Communist Party under the Suppression of Communism Act of 1950. After the township uprisings in 1976, the government banned all Black Consciousness organisations the following year. Through the banning of political organisations, the government effectively emasculated most opposition. Under the Comprehensive Anti-Apartheid Act of 1986, the United States called for the unbanning of the ANC, PAC, Black Consciousness Movement, and "all other groups willing to suspend terrorism and participate in negotiations and a democratic process."²⁴ The call for unbanning also came from other unilateral sanctioners, as well as the European Community and the Commonwealth.

11.3 Impose costs

The rationale behind imposing costs on the target is that even if changes cannot be forced, then at least a price can be exacted from the target for its defiance. Opponents of sanctions claimed that sanctions were imposed against South Africa for the purposes of punishment. The Thatcher government, for example, referred to sanctions as "punitive" measures. It was argued that these would force South Africa to retreat into the laager:

"Punitive sanctions would be ineffective in bringing an end to apartheid... They would force white South Africans back into the laager, to retreat into self-reliance."²⁵

Indeed British policy differentiated between "punitive sanctions" and "restrictive measures," the latter being Britain's definition of the sanctions agreed to under the European Community and Commonwealth packages.²⁶

Insofar as sanctioners were concerned, punishment was not one of the manifest purposes of the sanctions. The Commonwealth EPG in its report, for example, states that it was not intended that sanctions be punitive, and that the point of the sanctions was not to punish.²⁷ Clearly, however, sanctions were intended to increase the costs on the South African government and weaken its ability to maintain apartheid.

The oil embargo, for example, was intended to impose costs on South Africa's most vulnerable point of dependence on the international community, especially as it forced South Africa, after the fall of the Shah of Iran, to shop on the spot market, and pay large premiums on an already inflated trading price.

In pursuing a strategy of self-sufficiency forced upon it by the arms embargo, South Africa was forced to tie up resources which it otherwise could have used to further entrench apartheid. Additionally, the sophisticated high technology products required for self-sufficiency in arms accentuated South Africa's capital intensive path and increased its need for capital and skilled labour. In attempting to beat the arms embargo, South Africa's dependence on imported technology and foreign capital increased its vulnerability to financial and other sanctions.

Financial sanctions were imposed to impose costs on South Africa by denying it access to foreign funds. South Africa relied on foreign funding to finance its growth phases to the extent that when the current account moved into a deficit, the balance of payments was kept in surplus by an influx of foreign capital (see Figure 11.1). With financial sanctions, South Africa was denied this source of funding, and in addition had to export finance to meet annual repayment obligations.

Year	Balance on Current Account	Long-term Capital Movements	Short-term Capital Movements	Changes in Liabilities related to Reserves*
1980	2818	-478	-1084	-2
1981	-4089	542	419	2123
1982	-3345	2423	797	36
1983	-78	-238	290	1107
1984	-2220	2563	-1772	542
1985	5925	-445	-8786	2071
1986	7196	-3060	-3037	-2283
1987	6152	-1698	-1371	-1167

* Liabilities related to foreign reserves include all foreign short-term liabilities of the Reserve Bank and other Banking institutions and short-term foreign loans to the Central Government by foreign banks and authorities.

Figure 11.1: South Africa’s Balance of Payments (1988 prices Rm)
(Source: South African Reserve Bank, Quarterly Bulletin, June 1988).

11.4 Isolate from international community

Apartheid gave South Africa a pariah image second to none, and it was one of the most isolated states in the world. Its isolation from the international community was one of the manifest purposes of sanctions called for the General Assembly. It called upon:

"States and organisations to support United Nations action for the total isolation of the apartheid regime of South Africa and to cooperate with the Special Committee against Apartheid for the achievement of this goal."²⁸

Indeed South Africa’s expulsion from the United Nations was only prevented by the Security Council vetoes of Britain, France and the United States. Many United Nations

and other international agencies followed the spirit of General Assembly resolutions, and found that apartheid made South Africa ineligible for participation in their work. Consequently, South Africa was suspended or forced to withdraw from international bodies such as UNESCO, FAO and the ILO, though it remained a member of the IMF, the World Bank and the GATT.

The purpose of diplomatic sanctions in particular was to isolate South Africa from the international community. It had full diplomatic relations with only 25 states,²⁹ belonged to less than 30 inter-governmental organisations, and had a lower frequency of international treaties than Israel, Chile (under military rule) and Taiwan.³⁰ There were very few states willing to associate with South Africa in the diplomatic, military or economic spheres, Taiwan, Chile, and Israel being the major exceptions and South Africa's closest partners.

The purpose of boycotts was also to isolate South Africa, and the targets were the South African government and the white population. The isolation of South Africa was the purpose of the cultural boycott. The ANC's Department of Arts and Culture stated with regard to the cultural boycott:

"The objectives of the boycott were and remain the isolation of the apartheid regime and to deny it any recognition in the international community of nations."³¹

In sport, the moves to isolate South Africa from international participation were reinforced by non-racial sports groups within South Africa. These groups saw the international sporting isolation of South Africa as a means of coercing the South African government to permit non-racial sport. The first of these groups, the Coordinating Committee for International Relations in Sports, was formed in 1956, and paved the way for the establishment in 1959 of the South African Sports Association which in its first year was successful in having two international sports tours of South Africa cancelled.³² The South African Non-Racial Olympic Committee, founded three years later and subsequently exiled to London in 1966, set out to sever systematically South Africa's international sporting links.

Sportpeople became a manifest target of sanctions when the 1985 International Convention against Apartheid in Sport³³ targeted sportsmen and women by prohibiting

direct sporting contact with South Africa, and urged third parties not to compete with sportspeople who had competed against South African athletes. The convention also established the publication of a Register of Sports Contacts with South Africa.

The withdrawal of 31 of the eligible 53 teams from the 1986 Edinburgh Commonwealth Games was precipitated by the inclusion in the English team of two South African-born athletes, Zola Budd and Annette Cowley was, in addition to isolating South Africa, aimed at pressuring the British government to impose economic sanctions against South Africa. The Commonwealth Games Federation's declaration that Budd and Cowley were ineligible was not sufficient to prevent the boycott of the Games.

By 1987, the South African sporting sector as a target of international isolation was illustrated by the downward trend in the number of sportspeople visiting South Africa (see Figure 11.2). At an international conference against apartheid in sport held in Harare in November 1987, it was stated that South Africa was excluded from at least 90 per cent of world sports activities.³⁴

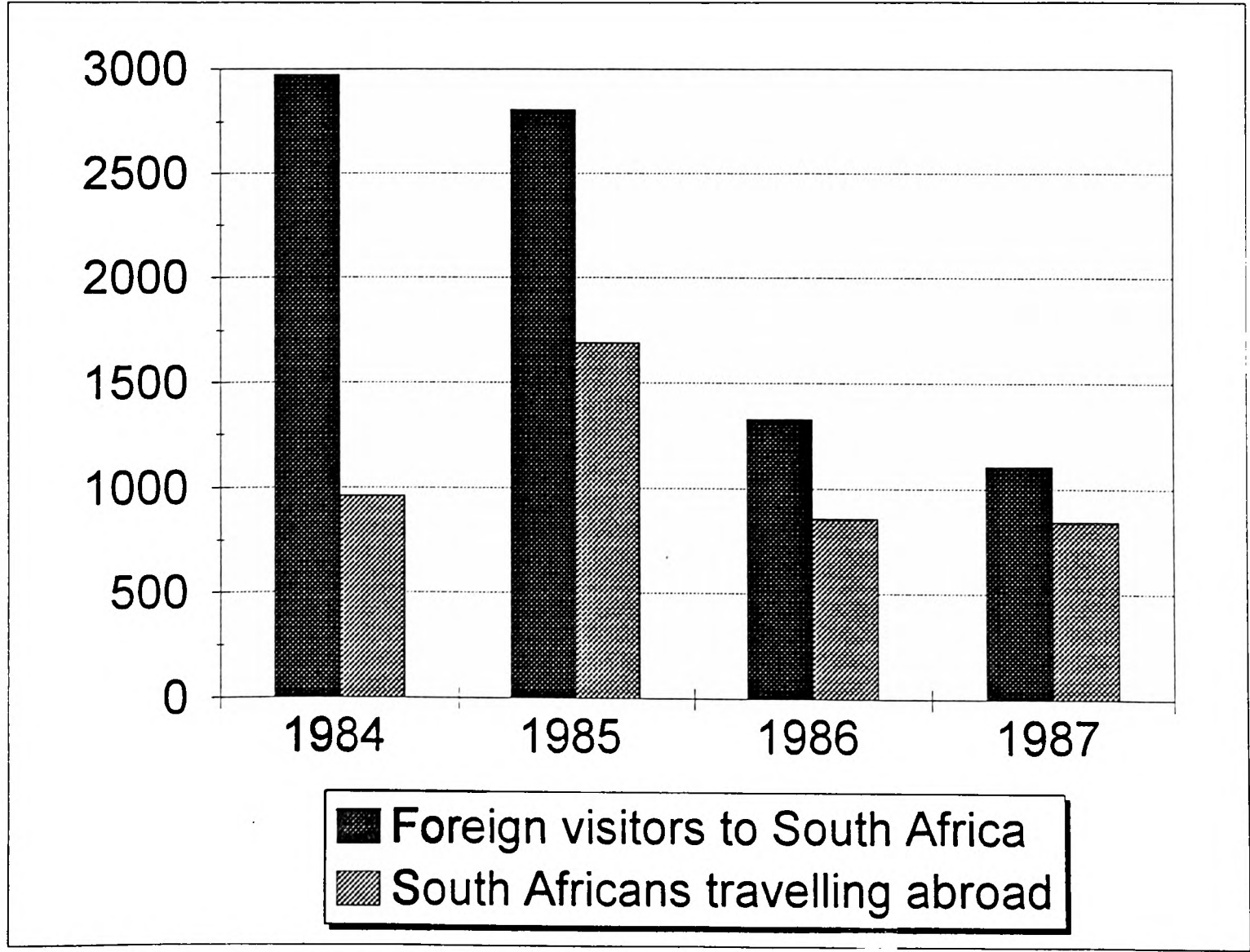


Figure 11.2: Sportsmen, Sportswomen and Coaches
(Source: SAIRR Survey 1987: 269)

Within South Africa, in response to rebel tours in 1986, groups calling themselves "The Commando of Angry Sportspersons" and Nagsluiipers (night prowlers) employed tactics such as pouring motor oil on the pitch, and throwing bricks at the hotel where players were staying. The reason for the protest were summed up in a statement by the Commando: "The money spent on these mercenaries would be much better used to feed the starving masses."³⁵

11.5 Symbolic communication

Many of the sanctions were imposed for the purpose of satisfying international and domestic demand for concrete action against South Africa, as well as to deflect pressure for comprehensive, mandatory sanctions. Western powers came under different forms of pressure in their domestic constituencies over South Africa with anti-apartheid movements usually on the one side providing the stimulus for sanctions, and pro-South African lobbies on the other side, attempting to induce governments not to impose sanctions.

The domestic climate varied with each state. In France, for example, South Africa did not play a significant role in domestic politics. By contrast, in the United States from the time of the Nixon administration, domestic pressure was an important factor in influencing the decision on sanctions. One of the reasons for this was that Nixon, seeking a second term in 1972 and mindful of his opponent George Wallace's popularity in the South, relaxed the minimal sanctions in force against South Africa to expand and consolidate his southern conservative base which was avowedly in favour of supporting white regimes in southern Africa. During his presidency, Jimmy Carter was restrained from advocating sanctions against South Africa, both at the United Nations and at home, as he came under increasing domestic criticism for placing African interests above American ones, and failing to contain the expansion of Soviet power in southern Africa.

Sanctions against South Africa became an integral part of American politics in 1984.³⁶ Prior to the 1984 Presidential elections, the five principal Democratic candidates said they would consider introducing sanctions against South Africa to force the dismantling of apartheid.³⁷ Within the Democratic Party, the issue of Israel's arms sales to South Africa formed part of the larger question of which of the party's two major blocs - the Jewish bloc or the Afro-American bloc - would control the party's tone and policy.

American domestic pressures over South Africa reached a peak during and after the elections when three black leaders, disillusioned with constructive engagement, conducted a sit-in at the South African embassy on 23 November 1984 to protest the arrest of 16 trade union leaders in South Africa. It began the Free South Africa Movement which precipitated, "one of the single most successful lobbies in recent American history,"³⁸ and was taken up by presidential candidate Jesse Jackson, who revitalised the disinvestment campaign by making South Africa an election issue.

The Free South Africa Movement, though initially black-inspired, black-led, and black-mobilised, rapidly gained white support as apartheid became a bipartisan issue. An increasing number of Republicans became critics of constructive engagement and proponents of sanctions, forcing the Reagan administration to impose sanctions, albeit limited ones.

Black Americans closely identified with the aspirations of black South Africans in relation to their own civil rights movement.

"Within the United States, the support for sanctions is a tribute to the growth of black power... South Africa has become the foreign policy issue for blacks."³⁹

A public opinion survey conducted in October/November 1986, found that 50 per cent of the public and 63 per cent of national leaders perceived South Africa as being of vital interest to the United States. Fifty seven per cent of the public and 79 per cent of the leadership group favoured sanctions of some sort to help end apartheid.⁴⁰ South Africa was not perceived as an ally by the American public even though successive administrations, particularly the more conservative ones, saw South Africa as playing a pivotal role in resisting Soviet expansionism in Africa - a notion constantly reinforced by the South African regime.

South Africa remained on the American election platform in 1988. A former Ambassador to South Africa, Herman Nickel, noted prior to the 1988 Presidential elections

"Unlike the usual American party platforms which few read or heed, this year's Democratic platform on South Africa has emerged as a unifying

symbol of the party's commitment to racial justice both at home and abroad... The plain fact is that to most American politicians, and especially Democrats, South Africa ranks far higher as a domestic political issue than it does as a potential threat to vital American foreign policy interests. The reason is that South Africa touches the sorest nerve in the American body politic and provides a relatively easy, low cost outlet for two of its most potent emotions - white guilt and black anger."⁴¹

The Democratic Party made South Africa a partisan issue by using it as a strong plank in Michael Dukakis' presidential platform to ensure at least the nominal support of Jesse Jackson. This alienated moderate Republicans in the Senate. The level of public attention on sanctions was lowered after the activism of 1984-6. Thus in contrast to the intense public feedback during the 1986 elections, senators found a sharp drop in interest among their constituents in 1988.⁴²

One of the purposes of the Comprehensive Anti-Apartheid Act of 1986 was to convey American antipathy to communism. The Act required that the ANC and PAC "reexamine their ties with the South African Communist Party,"⁴³ and stated that "some of the organisations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing board of such organisations."⁴⁴ The President was hence directed to report on:

"the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and nonwhite organisations engaged in the fight against the apartheid system, and the extent to which such Communist infiltration or influence sets the policies and goals of the organisations with which they are involved."⁴⁵

In comparison with the United States, British links with South Africa were neither an election issue nor a focal domestic issue. This may be explained in part by the absence of a comparable black constituency. Unlike American blacks, who have a civil rights movement behind them, and sufficient political muscle to play a pivotal role as happened with the Congressional Black Caucus in the enactment of the Comprehensive Anti-Apartheid Act, the black constituency in Britain (and in other west European states such as France and Germany) was still in the process of asserting itself, and hence not in the position to lead lobbies on South Africa. The incentive for action came instead, in the

main, from student bodies, local bodies and trade unions, with the anti-apartheid movement providing much of the coordination.

The explanation that sanctions ran counter to Britain's strong economic ties with South Africa is not a sufficient explanation since the United States had a greater percentage of trade with South Africa.⁴⁶ There are three other possible explanations. The first is that bond of kith and kin between white South Africans and the British are very strong; an estimated two million of South Africa's 4.6 million whites are British by birth or descent. British visitors accounted for 17.6 per cent of those visiting South Africa in 1985, compared with 7.2 per cent from West Germany, 13.7 per cent from the rest of Europe, and 8.9 per cent from the United States.⁴⁷ The second explanation is that since those of Asian and Caribbean origin in Britain, many of whom have been born in the country, are not necessarily accepted as an integral part of British society, it is to be expected that British identification is almost exclusively with the whites rather the Indian, coloured and African population in South Africa. The third explanation is that unlike the United States, Britain does not have a strong moralistic content to its foreign policy.

Nevertheless, British public opinion favoured sanctions against South Africa in principle by a margin of 51 to 39 per cent in an opinion poll conducted in June 1986.⁴⁸ On specific sanctions though, 64 per cent did not favour a severance of air links; 68 per cent rejected sporting boycotts; 59 per cent opposed trade sanctions; and, 70 per cent would not personally boycott South African goods. An end to new investment was approved only by a margin of three per cent.

11.6 CONCLUSION

The purposes of sanctions against South Africa converged into specific demands over the years that they were in existence. While the fundamental objective remained the abolition of apartheid an international consensus emerged since 1984 that the immediate objective of the sanctions were more centred, such as the release of political prisoners and the unbanning of political organisations. The sanctions also set about imposing costs on apartheid, and isolating South Africa from the international community, especially in the case of boycotts. Although the manifest target of the sanctions was the South African government, there were other specific targets such as the sporting fraternity, the white South African constituency, as well as the sanctioners' domestic constituencies.

One of the manifest purposes of the sanctions was the satisfying of domestic demand for action against South Africa. This was exemplified in the case of the United States. The campaign against South Africa, which reached its peak in 1984-86 was set in motion by developments within South Africa where violence, police repression and political activism had its effect on the public of "the night-after-night television coverage of a story more gripping than any since Vietnam."⁴⁹ As a consequence, "not only were public figures and movie stars marching in front of the embassy; the labour, Jewish, and black civil rights coalitions came together again to manage the complex logistics."⁵⁰

After the imposition of the Comprehensive Anti-Apartheid Act of 1986, however, the level of public attention was lowered. "Thus in contrast to the intense public feedback during the run-up to the off-year elections of 1986, senators found a sharp drop in interest about South Africa in the encounters with home-state constituents during the August 1988 recess."⁵¹

This is not to say, however, that the latent purposes of sanctions were not fulfilled. After the 1985 American sanctions, business opinion in South Africa observed that the sanctions, however limited, were a clear political signal that the South African government could ignore only at its peril:

"The most powerful leader in the Western world is giving South Africa a clear and unequivocal political message; reforms must continue at a pace acceptable to the Western allies whether Pretoria likes it or not."⁵²

Nevertheless, sanctions came to be associated with opposition to apartheid not only in the United States, but also elsewhere. The British Anti-Apartheid Movement, for example, stated in 1987:

"Today it is not enough to condemn apartheid verbally. The acid test of opposition to apartheid is the issue of sanctions... To resist sanctions is to support apartheid."⁵³

CHAPTER ELEVEN: NOTES

1. Speech to the Commonwealth Institute, 17 May 1988.
2. Senator Richard Lugar, Chairman of the Foreign Relations Committee commenting on the reasons behind the Comprehensive Anti-Apartheid Act of 1986.
3. See chapter six.
4. A decision that was based on the five factors given on page ?.
5. For details of South African policy and details of aggression against neighbouring states see Hanlon, J (1986) Beggar Your Neighbours: Apartheid Power in Southern Africa, London: Catholic Institute of International Affairs.
6. GA/RES/40/64A, 10 December 1985.
7. National Newspaper Association, 28 October 1977.
8. SC/RES/554, 17 August 1984.
9. SC/RES/569, 26 July 1985.
10. *ibid.*
11. See page 266 for resolutions pertaining to aggression against neighbouring states.
12. Geldenhuys, D. (1979) "The political prospects for sanctions: interaction of international pressures and domestic developments," in South Africa and Sanctions: Genesis and Prospects, A Symposium, Johannesburg: SAIRR and SAIIA, p 49.
13. Britain, France and the United States.
14. SC/RES/418, 4 November 1977.
15. See page ?.
16. "British Policy Towards South Africa", Foreign and Commonwealth Office, 1988.
17. Section 4.
18. See Chapter Five, page ?.
19. According to an opinion poll conducted by Market & Opinion Research International for the Sunday Times.
20. The thesis was based on a paper, "South Africa in the light of the stages of economic growth," written in 1964 by Michael O'Dowd, an executive of the Anglo-American Corporation.
21. Financial Mail, 10 October 1986.
22. Commonwealth Secretariat, The Sanctions Report I, p xiii- xvi.

