

## ABOUT THE PROJECT

African Politics, African Peace charts an agenda for peace in Africa, focusing on how the African Union can implement its norms and use its instruments to prevent and resolve armed conflicts. It is an independent report of the World Peace Foundation, supported by the African Union.

The Report is the most extensive review of the African Union's peace missions ever conducted. It is based on detailed case studies and cross-cutting research, and draws on consultations with leading experts, peacekeepers, and mediators.

This Paper is a summary of research undertaken in support of the Project.

## WORLD PEACE FOUNDATION

The World Peace Foundation, an operating foundation affiliated solely with The Fletcher School at Tufts University, aims to provide intellectual leadership on issues of peace, justice and security. We believe that innovative research and teaching are critical to the challenges of making peace around the world, and should go hand-in-hand with advocacy and practical engagement with the toughest issues. To respond to organized violence today, we not only need new instruments and tools- we need a new vision of peace. Our challenge is to reinvent peace.

[worldpeacefoundation.org](http://worldpeacefoundation.org)

# Targeted Sanctions, Multilateral Peace Missions and the Key Role of UN Panels of Experts in Africa

BY BENJAMIN J. SPATZ

## Key Messages:

- Africa is increasingly the testing ground for sanctions, panels of experts and their use in conjunction with peace missions. Of the 12 current multilateral peace missions in Africa, ten are in countries under sanction and nine are covered by an investigative panel.
- Key changes in the use of these tools include the move towards targeted sanctions, increasingly frequent interventions in intrastate conflicts and the use of sanction regimes to further peace processes, governance and peacebuilding.
- As a result of these changes, Panels of Experts have emerged as *the* principal investigative tool and oversight mechanism used to implement UN regarding sanctions regimes, and serve as a de facto interface between sanctions regimes and peace missions.
- The AU should take specific steps to enhance cooperation with UN Panels that would increase AU leverage to positively affect African peace and security. The AU should also institutionalize a panel-type mechanism—building on the AU's use of sanctions around unconstitutional changes of government and possibly decoupled from sanctions altogether—to provide information to the AU Peace and Security Council on situations of concern.

## Introduction:

Since the end of the Cold War the United Nations Security Council (UNSC) has used targeted sanctions more frequently than any other policy instrument at its disposal to address threats to international peace and security. It has done so largely alongside multilateral peace missions in Africa. A central link between sanctions regimes and multilateral peace missions are Panels of Experts, the small, nimble investigative teams appointed by the UN Secretary General with independent mandates to investigate and report on sanctions-related issues and provide attendant recommendations to the UNSC. However, the role and structure of Panels are often misunderstood by nations and individuals under sanction, member state governments and even many actors in the United Nations system, including peace missions. The African Union (AU) is largely absent from the conversation regarding the joint use of, and relationships among, these critical tools.

To address this gap, this brief summarizes the origins, structure and relative strengths and limitations of the Panel mechanism in the context of targeted sanctions regimes and the overlaps with peace missions in Africa. This is done with an eye toward particular areas of overlap between Panels and the AU, and with recognition that sanctions, peace missions, and even Panels—although the latter are ostensibly independent—are embedded in a political context and steered by the interests of the members of the UNSC.

## Key Findings:

The complicated story of sanctions, peace missions and panels of experts can be summarized with a brief overview of the ways these tools have evolved since being enshrined in the UN Charter as Chapter VII tools of coercion, and particularly since the end of the Cold War. The following section highlights three interrelated

trends that have occurred simultaneously, informing and reinforcing one another. This process often occurred in an ad hoc and perhaps at times unconscious manner, reflecting the way in which sanctions and peace missions in general have evolved as ad hoc responses to dynamic changes in international peace and security concerns.

## Evolution of Focus: An African Story

The first trend is that Africa is increasingly the testing ground for sanctions, panels of experts and their use in conjunction with peace missions, despite statistical evidence that there are more armed conflicts in Asia. This is the most obvious reason that the relationship among sanctions, peace missions and panels of experts is of such critical importance to the African Union.

Of the 32 UN sanctions regimes across history, 19 have focused on Africa. Today, 60% of the current UN sanctions regimes—nine of 15—focus directly on Africa. Not only are sanctions more often applied in an African context, but in Africa they are almost always applied alongside a multilateral peace mission and an investigative panel. All nine current UN sanctions regimes focused on Africa have some form of a multilateral mission presence and eight have investigative panels of experts.