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23. GA/RES/40/64I, 10 December 1985.
 24. Section 108(d)(3).
 25. Sir Geoffrey Howe in a speech to the Commonwealth Institute, 17 May 1988.
 26. See for example, "British Policy Toward South Africa," Foreign and Commonwealth Office, 1988, and "South Africa: No Easy Answers," Speech delivered by Sir Geoffrey Howe 17 May 1987.
 27. Commonwealth Secretariat (1986) Mission to South Africa.
 28. GA/RES 40/64A, 11 December 1985.
 29. A figure much lower than for Israel, Argentina, Poland and Zaire (the last three have populations much the same as South Africa).
 30. Geldenhuys, D (1991) "Towards a New South Africa: A Foreign Policy Dimension." International Affairs Bulletin, vol 15, no 3, 1991.
 31. Weekly Mail, 1-7 November 1991.
 32. Geldenhuys, The Diplomacy of Isolation, p 216.
 33. GA/RES/40/64G, 10 December 1985.
 34. City Press, 15 November 1987.
 35. City Press, 16 November 1986.
 36. It should be noted, however, that the Council of African Affairs voiced its criticism of American ties with South Africa as far back as 1937.
 37. The candidates being Walter Mondale, John Glenn, Gary Hart, Alan Cranston and Ernest Hollings.
 38. The Economist, 30 March 1985.
 39. The Independent, 18 August 1988.
 40. Rielly, J.E. (1987) (ed) "American Public Opinion and US Foreign Policy," Chicago Council on Foreign Relations.
 41. Nickel, H. (1988/89) "We'll blow your house down," Sanctions, Cape Town: Argus Leadership Publications, 1988/89.
 42. *ibid.*
 43. Section 102(b)(1)(4).
 44. Section 106(a)(1).
 45. Section 509(a)
 46. The United States accounted for 8.5 per cent of South African exports and 16.2 per cent of imports compared with 7.7 per cent and 13.2 per cent respectively for Britain in 1985.

47. South Africa Yearbook 1985.
48. The Observer, 15 June 1986.
49. McDonald, "Washington pauses to reassess the South African sanctions issue," p 2.
50. *ibid.*
51. *ibid*, o 3.
52. Editorial, Business Day, 10 September 1985.
53. AAM, "Manifesto for sanctions", p 3.

CHAPTER TWELVE: RESPONSE OF THE TARGET

"If I say sanctions will not be too harmful, our enemies will call for more measures, but if I say they are very harmful then the South African public thinks its terrible."¹

The words of the South African Foreign Minister Pik Botha explaining his dilemma prior to the Senate vote on the Comprehensive Anti-Apartheid Act of 1986 encapsulates the predicament faced by the South African government when faced with sanctions. South Africa had been under the threat, and indeed the actual imposition of sanctions even before the Nationalists came to power,² and its economy developed under the shadow of sanctions.

This chapter discusses the miscellaneous measures with which South Africa responded to the sanctions, and examines in particular South Africa's use of its links with neighbouring states in countering sanctions, including imposing sanctions against these states. It argues that South Africa was able to make internal and external adjustments to meet the demands of sanctions, and circumvent the sanctions with the help of third states.

12.1 Counter measures

For many years, the South African government viewed sanctions as part of the "revolutionary total onslaught" being waged against it. Former Defence Minister Magnus Malan defined the objective of this onslaught as:

"The overthrow of the present constitutional order and its replacement by a subject communist-oriented black government."³

According to this view, the "enemy", which though communist-led had other hostile forces working in collusion with it, was applying all the means at its disposal - economic, diplomatic, political, psychological, cultural and military - to bring about the South African government's overthrow.⁴ Even Western powers, Malan maintained, regarded the situation in South Africa as a threat to their interests in black Africa, and "accepted as a point of departure that the white government of South Africa should be forced into a position where it has no other choice but to abdicate and in so doing made themselves

available as handymen to the communists."⁵ It was a perception that prevailed and pervaded much of white South African thinking.

A total national strategy was therefore adopted by the South African government⁶, and it was designed to withstand the total onslaught by mobilising South Africa's "total national strength".⁷ As a result, the military-dominated State Security Council became the main decision making body so that all resources could be marshalled in a military led defence of white rule, and big business was given a role in policy formulation.⁸ The fundamental guideline of South African foreign policy was that "the principle of the right of the white nation to self-determination not be subject to discussion."⁹

The imposition of sanctions was considered as being tantamount to a declaration of war. In 1986, the Minister of Trade and Industry in explaining the censoring of trade figures and other statistics said:

"If an economic war is to be waged against us, then we are bound just as would be the case in other warfare to become less talkative about these issues."¹⁰

Consequently, one of the first measures the government instituted after the imposition of American and European Community sanctions in 1986 was to prohibit news on shipping movements so as to prevent the disclosure of the names of shipping companies and information on the volume of exports and imports. Trade statistics were condensed from a four page document to a single line, and monthly trade statistics severely curtailed.¹¹ Government officials when refusing to comment on trade matters stated that they were now fighting an economic war.¹²

One of the most effective counter measures employed by South Africa was the exploitation of its economic and political leverage in the region to destabilise its neighbours and impose sanctions against them, while at the same time to defend itself against the threat of sanctions from them. SADCC's most pronounced area of dependence, and South Africa's most potent area of leverage was the region's transport network (see Figure 12.1). Since the founding of SADCC, the dependence grew as South African destabilisation affected and even paralysed the surface transport system with SADCC ports. The sabotage of four of the seven railway systems linking landlocked neighbouring states with ports outside South Africa, rendered them virtually

inoperable, and forced the inland states to re-route their trade through South African ports.¹³

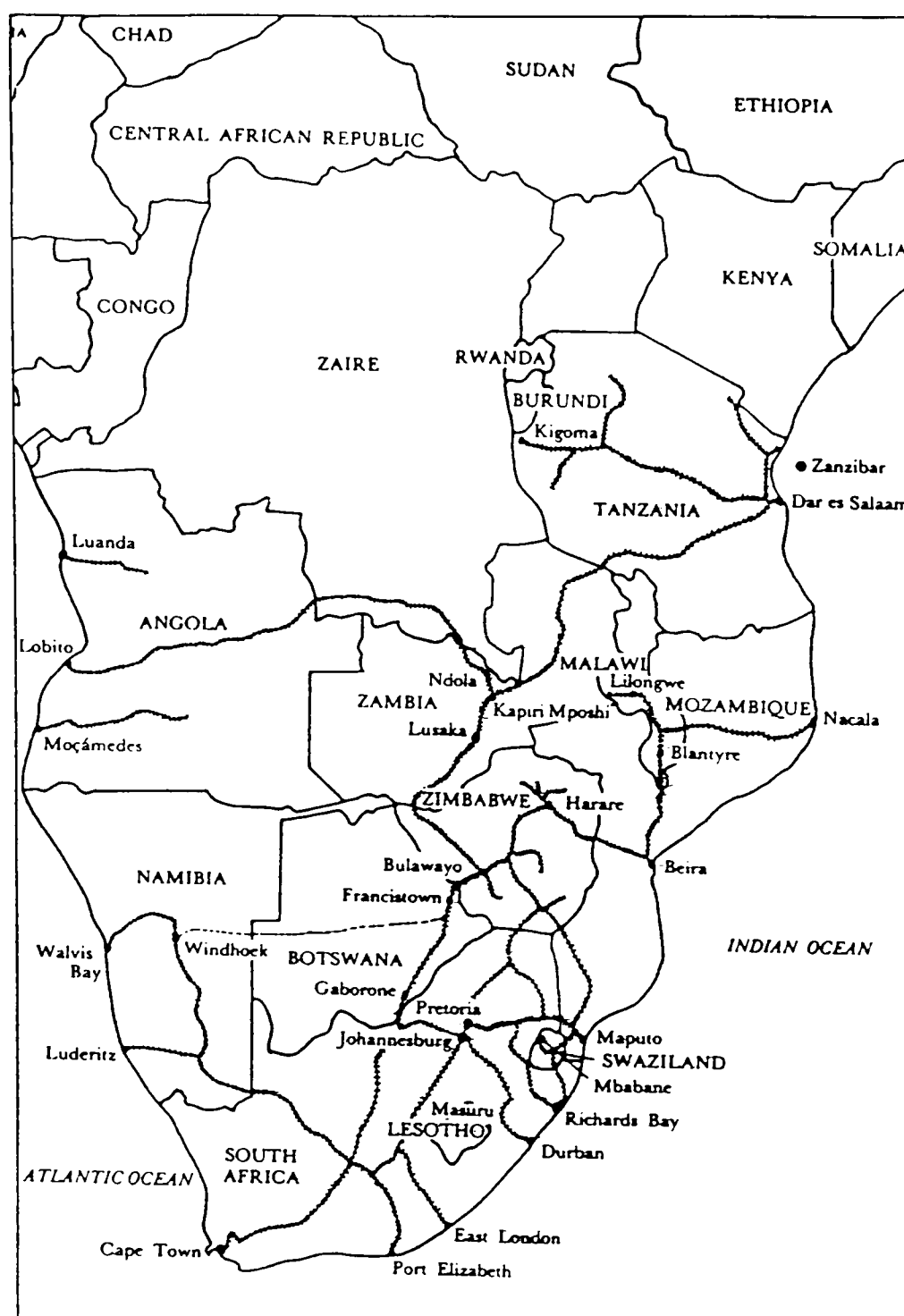


Figure 12.1: Southern Africa's railways and ports

(Source: Hayes 1987: 51)

South Africa owned most of the rolling stock on SADCC railways, and leading forwarding agents refused to provide insurance for freight forwarded through SADCC ports.¹⁴ The domination by South African firms¹⁵ of clearing and forwarding operations gave South Africa access to confidential commercial information with which SADCC or overseas suppliers of SADCC customers could be undercut. Indeed, one of the reasons for trade diversion from SADCC ports to South African ports was the large

discount offered by South Africa on rail, port and shipping charges.¹⁶ The transport system was thus a "highly strategic deterrent to political isolation."¹⁷

The sanctions imposed by South Africa took various forms: manipulating the availability of rail trucks and docking facilities in harbours; the imposition of surcharges on goods transported through South Africa; the creation of delays at border posts or actually closing them; curbing imports from, and regulating exports to neighbouring states; cutting electricity supplies; and regulating access and movement of nationals from neighbouring states without actually prohibiting entry into South Africa.

In 1981, in response to Zimbabwe's vote at the United Nations in favour of sanctions, for example, South Africa withdrew 24 diesel locomotives leased to Zimbabwe at a time when it was exporting a bumper maize crop. In addition, imports and exports were delayed in South Africa for several weeks allegedly either because documents were not in order, or there was congestion in South Africa. The South African Minister of Transport said in Parliament that the situation could be eased if Zimbabwe made an approach at ministerial level, thus seeking to change Zimbabwe's refusal to have any government to government relations with South Africa.¹⁸

Although the cargo disruptions ended, and 26 locomotives were leased to Zimbabwe without ministerial level talks at the urging of Western states, in particular the United States, South Africa used a similar tactic in 1986. During another bumper crop it increased wagon turnaround time from 13 to 18 days, and insisted that Zimbabwe use ports other than Durban, thus adding Z\$500 per tonne to the transport cost of tobacco exports.¹⁹ The sanctions hence imposed costs on Zimbabwe for its stance on sanctions, as well as to seeking a modest policy change.

Lesotho was frequently the target of South African sanctions. In 1983, for instance, South Africa severely impeded the flow of goods and people to force Lesotho to accede to its demands that specific ANC cadres be expelled. The sanctions proved more effective in compelling submission from Lesotho than the raid by South African commandos on alleged ANC targets in Lesotho in December 1982.²⁰ In January 1986, South Africa placed Lesotho under virtual blockade for nearly a month. It justified the holding up of road and rail traffic at border crossing points on the grounds that it was a search for ANC guerillas. This claim was widely disputed as guerillas were unlikely to use patrolled border posts.²¹ The blockade was imposed as Lesotho was preparing to

bring South Africa before the United Nations for the killing of people, including ANC exiles in December 1985.

South Africa's use of sanctions against SADCC states to compel them to change their policy towards it, rendered them virtually impotent in imposing threatened sanctions. Although some of the SADCC states were the most vocal advocates of sanctions, they were reluctant to impose them. President Mugabe, for example, who declared after the Commonwealth summit on sanctions in August 1986 that he would impose the full Commonwealth sanctions, and extend the sanctions to denying airlines flying to South Africa the use of Zimbabwean airspace, was unable to implement any of the measures.²²

Zimbabwe had little option but to refrain from imposing the promised sanctions. As Zimbabwe's largest trading partner, South Africa took about 10 per cent of its exports, and supplied more than 21 per cent of all Zimbabwean imports.²³ In addition, 90 per cent of Zimbabwe's overseas trade was channelled through South African ports.²⁴

In the case of Zambia, South Africa demanded a cash deposit on all Zambian imports passing through South Africa, a measure that worsened Zambia's lack of foreign exchange.²⁵ Although Customs and Excise maintained that the measure was to counter customs irregularities and fraud, it conceded that there were possible political implications, and Pik Botha stated that countries calling for sanctions would have "to put their money where their mouth is."²⁶

Although Zambia was reliant on South Africa for only about 14.5 per cent of imports, 64 per cent of total imports and 33 per cent of total exports were transported through South Africa, including machinery and spare parts for Zambia's copper mines, and chemicals and fertilizers for its agriculture.²⁷ Moreover, the prolonged depression with regard to copper, Zambia's chief export, meant that the country would have had difficulty sustaining any further losses to an economy in deep trouble.²⁸

South Africa's actions were:

"... just a very small move at no great cost, to show publicly the vulnerability of countries like Zambia. Zambia and other frontline states have precipitated things without having prepared themselves, simply by their high-flown rhetoric."²⁹

South Africa denied that it had imposed sanctions against its neighbours. Pik Botha, for instance, said during a visit to Swaziland in 1986 to discuss sanctions, that South Africa did not believe in sanctions.³⁰ The Commonwealth Eminent Person's Group, however, noted:

"Despite protestations to the contrary, South Africa not only believes in the principle of sanctions, but has consistently applied them to its neighbours. The economic coercion is largely covert, as the Government likes to pretend to the world that it opposes economic boycotts... we point to the fact that the Government has itself used economic measures against its neighbours and that such measures are patently instruments of national policy."³¹

This view was confirmed by southern African specialists:

"We have spent the past three years doing a study.. and the evidence that South Africa is imposing sanctions against neighbouring countries is overwhelming and irrefutable."³²

SADCC states incurred both costs and benefits as a result of sanctions. It was estimated that South African sanctions on SADCC trade and traffic, and the cost of lost exports and tourism for the five year period between 1980-84 amounted to US\$500m.³³ On the other hand, neighbouring states also gained as a result of sanctions, not the least from assisting with sanctions evasion.³⁴

As a consequence of sanctions, South Africa invested in new infrastructure development in neighbouring states since 1986, as for example, rebuilding power lines in Mozambique so that South Africa could import electricity, and overhauling the port of Maputo as a key outlet for exports if South Africa's ports became blocked.³⁵

Another way by which SADCC benefitted was the transfer of transnational corporation production from South Africa. For example, Coca-Cola transferred its regional beverage concentrate production from South Africa to a new US\$7.5bn plant in Swaziland in 1986.³⁶ In 1986, South Africa's exports to its neighbours were worth more than the total of its food, agricultural and coal exports to the European Community,³⁷ albeit exports to SADCC was highest in manufactured goods that were uncompetitive in world markets.³⁸

It was not only against SADCC states that South Africa imposed sanctions. In 1954, it asked India to close its mission in response to India's trade sanctions imposed in 1946, and its leading role in placing South Africa's racial policy before the United Nations. In 1956, it requested the Soviet Union to close its consulate in Pretoria partly in view of the Nationalist government's avowed opposition to communism, and partly because of its suspicions regarding the mission's support for black political groups. South Africa was, however, unable to threaten Western dependent on its strategic minerals - a threat by President Botha to withhold chromium supplies to Western states in 1986 was hastily withdrawn after adverse market conditions.³⁹

12.2 Internal and external adjustments

Central to the development of the South African economy was the threat of sanctions. Paradoxically, several strategies designed to shield the economy from sanctions made South Africa vulnerable to international economic pressure. Following the economic boom of the 1960s, import substitution was intensified in strategic sectors of the economy. The South African government embarked on a publicly financed industrial expansion and self-sufficiency drive designed for the express purpose of providing South Africa with a strong industrial base which would withstand international sanctions. Key commodities included armaments, motor vehicles, oil-from-coal, food and a wide range of consumer goods.

The South African energy sector, as well as its military and technology sectors evolved and developed in anticipation of, and in response to sanctions. Part of its strategy in preparation for sanctions was to reduce its vulnerability to energy sanctions, in particular an oil embargo. South Africa concentrated its bid for autarky on four main areas: fuel substitution, coal liquefaction, oil exploration and stockpiling. Wherever possible, the South African government strove to substitute oil with other forms of energy - coal, coal-fired electricity, nuclear and hydro-electrical energy and new products such as ethanol and methanol used as extenders of diesel and petrol.

Foreign companies and imported technology played a pivotal role in the development of South Africa's alternative energy sources. The construction of Sasol I, II and III oil-from-coal plants at an estimated US\$10bn reduced oil imports by about 30 per cent.⁴⁰ The American Fluor Corporation entered into a billion dollar agreement to be the managing contractor for two of the three Sasol projects.⁴¹ In 1984, Fluor's South

African subsidiary in conjunction with the French firm Framatome, contracted to maintain South Africa's first nuclear energy generating plant in Koeberg.

In the military field, the parastatal Armscor was established in 1977⁴² to control the procurement and production of all armaments by one organisation. The South African manufacture of a wide range of basic and advanced armaments was evidence of South Africa's success in breaking the mandatory arms embargo and achieving arms self-sufficiency. This was seen at displays at international arms fairs, such as "Fida 88" held in Chile in 1988, where South Africa revealed its ability to produce sophisticated weaponry such as the "Airbok" Alpha helicopter and the Cheetah fighter-interceptor.⁴³

Export markets were crucial to South Africa to defray the costs of an indigenous arms industry. It was for this reason that the Security Council imposed a voluntary embargo in 1984 on imports from South Africa of "arms, ammunition of all types and military vehicles" in an attempt to prevent export growth.⁴⁴ Opposition from Britain and the United States prevented the embargo from being made mandatory or the definition being widened to include "related materials of all types."⁴⁵

"The main and obvious factor working against all embargo efforts has been the capacity and determination of the target regime. South Africa's resourcefulness and the priority given to investing in a domestic arms industry have throughout the period created immense problems for embargo implementation. Armscor has, so to say, managed to keep one step ahead."⁴⁶

As part of its external adjustments to sanctions, South Africa re-orientated its trade. In 1987, for example, its percentage trade with Turkey, Brazil and Taiwan more than doubled, and large increases recorded with Israel, Hong Kong and Korea.⁴⁷

12.3 Rally domestic and international opinion

South Africa attempted to rally domestic and international opinion in several ways. In sport, for example, there was change in policy, rebel tours, and efforts to convince the international community that South African sport was multiracial. In April 1967, in response to the New Zealand demand that Maori players be included, a change in the sports policy was announced, namely that the South African government would not

prescribe the composition of visiting teams. This was a clear departure from the Verwoerdian dictum of sports apartheid, although with respect to domestic teams, apartheid still applied. Change in one area was accompanied by the unequivocal reaffirmation of the status quo in another.

The new sports policy contained an important proviso that if there was evidence that political motives had influenced the selection of visiting foreign sports teams, then the government would have the right to reconsider its position. This proviso was evoked when Basil D'Oliveira, a South Africa coloured cricketer who had moved to Britain, was selected for the MCC team scheduled to tour South Africa in 1968. The South African government made it clear that D'Oliveira would be unwelcome: "The reason was straightforward: sport had to be played according to the rules of apartheid."⁴⁸

Rebel sports tours were aimed at rallying domestic opinion given that South Africans, and in particular whites, are avid followers of sport. The government privately agreed to provide increased financial assistance to sponsors of international tours through special tax concessions made retroactive to 1 July 1985.⁴⁹ An opinion poll of 1000 urban white taxpayers found that 77 per cent rejected the principle of such tax concessions.⁵⁰ The tours though were of psychological importance to white South Africans. The President of the South African Cricket Union, Geoff Dakin, said of the 1986 Australian rebel tour:

"The tour has done a lot to uplift the spirit of the country - enabling people to take their mind off caspirs, burning tyres, and a rand worth only 40c."⁵¹

The tours also symbolised South Africa's ability to evade boycotts. When the athlete Zola Budd was granted British citizenship in haste so that she could compete internationally, it was seen as proof that South Africa could beat boycotts with consummate ease.⁵²

On another level of counter strategy, efforts were made to persuade international opinion that South African sport was fully integrated in order to facilitate South Africa's re-entry into international sport. The International Interaction Foundation, for example, was launched in February 1986, to act as a "united mouthpiece" for South African business and sport, and to counter the campaign to isolate South Africa from international sport. At its launch, John Reason of the British Sunday Telegraph, who had long been a

supporter of strong links with South Africa, urged South Africans to "fight the propaganda war being waged against the country."⁵³

In October 1986, the South African Non-Racial Committee (SANROC) alleged that the South African government had allocated R1.5m to bring foreign dignitaries to South Africa to try and persuade them to lobby in favour of South Africa.⁵⁴ Two months later, SANROC revealed that it had come into possession of two documents that allegedly outlined a number of new strategies aimed at ending South Africa's sports isolation. These included: The conducting of opinion polls to "prove" that blacks did not support the sports boycott; giving publicity to the views of black sports personalities sympathetic to ending the sports isolation; establishing a committee comprising black sports administrators, participants and community leaders; and initiating dialogue with African sportspeople, especially in neighbouring states.⁵⁵

On the diplomatic front, when relations between South Africa and the United States were strained under the Carter administration, Vorster appealed directly to the American people in August 1977, and asked them to exert their influence and call for a change in policy.⁵⁶ This action had much to do with the efforts of the South African Department of Information which was established to intensify and consolidate information activities, "to combat the hostile propaganda against South Africa abroad."⁵⁷ In its view, in a world where weapons such as bribery, vilification, insinuation, indoctrination and propaganda were being used against South Africa, it would rule "no means, no channel and no tactic" out of order in pursuit of influencing foreign policy decision makers or opinion formers.⁵⁸ The objective was to influence key people so that they would counter sanctions against South Africa on the assumption that it was better to have others defend South Africa than to have "its own government do the talking." To achieve this, South Africa was willing to "buy, bribe or bluff its way into the hearts and minds of the world."⁵⁹

When faced with increasing sanctions Foreign Minister Botha announced in Parliament that South Africa's priority was to stop sanctions being imposed by Western trading partners.⁶⁰ He stated that he would not have believed three years earlier that the focus of the most serious threat to South Africa would have shifted from the United Nations to the West. To counter the sanctions onslaught, the government sought to convince the international community, and Western states in particular, that apartheid was all but dead

by citing as evidence the removal of the Immorality Act and the Mixed Marriages Act from the statute books.

"Recognising that international opposition to racial rule threatened to undermine their country's long-term economic future, South Africa's ruling Nationalist Party committed themselves to changes within the domestic system... Recent reforms should properly be viewed as an effort to render the exercise of political domination by a racial minority more palatable to world opinion."⁶¹

When President Botha declared in 1986: "We have outgrown the outdated concept of apartheid,"⁶² the aim was to maintain international tolerance of apartheid as the government could no longer expect actual acceptance. The regime was hence prepared to accept criticism of apartheid and state that apartheid no longer existed so long as nothing concrete was done to attack the government. International tolerance was essential to ensure that sanctions, which would have prevented the inflow of investment, new technology and military hardware, were not imposed. In a further bid to avert sanctions, Botha made a bizarre offer to release Nelson Mandela if the Soviet Union would free Andrei Sakharov and Anatoly (Natan) Sharansky (when the two were subsequently released, Mandela remained in jail).

The government also directly approached Western states in an attempt to forestall sanctions. In 1985, for example, an official party of 19 MPs, including three coloured members, were sent by the Department of Foreign Affairs to meet with American policy makers in an attempt to counter disinvestment and sanctions campaigns. In 1986, it was reported that Pik Botha made telephone calls to three senators, prior to the congressional vote that overturned Reagan's veto on sanctions, and threatened that South Africa would not buy grain from their Midwestern home states.⁶³

As part of its propaganda to rally Western support, the government portrayed the ANC as the key instrument of the total onslaught orchestrated by Moscow, and thereby attempted to persuade Western states that a transfer to majority rule would hand over power to communists. The ANC, however, emerged from the 1984-87 period as an established and credible political force. The visit of a group of South African businessmen to Lusaka to meet with the ANC in 1985, and a meeting between Oliver Tambo and Secretary George Shultz in early 1987

indicated the changing perception of the movement as a crucial factor in South Africa. This change was a defeat for the South African government's strategy of representing the ANC as Moscow's tool.

"The West's talks with the ANC added the critical political dimension to sanctions: for they indicated that the West was not only withdrawing support from the South African government, but beginning to change sides."⁶⁴

Insofar as the response of the domestic public to sanctions was concerned, the collective view of the white electorate was made known through a variety of channels such as the government, opposition parties, business groups, and the media. The strength of white feelings against sanctions was manifest in the white parliamentary opposition where parties on both the left and the right of the ruling Nationalist party were opposed to sanctions. The Progressive Federal Party, and its successor the Democratic Party, which was the most liberal parliamentary party, unequivocally rejected sanctions. Helen Suzman, a veteran anti-apartheid MP, stated that sanctions would "lay off workers as the economy wound down" and that they would create a siege economy and more repression.⁶⁵

The PFP stance was supported by business despite some gains made from disinvestment. In 1987, the Chairman of Anglo American Corporation stated that:

"While the short-term effects of sanctions still remain the subject of debate, over the long term there can be no doubt that their effect will simply serve to debilitate an economy that is already failing to cope."⁶⁶

The Chief Executive of The South African Chamber of Commerce countered the notion that sanctions provide an alternative to violence change in South Africa on the grounds that, "by worsening the lot of the black on the socio-economic front, you are encouraging them to become more violent."⁶⁷

Black South Africans, in contrast to the white population, did not have a collective means of making known their views to the outside world. They were proscribed from calling for sanctions as the Official Secrets Act of 1956 and the Sabotage Act of 1962, among others, made it an indictable offense to call for sanctions. At the National Party congress in August 1986, the Minister for Manpower warned that calls for South Africa were not

just economic sabotage but bordered on high treason.⁶⁸ Although no one was convicted, the legal prohibitions acted as a restraint especially on those who, unlike Archbishop Desmond Tutu, did not enjoy the protection of international exposure.

The Zulu based Inkatha Freedom Party (IFP), however, opposed sanctions. Its leader, Chief Buthelezi, was the most vocal black opponent of sanctions. During a visit to the United States in 1986, Buthelezi echoed business sentiments: "Sanctions and disinvestment can only benefit those who believe that violence is the answer to South Africa."⁶⁹ Within South Africa, Buthelezi consistently claimed that sanctions were a "matter of life and death" and that sanctions would mean that young people would not have jobs."⁷⁰

Opinions of black leaders were sought and black attitudes measured through sample surveys by both sides of the sanctions debate. The methodology of the surveys themselves provoked controversy. The first two surveys conducted in the second half of 1984 by Professor Lawrence Schlemmer found that blacks, by a ratio of some 3:1 favoured investment over disinvestment. A series of three surveys conducted by the Human Science Research Council (HSRC) between June 1984 and May 1985 sustained Schlemmer's findings. The results confirmed the views of those opposed to disinvestment, and cited as evidence by the South African, British and American governments.⁷¹ Then in August and September 1985, two surveys contradicted the earlier results by showing overwhelming black support for total or conditional disinvestment: 77 per cent and 73 per cent respectively.⁷² A further survey in October 1987 found that 67 per cent of blacks polled supported sanctions.⁷³ These results were then held to endorse the views of the main black opposition and the anti-apartheid movement abroad.

Problems were inherent in all the surveys, not least because respondents ran the risk of committing a punishable offence if they replied in favour of sanctions. Additionally, as a result of legal restrictions, the South African public had been mainly exposed to only one side of the sanctions debate, and the responses influenced by the unequal exposure. Implicit political bias in the wording of questions, the choice of options, sampling techniques, and the meaning of key concepts were also open to question.

12.4 Circumvent sanctions

South Africa was able to circumvent sanctions with relative ease. It is unlikely that the degree of military achievement would have been possible had not South Africa been allowed to pursue military development unrestrained by and with the active cooperation of Western states. The South African arms industry owed its very existence to access to foreign technology.⁷⁴ Despite its claim to being the world's tenth largest arms exporter, and 95 per cent self-sufficient in arms, South Africa was nevertheless critically dependent on imported machinery, components and technology to maintain production.⁷⁵

The external dependency was underlined by the extensive clandestine operations undertaken by South Africa. Sanctions-busting was needed to replace ageing French Mirages and British Buccaneers with the Cheetah, which is basically a South African version of the Mirage:

"The aircraft, presented as proof of the 'home-grown achievement of development' and as 'our very own fighter aircraft', is a 50 per cent reconstruction of the 24 year old Mirage 3 and draws heavily on Israeli and French know-how.... It should be stressed that neither Israeli cooperation with regard to the Cheetah Mirage version, nor French cooperation on the Alpha project, can be confirmed. But it is not likely that South Africa by pure 'coincidence' should suddenly be capable of indigenous designs so similar to existing projects in technologically advanced countries."⁷⁶

The US State Department in its report to Congress in May 1987, singled out seven countries - Britain, France, West Germany, Netherlands, Switzerland, Italy and Israel - as having helped to boost South Africa's military capability. Earlier, the involvement of Belgian companies in circumventing the arms embargo was revealed during court proceedings in Denmark in 1983, yet no investigation was undertaken by the Belgian government despite the available evidence.⁷⁷

In the case of arms exports from South Africa, many of the items were "laundered". In 1984, for instance, it was found that a portable range finder, the Tellurometer, developed in South Africa by a subsidiary of the British company Plessey in conjunction with the state-funded CSIR was being illegally channelled through a British subsidiary using forged certificates of origin stating that it was manufactured in Britain.⁷⁸

In May 1986, the British Anti-Apartheid Movement found that the British government had not taken any action to stop the manufacture of South African military and paramilitary equipment under licence, and identified three companies marketing South African military communications equipment.⁷⁹ Since the sanctions on imports of South African arms were designed to inhibit South Africa's internal arms production, the Anti-Apartheid Movement argued that the granting of such licences provided South Africa with much needed foreign exchange, and an "entrée" into the international arms market.

Although much of the sanctions evasion was carried out by covert means, it was also done through loopholes in sanctions legislation, "often consciously constructed by governments which accept sanctions only under popular pressure, but which in fact still oppose them."⁸⁰ For example, under the Reagan administration, many major "dual purpose" items such as computers, aircraft and their parts were exported to South Africa. Thus helicopters sold to the South African police allegedly for traffic control purposes were used against township uprisings, and the South African military openly stated that it used American Cessna aircraft for low level reconnaissance and control of ground fire.⁸¹

The fact that South Africa was able to break the oil embargo lent support to the case that sanctions could be breached with ease, particularly as the attempts to make the embargo mandatory failed. Although an oil embargo was imposed by the major oil exporting countries, the interpretation of the embargo varied from country to country with Britain, for instance, prohibiting only the export of crude oil from the North Sea and continuing to sell refined petroleum products to South Africa.⁸²

As in the case with Rhodesia, oil companies performed a crucial role in assisting South Africa to procure embargoed oil. Successive findings by the Shipping Research Bureau showed that South Africa's crude oil imports amounting to about 14 million tons per year, were supplied mainly by Western oil companies, oil traders and shipping companies.⁸³ The evasion was carried out through swap arrangements on markets for cargo,⁸⁴ sales of oil on the high seas, and through third countries.⁸⁵

South Africa used its neighbouring states for sanctions evasion with re-labelling being the most common form. Goods such as matches and jelly, for example, were sold in the Middle East with "Made in Swaziland" stamps even though they originated in South Africa.⁸⁶ Swaziland wines were sold in Canada although Swaziland does not produce

any wine.⁸⁷ South African beef was exported as being from Botswana, and shipping invoices for South African grain re-documented as Mozambican grain.⁸⁸

Apart from such rather obvious methods, South Africa, though initiating the Lesotho Highlands Water project, for example, left it to Lesotho to raise finance for the project by way of long term loans and grants from the international capital market. It was thus able to evade the financial sanctions in operation against itself.

The neighbouring states also gave South Africa access to preferential tariff and trade preferences through membership of several international organisations. As a member of the Lome Convention, Swaziland, for example, receives the preferential tariffs accorded to third world countries by the European Community. Likewise as a member of the Commonwealth, Swaziland gets preferential treatment from countries such as Australia and Canada which were strong supporters of sanctions against South Africa. For goods to qualify for Commonwealth preferential rates, only 25 to 30 per cent of manufactured products needs to be completed in a country to qualify for its certificate of origin. Thus South African companies were able to set up a subsidiary in Swaziland, send it goods three-quarters finished for completion, and ship the goods through South African ports. The goods were then sold at preferential rates in some of the world's most lucrative markets.⁸⁹

Boycotts were also circumvented by rebel tours for instance. The first rebel rugby tour took place in 1986 when the New Zealand Cavaliers, who were reportedly paid NZ\$100,000 each, toured South Africa after tours by the All Blacks and the British Lions were cancelled.⁹⁰ In cricket, there were several rebel tours, the last one being an English tour in January 1990. The National Sports Congress (NSC), the sports wing of the Mass Democratic Movement, held several demonstrations against the tour. The tour was shortened after the NSC agreed not to hold any protests against the remaining matches.⁹¹

12.5 CONCLUSION

In responding to the sanctions "onslaught," South Africa used its military and economic muscle in the region to impose sanctions against its neighbours. The region's dependence on South Africa gave it sufficient leverage to manipulate those ties to advantage. It exploited the dependence in three ways: first, to impose sanctions and defend itself

against threats of sanctions from its neighbours; second, to avert Western sanctions by pointing to the vulnerability of its neighbours; and third, to circumvent sanctions. On a wider level, a major initiative was launched on the international front to arrest international opprobrium. It was necessary to "repackage" apartheid so that it could be "sold" abroad in a palatable form. Hence limited power was granted to coloured and Indians in the 1984 constitution, and the government talked of "power sharing" with blacks.

In its propaganda efforts to rally Western support, the government portrayed the ANC as the key instrument of the total onslaught orchestrated by Moscow, and thereby attempted to persuade Western states that a transfer to majority rule would hand over power to communists. The ANC, however, emerged from the 1984-87 period as an established and credible political force. The visit of a group of South African businessmen to Lusaka to meet with the ANC in 1985, and a meeting between Oliver Tambo and Secretary George Shultz in early 1987

indicated the changing perception of the movement as a crucial factor in South Africa. This change was a defeat for the South African government's strategy of representing the ANC as Moscow's tool:

"The West's talks with the ANC added the critical political dimension to sanctions: for they indicated that the West was not only withdrawing support from the South African government, but beginning to change sides."⁹²

Nevertheless, South Africa's determination and capacity to resist sanctions, and its resourcefulness and priority in investing in a domestic arms industry, for example, worked against sanctions efforts.

CHAPTER TWELVE: NOTES

1. Sunday Times, 5 October 1986.
2. By India in 1946.
3. cited in Geldenhuys, The Diplomacy of Isolation, p 209.
4. Geldenhuys, The Diplomacy of Isolation, pp 208-210 gives details.
5. *ibid.*
6. The policy was adopted around 1978 under PW Botha.
7. *ibid.*
8. Jaster, R.S. (1986) South Africa and its Neighbours: Dynamics of Regional Conflict, London: IISS, pp 8-9; Hanlon, J. (1986) Beggar Your Neighbour: Apartheid Power in Southern Africa, London: Catholic Institute of International Affairs, p 38.
9. White Paper on Defence 1977, Pretoria: Government Printer.
10. The Times, 8 August 1986.
11. Hanlon and Omond, The Sanctions Handbook, p 77.
12. Financial Mail, 5 December 1986.
13. Of the regional network, the only rail link not to have been sabotaged since 1980, was the one which runs south from Zambia through Zimbabwe to the South African ports of Durban, Port Elizabeth, East London and Cape Town.
14. Hayes, Economic Effects of Sanctions, pp 51-4.
15. This was especially so with Renfreight.
16. CIDA, The Impact of Economic Sanctions, p 18. It was cheaper to send a container of coffee from Mutare to Durban, a distance of 2000km than to Beira which is 300km away.
17. Geldenhuys, The Diplomacy of Isolation, p 154.
18. Hanlon, Beggar Your Neighbour, pp 188-9.
19. *ibid.*
20. Martin, D. and Johnson, P. (1986) "Destabilisation and dependence," in Uhlig, M.A. (ed) Apartheid in Crisis, Harmondsworth: Penguin, p 309.
21. Guardian Weekly, 19 January 1986.