The joint use of these tools becomes more evident when viewed from a slightly different angle: of the 12 current multilateral peace missions in Africa, ten are in countries under sanction and nine are covered by a panel. This trend extends back across time, but appears to be gathering steam. Four of the five UN sanctions regimes created in the past five years are in Africa and all of those have some form of peace mission presence.

## Evolution of Practice

The second trend is an evolution in the use of sanctions, peace missions and panels of experts.

***Blanket sanctions to targeted measures***

Sanctions imposed in the 1990s were “blanket” sanctions that, for example, eliminated all trade into and out of a country. Such blunt measures caused widespread civilian pain and often did not have the intended political effect. In response, the UNSC developed targeted or “smart” sanctions aimed at positively changing or constraining the behaviour of bad actors by ramping up military, economic and political pressure—through travel bans, asset freezes and sanctions on specific commodities, like diamonds—while avoiding collateral damage to innocent civilians. The UNSC created panels of experts to investigate, monitor and advise on the implementation of these targeted measures.

***Interstate to “intrastate” situations***

Despite the sanctions language of the UN Charter being designed to apply to issues of interstate peace and security, most post-Cold War sanctions have been applied to purportedly “intrastate” conflicts. The “intrastate” nomenclature is inapt and analytically limiting given that most, if not all, “intrastate” conflicts in Africa have central driving elements that emerge from or spill across international borders. Yet, there do seem to be differences between the situations that sanctions have aimed to address in, for example, Liberia and the Central African Republic, and the type of sanctions regimes imposed on Iran or North Korea. Terminology aside, this trend is relevant because it highlights that the UNSC has increasingly used Chapter VII coercive tools to deal with situations that at least have significant intrastate characteristics.

**Evolution of Purpose**

The third key trend is an evolution of purpose where the tools are used to support negotiated settlements while simultaneously expanding into realms of peacebuilding and governance.

***Sanctions follow peace missions in support of peace processes***

In situations where sanctions are imposed a multilateral peace mission is often already on the ground in support of a negotiated peace settlement. Most often, sanctions are applied when the peace process somehow breaks down. The targeted measures are imposed to pressure individuals to return to the terms of the peace process. This clearly illustrates how these tools are not deployed in isolation, but are meant to be complementary means to further the same ultimate goal of achieving durable peace.

***Expansion into peacebuilding and governance***

Although UN sanctions and their associated panels of experts are Chapter VII tools to further international peace and security, there has been a trend to expand into the realms of peacebuilding and governance. Indeed, most of the recent sanctions regimes—especially those focused on Africa—are concerned with issues of post-conflict governance, security sector reform, stabilization, democracy and human rights. There is little doubt that these issues are linked to durable peace and security, but this is certainly a departure from the original focus of UN sanctions or even what was likely envisioned during the drafting of the UN Charter. This evolution mirrors that of peace missions in Africa, which have similarly expanded into governance and peacebuilding.

**The Key Role of Panels of Experts**

As these changes occurred, the Panel of Experts mechanism has become ever more central. These panels have evolved from an initial, narrow focus on sanctions compliance to mandates that now routinely include documenting sanctions violations, tracking arms traffickers, diamond and timber smugglers, investigating mercenary and militia groups, following financial flows tied to conflict, conducting impact

assessments, analyzing ways to build state capacity to address these issues and providing attendant recommendations to the UNSC. In effect, panels are *the* principal investigative tool and oversight mechanism used by the UN regarding sanctions. They are the engines of an investigative sanctions process and the de facto interface between sanctions regimes and peace missions.

There are limitations to the mechanism. A panel is only as strong as its individual members. The mechanism's independence and flexibility can be both positive and negative and, importantly, most panel recommendations are never implemented because of disagreement within the UNSC. Notwithstanding these challenges, their independent reporting often provides the evidentiary fact base regarding the situations under investigation and has been recognized to play a critical role in advancing political progress in conflicts across Africa.

*This report was made possible by a grant from the Ministry of Foreign Affairs, Denmark with support from the World Peace Foundation. The statements made and views expressed are solely the responsibility of the authors.*