22. Britain reportedly threatened Zimbabwe that in the event of British Airways flights to South Africa through Harare being banned, it would retaliate against Air Zimbabwe flights to London. Financial Times, 9 August 1986.
23. Of Zimbabwe's total exports of Z\$1.3bn in 1986, Z\$125m went to South Africa which supplied about Z\$10m out of Z\$970m in total imports. Financial Times, 28 January 1987.
24. Hanlon and Omond, The Sanctions Handbook, p 105.
25. Hanlon and Omond, The Sanctions Handbook, pp 103-4.
26. *ibid.*
27. International Herald Tribune, 7 August 1986.
28. Hayes, Economic Effects of Sanctions, pp 45-6.
29. According to a Western diplomat in Lusaka, quoted in International Herald Tribune, 7 August 1986.
30. Hanlon and Omond, The Sanctions Handbook, p 101.
31. Commonwealth Secretariat, Mission to South Africa, pp 127 and 140.
32. Phyllis Johnson and David Martin are directors of the Southern African Research and Documentation Centre in Harare. Martin and Johnson, "Destabilisation and dependence," p 7.
33. "Sanctions against South Africa: Problems and prospects", OAU 1986, Appendix 1 and p 9.
34. See page 296 for types of sanctions evasion.
35. Business Week, 30 May 1988.
36. United Nations, "Transnational Corporation in South Africa and Namibia," p 48.
37. Hawke, "Sanctions: moral imperative or practical dilemma," p 186.
38. Moorsom, Sanctions and South Africa, pp 146-7.
39. "South Africa: the case for mandatory economic sanctions," Special Committee against Apartheid, 1986, A/CONF.137/BP4.
40. Shipping Research Bureau (1986) "Tightening the oil embargo against South Africa: possible actions to close loopholes" June 1986.
41. Houser, G. (1984) "Relations between the United States and South Africa," New York: United Nations Centre against Apartheid, p 25.
42. It was an amalgamation of the Armaments Production Board established in 1964 and the old Armscor founded in 1968.
43. Details of these aircraft and their development are given in Landgren, Embargo Disimplemented, chapter 5.

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44. S/RES/558, 13 December 1984.
 45. AAM, "A Tiny Little Bit," p 17.
 46. Landgren, Embargo Disimplemented, p 229.
 47. United Nations, Transnational Corporations in South Africa, p 42.
 48. Geldenhuys, The Diplomacy of Isolation, p 217.
 49. When this was made public, the opposition Progressive Federal Party (PFP) attacked the government for effectively allowing the taxpayer to sponsor rebel tours, and black political groups pointed out the injustice of the concessions in the face of the gross disparity in the provision of sports facilities between blacks and whites. Business Day, 20 January 1986.
 50. SAIRR Annual Survey 1986, p 299.
 51. Eastern Province Herald, 21 January 1986.
 52. Guardian Weekly, 22 May 1988.
 53. The Star, 6 February 1986.
 54. New Nation, 9 October 1986.
 55. SAIRR, Annual Survey 1986, p 294.
 56. Geldenhuys, The Diplomacy of Isolation, p 113.
 57. *ibid*, p 16.
 58. In 1973, the Department drew up a five-year plan for a covert propaganda offensive. A world-wide survey on the international image of 14 states, secretly commissioned by the Department, had shown that South Africa fared little better than Uganda. cited in *ibid*, p 108.
 59. *ibid*, p 85. For detailed information on the overt and covert activities of the Department of Information see pp 107-21.
 60. AWEPPA News Bulletin, no 5, June 1986.
 61. Price, "US policy towards southern Africa," p 80.
 62. Observer, 2 February 1986.
 63. The calls were to Senators Richard Lugar, Ed Zorinsky and Charles Grassley. It transpired that South Africa did not buy any grain from Grassley's home state of Iowa, Zorinsky ignored the call, and Lugar who was chair of the Senate Foreign Relations Committee was offended by the approach. All three senators were reportedly more determined to override the veto. Sunday Times, 5 October 1986; Financial Mail, 10 October 1986.
 64. Sampson, A (1987) Black and Gold: Tycoons, revolutionaries and apartheid, London: Hodder and Stoughton, p 257.
 65. Times, 2 July 1986 and Star, 17 September 1986.
 66. Gavin Relly in 1987.

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67. Interviewed by Luntz, F (1986) Report on series of interviews with business and political leaders, March-April 1986, unpublished.
 68. SAIRR Annual Survey, 1986, p 318.
 69. SAIRR Annual Survey 1986, p 154.
 70. For example, at a youth rally in September 1986, quoted in The Citizen, 1 September 1986.
 71. Moorsom, Sanctions against South Africa, p 159.
 72. The first survey was conducted for the Sunday Times by Mori/Markinor, and the other by Mark Orkin for the Community Agency for Social Enquiry in association with the Institute for Black Research (CASE/IBR).
 73. The survey was also conducted by CASE/IBR and published in the Independent, 17 October 1987.
 74. See Landgren, Embargo Disimplemented, p 191.
 75. CIDA, The Impact of Economic Sanctions, p 28; Declaration of the International Seminar on the UN Arms Embargo against South Africa, United Nations Special Committee on Apartheid, May 1986; and Landgren, Embargo Disimplemented, p 176.
 76. Landgren, Embargo Disimplemented, pp 74, 77.
 77. Southscan, 6 January 1987.
 78. AAM "A tiny little bit," p 17.
 79. *ibid.*
 80. Hanlon and Omond, The Sanctions Handbook, pp 270-1.
 81. *ibid.*
 82. Hanlon and Omond, The Sanctions Handbook, p 309.
 83. Shipping Research Bureau (1986) "Tightening the oil embargo against South Africa: possible actions to close loopholes" June 1986.
 84. In the case of market swaps, a company wishing to sell to South Africa temporarily swapped with another company permitted to sell to South Africa, an equivalent market elsewhere. Cargo swaps took place between embargoed oil such as from the North Sea and a cargo that was not embargoed, normally in the high seas.
 85. Hanlon and Omond, The Sanctions Handbook, pp 308-9.
 86. Hanlon, Beggar Your Neighbours, p 73.
 87. International Herald Tribune, 10 July 1986.
 88. Hanlon, Beggar Your Neighbour, p 73.
 89. International Herald Tribune, 10 July 1986.
 90. Sunday Star, 13 April 1986.

91. See SAIIR Annual Survey 1989-90, pp 24-6.
92. Sampson, A (1987) Black and Gold: Tycoons, revolutionaries and apartheid, London: Hodder and Stoughton, p 257.

CHAPTER THIRTEEN: THE EVALUATION OF EFFECTIVENESS

Three distinct phases, from 1962-65, 1977-8 and 1984-6, have marked the course of sanctions against South Africa. Each period was a reaction to internal events in the country - Sharpeville, Soweto, and the tricameral constitution which excluded black participation. Each occasion saw the South African government emerge with political power still under white control, but each occasion saw an escalation in the momentum and magnitude of sanctions.

Given that conventional wisdom holds that sanctions "don't work" and the judgement of success is subjective, not surprisingly independent studies reach contrary conclusions regarding the sanctions imposed against South Africa. For example, a study by the Commonwealth Secretariat states in relation to the arms embargo:

"Although openly violated by a few countries and narrowly interpreted by many, the arms embargo has been remarkably successful."¹

One of the reasons for this conclusion is that "South Africa has been unable to buy any weapons systems since 1977."² A SIPRI study on the other hand concludes that:

"The embargoes against South Africa have been in force for 25 years. During that period, South Africa has built up a military industry and remains the leading military power in the region. This in itself provides enough evidence that the embargo was not efficient... The stated goal of preventing South Africa from acquiring and producing armaments and thereby changing the apartheid system has not been reached after 25 years of embargo implementation."³

Faced with such opposite views it is necessary, therefore, not to look at the outcome of a specific set of sanctions, but rather at the overall picture. This chapter shows that for any judgement on the effectiveness of the sanctions imposed against South Africa, they should be evaluated using the four criteria enumerated in chapter seven:

1. Were the sanctions implemented, enforced and terminated in an effective manner?

2. Did the sanctions achieve any of their purposes?
3. How did sanctions compare with other policy instruments?
4. What functions did the sanctions fulfil in the conduct of international relations?

It should be noted that since this research covers the period up to February 1990, only a limited discussion of the termination of sanctions is given, as most sanctions were terminated after this date.

13.1 WERE SANCTIONS IMPLEMENTED, ENFORCED AND TERMINATED IN AN EFFECTIVE MANNER?

To evaluate the success or otherwise of the arms embargo, or indeed any other sanction, it is necessary to evaluate the manner in which they were implemented and enforced. When the arms embargo, for example, is evaluated using this criterion, it becomes evident that it was not implemented and enforced as effectively as it might have been. In the 1960s, for example, when there was a demand for sanctions following Sharpeville, Western states were unwilling to implement them. When the Security Council set up a committee to examine sanctions, South Africa's main trading partners opposed any form of economic restraint.⁴ Even if sanctions had been imposed on only investments and transfer of technology over which Western states had sufficient leverage to stipulate conditions, it is unlikely that South Africa would have fully recovered from the aftermath of Sharpeville.

13.1.1 Implementation

When sanctions were imposed by Western states in the 1980s, there were several obstacles to their effective implementation. Even though the sanctions were coordinated, as in the case of American, Commonwealth and European sanctions, their implementation was left to the discretion of individual states. Consequently, the content and approach to sanctions varied between countries in the same group, except for the Nordic Council whose prohibitions on trade and new investments were virtually identical.

A problem with the lack of uniform implementation inherent in voluntary sanctions was that while some states reduced their ties with South Africa, others increased their activity with South Africa. With unilateral sanctions, a sanctioner, by enacting measures at the national level was not under any obligation to cooperate or coordinate with, or to respect measures enacted by other states.

Coal, for instance, which provided about 10 per cent of South Africa export earnings, was included in the Nordic, American, French (on new contracts) and Commonwealth sanctions, but not in the European Community and Japanese sanctions. Subsequently, although sanctions denied South Africa access to about 30 per cent of its traditional coal markets, in the first half of 1987, Japan remained the biggest buyer followed by the European Community.⁵ Even a uniformly applied sanction such as on kruggerands had little significance when gold was exported in unminted form.

A practical difficulty with implementation lay with the fact that the administration of the sanctions was often in the hands of several governmental structures, leading to a dissipation and lack of coordination of effort. The arms embargo, for example, did not fall into any one category of government responsibility.

"It may be regarded as primarily a foreign policy issue, but also a trade sanctions issue: thus different government agencies are involved in its implementation. Responsibility is spread, shared or divided among a number of government agencies whose interests may run counter to one another. For example, while a foreign affairs department may regard the prevention of the export of military related equipment to South Africa as a priority, a department of commerce may see as its first task the promotion of exports, not the prevention. These priorities have varied over time, reflecting the growth of international pressure against South Africa."⁶

The responsibility for the implementation of the Comprehensive Anti-Apartheid Act of 1986, to give another example, was in the hands of 10 different agencies. A further problem with implementation was the tendency to equate sanctions measures with customs regulations. Cooperation among customs authorities are not well-developed, and:

"Traditional enforcement methods of customs regulations are not well adapted to the complex world of electronic sales of commercial information, high technology transfer, transnational consortial loan underwriting or many other non-commodity forms of exchange which are vital to the sustainment of the apartheid regime."⁷

The oil embargo demonstrated that the target can be placed at an advantage when there is a long period between discussion and implementation of sanctions so that it can plan its counter-strategy. The threat of an international oil embargo allowed South Africa ample time to develop and execute strategies to reduce as much as possible dependence on imported oil. Likewise, the time lag in implementing an arms embargo, as noted earlier in this chapter, allowed South Africa to lay the foundation for its arms industry.

13.1.2 Enforcement

Unlike in the case of Rhodesia, where sanctions went from selective/voluntary to comprehensive/mandatory sanctions, only the arms embargo was mandatory against South Africa. Even then, the embargo applied only to arms exports to South Africa. It was not until 1984 that the Security Council called for a voluntary embargo on imports of South African arms.⁸ The voluntary embargo on arms imports was not adopted through specific legal measures by most of South Africa's trading partners.⁹ The lax monitoring and enforcement of the embargo led the Security Council in November 1986 to request states to monitor and verify violations of the embargo and to impose penalties.¹⁰

States whose nationals were the most culpable in breaking the arms embargo did not set up any specific monitoring or enforcement agencies to supervise adherence to the embargo. This was in contrast to the CoCom embargo where the United States monitored and imposed penalties on companies guilty of delivering embargoed goods. The very countries involved in CoCom were the main suppliers of military technology to South Africa.

"Cases of breaches or loopholes are discovered by chance after deals have been made and the goods have been delivered... the task is dealt with practically only by anti-apartheid organisations and individual journalists in Europe and USA."¹¹

An example of the inadequacy of the arms embargo was the seizure in Sweden of a computer with a variety of military uses including missile guidance that was bound for the Soviet Union in circumvention of CoCom prohibitions. The computer had first been exported to South Africa without any difficulty.¹²

Avoidance of the arms embargo was expedited through regulations framed in terms of the end-user rather than the type of equipment. Export of dual purpose equipment to private companies in South Africa was permitted though they could later easily transfer the goods to the military or police, or serve as contractors to Armscor. Even though penalties were prescribed for violations,¹³ whether sanctions were legally binding or voluntary did not necessarily affect enforcement. It is significant that infringements of CoCom, which was neither a treaty nor given "any coherent written form" operated with a minimum of administration and led to more successful prosecutions than the arms embargo against South Africa.¹⁴

An enforcement measure which proved successful was the Comprehensive Anti-Apartheid Act's provision that the United States would terminate military assistance to those countries that circumvented the international arms embargo.¹⁵ It was of particular concern to Israel¹⁶ which had R6bn in military and nonmilitary aid due from the United States in 1987, thus making it vulnerable to American pressure.¹⁷ In March 1987, Israel announced that it would not enter into any new military arrangements with South Africa, but would allow the completion of existing contracts.¹⁸ The announcement helped forestall a bid by the Congressional Black Caucus to enforce the provisions of the Act against Israel.

Where the oil embargo was concerned, in spite of evidence implicating oil and shipping companies in breaking the embargo, responses from governments to sanctions-busting was minimal. The failure of OPEC, at the zenith of its power, to take action against incriminated companies, and the inaction of Western governments with leverage over the companies, "let slip a golden opportunity to take decisive sanctions against a South African economy on the brink of seizing up."¹⁹

Enforcement was difficult also because of loopholes in legislation. The Reagan administration, for example, was accused of "eviscerating" the provisions of the Comprehensive Anti-Apartheid Act of 1986:

"Congress intended to bar importation of all South Africa uranium; the administration opened a loophole to permit most of the uranium trade to continue. Congress intended to ban the import of iron, steel and iron ore; the administration exempted certain alloys, significantly reducing the impact of these sanctions."²⁰

In Britain, where there were no sanctions on uranium it not only continued to be sold, but was "laundered" by British Nuclear Fuels to by-pass American sanctions which did not prohibit South African uranium processed abroad.²¹

There were other loopholes. None of the financial sanctions on foreign direct investment, for example, called for disinvestment. They prohibited further investments only through new transfers of capital or expansion into new economic activities. They did not cover non-equity investments which were increasingly used by transnationals in South Africa.²²

One of the problems with enforcement was a lack of coordination and accurate information. The "Sanctions Report" of 1989 from the Independent Expert Study Group prepared for the Commonwealth Committee of Foreign Ministers on Southern Africa, for instance, claims that:

"When we began our work in 1988, we quickly discovered that a directory of sanctions imposed against South Africa did not exist... The result is what we believe to be the most complete directory so far of sanctions against South Africa."²³

This claim is questionable as a US State Department report published in May 1987, unclassified in its entirety and readily available as part of the requirements of the Comprehensive Anti-Apartheid Act of 1986,²⁴ gave detailed information on sanctions that had been imposed to date. The Commonwealth report does not acknowledge the existence of this report. Unlike the State Department report, which gives the reasons for selecting the countries that are included in the report on the basis that they are industrialised democracies, the Commonwealth report does not offer any explanation as to why certain countries have been selected, and not others.

Part of the brief of the Commonwealth report was to determine possible loopholes or violations of sanctions. By not including countries which refused to impose sanctions, as for example, Taiwan, the Commonwealth report ignores an important source of

imports for South Africa, particularly in computers. Neither is China included in the directory despite being a permanent member of the Security Council. The information is not only incomplete, but also misleading. On Switzerland, for example, the Commonwealth report makes no mention of the fact, that in keeping with its traditional policies, Switzerland did not impose any sanctions against South Africa. Instead it gives the impression that Switzerland did impose sanctions. This was not the case, as whatever measures Switzerland took were not sanctions per se.

"Switzerland wishes to avoid becoming a conduit for the circumvention of sanctions undertaken by its major trading partners or those embodied in a Security Council resolution... The government does not wish to be seen as exploiting an economic opportunity created by multilateral sanctions. A working group was established... to ensure that trade follows the normal pattern and that unusual trends - indicating the use of Switzerland as a conduit - do not develop."²⁵

Efforts on enforcement, it may be argued, were seriously hampered if they were based on such inadequate information.

13.1.3 Termination

Sanctioners have terminated sanctions before their demands have been met, as discussed in chapter seven, or had difficulty withdrawing from a position they have adopted. In the case of South Africa, the problem of termination was one of the reasons that Britain and the United States opposed the imposition of Security Council sanctions. They feared that once mandatory sanctions were imposed, they would have been difficult to terminate had the Soviet Union and China used their vetoes to block a resolution to lift the sanctions.²⁶

There was common agreement among major sanctioners that the lifting of sanctions was contingent upon certain conditions, including the unbanning of political organisations, the release of political prisoners and the lifting of the state of emergency. There were, however, modifications in the interim. In a speech delivered in May 1987, the President of the ANC, Oliver Tambo, announced that the ANC advocated the lifting of the blanket cultural boycott, and that in the future the boycott would be selective in its choice of targets. He also said that it was necessary to distinguish between isolating the apartheid

regime and hurting the alternative "people's culture" which should be exempted from boycotts, and be exposed to the outside world:

"The boycott campaigns from their inception were aimed at the total isolation of apartheid South Africa. This objective is inviolate and needs to be pursued with even greater vigour. At the same time we must take into account the changes that have taken place... there has emerged a definable alternative democratic culture. This people's culture has grown into a mighty stream, distinct from and in opposition to the warped and moribund culture of racism. Its foremost exponents are today part of the democratic movement."²⁷

This led to the modification of the cultural boycott. Policy guidelines were laid down when more than 300 South African performers, artists and cultural workers met in Amsterdam in 1987 to discuss the boycott. The guidelines stressed that performers should not go to South Africa without first consulting with the liberation movements, and that the visit should further the national democratic struggle. Likewise, South African performers going overseas were advised to consult with the "mass democratic movement".²⁸

Other sanctions, however, remained in place. When in his opening address to Parliament on 2 February 1990, President De Klerk made a number of announcements aimed at facilitating negotiations.²⁹ In so doing, he met some of the conditions laid down in the Comprehensive Anti-Apartheid Act of 1986 for the "modification or suspension of sanctions," and the United States said it would consider lifting sanctions when the state of emergency was lifted, and all political prisoners released.³⁰

In the ANC's view this was premature, and it urged Western governments not to lift sanctions but for them remain in force until there had been a transfer of power to the black majority: "Reviewing or lifting sanctions now would be a very grave mistake and would certainly be regarded as a stab in the back of the anti-apartheid struggle."³¹ What is significant is that none of the sanctions in place were lifted until after De Klerk's speech which paved the way for negotiations. The termination of sanctions after 2 February 1990 is given in Appendix A.

13.2 DID SANCTIONS ACHIEVE ANY OF THEIR PURPOSES?

The second criterion for evaluating the effectiveness is based on the premise that sanctions are seldom imposed for a single purpose. Sanctions against South Africa were imposed for multiple purposes: to enforce international law; pressure the South African government to change its policy of apartheid, impose costs on the regime, isolate South Africa from the international community, and for purposes of symbolic communication.

The purpose of the arms embargo, as the only sanction imposed for reasons of international enforcement, was to prevent the provision of arms to South Africa, as the situation there was constituted "a threat to the maintenance of international peace and security" as did South Africa's acts of aggression against neighbouring states. The arms embargo did not fulfil the purpose of denying South Africa access to international military ware and expertise, or inhibiting its armaments production and export of arms. Neither did the embargo prevent South Africa developing and manufacturing nuclear weapons with the assistance of other countries. Hence, the embargo is cited not only as an example of the failure of sanctions to compel any change, but also as being counter-productive.

In so doing, attention is not given to the maverick position of the arms trade in international relations where countries:

"... unsure about the degree of support they would get from an outside power in an emergency have increasingly sought to develop the means to look after themselves. For a variety of reasons, major powers have helped them to do it."³²

The severance in arms supplies is politically and commercially expensive, and except in wartime when the supplier has the upper hand, it is a buyer's market as more states develop the means to produce and export military equipment. In relation to South Africa, although the embargo did accelerate the arms development, paradoxically it also retarded rapid development by preventing ready access to advanced technology. South Africa's reported self-sufficiency in 85 per cent of arms requirements and its ranking as the world's tenth largest arms industry would not have been possible without direct or indirect assistance from states violating the arms embargo, notably Israel, France and

Taiwan - the South African Cheetah jetfighter being illustrative of this international collusion.³³

The embargo did, however, protect neighbouring states from further destabilisation by limiting the type and quantity of weapons that South Africa could supply to forces such as the Renamo rebels in Mozambique and UNITA in Angola. Second, it prevented the modernising of the South African air force which was a critical factor in turning the tide in the December 1983 invasion of Angola.³⁴ Third, despite its weakness with regard to implementation and enforcement, the 1984 embargo on arms imports did thwart Armscor's attempts to become a major international arms competitor.

Although the ultimate purpose of the sanctions was the abolition of apartheid, an international consensus emerged in the third phase of sanctions, 1984-6, as evidenced by the demands from the United Nations, Commonwealth and European Community, as well as unilateral sanctioners, that the immediate change in policy revolved around the release of Nelson Mandela and other political prisoners, the unbanning of political organisations, and genuine negotiations between the South African government and credible black leaders. These purposes were fulfilled in early 1990.

As the results of sanctions demonstrate, the purpose of imposing costs on apartheid was achieved. The pursuit of a strategy of self-sufficiency which was forced by the embargo, tied up resources that South Africa could otherwise have used to further entrench apartheid. In this regard, although no accurate information is available, it is estimated that the mark-up for arms, for example, in the international black market was between 20 to 100 per cent.³⁵ In the first four months of 1986, South Africa spent more than R2.6bn on "unclassified imports"; the category of goods under international embargo.³⁶ Additionally, the sophisticated high technology products required for self-sufficiency accentuated South Africa's capital intensive path by increasing its need for capital and skilled labour. In attempting to beat sanctions, South Africa's dependence on imported technology and foreign capital left it vulnerable to financial and other sanctions.

During the debt crisis when rising short term liabilities made South Africa vulnerable to the international financial market, the group of 30 banks to which the majority of the debt was owed could, theoretically, have precipitated the collapse of the South African capital market, and forced the government into declaring insolvency.³⁷ There was little reason, however, to suppose that banks reacting to market conditions should assume political

responsibility to compel change in South Africa. Even though the banks were unwilling to define exactly the steps South Africa needed to restore its international creditworthiness, considerable impact was achieved by their demand that "political reforms must be enough to satisfy public opinion in the West and lift pressure from lobby groups on bank creditors, particularly in the US."³⁸

With the oil embargo, the results show that a substantial financial burden can be inflicted on the economy of a target even with sanctions evasion. Apart from an annual crude oil import bill of about US\$3bn a year, the South African economy was drained of more than US\$2bn a year in money spent on premiums to companies willing to break the embargo, excessive stockpiling of oil, oil exploration projects, and unprofitable production of fuels by Sasol installations at an estimated equivalent price of US\$75 per barrel.³⁹

The success in isolating South Africa from the international community was palpable. The principal motive behind government action in sports was to end the isolation, "even though the government would never have made such an admission."⁴⁰ When faced with the sporting boycott and virtual international sporting isolation, the South African government showed willingness to accommodate most international demands. The boycott had an effect all out of proportion to its apparent triviality, producing "the first U-turn in the history of apartheid - partial abandonment of the principle of separate facilities."⁴¹ In white sporting circles it was recognised that reform in sport alone would not placate international opinion, or hasten South Africa's re-entry into international sport. South African cricketer Graeme Pollock thus stated in 1985:

"As it stands at the moment, unless we have a one person, one vote situation, I just don't see us getting back into the international scene."⁴²

In June 1986, several cricketers, rugby players and athletes called "for the immediate abolition of apartheid," and told politicians to "bury their differences, begin negotiations to create a fair and just society, and restore peace in our divided land."⁴³

One reason for the success of the sport boycott in isolating South Africa from the international community was that sports in Western nations are not directly controlled by governments. Subsequently, the international sports campaign against South was conducted primarily by anti-apartheid activists who planned strategy and tactics with little compromise or stalemate between conflicting interests and views. The comments made

by the former Secretary-General of the Commonwealth, Sonny Ramphal in 1986 on the sports boycott applied to most boycotts:

"The striking feature is not... the number of breaches of the campaign, but that a breach is news because of its exceptions from the sporting norm. That norm is that South Africa now participates in virtually no international sporting event of any significance whatever."⁴⁴

The cumulative effect of the boycotts was to isolate South Africa on several fronts. It affected to a far greater degree the white population, and deprived them of amenities to which the rest of the population had negligible exposure. As a strategy for isolating South Africa, the boycotts served to upset South Africa's political, economic, social and psychological balance by exerting direct and indirect pressure through a variety of means. As one of the artists who performed on the anti-apartheid song "Sun City" said:

"We did not directly end apartheid. No record could do that... We did, however, show that artists have a responsibility for confronting injustices like apartheid and getting involved in changing them."⁴⁵

In spite of South Africa's efforts to lure international artists, entertainers and sportspeople, the number of new additions to the United Nations Register was almost equalled by deletions made in return for pledges not to perform in South Africa. In 1986, for example, the Register contained 54 additions, and 51 deletions including big stars like Elton John, Cliff Richards, Nana Mouskouri, George Benson, Kenny Rogers, Barry Manilow, Julio Iglesias and Tina Turner.

Where symbolic communication was concerned, sanctions perform the symbolic function of sending signals to the target, the domestic public and international opinion. If the signal is effective, in that it changes "the expectations of the decision-makers in the target about the sender's response to the original action that triggered the sanctions," then the signalling may be "more important on the whole than the costs directly imposed by the sanctions."⁴⁶ Signals to communicate effectively, moreover, must be accompanied by an unambiguous statement in a well-defined and understood language, unless ambiguity is intended. It is open to question whether sanctions have developed such a language. The sanctioner may be clear as to the intent of the message, but the critical issue is whether the target, the sanctioner's allies and the international community, received the

intended message. Unless specific language is used to indicate what the sanctions signal, they are open to interpretation and misunderstandings.

This was the case with the American sanctions. President Reagan in his report to Congress in October 1987⁴⁷ stated that the two sets of American sanctions, by Executive Order in 1985 and by statute in 1986:

"... have sent a clear message to the ruling white community that the American people are outraged by the institutional injustices of apartheid... the message has clearly been registered. The American people have made their feelings clear."⁴⁸

But if, as the report stated, the most important goal of the Act was to pressure the South African government to meet the "unambiguous prescriptions" laid down in the Act,⁴⁹ then by 1987 no significant progress had been made toward ending apartheid, and establishing a non-racial democracy. The report attributed this "failure" of sanctions to the ease with which South Africa had developed new markets owing to the quality of its products, its willingness to undercut prices, and the perception of South Africa as a reliable supplier.

What the report did not say was that the Administration rejected the recommendation that urgent consultations be held with allies for a multilateral programme of sanctions, as the matter was of fundamental importance to Western interests.⁵⁰ Ten days after the recommendation, the United States along with Britain vetoed a Security Council resolution calling for international adoption of American sanctions.⁵¹ The signal to South Africa and the international community was one of ambiguity.

If the European Community sanctions were intended to send a signal to South Africa from the Community, then the signal was also ambiguous. Both Mrs Thatcher and Chancellor Kohl made it clear that they only agreed to the sanctions from a sense of duty towards unity in the Community, conveying the impression that change in South Africa was only of peripheral concern. South Africa had little to fear so long as Britain and West Germany forestalled comprehensive collective sanctions. At the same time, the Community continued to condemn apartheid; the British representative speaking on behalf of the Community at the United Nations in November 1986 stated:

"We have repeatedly and unequivocally condemned it [apartheid] many times... There should be no doubt about our objective which is quite simply, the eradication of this pernicious system."⁵²

The ambiguity of the signal was that South Africa saw the sanctions as a sop to international and domestic public opinion rather than as a serious challenge to apartheid.

"Verbal condemnation of apartheid, and opposition in practice to effective sanctions measures, actually signals to Pretoria the determination of key allies to maintain business as usual. They are, therefore, the wrong signals telling Pretoria that it is still regarded as a strategic ally even if an increasingly embarrassing one. And such signals send a message to the people of South Africa.. that their sufferings and sacrifices are of no account."⁵³

Despite all their shortcomings in fulfilling the purpose of symbolic communication, the sanctions nevertheless demonstrated in unequivocal terms to South Africa the international community's disapproval of apartheid, and the willingness, particularly of Western powers to move beyond verbal condemnation.

13.3 HOW DID SANCTIONS COMPARE WITH OTHER POLICY INSTRUMENTS?

The third criterion in the judgement of sanctions is how they compared with other policy instruments. As discussed in chapter eight, a critical question in determining success is not so much whether the sanctions achieved their purposes as to whether those purposes could have been achieved through other policy instruments. In the case of South Africa there were essentially two other options: persuasion and coercion. Persuasion centred on the policy of "constructive engagement" codes of conduct for foreign companies in South Africa, and the promotion of economic growth in South Africa. Coercion rested on the use of military force.

For all its merits as a coherent regional policy which safeguarded Western, and in particular American interests, constructive engagement was counterproductive in its own terms. Demarches of this nature required coordination with the South African government from which concessions had to be elicited. In seeking to secure Pretoria's

compliance, the United States was seen as effectively reinforcing apartheid, thereby reinforcing the very conditions that it sought to alleviate.

The internal situation in South Africa moved in a direction at odds with the hopes and expectations of constructive engagement. The slow, circumscribed reforms of the Botha government discredited the argument that fundamental change could be achieved through a process managed and led by the Nationalist party, as townships rebellions continued unabated from August 1984 until early 1987. Despite this, Chester Crocker, the architect of constructive engagement defended the policy thus:

"The advocates of this approach [the use of sanctions] would have us disengage and somehow walk away from the issues which southern Africa present... it presumes without a shred of supporting evidence that change in South Africa would be advanced if the United States washed its hands off the problem, leaving the scene to others to work their will. That is not foreign policy; it is 'ostrich' policy."⁵⁴

It was an apparent failure on the part of Crocker to appreciate that the imposition of sanctions can have quite the reverse effect. The sanctioner may play a decisive role in prompting a negotiated settlement, at the same time as imposing sanctions. This paradox was well illustrated in the case of Rhodesia where sanctions were maintained until agreement was reached at Lancaster House. Instead of being an "ostrich" policy, the imposition of sanctions against South Africa was a decision by sanctioners to be actively involved in the change required of South Africa. Moreover, at no time was any linkage established between constructive engagement and political change.

Codes of conduct were another policy option. These were established, among others, by the European Community, the United States⁵⁵, Canada, and Australia. The codes contributed to the thesis of change by persuasion by postulating that economic links could be used as an instrument of change through improving wages, standards of living, and prospects for black workers. It was thought that the removal of discrimination in the workplace, trade union recognition and better wages would ameliorate the worst effects of apartheid.

The merits of the codes became evident with disinvestment. General Motors, for example, under American management was union-organised to the extent that agreement

had been reached that detained workers would be paid 100 per cent of their wages.⁵⁶ Moreover, the company stopped selling vehicles to the South African government under pressure from shareholders and the US Commerce Department.⁵⁷ The new South African management which took over after disinvestment announced that it was not bound by any code of conduct, and would not give an undertaking that vehicles would not be sold to the government.⁵⁸

But the codes did not result in fulfilling any of the purposes of sanctions, although they did improve working conditions for some blacks. Instead they were perceived, in the first place, as pre-empting demands for disinvestment, and deflecting domestic condemnation.

" The codes serve, in part, as a public relations campaign for domestic audiences that enable foreign corporations to remain in South Africa. One result of these practices is to create an elite stratum of 'privileged' black workers. In this way, the recommendations for employer-employee relations fall in line with the National Party's designs to create a black middle class that can serve as a buffer to revolutionary aspirations."⁵⁹

Second, rather than break down apartheid, the codes, through encouraging continued investment together with the transfer of technology and expertise, reinforced South Africa's programme of strategic self-sufficiency to withstand sanctions. Third, even though they did improve the lives of some black workers and help create a black middle class, the codes covered only about two per cent of the black workforce, or under 200,000 workers.⁶⁰ For these reasons the codes were seen as "not simply irrelevant to the struggle for freedom and justice. They are antagonistic to it."⁶¹ With increasing emphasis on withdrawal of transnationals from South Africa, the significance of the codes as instruments of change declined.

Another policy option by persuasion was the encouragement of economic growth in South Africa. Western states, supported by leading South African industrialists, argued that only economic growth could erode apartheid and that sanctions thwarted economic growth. This view called for increased investment, especially in the black community. In so doing it encouraged the inflow of foreign funds into the country, and the creation of a black middle class, presumably to ensure the survival of capitalism.

There was, however, little historic evidence to support the proposition that economic growth would lead to the eventual abolition of apartheid; on the contrary, the systematic enlargement and perfection of the structure of Verwoerdian apartheid took place during a relatively sanctions-free period:

"Despite their relatively favourable circumstances and the gentleness of Western admonitions, the Nationalists used this period [between Sharpeville and Soweto] progressively to dismantle the rule of law and enforce a new kind of separation through such laws... which granted the Minister of Justice wide powers ... and as main bulwark of apartheid, the institution of separate tribal lands for each ethnic group."⁶²

The greatest indictment of the belief that economic growth would lead to the erosion of apartheid came from the National African Federated Chamber of Commerce (NAFCOC) which represents about 15,000 black business people. At its conference in October 1986, NAFCOC reversed an earlier decision to resist sanctions, and decided instead to support the sanctions campaign and ensure that African businesses benefitted from the withdrawal of foreign companies. NAFCOC president, Sam Motsuenyane stated that the argument that black workers would suffer the most from sanctions was not valid; black township businesses were already under severe pressure because of the political situation.⁶³

That apartheid was equated with capitalism in the minds of most blacks, was confirmed by the views of some leading blacks. Archbishop Tutu, for example, stated: "I don't like capitalism," and Zwelakhe Sisulu,⁶⁴ said: "We would prefer socialism... this country is in a mess because of capitalists like Reagan."⁶⁵ Moreover, historically there was no evidence that economic growth, as in the post-Sharpeville years, contributed to the elimination of South Africa. Instead, that period saw the entrenchment of apartheid.

In effect, neither Britain nor other opponents of sanctions provided an alternative method by which the objective of eliminating apartheid could be realistically achieved. In May 1987, at a meeting of Community foreign ministers, several members, notably the Netherlands and Denmark, pressed for a European Community "Charter of Principles" for submission to President Botha. Among the principles were national reconciliation, the promotion of dialogue across racial lines, the removal of the Group Areas Act, and the unconditional release of Nelson Mandela.⁶⁶ The charter was opposed by Britain and Portugal in spite of support from West Germany. The British explanation, as given by

the Foreign Secretary, was that opposition was not so much to the charter which essentially endorsed democratic rights in a unitary state, but the timing of such "declaratory diplomacy".⁶⁷

The use of military force as a policy option was given consideration only by African states. South Africa's attacks on alleged ANC bases in Botswana, Zambia and Zimbabwe in June 1986 provoked calls by black African states for military action, and Prime Minister Mugabe called for the mobilisation of a pan-African defence force. The idea was not new. In 1979, the OAU defence commission had approved in principle an African intervention force, but it never got off the ground.⁶⁸

There were several obstacles to any serious military effort by African states to overthrow the South African regime. On paper, the continent had more than 1.5m under arms,⁶⁹ compared with 106 400 in the South African forces. But Africa's armies were trained under a variety of traditions - Soviet, British and French - and were equipped with varied weaponry, spoke different languages and supported conflicting ideologies. Logistically, the transportation of contingents from all over Africa and the movement of heavy armour, posed virtually insurmountable problems.

There were other reasons besides. Many of the largest African armies were involved in local disputes; Angola, Mozambique, Chad, Sudan, Ethiopia and Morocco being engaged in civil war. Others such as Somalia, Zimbabwe, Zaire and Uganda had troops committed to combatting dissident activities. Tensions between neighbouring states were a disincentive for releasing troops. Indeed the many military regimes on the continent relied on their armed forces to provide power bases and resist coup attempts.

South Africa hence remained to all intents and purposes invulnerable to conventional assault:

"South Africa remains the only African country capable of significant force project operations against her neighbours. With the possible exception of Angola, none of her neighbours, singly or in concert, is capable of formal conventional operation against her."⁷⁰

Given South Africa's reliance on the West, and the inability of African states to undertake any military action, sanctions were clearly the instrument most likely to be effective in eliminating apartheid.

13.4 WHAT FUNCTIONS DID THE SANCTIONS FULFIL IN THE CONDUCT OF INTERNATIONAL RELATIONS?

The relationship between sanctions, war and diplomacy, as traditionally viewed, is ambiguous. Sanctions are considered an intermediate step when diplomacy is seen as too weak, and military force as too strong a measure.

"Sanctions are used as a surrogate for other measures. A diplomatic slap on the wrist may not hit where it hurts. More extreme measures, such as covert action or military measures may be excessive."⁷¹

The fourth criterion in evaluating the effectiveness of sanctions is to consider whether sanctions fulfilled the functions of acting as surrogate warfare and surrogate diplomacy in the case of South Africa.

13.4.1 Sanctions as surrogate warfare

To evaluate whether sanctions have acted as surrogate warfare against South Africa, they may be examined in terms of Bull's three functions of war: enforcement of international law, preservation of the balance of power, and the promoting of change in the law generally regarded as just.⁷²

In the first instance, the sanctions imposed by the United Nations acted as a means of international enforcement, conforming to Doxey's definition of sanctions as "penalties threatened or imposed as a declared consequence of the target's failure to observe international standards or international obligations."⁷³ In this respect, sanctions against South Africa were a response to apartheid, which was internationally agreed to be a violation of international norms. The imposition of the voluntary arms embargo by the Security Council in 1963, signified that apartheid was not a matter of domestic jurisdiction as claimed by South Africa. This was followed by the mandatory arms embargo in 1977 instituted in response to the Soweto uprising. In 1985, the Security

Council, again responding to events in South Africa, adopted a resolution requesting member states to impose selective sanctions.⁷⁴

At the General Assembly, sanctions were seen as an adjunct to the armed struggle by the majority of member states, and hence as surrogate warfare in favour of the ANC. The formation of the military wing of the ANC after Sharpeville was a qualitative change from resistance movement to liberation movement, and the post-Soweto years saw the juxtaposition of force with sanctions, fuelled by the violence coming from the townships. Sanctions in this respect acted in terms of classical war theory, and were intended to weaken the enemy. At the extreme it meant that sanctions, by causing a severe disruption of the South African economy, including large scale unemployment, would create the conditions and the climate for revolutionary change.

Insofar as preserving a balance of power was concerned, states with insufficient leverage to impose sanctions such as SADCC states, used the United Nations, the Commonwealth and other collective fora to push and lobby for sanctions to be imposed by more powerful states. Western states came under heavy criticism from Afro-Caribbean and Asian states for their reluctance to impose sanctions, particularly when countries such as India had imposed sanctions from as far back as 1946. Sanctions also acted as surrogate warfare for these states which, in seeking a more equal relationship with the mainly white West, regarded South Africa as the epitome of their universal struggle and a symbol of all that ran counter to their aspirations.⁷⁵

"Unlike the circumstances of some other instances of human rights violations, those experiencing severe oppression in South Africa enjoy strong and direct affinities with countries composing one-third of the membership of the United Nations and significant ties of sympathy with many others."⁷⁶

Yet, the arms embargo remained the only sanction in operation for Western states such as Britain until 1985 when, in the face of mounting pressure, other sanctions were imposed. States having few links with South Africa imposed stringent sanctions; states with extensive links enacted few or no measures. Indeed, states which best appreciated the oppressive character of apartheid lacked the means to make their concerns effective. Therefore, sanctions only partially fulfilled the function of surrogate warfare.

In the Cold War context in which the sanctions were imposed, the Western bloc consistently vetoed sanctions resolutions in the Security Council, or else modified them. Even when the Comprehensive Anti-Apartheid Act of 1986 made it clear that it was "the sense of Congress" that the President should instruct the American representative at the United Nations to introduce a resolution pursuant to Article 41 for the imposition of mandatory sanctions, the United States nevertheless vetoed such resolution in February 1987 as it was not a statutory obligation on the administration.⁷⁷ In the explanation of vote, the United States (and Britain) made it clear that it feared that the removal of mandatory sanctions, once imposed, could be blocked by the veto of a single permanent member. "In effect, mandatory sanctions would place the Soviet Union in an extraordinarily advantageous position, something the allied powers could not permit."⁷⁸

The importance of sanctions in the Cold War context was further underlined when the position of the Soviet Union as the major alternative supplier of strategic minerals caused concern among Western nations, and given as a reason for opposing sanctions. Mrs Thatcher, for example, stated:

"To me it is absolutely absurd that people should be prepared to put increasing power into the hands of the Soviet Union on the grounds that they disapprove of South Africa."⁷⁹

Where sanctions acting as an agent of just change is concerned, the United Nations recognised that sanctions were not contrary to the prohibition on intervention, and as apartheid was a violation of the Charter and the Declaration of Human Rights,⁸⁰ the imposition of sanctions was justified.

A large measure of South Africa's success in countering sanctions came from its ability to view international pressure as a "total onslaught," enabling it to react to sanctions as though it were surrogate warfare:

"Among the enemies of South Africa are the United Nations, the World Council of Churches, the Soviet Union, international communism and its many fellow travellers, the OAU, the majority of the socialist countries of the Third World, the left wing in the academic world and the more liberal members of the world's media."⁸¹

The South African government world view was helped by the narrow socio-political spectrum from which decision makers were drawn - white, Afrikaner Nationalist Broderbonders - to the extent that "groupthink" operated where group loyalty and cohesion was such that alternative courses of action were seldom entertaining, leaving South Africa on a permanent "sanctions-footing."

It has been argued that the South African government found itself in a Catch 22 situation where "even genuine reforms did not secure the easing of sanctions, but could even lead to their intensification, on the grounds that the sanctions medicine was working and the dose should therefore be increased."⁸² Evaluated in terms of surrogate warfare, South Africa did not find itself in such a Catch 22 situation. Since the ultimate objective of sanctioners was the abolition of apartheid, any reforms were battles in the overall war; tactics in the overall strategy. Consequently, reforms were effectively battles won, and the South African government was under no illusion that the pressure would ease until the war was won.

13.4.2 Sanctions as surrogate diplomacy

In chapter seven, sanctions as surrogate diplomacy was considered in relation to five functions of diplomacy: communication; negotiation; intelligence; minimisation of friction; and symbolising the existence of the society of states.

Where communication is concerned, one of the purposes of the sanctions was symbolic communication. Bull's observation of modern diplomacy is apt for sanctions acting as surrogate diplomacy in terms of communication.

"Very frequently, when representatives of states meet at the present time... the parties concerned appear to be addressing each other whereas they are in fact directing their remarks to third parties, whose support each is trying to enlist."⁸³

The signal sent by the sanctions was as much to the international community and domestic constituencies to reduce pressure for sanctions, as it was to South Africa that apartheid was unacceptable. Yet, as discussed earlier, the sanctions sent ambiguous signals to South Africa, as for example, from Britain and the European Community.

Insofar as negotiation was concerned, the three main sanctions packages were negotiated compromises reached among various participants on the one level, while on another, sanctions helped open the way for negotiations in South Africa. The intensification of sanctions in the 1980s, for instance acted as a spur for businesspeople to begin negotiations with the ANC. In 1985, following the debt crisis, a delegation of businesspeople met with the exiled ANC for the first time in Lusaka, leading the way for the eventual unbanning of the party.

Intelligence gathering is not only about collecting information, but about imparting selected information. South Africa was threatened with further sanctions if the conditions of the existing sanctions were not met. Several studies, most notably from the Commonwealth Secretariat,⁸⁴ called for a range of additional sanctions to be imposed, and for existing ones to be tightened.

The US Secretary of State's Advisory Committee recommended that:

"If Pretoria remains intransigent, the international community would have to address the adoption of additional steps... and consideration of ways to establish effective international sanctions on newly minted gold."⁸⁵

Sanctions did not minimise friction, particularly among alliance partners. Britain, for example, was at variance with its European Community and Commonwealth partners. On the other hand, West Germany and Portugal who shared Britain's reluctance to impose sanctions did, along with Britain, gradually shift their position, particularly in response to American sanctions. In the Commonwealth, Canada, Australia and New Zealand also gradually moved in favour of sanctions, although in so doing they left Britain in an isolated position.

The existence of a society of states was confirmed by the sanctions against South Africa, evidenced by the process of sanctioning collectively, particularly in the United Nations, but also in other fora such as the European Community, Commonwealth and OAU. In acting in concert, there was consensus on the types and range of sanctions among many states. Despite scepticism from some states about the effectiveness of sanctions as a means of pressuring South Africa to end apartheid, virtually all states responded to appeals for sanctions from the United Nations.

It may be argued that since apartheid subverted explicitly the values enshrined in the international legal order, the preservation of these values required that it was in the international community's self-interest to have taken earlier and stronger action against South Africa. This argument is based on the notion that self-interest is not confined to economic and material needs, but extends to those moral and cultural values which states regard as part of their identity, and which are embodied in their constitutions.

"All States have the right of reprisals against such gross violations of human rights as that of apartheid which has been affirmed by the International Court of Justice: 'In view of the rights involved, all States can be held to have a legal interest in their protection,' for 'they are obligations erga omnes.' In contemporary international law, such obligations derive, for example, from 'the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination.'"⁸⁶

13.5 CONCLUSION

"It is clear from everything Mr Mandela has done since his release... that he regards sanctions as the principal weapon available to the ANC. Without it he would probably still be a prisoner... From the black point of view, the overthrow of apartheid has come to depend on the desire of white South Africans to rejoin the world community and see both economic sanctions and constant expressions of opprobrium brought to an end."⁸⁷

Sanctions against South Africa had many shortcomings. The implementation and enforcement of sanctions by the major powers was tempered by each power's domestic and international considerations. These considerations rested on various factors: domestic and international pressure for the imposition of sanctions; economic, political, socio-cultural and other links with South Africa; the relative importance of South Africa to the power's regional and global strategy; and internal events within South Africa.

In the 1960's Western states were unwilling to implement sanctions despite demands for their imposition following Sharpeville. In the 1970s, Britain, France and the United States consistently vetoed effective United Nations action against South Africa, including

South Africa's expulsion.⁸⁸ Only the arms embargo was imposed as a mandatory sanction, and enforcement of the embargo was, at best, perfunctory.

When sanctions were imposed in the 1980s, Britain in particular made it clear it was doing so under duress. Although Britain did not have the constitutional responsibility that it had in the case of Rhodesia, its extensive relations with South Africa, and membership of organisations that included a superpower as well microstates, placed it in a unique position. The House of Commons Foreign Affairs Committee noted in this regard:

"The re-establishment of the rights of the non-white majority in South Africa must remain a prime concern of the British Government and Parliament. Although the United Kingdom has no residual legal powers in the matter, one cannot deny our continuing responsibility to try to ensure that this post-colonial aberration is resolved according to the moral and political criteria to which all the main political parties in the United Kingdom subscribe."⁸⁹

It could have, had it so chosen, exploited this position to play the leading role in bringing pressure to bear on South Africa. Instead, Britain consistently opposed sanctions, and only agreed to impose some sanctions to forestall stronger or wider measures, and to follow the American lead.

The different approaches used by states in the articulation, implementation and scope of application tended to weaken the overall effect. Over the years, sanctions progressed from softer measures towards more stringent ones. Although the type and scope of sanctions increased, the loopholes available to circumvent them were considerable. The oil embargo was largely ignored by oil-exporting states. The export of coal, South Africa's second main export earner after gold, was maintained by disguising its origin, shifting shipments and increasing exports to European countries which did not have sanctions on coal.

Multiple purposes were served by the sanctions. The arms embargo, for example, imposed for the purpose of international enforcement also served the purpose of imposing costs on South Africa. The three main packages of sanctions by the Commonwealth, European Community, and United States were imposed for several purposes, including symbolic communication aimed at the international community and domestic

constituencies. The satisfaction of domestic demands, particularly in the United States, was an important purpose that the sanctions achieved.

It may be argued that the relaxations in apartheid were not solely in response to the threat or actual imposition of sanctions. Apartheid had imposed considerable strain on the South African economy. One estimate, for example, was that apartheid cost more than R56bn in lost income. The figure, based on "extremely conservative" estimates indicates that 10 and 21 per cent of South Africa's annual budget was devoted to financing the apartheid machinery and maintaining segregation.⁹⁰ Other estimates put the figure even higher; at over a quarter of all budgeted expenditure.⁹¹

However, within the ruling class there was the growing realisation that "something needed to be done about apartheid," as the Verwoerdian model of strict segregation in all sphere became economically, socially and politically untenable. This convinced some that apartheid should be abolished; others that apartheid be amended.⁹² From 1978 onwards there was an increasing consensus that there should be less discrimination and increased incorporation of blacks into society, and that such steps required political negotiation and not rude coercion. Moreover, most white South Africans who identified themselves with Western tradition and culture did not welcome the isolation from cultural, sporting and other links that joined them to Europe.

The changes introduced under the Botha regime such as the extension of black trade union rights, abolition of the "sex" laws and easing of restrictions on African mobility, though a radical modification of the status quo represented by the Verwoerdian vision of apartheid, nonetheless continued to deny the majority political rights. The "reforms were limited to the relaxation of aspects of apartheid, not its abolition. They modernised racial domination so as to eliminate unnecessary and uneconomic discrimination, and present white supremacy in a more acceptable light. The uneven and uncertain reforms, lack of commitment to the abolition of South Africa, and the brutal suppression of black unrest, reinforced the suspicion that the changes were cosmetic, motivated by self-interest and the desire to co-opt a black middle class that would be less likely to make radical political demands.

Mr De Klerk admitted in February 1994, for the first time, that sanctions had been a key factor in damaging the South African economy, although he was not prepared to state that sanctions had been instrumental in bringing about the demise of apartheid.⁹³ Mr

Mandela, on the other hand, readily conceded that sustained international pressure and economic sanctions played an important role in ensuring that it became impossible to continue with apartheid."⁹⁴

The sanctions imposed on South Africa had their shortcomings. The fact remained though that the sanctions were in place and once imposed not terminated until after De Klerk made his February 1990 speech. Sanctions increased international concern over South Africa, and influenced Western states towards increasing South Africa's isolation. Without sanctions, the powerful traditional ties with South Africa would have continued unchallenged as other policy options proved unworkable or ineffective, and apartheid would have remained in place.

CHAPTER THIRTEEN: NOTES

1. Commonwealth Secretariat, Sanctions Report I, p 42.
2. *ibid.*
3. Landgren, Embargo Disimplemented, pp 229 and 240.
4. See Doxey, International Sanctions, p 48.
5. South, April 1988.
6. Landgren, Embargo Disimplemented, p 193.
7. United Nations, "Transnational Corporations in South Africa and Namibia," p 24.
8. SC/RES/558, 13 December 1984.
9. International Seminar on the UN Arms Embargo against South Africa, Special Committee against Apartheid, London, 28-30 May 1986.
10. S/RES/591, 28 November 1986.
11. Landgren, Embargo Disimplemented, p 193.
12. "The UN arms embargo and the USA: Cases and issues," World Campaign against Military and Nuclear Collaboration with South Africa, May 1986.
13. Enforcement varied considerably between sanctioners, with the most stringent penalties for the breach of the arms embargo. Britain, for example, provided for up to two year's imprisonment or a fine; West Germany had one to five years imprisonment with serious cases facing up to 10 years imprisonment; and Canada established maximum penalties of US\$25000 fine or five years imprisonment. With regard to enforcement of economic sanctions, the Comprehensive Anti-Apartheid Act, for instance, imposed penalties for violations of up to US\$1m for corporations, and up to US\$50,000, five years imprisonment, or both, for individuals.
14. United Nations, "Transnational Corporations in South Africa and Namibia," p 24.
15. Section 508.
16. A specific provision of the 1984 United States-Israel Free Trade Agreement, for example, had set out that South African products with 35 per cent value or more added in Israel would be allowed to enter the United States duty free.
17. Southscan, vol 1 no 25, 25 March 1987.
18. South Africa had defence contracts worth between R400m and R1bn a year with Israel.
19. Moorsom, Sanctions and South Africa, p 84.
20. Randall Robinson, head of Transafrica quoted in New York Times, 5 October 1987.

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21. Observer, 11 October 1987.
 22. United Nations, "Transnational Corporations in South Africa and Namibia," p 18.
 23. Commonwealth Secretariat, Sanctions Report II, p 1
 24. US State Department "Report to Congress on industrialised democracies' relations with and measures against South Africa," 1987. CAA Sections 401(b)(2)(B) and 506(a).
 25. US State Department report, op cit.
 26. Dugard, "Sanctions against South Africa," p 117.
 27. Guardian, 29 May 1987.
 28. Commonwealth Secretariat, Sanctions Report I, p 62.
 29. These included lifting the bans on political organisations such as the ANC, PAC, the South African Communist Party (SACP) and a number of subsidiary organisations. This was followed by the release of Nelson Mandela and several other political prisoners.
 30. Business Day, 9 February 1990.
 31. The Star, 24 February 1990.
 32. Freedman, L (1985) Atlas of Global Strategy: War and Peace in the Nuclear Age, London: MacMillan, pp 69-75.
 33. Secretary of State's Advisory Committee, "A US policy toward South Africa," 1987.
 34. For details of the air force see Landgren, Embargo Disimplemented, also the Economist, 30 March 1985 on Angola.
 35. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 353.
 36. New Statesman, 27 June 1986.
 37. The banks were from five countries: the United States, Britain, France, Switzerland and West Germany.
 38. Financial Times, 17 June 1986.
 39. Shipping Research Bureau (1986) "Tightening the oil embargo against South Africa: possible actions to close loopholes" June 1986.
 40. cited in Geldenhuys, The Diplomacy of Isolation, p 218.
 41. Guardian, 25 June 1986.
 42. Business Day, 17 April 1985.
 43. Daily News, 17 June 1986.
 44. Speech to the International Defence and Aid Fund, 10 May 1986.

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45. Little Steven van Zandt, cited in Africa Report, July-August 1987, p 45.
 46. Hanson, Western Economic Statecraft, p 18.
 47. As required under the terms of the Comprehensive Anti-Apartheid Act of 1986.
 48. Results of Anti-Apartheid Act, 2 October 1987.
 49. Section 101.
 50. Report of the Secretary of State's Advisory Committee on South Africa, "A US policy toward South Africa," January 1987.
 51. UN Report, New York Times, 5 October 1987.
 52. UN General Assembly 41st session, Plenary item 33, 10 November 1986.
 53. Anti-Apartheid Movement, Manifesto for Sanctions 1987.
 54. cited in Seidman, The Roots of Crisis in Southern Africa, pp 94-5.
 55. Known as the Sullivan Principles, the code was based on the European one. The voluntary code called on American companies in South Africa to desegregate facilities, introduce equal pay, and improve job training and advancement for blacks.
 56. Business Day, 16 August 1986.
 57. Business Day, 26 May 1986.
 58. Lipton, Sanctions and South Africa, p 93, Hanlon and Omond, Sanctions Handbook, pp 34-6, 169-71 and 267-9.
 59. Boles, The West and South Africa, p 66.
 60. In 1987, the black workforce was estimated at nine million based on government figures.
 61. Elizabeth Schmidt in New York Times, 17 January 1987.
 62. Ferguson, C and Cotter, WR (1978) "South Africa: what is to be done?," Foreign Affairs, vol 56, 2 January 1978, pp 256.
 63. International Herald Tribune, 25 July 1986.
 64. Editor of New Nation, and son of the imprisoned Walter Sisulu.
 65. Interviews conducted by Luntz, "Report on a series on interviews" p 15.
 66. Independent, 26 May 1987.
 67. Financial Times, 14 July 1987.
 68. In 1981, a force comprising troops from Nigeria, Zaire and Senegal raised to undertake peacekeeping in Chad was dissolved a year later after quarrels over finance.

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69. Including Nigeria (94 000), Algeria (110 000), Ethiopia (217 000), Angola (49 000), Somalia (62 700), Sudan (58 000), Zaire (48 000) and Zimbabwe (42 000). Sunday Times, 20 July 1986.
 70. International Institute of Strategic Studies Annual Report 1986.
 71. Hufbauer and Schott, Economic Sanctions Reconsidered I, p 10.
 72. See chapter seven.
 73. Doxey, International Sanctions, p 4.
 74. SC/RES/569, 26 July 1985.
 75. Clifford-Vaughn, International Pressures and Political Change in South Africa, p 5.
 76. *ibid*, p 48.
 77. The United States veto was supported by Britain, although France under the socialist government of President Mitterand abstained.
 78. Bethlehem, Economics in a Revolutionary Society, p 106.
 79. The Guardian, 9 July 1986.
 80. See page ?.
 81. Eschel Rhoodie, Secretary of Information, February 1977.
 82. Lipton, Sanctions and South Africa, p 81.
 83. Bull, Anarchical Society, p 175.
 84. Sanctions Reports I and II.
 85. Report of the Secretary of State's Advisory Committee on South Africa, 1987 "A US policy towards South Africa," p 13.
 86. United Nations Centre against Apartheid 1986, "Legal aspects of unilateral sanctions, " p 4.
 87. Financial Times, 18 April 1990.
 88. GA/RES/3324E, 16 December 1974.
 89. FAC I, p xi, paragraph 28.
 90. Estimated by Professor Michael Savage at the University of Cape Town, Southern African Report, 26 September 1986.
 91. South, April 1988, p 32.
 92. Lipton, Economic Sanctions, p 83.
 93. De Klerk made the admission as part of the election campaign to blame the ANC for the poor state of the South African economy. He said the National Party was "not responsible for the poverty in South Africa."

The main problem is the effect on the economy of the international sanctions campaign spearheaded by the ANC."

94. Daily News, 5 February 1994.

CHAPTER FOURTEEN: CONCLUSIONS

The development of sanctions as a major instrument in the conduct of international affairs this century has been the result of three main factors. First, avoidance of war has been of increasing concern amongst major powers in their conduct of foreign policy. Sanctions in this context held out the promise that the will of the international community could be upheld against law breaking states without resort to war, and that states could settle disputes without recourse to arms.

Second, has been the rapid growth of the international economy as national economies have become integrated into a global network covering trade, transport and technology. The advent of information technology has generated greater interdependence among states as access to information has become critical for numerous transactions in money, commodity, financial and other markets. Economic and technological developments, however, have not been uniform. The more dependent that countries have become on each other for food, energy, raw materials, financial resources and leisure activities, the greater has become their vulnerability to the severance of those ties.

The third factor in the development of sanctions this century has been the rise in people's interest and awareness of issues in countries other than their own. The expansion in communications especially via satellite has been mainly responsible as people digest information from a variety of sources through several media. Issues transcend national borders, matters that affect one country or region become "internationalised," and universal norms are established. Greater pressure has been placed on governments from domestic and international sources to take action against states that violate universally accepted standards such as human rights.

This research has considered whether sanctions are an effective instrument of foreign policy. The role of sanctions in international relations has been analysed by drawing on the body of information on sanctions as a database on case studies other than South Africa in general, and South Africa in particular, and identifying various components of sanctions to provide a framework for analysis.

LEGALITY OF SANCTIONS

Sanctions have been imposed under the aegis of international organisations such as the League of Nations, the United Nations and the Commonwealth, and regional organisations like the European Community, OAS and OAU. The organisations all have provisions in their charters for the imposition of sanctions, and these do not contravene the principle of non-intervention. Although South Africa argued that the domestic jurisdiction clause of the United Nations Charter prohibited the United Nations from interference in any form, the General Assembly, in 1961, accepted unanimously that apartheid was sui generis a violation of the Charter and the Declaration of Human Rights, and that South Africa could no longer claim protection under the domestic jurisdiction clause.

Where individual states are concerned, the issue of extra-territorial jurisdiction is not always clear. In the absence of any guidelines or solutions to the problem of extra-territorial jurisdiction, the legality of sanctions remains an area where each case is judged on its own merits, and not on any established principles of international law. The United States, unlike European states, had previously asserted extra-territorial jurisdiction to be consonant with international law, and part of its prerogative. However, it learnt its lesson from the pipeline sanctions. When sanctions were imposed against Libya, the United States refrained from extra-territorial application of the sanctions, and instead sought the cooperation of its allies in restricting their economic relations with Libya.

In the case of sanctions against South Africa, extra-territorial jurisdiction was not a consideration, and the legality of unilateral sanctions rested solely on individual states. Thus the United States and Britain (being a presidential and parliamentary system respectively) handled sanctions differently from each other. Unlike the United States which, under the Comprehensive Anti-Apartheid Act of 1986, enacted detailed legislation on sanctions, Britain provided neither legislation or official guidance, except in the case of oil.

From the point of international law, there does not appear to be any rule which prohibits the application of sanctions.

THE SANCTIONERS

Members of international organisations have acted as sanctioners either because they had a legal obligation to impose sanctions collectively, or they decided to impose sanctions

on a collective basis because their foreign policy objectives coincided and it was in their interests to take collective action. Such instances have been few.

Under the League of Nations, though Britain and France acceded to pressure from other members to fulfil their legal obligations and impose sanctions against Italy, their unwillingness to act as sanctioners confirmed that the League could not function effectively without the agreement of the Great Powers. The Rhodesian episode showed that even though under the Charter of the United Nations all member states are obliged to impose sanctions when called upon to do so by the Security Council, states may be either unwilling to act as sanctioners as evidenced by the refusal of South Africa and Portugal, or to participate as sanctioners.

The difficulty with multilateral measures was that they were often watered down to the lowest common denominator. Even these measures gave rise to confusion as evidenced by the 1985 European Community agreement on sanctions against South Africa which, by not clarifying whether the agreed sanctions were a minimum or a maximum, allowed West Germany to argue that they represented an upper limit beyond which no member state should go.

Often rifts occurred between alliance partners over the imposition of sanctions. The pipeline sanctions, for example, had substantial political costs. They deeply divided the United States from its European allies who found the American demands difficult to accept, not least because European resentment was worsened by the continued American grain trade with the Soviet Union at the same time that the pipeline sanctions were being imposed. In the South African case, Britain was the sole dissenter to sanctions being imposed by the Commonwealth. The Commonwealth's tradition of agreement by consensus, however, prevailed and a compromise, the Commonwealth Accord on Southern Africa, was reached.

Sanctions against South Africa showed that unilateral sanctions are flexible and can be tailored to suit the interests of the sanctioner. A government-fashioned and implemented policy can focus on, constrain, or encourage specific behaviour of the target more so than collective sanctions. But as the Nordic sanctions showed, collective sanctions need not necessarily be constraining measures nor ones that simply demonstrate solidarity with international organisations or alliances.

The duplicity sometimes displayed by sanctioners was made evident in the Soviet sanctions against South Africa. Even though the Soviet Union gave 100 per cent support to sanctions resolutions at the United Nations, and claimed it had no relations with South Africa, it nevertheless colluded with South Africa on certain strategic minerals, and allowed a clandestine relationship to exist between the two countries.

Non-state actors have also acted as sanctioners. This was especially evident where structures of civil society such as trade unions, churches and tertiary institutions imposed sanctions against South Africa. Not only that, but the domestic politics of sanctioners played a pivotal role in the imposition of sanctions particularly the United States where there was widespread agitation for sanctions.

For sanctions to be effective, sanctioners must actively commit to sanctions either on a unilateral basis or within an organisational framework.

TYPES OF SANCTIONS

Since the time of the League of Nations, the types of sanctions available to sanctioners have increased, with economic sanctions by far the most commonly used sanctions. In the South African case, virtually the whole gamut of sanctions were imposed. Disinvestment was a notable addition to the sanctions repertoire, and along with boycotts helped extend sanctioners from being mainly state-centric to include sectors of civil society.

The advantages of concentrating on specific types of sanctions was illustrated in the case of Arab oil sanctions. Countries were exempted entirely or in part from the cutback depending on their position on the Arab-Israeli conflict. Indeed, Saudi Arabia had a system which classified consumer countries into five categories ranging from most favoured states, through neutral states to embargoed states which were prohibited from receiving any Arab oil.

Some types of sanctions have a greater visible impact than others. The sports boycott against South Africa, for example, had the most visible impact and precipitated palpable changes in the apartheid policy, whereas technology sanctions had relatively little impact. In the case of Rhodesia, as well, there was greater diligence on the application of sanctions in the sporting area than in the economic area. This was because of the very

public nature of sport, and also because the application of sports boycotts involved very little economic costs on the part of the sanctioners - it is a good way to demonstrate commitment to sanctions, and at the same time generate good publicity.

Different types of sanctions and boycotts have different levels of effectiveness.

PURPOSES AND TARGETS OF SANCTIONS

Sanctions have seldom been imposed for a single purpose; they have served a variety of purposes that are not mutually exclusive. Moreover, the stated or manifest purpose of the sanctions is not the only purpose; there are unstated or latent purposes as well. Destabilisation has usually been an unstated purpose as governments do not announce that they wish to topple the government of another country. The South African case was an exception. The undermining of the apartheid regime was widely acknowledged as the manifest purpose of the sanctions.

When Yugoslavia bid for an independent policy, it was the first public challenge to Soviet domination of the communist bloc. The latent purpose of Soviet sanctions against Yugoslavia was the fear that Tito's example would cause an outbreak of nationalism elsewhere in Eastern Europe. Deterrence on the other hand was not a purpose of South African sanctions because apartheid was determined sui generis by the United Nations.

All sanctions have costs. The imposition of costs on the target has been a manifest purpose as in the case of American sanctions against Nicaragua. Financial sanctions were implemented to impose costs on South Africa by denying it access to foreign funds. In so doing, not only was South Africa denied this source of funding, but had to export finance to meet annual repayment obligations.

The manifest purpose of isolating the target from the international community resulted in profound psychological effects within the target. In the Rhodesian case, white support for UDI strengthened at first because of the Smith government's efforts to protect white interests from the effects of sanctions. As the sanctions wore on, however, the effects of isolation and the refusal by the international community to recognise Rhodesian independence undermined the confidence of the white community. There was a marked difference between the Rhodesian case and the South Africa one as far as the purpose of

isolation went: Rhodesia had South Africa to fall back on; South Africa had no neighbour to help mitigate the effects of isolation.

The latent purpose of satisfying domestic constituencies was exemplified in the case of American sanctions against South Africa when South Africa became an integral part of American politics in 1984. Western powers came under different forms of pressure in their domestic constituencies over South Africa with anti-apartheid movements urging the imposition of sanctions, and pro-South African lobbies attempting to induce governments not to impose sanctions.

The satisfaction of domestic demands had precedents. Britain, for example, wanted to respond to the strong public reaction to the Italian invasion of Abyssinia, and during the election campaign in 1935 the government gave support to the League and agreed to sanctions against Italy, though under some duress. During the 1960 American presidential elections, in an attempt to help Richard Nixon win, President Eisenhower announced sanctions on exports to Cuba, since an anti-Castro stance was perceived as necessary to win.

In many of the sanctions episodes, there have been more than one target - the manifest target being the principal object of the sanctions, and other latent targets such as the international community, domestic public and political groupings being further objects of the sanctions exercise. New Zealand was the manifest target of French sanctions following the sinking of the Rainbow Warrior. However, as French nuclear testing in the Pacific had been a source of continuing contention in the region, other Pacific nations were latent targets. Non-state actors have also been latent targets of sanctions. The Polish sanctions, for instance, were not only a signal of condemnation to the manifest target, which was the Polish government, but a message of concrete support to the Solidarity movement and the Polish people.

In the South African case, the South African government was the principal target of the sanctions, but there were other specific targets such as the sporting sector, the white South African constituency, and the sanctioners' domestic constituencies. Sportspeople became a manifest target of sanctions when the 1985 International Convention against Apartheid in Sport targeted sportsmen and women, and established the publication of a Register of Sports Contacts with South Africa. Again the domestic public was a latent target.

The latent purposes of sanctions may be as important as the manifest purpose, and there is usually more than one target.

RESPONSE OF TARGET

Targets have seldom, if ever, not reacted when sanctions have been imposed against them. Instead, they have resorted to a range of measures to counter the economic, political, psychological, and other effects of the sanctions. Counter-sanctions have been one such particular measure; the Soviet Union's boycott of the Los Angeles Olympics in return for the American boycott of the Moscow Olympics being a case in point. One of the most effective counter measures South Africa employed was the exploitation of its economic and political leverage in the region to destabilise its neighbours and impose sanctions against them, while at the same time to defend itself against the threat of sanctions from them.

A hallmark response of targets has been the circumvention of sanctions by manifold means of deception. Targets have sought to enlist the support of third states, particularly military and ideological rivals of the sanctioner in order to reorientate trade and other links. Cold War rivalry provided classic examples of this response: Albania, for example, forged links with China in response to Soviet sanctions. There is little evidence to show that altruism or loyalty, rather than self-interest, has been the motivating factor behind third parties assisting targets. South Africa, for its part, regarded the imposition of sanctions as being tantamount to a declaration of war. The main and obvious factor that worked against sanctions efforts was South Africa's capacity and determination to survive in the face of mounting pressure. Hence, the South African government embarked on a publicly financed industrial expansion and self-sufficiency drive designed for the express purpose of providing South Africa with a strong industrial base which would withstand international sanctions.

The manifest target will invariably react to the imposition of sanctions.

EVALUATION OF EFFECTIVENESS

The most common proposition advanced by academic opinion is that sanctions are not an effective instrument of foreign policy. A major weakness of conventional assessments is that success is often judged in economic terms alone. When sanctions are evaluated

considering their implementation, enforcement and termination, it is demonstrated that sanctions have often "failed" because they were not implemented or enforced with the goal of ensuring success. Where the oil embargo against South Africa was concerned, for example, in spite of evidence implicating oil and shipping companies in breaking the embargo, responses from governments to sanctions-busting was minimal. One of the problems with enforcement was a lack of coordination and accurate information as evidenced by the incomplete and inaccurate information in reports available to international organisations.

However, any judgement of success should take into consideration not only whether manifest purposes were achieved, but also latent purposes. For example, even when sanctions imposed for the manifest purpose of compelling a change in policy has not been successful, latent purposes, such as symbolic communication have been achieved. This was the case with the Arab oil embargo. Although it did not realise the manifest purposes of achieving an Israeli withdrawal to its 1967 borders and the restoration of Palestinian rights, the embargo did achieve latent purposes such as influencing international opinion in favour of the Palestinian cause. In the South African case, the arms embargo did not fulfil the purpose of denying South Africa access to international military ware and expertise, or inhibit its armaments production and export of arms. The embargo did, however, protect neighbouring states from further destabilisation by limiting the type and quantity of weapons that South Africa could supply to rebel forces in the region, and it did thwart Armscor's attempts to become a major international arms competitor.

A common shortcoming in assessments of the effectiveness of sanctions is the failure to cast the analysis in comparative terms. One of the critical questions by which to determine the success of sanctions is not so much whether they achieved their manifest purpose so much as whether there was a greater likelihood of that purpose being achieved through another policy instrument. The outcome of the Polish sanctions, for instance, illustrates that under the circumstances, sanctions were the best available policy instrument. In the case of South Africa there were essentially two other options to sanctions: persuasion and coercion. Persuasion centred on the policy of "constructive engagement" codes of conduct, and the promotion of economic growth in South Africa. None of the other policies proved effective in abolishing apartheid. Coercion rested on the use of military force. As a policy option, it was given consideration only by African

states; there were several obstacles to any serious military effort by African states to overthrow the South African regime.

Sanctions fulfil the function of acting as surrogate diplomacy and surrogate warfare in the conduct of international relations. From the enforcement point of view it is questionable whether sanctions have adequately performed the function of enforcing international law.

Under the United Nations, the likelihood of sanctions acting as an effective instrument for maintaining international order has been undermined because of the power of veto; the ideological orientation of a state in breach of international obligations having often proved the decisive factor in Security Council decisions. Vetoes against comprehensive sanctions against South Africa were the order of the day. In the Cold War context in which the sanctions were imposed, the Western bloc consistently vetoed sanctions resolutions in the Security Council, or else modified them. At the General Assembly, sanctions were seen by the majority of member states as being an adjunct to the armed struggle and hence as surrogate warfare in favour of the ANC.

From the point of view of maintaining a balance of power, sanctions as surrogate warfare have gone a long way towards fulfilling this function, particularly in relation to the Soviet Union and the United States. The sanctions imposed by the United States against the Soviet Union and its allies were in essence a continuation of the Cold War. Indeed sanctions were very much part of the Cold War repertoire, and with the demise of the Soviet Union, the United States does not have an adversary with comparable leverage. In the South African case, states with insufficient leverage to impose sanctions, such as SADCC states, used the United Nations, the Commonwealth and other collective fora to push and lobby for sanctions to be imposed by more powerful states. In addition, sanctions acted as surrogate warfare for those states which, in seeking a more equal relationship with the mainly white West, regarded South Africa as the epitome of their universal struggle and a symbol of all that ran counter to their aspirations.

From the point of view of acting as an agent of just change, sanctions have fulfilled this function to a limited degree, particularly in relation to human rights and nuclear safeguards. The imposition of sanctions in response to human rights abuses and nuclear proliferation have resulted in increasing international consensus on the safeguarding of human rights and control over the development and use of nuclear energy. South Africa was a prime example of sanctions acting as an agent of just change in relation to human rights.

Sanctions imposed as a surrogate for diplomacy have fulfilled a very limited function. They have usually been a response to domestic and international pressure, and have become a series of habitual responses to events occurring in the international environment. However, in an age of rapid communications, a campaign on sanctions has usually focused media attention on the target's policy or behaviour, and public consciousness is raised as a result. The consequent discussions of the sanctions in international fora, has forced governments to define their positions publicly. Thus, sanctions against Rhodesia, for example, sustained the world view of the unacceptability of the Smith regime, and ensured that international attention and concern were maintained for 14 years. American sanctions against the Soviet Union in response to human rights abuses is another example of an issue that was internationalised as a result of sanctions. In the case of South Africa there is little doubt that sanctions were a response to domestic and international pressure. The signal sent by the sanctions was as much to the international community and domestic constituencies to reduce pressure for sanctions, as it was to South Africa that apartheid was unacceptable.

The effectiveness of sanctions should not be measured by economic or stated objectives alone.

MAKING SANCTIONS A MORE EFFECTIVE INSTRUMENT OF FOREIGN POLICY

There is little doubt that despite their shortcomings, sanctions will remain an instrument of foreign policy. It is therefore necessary not only that sanctions be analysed, but that they be designed to make them more effective. What is clear is that while preparation for war is a prime concern of government, preparation for sanctions by comparison is relatively minimal, if not non-existent. South Africa is an exception. It was prepared both for sanctions against itself, and for imposing sanctions against its neighbours. The "total onslaught strategy" was predicated on the general military principle that unless an army can be sure who the enemy combatants are, it cannot restrain itself from severity against all who might be combatants or might be helping them. South Africa imposed sanctions against its neighbours as if it were warfare. If the analogy to the use of military force is extended, then a ministry of sanctions might be appropriate to refine the tool and streamline it.

All acts, verbal or nonverbal, intentional or unintentional, are potential signals and part of the language of international politics where non-redundancy is the principle underlying the language of diplomacy. There is no equivalent language in sanctions as in diplomacy. Unlike diplomacy which has a well defined language and established ground rules, sanctions do not appear to have developed a coherent language of communication as seen in the ambiguous signals sent to South Africa. The sanctioner may be clear as to the intent of the message, but whether the target, the sanctioner's allies, and the international community receive the intended message is another matter. Unless specific language is used to indicate what the sanctions signal, they will be open to misinterpretation and misunderstandings.

For example, condemnatory rhetoric at the United Nations is important. Verbal reiteration and constant repetition perform the function of reinforcing a previously learned response. Peculiar to diplomacy is the expectation that repetition of a principle is necessary, not only to condition the response but also to demonstrate that the actor is still interested in maintaining the rule.

On another level, the enforcement needed for sanctions is often beyond the capacity of national customs authorities, and appropriate bodies are needed. The Amsterdam-based Shipping Research Bureau which monitored the oil embargo on South Africa, and the Scandinavian-based World Campaign against Military and Nuclear Collaboration with South Africa are examples of how controls can be effectively exercised. The success of CoCom in monitoring technology transfer with the former Eastern bloc despite great difficulty is another example.

During the South African sanctions campaign, several research works attempted to establish the sanctions that ought to have been imposed. The shortcoming of this approach was that the focus was on specific sanctions, rather than on taking a wider look at the South African situation from an international political perspective to see whether it was likely that sanctions would be effective. This would suggest that a research organisation such as an Institute for the Study of Sanctions would have been better suited rather than individual research bodies. Moreover, sanctions committees set up by the United Nations when sanctions have been imposed against Iraq and Libya, did not have the continuity of expertise which would be provided by such an institute. Additionally, even though the Commonwealth published periodic reports on sanctions against South Africa, the recommendations were seldom followed - indeed the sanctions handbook and

all the other reports were published after virtually all the sanctions had been imposed, and could not provide a continuous update.

Two different approaches could be taken to analysing sanctions on a continuous basis. The first is to use past cases of sanctions to ascertain the parameters that have to be taken into consideration when designing sanctions. The second approach is to take a given situation and assess whether sanctions are an appropriate instrument. By constant updating based on research it is possible to monitor sanctions, and adjust them accordingly. It would also avoid unnecessary repetition of research, and greater coordination. In this respect, even though the United Nations Centre against Apartheid organised conferences on sanctions, and published several papers on South Africa, the bulk of the published work was done by the Commonwealth Secretariat. Moreover, the United Nations did not make a detailed voting analysis to gauge support for sanctions against South Africa among member states.

Although a vast body of expertise exists, the available knowledge is not utilised to provide better predictions on how sanctions work. The military uses computerised knowledge or expert systems in missile technology. Where subsonic missiles speed along at about 1000 feet per second, effective defence systems need to react in about 10 milliseconds. Expert systems embody as many as 10,000 to 100,000 rules elicited from human specialists. The computer must scan, weigh, and interrelate these rules before arriving at a decision as to how to respond to a threat. Thus the Pentagon's Defence Advanced Research Projects Committee has set a long term goal of designing a system that can make one million logical inferences per second. Sanctions have not even begun to use expert systems.

A direct causal link between sanctions and political change may not exist, but that does not imply that political changes cannot be caused by sanctions nor does it negate the validity of sanctions as an instrument of foreign policy. Sanctions are used as an instrument of foreign policy because historical evidence indicates that sanctions lead to political changes in the target, although, as in other areas of international relations, direct causal linkage is difficult to establish.

Sanctions can be an effective instrument of foreign policy. It is found that:

- There does not appear to be any rule in international law which prohibits the application of sanctions.

- For sanctions to be effective, sanctioners must actively commit to sanctions either on a unilateral basis or within an organisational framework.
- Different types of sanctions and boycotts have different levels of effectiveness.
- The latent purposes of sanctions may be as important as the manifest purpose.
- The manifest target will react to the imposition of sanctions.
- The effectiveness of sanctions should not be measured by economic or stated objectives alone.

Sanctions are a highly visible instrument of international interaction. It is an instrument which cannot be considered as either more or less likely than other instruments such as diplomacy or military action in achieving a particular end. The reality is that large measures of uncertainty accompany most policy instruments. Sanctions set off consequences that can neither be perfectly controlled nor perfectly anticipated. The outcome of sanctions is as difficult to predict as the outcome of a diplomatic undertaking or armed conflict. The difference is that sanctions are, as yet, a relatively crude instrument. For sanctions to be more effective than they are at present, they require the greater refinement and level of sophistication found in the prediction, analysis and conduct of war and diplomacy.

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APPENDIX A

Year	1985	1986	1986	1986	1986	1987	Yes	No	Abstain	TOTAL
Resolution	40/64I	41/35B	41/35C	41/35F	41/35H	42/23B				
COUNTRY	vote	vote	vote	vote	vote	vote				
Afghanistan	y	y	y	y	y	y	109	0	0	109
Albania	y	y	y	y	y	y	107	0	0	107
Algeria	y	y	y	y	y	y	109	0	0	109
Angola	y	y	y	y	y	y	83	0	0	83
Antigua & Barbuda	y	y	y	y	y	y	26	0	0	26
Argentina	y	y	y	y	y	y	97	0	11	108
Australia	y	a	n	y	y	a	40	18	51	109
Austria	y	a	n	y	y	a	44	12	53	109
Bahamas	y	y	a	y	y	y	81	0	15	96
Bahrain	y	y	y	y	y	y	104	0	0	104
Bangladesh	y	y	y	y	y	y	92	0	0	92
Barbados	y	y	a	y	y	y	97	0	4	101
Belgium	y	n	n	a	y	a	26	49	34	109
Belize	y	y	y	y	y	y	30	0	3	33
Benin	y	y	y	y	y	y	105	0	0	105
Bhutan	y	y	y	y	y	y	101	0	0	101
Bolivia	y	y	y	y	y	y	77	1	10	88
Botswana	y		y		y	y	78	0	25	103
Brazil	y	y	y	y	y	y	101	0	6	107
Brunei Darussalam	y	y	y	y	y	y	15	0	0	15
Bulgaria	y	y	y	y	y	y	109	0	0	109
Burkina Faso	y	y	y	y	y	y	95	0	2	97
Burma	y	y	y	y	y	y	101	0	7	108
Burundi	y	y	y	y	y	y	106	0	0	106
Byelorussian SSR	y	y	y	y	y	y	109	0	0	109
Cameroon	y	y	n	y	y	y	106	1	2	109
Canada	y	n	n	a	y	a	27	41	41	109
Cape Verde	y	y	y	y	y	y	82	0	0	82
Central African Republic	y	y	a	y	y	y	76	0	18	94
Chad	y	y	y	y	y	y	88	0	0	88
Chile	y		a				56	0	19	75
China	y	y	y	y	y	y	109	0	0	109
Colombia	y	y	a	y	y	y	100	0	8	108
Comoros	y	y	y	y	y	y	63	0	0	63
Congo	y	y	y	y	y	y	97	0	0	97
Costa Rica	y	y	a	y	y	y	90	0	14	104
Cuba	y	y	y	y	y	y	108	0	0	108
Cyprus	y	y	y	y	y	y	108	0	0	108
Czechoslovakia	y	y	y	y	y	y	109	0	0	109
Democratic Kampuchea	y	y	y	y	y	y	91	0	0	91
Democratic Yemen	y	y	y	y	y	y	103	0	0	103
Denmark	y	a	n	y	y	a	51	20	38	109
Djibouti	y	y	y	y	y	y	82	0	0	82
Dominica							4	0	1	5
Dominican Republic	y	y	n	y	y	y	77	1	14	92
Ecuador	y	y	y	y	y	y	96	0	3	99
Egypt	y	y	y	y	y	y	106	0	0	106
El Salvador	y	y	n	y	y	y	69	1	19	89
Equatorial Guinea	y	y	a	y	y	y	69	0	4	73
Ethiopia	y	y	y	y	y	y	108	0	0	108
Fiji	y	y	a	y	y	y	83	0	14	97
Finland	y	a	n	y	y	a	61	10	38	109
France	y	n	n	n	y	a	10	58	40	108
Gabon	y	y		y	y	y	94	0	6	100

Year	1985	1986	1986	1986	1986	1987	Yes	No	Abstain	TOTAL
Resolution	40/64I	41/35B	41/35C	41/35F	41/35H	42/23B				
Gambia	y	y	y	y	y	y	90	0	0	90
German DR	y	y	y	y	y	y	99	0	0	99
Germany FDR	a	n	n	n	a	n	6	54	39	99
Ghana	y	y	y	y	y	y	108	0	0	108
Greece	y	a	n	a	y	a	57	5	47	109
Grenada	a	y	a	y	y	y	63	2	7	72
Guatemala	y	y	y	y	y	y	41	3	42	86
Guinea	y	y	y	y	y	y	108	0	0	108
Guinea-Bissau	y	y	y	y	y	y	95	0	0	95
Guyana	y	y	y	y	y	y	104	0	0	104
Haiti	y	y	y	y	y	y	101	0	5	106
Honduras	y	y	n	y	y	y	72	2	15	89
Hungary	y	y	y	y	y	y	109	0	0	109
Iceland	y	a	n	y	y	a	50	17	36	103
India	y	y	y	y	y	y	109	0	0	109
Indonesia	y	y	y	y	y	y	108	0	0	108
Iran	y	y	y	y	y	y	97	0	9	106
Iraq	y	y	y	y	y	y	109	0	0	109
Ireland	y	a	n	y	y	a	56	19	34	109
Israel	a	n	n	a	y	a	13	8	8	29
Italy	y	n	n	y	y	a	24	33	52	109
Ivory Coast	y	a	n	a	a	a	77	2	27	106
Jamaica	y	y	a	y	y	y	101	0	5	106
Japan	y	a	a	a	y	a	42	10	57	109
Jordan	y	y	y	y	y	y	109	0	0	109
Kenya	y	y	y	y	y	y	108	0	0	108
Kuwait	y	y	y	y	y	y	108	0	0	108
Lao PDR	y	y	y	y	y	y	103	0	0	103
Lebanon	y	y	y	y	y	y	72	0	0	72
Lesotho	y	a	a	a	a	a	69	0	31	100
Liberia	y	y	a	y	y	y	86	0	11	97
Libyan AJ	y	y	y	y	y	y	108	0	0	108
Luxembourg	y	n	n	a	y	a	26	49	34	109
Madagascar	y	y	y	y	y	y	105	0	2	107
Malawi	a	a	n	a	a	a	9	2	68	79
Malaysia	y	y	y	y	y	y	109	0	0	109
Maldives	y	y	y	y	y	y	92	0	1	93
Mali	y	y	y	y	y	y	108	0	0	108
Malta	y	a	a	y	y	y	96	0	2	98
Mauritania	y	y	y	y	y	y	99	0	0	99
Mauritius	y	y	y	y	y	y	82	0	0	82
Mexico	y	y	y	y	y	y	100	0	5	105
Mongolia	y	y	y	y	y	y	109	0	0	109
Morocco	y	y	y	y	y	y	99	0	0	99
Mozambique	y	y	y	y	y	y	93	0	0	93
Nepal	y	y	y	y	y	y	99	0	8	107
Netherlands	y	n	n	a	y	a	40	34	35	109
New Zealand	y	a	n	y	y	a	34	20	55	109
Nicaragua	y	y	y	y	y	y	81	2	14	97
Niger	y	y	y	y	y	y	107	0	0	107
Nigeria	y	y	y	y	y	y	109	0	0	109
Norway	y	a	n	y	y	a	60	19	30	109
Oman	y	y	y	y	y	y	97	0	0	97
Pakistan	y	y	y	y	y	y	107	0	0	107
Panama	y	y	a	y	y	y	94	0	7	101

Year	1985	1986	1986	1986	1986	1987	Yes	No	Abstain	TOTAL
Resolution	40/64I	41/35B	41/35C	41/35F	41/35H	42/23B				
Papua New Guinea	y	y	y	y	y	y	86	0	4	90
Paraguay							7	2	2	11
Peru	y	y	y	y	y	y	107	0	1	108
Philippines	y	y	y	y	y	y	108	0	0	108
Poland	y	y	y	y	y	y	109	0	0	109
Portugal	y	n	n	a	y	a	25	31	53	109
Qatar	y	y	y	y	y	y	90	0	0	90
Romania	y	y	y	y	y	y	109	0	0	109
Rwanda	y	y	y	y	y	y	107	0	1	108
St Christopher & Nevis		y	a	y	y	y	7	0	2	9
St Lucia	y	y	a	y	y	y	42	0	3	45
St Vincent & Grenadines	y	y	a	y	y	y	27	0	5	32
Samoa	y	y	a	y	y	y	48	0	14	62
Sao Tome & Principe	y	y	y	y	y	y	90	0	0	90
Saudi Arabia	y	y	y	y	y	y	106	0	0	106
Senegal	y	y	y	y	y	y	108	0	0	108
Seychelles	y	y	y	y	y	y	56	0	0	56
Sierra Leone	y	y	y	y	y	y	107	0	0	107
Singapore	y	y	a	y	y	y	88	0	12	100
Solomon Islands	y	y	a	y	y	y	34	0	8	42
Somalia	y	y	y	y	y	y	106	0	0	106
South Africa							1	12	0	13
Spain	y	a	n	y	y	a	56	5	48	109
Sri Lanka	y	y	y	y	y	y	103	0	0	103
Sudan	y	y	y	y	y	y	99	0	0	99
Suriname	y	y	y	y	y	y	82	0	5	87
Swaziland	y	a	a	a	y	a	52	0	35	87
Sweden	y	a	n	y	y	a	62	12	35	109
Syrian AR	y	y	y	y	y	y	105	0	0	105
Thailand	y	y	y	y	y	y	100	0	4	104
Togo	y	y	y	y	y	y	107	0	2	109
Trinidad & Tobago	y	y	y	y	y	y	105	0	0	105
Tunisia	y	y	y	y	y	y	109	0	0	109
Turkey	y	y	y	y	y	y	103	1	3	107
Uganda	y	y	y	y	y	y	107	0	0	107
Ukranian SSR	y	y	y	y	y	y	109	0	0	109
USSR	y	y	y	y	y	y	109	0	0	109
UAE	y	y	y	y	y	y	100	0	0	100
United Kingdom	n	n	n	n	n	n	3	70	36	109
UR Tanzania	y	y	y	y	y	y	108	0	0	108
USA	n	n	n	n	n	n	4	79	26	109
Uruguay	y	y	a	y	y	y	61	0	24	85
Vanuatu	y	y	y	y	y	y	32	0	0	32
Venezuela	y	y	y	y	y	y	107	0	2	109
Viet Nam	y	y	y	y	y	y	83	0	0	83
Yemen AR	y	y	y	y	y	y	98	0	0	98
Yugoslavia	y	y	y	y	y	y	109	0	0	109
Zaire	y	y	n	y	y	y	95	1	1	97
Zambia	y	y	y	y	y	y	108	0	0	108
Zimbabwe	y	y	y	y	y	y	54	0	3	57
TOTAL	155	154	155	154	155	155	vote	vote	vote	
Yes	149	126	103	138	149	128	y	n	a	
No	2	11	29	4	2	3				
Abstain	4	17	23	12	4	24				

APPENDIX B

TERMINATION OF SANCTIONS AFTER FEBRUARY 1990

The lifting of sanctions was a gradual and conditional process. The European Community, for example, removed the ban on new investment which it had imposed in 1986, in December 1990. In April 1991, it lifted the sanctions on kruggerands, and on iron and steel imports. All 12 members approved the lifting of the sports boycott and oil embargo (which was advocated by Britain), but the Danish government's coalition partners blocked the passage of the legislation to allow the lifting of the sanctions, thereby effectively preventing the European Community from implementing the decision.¹ (Denmark lifted its veto in January 1992.)

In July 1991, sanctions imposed under the Comprehensive Anti-Apartheid Act of 1986 were lifted by President Bush on the basis that the South African government had met all the conditions stipulated in the Act. Other American sanctions, however, remained such as the arms embargo, the prohibition on approving IMF loans, and loans and guarantees from the American Eximbank for exports to businesses in South Africa which were not owned by blacks.

The Commonwealth, at its heads of government meeting in Harare in October 1991, announced the lifting of sanctions on visa restrictions, cultural and scientific boycotts, and restriction on tourism and direct air links. It was agreed to lift trade and financial sanctions once appropriate transitional mechanisms had been agreed upon. However, the arms embargo was to remain in place until the establishment of a post-apartheid government.² SADCC decided to suspend sanctions in line with the Commonwealth action in January 1992.

Following the publication of a report in February 1992 by the United Nations Commission for Human Rights which said that the international community should continue to exert political and economic pressure on South Africa, the European Parliament passed an emergency resolution that no further sanctions should be terminated until agreement had been reached on an interim government. The outcome of the March 1992 referendum led to calls by Germany, Britain and Portugal that the remaining sanctions be lifted. Mr Mandela, however, warned that the referendum results did not

justify the early lifting of sanctions as changes were not yet irreversible. The European Community suspended the oil embargo, and sporting and cultural boycotts.

Following the approval of the Transitional Executive Council Bill in September 1993, several states and non-state actors announced that they would lift sanctions. Addressing the United Nations Special Committee against Apartheid in September 1993, Mr Mandela said that the time had come to lift sanctions because the transition to democracy had been enshrined in law. Among those that lifted remaining sanctions were the European Community, Commonwealth, United States, and the OAU, as well as state and local governments, particularly in the United States. Only the arms embargo remained until after the first democratic elections in April 1994.

1. Business Day, 30 April 1991.
2. SAIRR Survey 1991-92, p xciv.

